

action to recover the consequential damages specified in section thirty-four A of chapter ninety, arising out of an accident or collision in which a motor vehicle, as defined in sections one and thirty-four A of chapter ninety, was involved, such motor vehicle if registered in the name of the defendant as owner at the time of such accident or collision shall be presumed to have been then operated, maintained, controlled or used by and under the control of a person for whose conduct the defendant was legally responsible, and absence of such responsibility shall be an affirmative defence to be set up in the answer and proved by the defendant.

certain accident cases.

Section 85C. In any suit in equity under section one hundred and thirteen of chapter one hundred and seventy-five and clause (10) of section three of chapter two hundred and fourteen to reach and apply the proceeds of any motor vehicle liability policy, as defined in section thirty-four A of chapter ninety, by a judgment creditor in any action to recover damages for bodily injuries, including death at any time resulting therefrom, or the consequential damages specified in said section thirty-four A, arising out of an accident or collision in which a motor vehicle, as defined in sections one and thirty-four A of said chapter ninety, was involved, and in any action under section thirty-four G of said chapter ninety on a motor vehicle liability bond, as defined in said section thirty-four A, it shall be presumed that at the time of such accident or collision such vehicle was being operated, maintained, controlled or used with the express or implied consent of the named person insured in such policy or the principal of such bond, and the absence of such consent shall be an affirmative defence to be set up in the answer and proved by the defendant.

Suits to reach and apply.

SECTION 2. This act shall apply in case of causes of action accruing prior to the effective date of this act as well as causes of action accruing thereafter.

Application of act.

Approved May 29, 1937.

AN ACT RELATIVE TO THE OLD AGE ASSISTANCE LAW, SO CALLED. *Chap.440*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and eighteen A of the General Laws, as appearing in section one of chapter four hundred and thirty-six of the acts of nineteen hundred and thirty-six, is hereby amended by striking out, in the thirty-seventh line, the word "forty-five" and inserting in place thereof the word: — fifty, — and by striking out all after the word "eligible" in the thirty-ninth line, — so as to read as follows:— *Section 1.* Adequate assistance to deserving citizens in need of relief and support sixty-five years of age or over who shall have resided in the commonwealth not less than five years dur-

G. L. (Ter. Ed.), 118A, § 1, etc., amended.

Old age assistance.

ing the nine years immediately preceding the date of application for such assistance and who shall have resided in the commonwealth continuously for one year immediately preceding said date of application, shall be granted under the supervision of the department of public welfare, in this chapter called the department. Financial assistance granted hereunder shall be given from the date of application therefor, but in no event before the applicant reaches the age of sixty-five, and in determining the amount of assistance to be given for any period preceding the date on which the application was favorably passed upon, consideration shall be given to the amount of welfare relief, if any, given to such applicant during said period under any other provision of law. Such assistance shall, wherever practicable, be given to the aged person in his own home or in lodgings or in a boarding home, which for the purposes hereof shall include any institution providing shelter, care and treatment for aged persons which is not supported in whole or in part by public funds; provided, that no inmate of such a boarding home or institution shall be eligible for assistance under this chapter while being cared for under a contract; and provided, further, that for the purposes of this chapter any person who, while such an inmate, has lost or shall lose his settlement at the time of admission to such home or institution shall be deemed to have no settlement in the commonwealth. Such assistance shall be paid by check or in cash, which shall be delivered to the applicant at his residence if he so requests, and shall, except as hereinafter provided, be at a rate of not less than thirty dollars monthly for each recipient, or, in case of a husband and wife living together, both of whom are eligible for such assistance, not less than fifty dollars monthly for both, or, in case of sisters or brothers or sisters and brothers living together, all of whom are so eligible, not less than fifty dollars monthly for two, and not less than fifteen dollars monthly for each additional brother or sister so eligible.

Payments,
how made.

G. L. (Ter.
Ed.), 118A, § 2,
etc., amended.

Local
bureau.

