

# SENATE . . . . No. 122

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To accompany the petition of Marcus H. Carroll and others for the establishment of an old age pension system. [Taken from the files of last year.] Social Welfare.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Sixteen.

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### 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  
2 established and created a bureau of pensions for  
3 the commonwealth of Massachusetts which shall  
4 have the care, jurisdiction, management and pay-  
5 ment of all pensions provided for by state laws  
6 and to be paid by the said commonwealth.
- 7 The officers of this bureau shall be a commis-  
8 sioner of pensions who shall receive an annual  
9 salary of three thousand dollars, a deputy com-  
10 missioner of pensions who shall receive an annual  
11 salary of two thousand dollars, and a secretary

12 who shall receive an annual salary of eighteen  
13 hundred dollars. These officers shall all be ap-  
14 pointed by the governor of the commonwealth  
15 and shall hold office for three years. The com-  
16 missioner shall appoint a district clerk in each  
17 councillor district. They shall have charge in  
18 their respective districts of such work as the  
19 commissioner shall assign to them and shall re-  
20 ceive such annual salaries not exceeding fifteen  
21 hundred dollars each as the said commissioner,  
22 with the consent of the governor, may determine.  
23 The commissioner shall also appoint such other  
24 clerks and stenographers as the business of the  
25 bureau may require and with the approval and  
26 consent of the governor, fix their compensation.

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

1 SECTION 3. It shall be among the duties of  
2 the district clerks in their respective districts to

3 receive and examine the claims for pensions of  
4 persons residing therein and perform such other  
5 duties as the commissioner shall direct, all under  
6 such rules and regulations as the commissioner  
7 may make therefor.

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

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

1 SECTION 6. No person shall receive an old age  
2 pension, unless (a) he or she is residing in the  
3 state of Massachusetts on the date when the  
4 claim for pension is made and has on that date  
5 so resided continuously for a period of at least  
6 twenty years: *provided, however, that con-*  
7 *tinuous service in the state shall not be deemed*  
8 *to have been interrupted by occasional absence*  
9 *therefrom unless he or she shall have been absent*  
10 *continuously for one year, or the total period of*  
11 *all such absence exceeds two years; a person,*  
12 *whether claimant or pensioner, shall not be*  
13 *deemed to be absent from Massachusetts during*

14 any period of absence therefrom if he proves that  
15 during said period his home was in Massachu-  
16 setts, and if married that his wife and family were  
17 there and maintained by him; (b) during the  
18 period of five years immediately preceding such  
19 date he has not been imprisoned for six months;  
20 (c) during the period of ten years immediately  
21 preceding such date he has not been imprisoned  
22 for three years; (d) he is of good moral character  
23 and has for a period of five years immediately  
24 preceding such date been leading a sober, re-  
25 putable life; (e) the net capital value of his  
26 property, exclusive of property exempt from being  
27 attached or taken on execution does not exceed  
28 one thousand dollars; (f) he has not directly or  
29 indirectly deprived himself of property or income  
30 in order to entitle himself to a pension; (g) he  
31 has not at any time within six months been re-  
32 fused a pension certificate except for reasons that  
33 do not exist at the time of the further application.

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

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

1 SECTION 9. Every person claiming a pension  
2 shall in the prescribed form and manner deliver  
3 or send a claim therefor to the pension clerk of the  
4 councillor district in which he or she resides or to  
5 the commissioner of pensions. This claim shall  
6 be in such form as the commissioner of pensions  
7 in his rules and regulations shall prescribe and  
8 shall affirm all the qualifications and requirements  
9 and negative all the disqualifications under this  
10 act and shall set out the place of abode and length  
11 of residence within the state of the claimant and  
12 the place or places of abode during the previous  
13 two years. Said claim or application shall be  
14 sworn to before some justice of the peace, notary  
15 public or other person authorized to administer  
16 oaths or before said commissioner, deputy com-  
17 missioner, secretary or one of the district clerks,  
18 and whoever makes a false oath shall be guilty of  
19 perjury and be punished accordingly. A pension  
20 claim may be withdrawn at any time by a written  
21 notice of withdrawal sent by the claimant to the  
22 commissioner.

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

1 SECTION 11. When a pension is allowed a  
2 numbered certificate stating his rate of pension  
3 shall be issued to the pensioner. All pensions  
4 shall be paid bi-monthly by checks drawn to the  
5 order of the respective pensioners sent to them by  
6 mail and paid from the treasury of the common-  
7 wealth.

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

1 SECTION 13. At the end of each year of his  
2 pension each pensioner shall file with the com-

3 missioner a statement showing the amount of  
4 income received by him during the preceding  
5 year.

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

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

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

1 SECTION 17. If a pensioner departs from the  
2 state with the intention of not returning, his pen-  
3 sion shall be forfeited; but any person whose pen-  
4 sion has thus been forfeited upon returning to  
5 Massachusetts may make application in the pre-  
6 scribed form for reinstatement as a pensioner, and  
7 if the commissioner finds the pensioner has re-  
8 turned to Massachusetts for permanent residence,  
9 or is absent therefrom only temporarily, the  
10 pension shall thereupon become payable to the  
11 pensioner the same as if it had never been for-  
12 feited. For any period during which a pensioner  
13 is in prison his pension shall without further or  
14 other authority than this act be forfeited, and  
15 after his discharge from prison may be renewed  
16 or not as the commissioner in his discretion deems  
17 expedient.

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

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

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

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

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





