

By Mr. Grimaldi of Springfield, petition of James L. Grimaldi for suitable recognition of certain residents of Massachusetts who have served in the armed forces of the United States during hostilities in Vietnam. Military Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Seven.

AN ACT PROVIDING SUITABLE RECOGNITION OF CERTAIN RESIDENTS OF MASSACHUSETTS WHO SHALL HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING HOSTILITIES IN VIETNAM.

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 provided,
2 there shall be allowed and paid out of the treasury of the com-
3 monwealth without appropriation and without a warrant
4 from the governor and council, to each person who shall have
5 served in the armed forces of the United States, in active service,
6 on or after February first, nineteen hundred and fifty-five, and
7 prior to the date of termination of the Vietnam emergency
8 as proclaimed by the proper federal authority, and who was
9 discharged or released under honorable conditions from such
10 service, the sums hereinafter specified; provided, that the dom-
11 icile of every person on account of whose service the applica-
12 tion is filed shall have been in the commonwealth for a period
13 of not less than six months immediately prior to the time of his
14 entry into service.

15 (1) Two hundred dollars to each person who performed
16 active service for more than six months, but served no part
17 thereof outside the continental limits of the United States.

18 (2) Three hundred dollars to each person who performed
19 active service outside the continental limits of the United
20 States.

1 SECTION 2. The words "armed forces", as used in this
2 act, shall mean the following:—United States Army,

3 Army of the United States, United States Navy, United
4 States Naval Reserve, United States Marine Corps, United
5 States Marine Corps Reserve, United States Coast Guard,
6 United States Coast Guard Reserve, Army Nurse Corps,
7 Navy Nurse Corps, United States Air Force, and United
8 States Air Force Reserve and including women's branches
9 of the said armed forces.

1 SECTION 3. In the case of the decease of any eligible
2 person who would, if alive, be entitled to the benefits of
3 this act, the sum named therein shall be paid to his heirs-at-
4 law; provided, that if there is more than one heir-at-law,
5 payments shall in either case be made in such proportions
6 as the commission shall determine, and in determining the
7 order of precedence so far as practicable the following order
8 shall be observed:— wife and children, mother or father,
9 brother or sister, other dependents; provided, however,
10 that no right or payment under this act shall be subject to
11 the claims of creditors, capable of assignment, regarded as
12 assets, legal or equitable of the estate of the deceased or
13 made the bases for administration thereof.

1 SECTION 3A. In the case of the decease of any person
2 who died while in active service, there shall be paid the sum
3 of three hundred dollars subject to, and in the manner provided
4 by section three.

1 SECTION 4. In the case of any person who is mentally
2 incompetent and is entitled to the benefits of this act and
3 for whom no legal guardian has been appointed by the court,
4 the sum named therein shall be paid to his dependents, and
5 in determining the order of precedence so far as practicable
6 the following order shall be observed:— wife and children,
7 mother or father, brother or sister, other dependents.

1 SECTION 5. There shall be a commission to be known as
2 the Veterans' Bonus Commission, to consist of the commis-
3 sioner of administration, the state treasurer and the attorney
4 general. Said Veterans' Bonus Commission, in this act
5 called the commission, shall receive applications from and
6 authorized payments to persons eligible under the provisions

7 of this act to receive the same. The commission shall em-
8 ploy a director who shall receive such salary as the commis-
9 sion, with the approval of the governor and council, may fix.
10 The director shall be the executive officer of the commission
11 and subject to its supervision and control, may within the
12 limits of appropriation incur such expenses and employ
13 such employees or assistants as may be necessary to ad-
14 minister the provisions of this act. No permanent positions
15 shall be established and no such employee or assistant shall
16 gain tenure of office as a result of employment under the pro-
17 visions of this act notwithstanding any special or general law
18 to the contrary, and the director and all employees or assistants
19 shall be exempt from the provisions of chapter thirty-one of
20 the General Laws. The members of the commission shall
21 serve without additional compensation, but they shall be re-
22 imbursed as members of said commission for expenses directly
23 related thereto from such funds as may be appropriated therefor.

