

HOUSE No. 850

By Mr. Ryan of Somerville, petition of Francis E. Ryan for legislation to provide suitable recognition of those residents of Massachusetts who shall have served in the armed forces of the United States during the existing war. Military Affairs and Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Five.

AN ACT PROVIDING SUITABLE RECOGNITION OF THOSE RESIDENTS OF MASSACHUSETTS WHO SHALL HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING THE EXISTING WAR.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose which is to provide prompt
3 recognition of Massachusetts residents upon their
4 honorable discharge or release from duty in the armed
5 forces of the United States during the existing war,
6 therefore it is hereby declared to be an emergency
7 law, necessary for the immediate preservation of the
8 public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Upon application, as hereinafter pro-
2 vided, there shall be allowed and paid out of the
3 treasury of the commonwealth to each person who
4 shall have served in the armed forces of the United

5 States on or after September sixteenth, nineteen
6 hundred and forty, the sums hereinafter specified;
7 provided, that every person on account of whose
8 service the application is filed had been a resident of
9 the commonwealth for a period of not less than six
10 months immediately prior to the time of his entry
11 into service. Payments under this act shall be in
12 sums as follows: —

13 (1) One hundred dollars for persons who per-
14 formed active service for less than six months;

15 (2) Two hundred dollars for persons who per-
16 formed active service for six months or more but for
17 less than one year;

18 (3) Three hundred dollars for persons who per-
19 formed active service for one year or more;

20 (4) Five hundred dollars for persons who have
21 performed active service and have incurred disability
22 of twenty per cent or more but less than fifty per cent,
23 as certified to by the Federal Veterans' Bureau;

24 (5) One thousand dollars for persons who have
25 performed active service and have incurred disability
26 of fifty per cent or more, as determined by said
27 bureau.

1 SECTION 2. In the case of the decease of any
2 person who would if alive be entitled to the benefits
3 of this act, the sum named therein shall be paid to
4 his dependents, if any, and otherwise to his heirs-at-
5 law; provided, that if there is more than one de-
6 pendent or heir-at-law, payments shall in either case
7 be made in such proportions as the state treasurer
8 shall determine, and in determining the order of
9 precedence so far as practicable the following order
10 shall be observed: wife and children, mother or

11 father, brother or sister, other dependents; provided,
12 however, that no right or payment under this act
13 shall be subject to the claims of creditors, capable of
14 assignment, regarded as assets legal or equitable of
15 the estate of the deceased or made the basis for ad-
16 ministration thereof.

1 SECTION 3. Applications hereunder shall be filed
2 with the state treasurer, upon forms to be furnished
3 by him. The state treasurer may accept the written
4 statement of an assessor of a city or town that a
5 person claiming pay or on whose account pay is
6 claimed by a dependent or heir-at-law, under the
7 provisions of this act, was a resident thereof on the
8 first day of January, in any year, as prima facie evi-
9 dence of the fact of such residence, and he may accept
10 such other evidence of residence as he may consider
11 adequate. The assessors of the several cities and
12 towns shall, at the request of the state treasurer,
13 forthwith furnish such information relative to such
14 residence as their records may disclose.

1 SECTION 4. No person shall be eligible for any
2 benefit accruing under this act who (1) shall have
3 received a dishonorable discharge from the service of
4 the United States, or (2) shall have, at any time
5 during the period of the existing war, sought to avoid
6 service because of conscientious objection thereto,
7 or because of alienage, or (3) who shall have been at
8 any time guilty of any fraud or wilful violation or
9 evasion of the selective service act or of the rules and
10 regulations of the war department in force thereunder.

1 SECTION 5. The adjutant general shall certify to
2 the state treasurer the dates of service and any other

3 military information necessary to carry out the pro-
4 visions of this act.

1 SECTION 6. Whoever knowingly makes a false
2 statement, oral or written, relating to a material fact
3 in supporting a claim under the provisions of this act,
4 shall be punished by a fine of not more than one
5 thousand dollars, or by imprisonment for not more
6 than three years, or by both such fine and imprison-
7 ment. Offences under this section may be prosecuted
8 by the attorney general, or under his direction in
9 any court within the commonwealth, and all fines
10 collected hereunder shall be paid into the treasury of
11 the commonwealth.

1 SECTION 7. The state treasurer shall act upon all
2 applications made hereunder, and may expend for
3 clerical assistance and for such other expenses such
4 sums as may be necessary in carrying out the provi-
5 sions of this act, not exceeding the sums appropriated
6 by the general court for the purpose.

1 SECTION 8. Payments authorized by this act shall
2 be made from funds derived from the proceeds of an
3 additional poll tax of eight dollars which shall be
4 assessed, in each of the years nineteen hundred and
5 forty-five to nineteen hundred and fifty-four inclu-
6 sive, upon all persons subject to the normal poll tax
7 except persons in receipt of old age assistance, so
8 called, and persons entitled to the benefits of this act,
9 and the proceeds of a tax upon all outdoor billboards
10 which shall be at the annual rate of fifteen dollars in
11 the case of each electrically illuminated billboard;
12 and at the annual rate of ten dollars in the case of
13 each billboard not so illuminated.