SECTION 2. Said chapter one hundred and eighteen A, as so appearing, is hereby further amended by striking out section two and inserting in place thereof the following: — *Section 2.* Each board of public welfare shall, for the purpose of granting adequate assistance and service to such aged persons, establish a division thereof to be designated as the bureau of old age assistance. In determining the need for financial assistance, said bureaus shall give consideration to the resources of the aged person, but no action shall be brought under sections twenty to twenty-two, inclusive, of chapter two hundred and seventy-three by a board of public welfare in connection with the granting of assistance under this chapter except with the written approval of the department. Not later than fourteen days from the initial payment to applicants, notice on a form prescribed by the department shall be forwarded to the appeal board hereinafter provided for, stating in each case

any and all deductions from the amounts of assistance prescribed herein and the reasons for all such deductions. If said deductions in a particular case are not approved by said appeal board they shall not be made in subsequent payments in said case and the amount of deductions made in such initial payment shall be added to the amount of the next succeeding payment. In determining the amounts of assistance to be paid under this chapter, local boards of public welfare shall determine that all applicants eligible for such assistance shall receive such assistance in the amounts prescribed herein or in amounts which would bring said applicants' total income to the equivalent of such amounts. Separate records of all such aged persons who are assisted shall be kept and reports returned in the manner prescribed by section thirty-four of chapter forty-one and by sections thirty-two and thirty-three of chapter one hundred and seventeen. The department shall make an annual report to the general court, and also such reports to the social security board established under the federal social security act, approved August fourteenth, nineteen hundred and thirty-five, as may be necessary to secure to the commonwealth the benefits of said act.

SECTION 3. Said chapter one hundred and eighteen A, as so appearing, is hereby further amended by striking out section three and inserting in place thereof the following:—

Section 3. Any person aggrieved by the failure of a town to render adequate assistance under this chapter, or by the failure of the board of public welfare of a town to approve or reject an application for assistance hereunder within thirty days after receiving such application, shall have a right of appeal to a board composed of the superintendent of old age assistance in the department, the director of the division of aid and relief and the commissioner of public welfare, ex officio. Said board, hereinafter called the appeal board, shall forthwith make a thorough investigation and shall have authority to act upon any appeal in relation to the following matters:

1. The matter of denial of assistance by the local board of public welfare;

2. The matter of a change in the amount of assistance given;

3. The matter of withdrawal of assistance;

4. The matter of failure to receive adequate assistance under this chapter by reason of the non-fulfillment of any agreement made by a third person to contribute toward the support and maintenance of such aged person. In all cases of appeal an opportunity for a fair hearing shall be provided by the appeal board. The department and the appeal board may, upon its own motion, review any decision of a local board of public welfare or of a bureau of old age assistance, and may consider any application upon which a decision has not been made by such a board or bureau within a reasonable time. All decisions of the ap-

G. L. (Ter. Ed.), 118A, § 3, etc., amended.

Appeal upon failure to grant aid.

peal board shall be binding upon the local board of public welfare or bureau of old age assistance involved and shall be complied with by such local board or bureau.

Approved May 29, 1937.

Chap.441 AN ACT RELATIVE TO THE ISSUE BY THE COMMONWEALTH OF BONDS IN CONNECTION WITH THE ACQUISITION OF PROPERTY FOR FLOOD CONTROL PURPOSES IN THE CONNECTICUT RIVER VALLEY.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter three hundred and ninety-seven of the acts of the current year is hereby amended by striking out section six and inserting in place thereof the following: — *Section 6.* To meet the expenditures necessary to carry out the provisions of article IX of said compact relating to the payment by the commonwealth to the Connecticut river valley flood control commission of the proportionate share of the commonwealth in the cost of acquisition of lands, easements and rights of way for the dams and reservoirs therein provided as the initial plan, the state treasurer shall upon request of said commission issue and sell, at public or private sale, bonds of the commonwealth registered or with interest coupons attached as he may deem best to an amount to be specified by said commission from time to time, but not in excess of one million, three hundred and fifty thousand dollars in the aggregate, nor in excess of six hundred and seventy-five thousand dollars in any one year. All such bonds shall be designated on their face, — Connecticut River Valley Flood Control Loan, and shall be on the serial payment plan for such maximum term of years as the governor may recommend to the general court in accordance with section three of article LXII of the amendments to the constitution of the commonwealth, the maturities thereof to be so arranged that the amount payable each year, other than the final year, shall, as nearly as in the opinion of the state treasurer is practicable, be equal. Said bonds shall bear interest payable semi-annually at such rate as the state treasurer, with the approval of the governor and council, shall fix.

Approved May 29, 1937.

Chap.442 AN ACT RELATIVE TO THE ISSUE BY THE COMMONWEALTH OF BONDS IN CONNECTION WITH THE ACQUISITION OF PROPERTY FOR FLOOD CONTROL PURPOSES IN THE MERRIMACK RIVER VALLEY.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be