1 SECTION 6. Applications hereunder shall be filed with the
2 commission, upon forms to be furnished by it. The com-
3 mission may accept the written statement of an assessor of
4 a city or town that a person claiming pay or on whose ac-
5 count pay is claimed by a dependent or heir-at-law, under
6 the provisions of this act, was a resident thereof on the first
7 day of January, in any year, as prima facie evidence of the
8 fact of such residence, and it may accept such other evi-
9 dence of residence as it may consider adequate or necessary.
10 The assessors of the several cities and towns shall, at the
11 request of the commission, forthwith furnish such informa-
12 tion relative to such residence as their records may disclose.
13 The commission may require and accept such additional
14 evidence as it may consider necessary to establish the fact
15 of domicile within the commonwealth as provided under
16 section one of this act.

1 SECTION 7. The adjutant general shall certify to the
2 commission, from original discharge certificate, certificate of
3 service, or report of separation from the armed forces to be
4 submitted with application required under section one of
5 this act, as to dates of service and any other military in-
6 formation necessary to carry out the provisions of this act.

7 The commission shall furnish to the adjutant general a
8 microfilm record of all such original discharge certificates,
9 certificates of service, and reports of separation from the
10 armed forces, for the permanent records of the military
11 division of the commonwealth.

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

1 SECTION 9. The state treasurer may borrow from time to
2 time on the credit of the commonwealth such sums of money
3 as may be necessary for the purpose of meeting payments
4 as authorized by sections one, three, three A and four of this
5 act, and may issue and renew from time to time notes of the
6 commonwealth therefor, bearing interest payable at such
7 times at such rates as shall be fixed by the state treasurer. Such
8 notes shall be issued and may be renewed one or more times for
9 such terms, not exceeding one year, as the governor may recom-
10 mend to the general court in accordance with section 3 of
11 Article LXII of the Amendments to the Constitution of the
12 Commonwealth, but the final maturities of such notes, whether
13 original or renewal, shall be not later than .
14 Notwithstanding any provision of this act, such notes shall
15 be general obligations of the commonwealth.

1 SECTION 10. Expenditures authorized by this act shall be
2 obligations of the Veterans' Services Fund established by
3 chapter six hundred and eight of the acts of nineteen hundred
4 and forty-six. To provide for the refinancing of notes authorized
5 to be issued in section nine of this act and in the fiscal years
6 to refinance in the aggregate not more than thirty
7 million dollars of the bonds issued under the provisions of said
8 chapter six hundred and eight, the state treasurer shall, upon
9 request of the governor and council, issue and sell at public

10 or private sale bonds of the commonwealth, registered or with
11 interest coupons attached, as he may deem best, to an amount
12 to be specified by the governor and council from time to time,
13 but not exceeding, in the aggregate, the sum of seventy-five
14 million dollars. All bonds issued by the commonwealth as
15 aforesaid shall be designated on their face, Veterans' Services
16 Fund Loan, Act of 1967, and shall be on the serial payment
17 plan for such maximum term of years, not exceeding ten years,
18 as the governor may recommend to the general court pursuant
19 to section 3 of Article LXII of the Amendments to the Con-
20 stitution of the Commonwealth, the maturities thereof to be so
21 arranged in each issue that the amounts payable in the several
22 years other than the final year shall be as nearly equal as in the
23 opinion of the state treasurer it is practicable to make them.
24 Said bonds shall bear interest semi-annually at such rate as the
25 state treasurer, with the approval of the governor, shall fix,
26 but such bonds shall be payable not earlier than .
27 All interest payments and payments on account of principal
28 on such obligations shall be paid from said Veterans' Services
29 Fund; provided, that, notwithstanding the foregoing, such
30 obligations shall be general obligations of the commonwealth.

1 SECTION 11. On and after the effective date of this act,
2 the state treasurer shall not sell any additional bonds under
3 the provisions of section two of chapter six hundred and eight
4 of the acts of nineteen hundred and forty-six.

1 SECTION 12. Any person aggrieved by a decision of the
2 commission in the matter of payments provided for by this
3 act may appeal to a board, to consist of a member of the de-
4 partment of the state treasurer to be designated by the state
5 treasurer, an assistant attorney general to be designated by
6 the attorney general, and the adjutant general or his representa-
7 tive, and shall be entitled to a hearing, after due notice, upon
8 such appeal. The decision of any such board as established in
9 this section shall be final.

1 SECTION 13. Sections one, two, three, three A and four
2 of this act shall take effect on September first, nineteen hundred
3 and and the balance thereof shall take effect upon
4 its passage.

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