

HOUSE No. 3379

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act providing for a bonus for veterans of Operation Enduring Freedom..

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, there shall be allowed and paid
2 out of the treasury of the commonwealth to each person who shall have served in the armed
3 forces of the United States in active service during operation enduring freedom who was
4 discharged or released under honorable conditions from such service, the sums hereinafter
5 specified; provided, that the domicile of every person on account whose service the application is
6 filed shall have been in the commonwealth for a period of not less than six months prior to the
7 time of his entry into the service.

8 \$500 to each such veteran who performed active service in the Operation Enduring
9 Freedom area.

10 \$300 to all other such Operation Enduring Freedom veterans who were called to active
11 service in support of said operation as members of the Army National Guard or an National
12 Guard or as a reservist in the Armed Forces of the United States in an area other than The
13 Operation Enduring Freedom area.

14 SECTION 2. The words “armed forces”, as used in this act, shall mean the following:–

15 United States Army, Army of the United States, United States Navy, United States Naval
16 Reserve, United States Coast Guard, United States Coast Guard Reserve, Army Nurse Corps,
17 Navy Nurse Corps, United States Air Force and United State Air Force Reserve and including
18 women’s branches of said armed forces.

19 SECTION 3. Applications hereunder shall be filed with the commissioner of veterans’
20 services upon forms to be furnished by him. The commissioner may accept the written statement
21 of the clerk of a city or town that a person claiming pay or on whose account pay is claimed by a
22 dependent or heir-at-law, under the provisions of this act, was domiciled therein on the first day
23 of January, in any year, as prima facie evidence of the fact of such domicile, and he may accept
24 such other evidence of domicile as he may consider adequate or necessary. The clerks of the
25 several cities and towns shall, at the request of the commissioner, forthwith such information
26 relative to such domicile as their records may disclose. The commissioner may require and
27 accept such additional evidence as he may consider necessary to establish the fact of domicile
28 within the commonwealth as provided under section on of this act.

29 SECTION 4. In the case of the decease of any person who would, if alive, be entitled to
30 benefits under this act, the sum therein shall be paid to his heirs-at-law, provided, however if
31 there is more than 1 heir-at-law; payments shall in either case be made in such proportions as the
32 commissioner shall determine, and in determining the order of precedence so far as practicable
33 the following order shall be observed:– wife and children, mother or father, brother or sister,
34 other dependents; provided, however, that no right or payment under this act shall be subject to
35 the claims of creditors, capable of assignment, regarded as assets, legal or equitable, of the estate

36 of the deceased or made the basis for administration thereof. In case of the decease of any
37 person who died in active service as specified herein there shall be paid the sum of \$500 subject
38 to and in the manner prescribed herein.

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

44 Any person aggrieved by a decision of the commissioner in the matter of payments
45 provided for by this act may appeal to a board to consist of a member of the department, a city or
46 town veterans' agent appointed pursuant to section 3 of chapter 115 of the General Laws both of
47 whom shall be designated by commissioner and the adjutant general or his designee and shall be
48 entitled to a hearing, after due notice, upon such appeal. The decision of the board shall be final.

49 SECTION 5. Whoever knowingly makes a false statement, oral or written, relating to a
50 material fact supporting a claim under this act shall be punished by a fine of not more than
51 \$1,000 or by imprisonment for not more than 3 years or both. Offenses under this act may be
52 prosecuted by the attorney general or under his direction, in any court in the commonwealth and
53 all fines collected thereunder shall be paid into the state treasury.