

HOUSE No. 1049

Bill accompanying the petition of Giles W. Howland and others relative to old age pensions. Social Welfare. January 19.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

To provide for Old Age Pensions.

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. There shall be, and hereby is, created
2 and established a bureau of pensions for the commonwealth
3 of Massachusetts which shall have the care, jurisdiction,
4 management and payment of all pensions and of all pay-
5 ments to retired officials provided for by state laws to be
6 paid by the commonwealth.

7 The officers of this bureau shall be a commissioner of
8 pensions who shall receive an annual salary of three thou-
9 sand dollars, a deputy commissioner of pensions who
10 shall receive an annual salary of two thousand dollars
11 and a secretary who shall receive an annual salary of
12 eighteen hundred dollars. These officers shall all be ap-
13 pointed by the governor, by and with the advice and con-
14 sent of the council, and shall hold office for three years.

15 The commissioner shall appoint a district clerk in each
16 councillor district. They shall have charge in their
17 respective districts of such work as the commissioner
18 shall assign to them, and shall receive such annual salaries,
19 not exceeding fifteen hundred dollars each, as the
20 commissioner, with the consent of the governor, may
21 determine. He shall also appoint such other clerks and
22 stenographers as the business of the bureau may require,
23 and, with the approval and consent of the governor,
24 fix their compensation.

1 SECTION 2. The commissioner shall have the entire
2 administration of the affairs and business of the bureau;
3 that is, the granting and payment of pensions, the re-
4 tiring of public officers and the payment of whatever they
5 are entitled to, power to summon witnesses and admin-
6 ister oaths, and to examine witnesses, books, documents
7 and records relating to questions arising under this act;
8 and he shall have authority to delegate such of these
9 powers as he may deem expedient to the deputy com-
10 missioner and to the secretary and to the district clerks.
11 The fees for witnesses attending before any of the above
12 shall be the same as for attendance in the superior court.

1 SECTION 3. It shall be among the duties of the dis-
2 trict clerks in their respective districts to receive and
3 examine the claims for pensions of persons residing therein
4 and perform such other duties as the commissioner shall
5 direct, all under such rules and regulations as the com-
6 missioner may make therefor.

1 SECTION 4. Subject to the provisions of this act, per-
2 sons who have attained the age of sixty-five years or,
3 being permanently disabled for work, have attained the
4 age of sixty years, shall, while residing in Massachusetts,
5 be entitled to receive an old age pension.

1 SECTION 5. The following shall not be entitled to re-
2 ceive old age pensions, namely : — aliens and naturalized
3 citizens who have not been naturalized for the period of
4 five years next preceding the date of their pension claims.

1 SECTION 6. No person shall receive an old age pen-
2 sion unless — (a) he or she is residing in the state of
3 Massachusetts on the date when the claim for pension is
4 made and has on that date so resided continuously for a
5 period of at least twenty years : *provided, however, that*
6 continuous in the state shall not be deemed to have been
7 interrupted by occasional absence therefrom unless he or
8 she shall have been absent continuously for one year, or
9 the total period of all such absence exceeds two years ;
10 a person, whether claimant or pensioner, shall not be
11 deemed to be absent from Massachusetts during any
12 period of absence therefrom if he proves that during said
13 period his home was in Massachusetts, and if married
14 that his wife and family were there and maintained by
15 him ; (c) during the period of five years immediately pre-
16 ceding such date, he has not been imprisoned for six
17 months ; (d) during the period of ten years immediately
18 preceding such date, he has not been imprisoned for five
19 years ; (e) he is of good moral character and has for a
20 period of five years immediately preceding such date
21 been leading a sober, reputable life ; (f) the net capital
22 value of his accumulated property, exclusive of property
23 exempt from being attached or taken on execution, does
24 not exceed two thousand dollars ; (g) that he has not
25 directly or indirectly deprived himself of property or
26 income in order to entitle himself to a pension ; (h) he
27 has not at any time within six months been refused a
28 pension certificate except for reasons which do not exist
29 at the time of the further application.

1 SECTION 7. The pension in each case shall be for such
2 amount as the commissioner of pensions deems reason-
3 able, but in no case less than five dollars nor more than
4 twelve dollars per month for persons between sixty and
5 seventy years of age, and not less than eight dollars nor
6 more than fifteen dollars per month for persons over
7 seventy years of age; nor shall it be at such a rate as will
8 make the pensioner's income, together with pension, ex-
9 ceed two hundred and fifty dollars per annum.

1 SECTION 8. In the computation of income where any
2 person receives board or lodging or board and lodging,
3 the actual or estimated value of such board or lodging or
4 board and lodging not exceeding two dollars and fifty
5 cents per week shall be included, and in the case of hus-
6 band and wife, except where they are living apart, the
7 income of each shall be deemed to be half the total in-
8 come of both.

1 SECTION 9. Every person claiming a pension shall
2 in the prescribed form and manner deliver or send a claim
3 therefor to the pension clerk of the councillor district in
4 which he or she resides or to the commissioner of pen-
5 sions. This claim shall be in such form as the commis-
6 sioner of pensions in his rules and regulations shall
7 prescribe, and shall affirm all the qualifications and re-
8 quirements and negative all the disqualifications under
9 this act, and shall set out the place of abode and length
10 of residence within the state of the claimant and the place
11 or places of abode during the previous two years. Said
12 claim or application shall be sworn to before some justice
13 of the peace, notary public or other person authorized to
14 administer oaths or before said commissioner, deputy
15 commissioner, secretary or one of the district pension
16 clerks; and whoever makes a false oath shall be guilty of

17 perjury and be punished accordingly. A pension claim
18 may be withdrawn at any time by a written notice of
19 withdrawal sent by the claimant to the commissioner.

1 SECTION 10. Upon the receipt of a pension claim the
2 commissioner or the deputy commissioner or one of the
3 district pension clerks shall investigate the same and
4 take such action thereon, under the rules and regulations
5 made by the commissioner, as the case shall seem to prove
6 and warrant; the officer to whom any claim is referred
7 or comes for examination and action shall have power to
8 summon and examine witnesses under oath or otherwise,
9 and may require the claimant to furnish such other and
10 additional evidence, oral or by affidavit, as the circum-
11 stances of the case and the said rules and regulations of
12 the pension office seem to require. The claimant shall
13 file with his application evidence of his age.

1 SECTION 11. When a pension is allowed a numbered
2 certificate stating his rate of pension shall be issued to
3 the pensioner. All pensions shall be paid bi-monthly by
4 checks drawn in the office of the state treasurer, counter-
5 signed by the commissioner or deputy commissioner, and
6 sent from the pension office to the pensioners by mail
7 and paid from the treasury of the commonwealth.

1 SECTION 12. The commissioner may for good cause,
2 after hearing, at any time cancel, suspend or reduce any
3 pension; but in all cases of rejection, cancellation or sus-
4 pension the claimant or pensioner shall have a right to
5 appeal to the governor's council.

1 SECTION 13. At the end of each year of his pension
2 each pensioner shall file with the commissioner a state-
3 ment showing the amount of income received by him
4 during the preceding twelve months.

1 SECTION 14. Subject to the provisions of this act the
2 pensions herein provided for shall be inalienable by the
3 pensioner, shall be exempt from being taken on execu-
4 tion and from assignment in bankruptcy or insolvency
5 proceedings, and shall not be attached or in any way taken
6 by any creditor by any legal process or proceeding.

1 SECTION 15. Whenever the commissioner is satisfied
2 that, having regard to the age, infirmity or improvidence
3 of a pensioner, or any other special circumstances, it is
4 expedient that payment of any of the instalments of the
5 pension be made to another person for the benefit of such
6 pensioner, a warrant to that effect shall be issued by the
7 commissioner to the person authorized therein to receive
8 such instalments under such warrant, and may at any
9 time revoke the same. Guardians and conservators of
10 persons who are entitled to receive pensions may apply
11 for and receive the same for the benefit of their wards.

1 SECTION 16. If a pensioner becomes an inmate of any
2 institution supported wholly by public funds, his pension
3 shall without further or other authority than this act be
4 suspended; but when the pensioner is discharged from
5 such institution payment of his pension shall be resumed.

1 SECTION 17. If a pensioner departs from the state
2 with the intention of not returning, his pension shall be
3 forfeited; but any person whose pension has been thus
4 forfeited upon returning to Massachusetts may make
5 application in the prescribed form for reinstatement as a
6 pensioner; and if the commissioner is satisfied that the
7 pensioner has returned to Massachusetts, or is absent
8 therefrom only temporarily, the pension shall thereupon
9 become payable to the pensioner the same as if it had
10 never been forfeited. For any period during which a

11 pensioner is in prison his pension shall without further
12 or other authority than this act be forfeited, without
13 prejudice, however, to any application for restoration of
14 the pension to the pensioner after his discharge from
15 prison.

1 SECTION 18. If a successful claimant for a pension is
2 an inmate of any institution wholly supported by public
3 funds, the pension shall become payable as from a date
4 not more than one month prior to the pensioner being
5 discharged from or leaving such institution, but no pay-
6 ment on account of said pension shall be made to him so
7 long as he is an inmate of such institution.

1 SECTION 19. The commissioner may make all such
2 rules and regulations as may be necessary or convenient
3 for the purpose of carrying into effect the provisions of
4 this act.

1 SECTION 20. The deputy commissioner at all times
2 during the absence, sickness or other disability of any
3 kind of the commissioner shall perform the duties and
4 have all the powers of the commissioner; he shall also
5 perform such other duties and exercise such powers under
6 this act as the commissioner shall at any time or times
7 delegate to him.

1 SECTION 21. The secretary and the district clerks
2 shall perform such duties and exercise such powers under
3 this act as the commissioner shall order and direct. All
4 necessary travelling and other expenses of the officers of
5 the bureau shall be paid by the commonwealth.

1 SECTION 22. This act shall take effect upon its passage.

