
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1890 Session of
2001

INTRODUCED BY CASORIO, DeWEESE, COY, BELARDI, BEBKO-JONES,
BELFANTI, BROWNE, CALTAGIRONE, CAPPELLI, CORRIGAN, CREIGHTON,
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THOMAS, TRAVAGLIO, TRICH, WALKO, WANSACZ, WATSON, WOGAN AND
ROBERTS, SEPTEMBER 5, 2001

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, SEPTEMBER 5, 2001

AN ACT

1 Providing compensation to certain persons who served in the
2 Merchant Marine serving the United States or any of her
3 allies during World War II; providing the method of making
4 payment to representatives of persons who, because of death
5 or incapacity, cannot personally receive compensation;
6 imposing certain duties on the Adjutant General; making an
7 appropriation; and providing penalties.

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9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short title.

12 This act shall be known and may be cited as the World War II
13 Merchant Marine Bonus Compensation Act.

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Adjutant General." The Adjutant General of the
19 Commonwealth.

20 "Legal resident of this Commonwealth." Any individual who
21 gave the State of Pennsylvania, or any specific place in this
22 Commonwealth, as his or her place of residence at the time of
23 entering the United States Merchant Marine, or of any of her
24 allies, for such period without regard to the place of
25 enlistment, commission or induction. The proof of such residence
26 shall be either the official records on file with the United
27 States Merchant Marine service, or in the Department of Defense
28 of the United States, or on file in the comparable governmental
29 agency of any of her allies, or such other evidence of bona fide
30 residence as may be deemed sufficient by the Adjutant General of

1 Pennsylvania.

2 "Merchant Marine." The United States Merchant Marine.

3 "Merchant Marine veteran."

4 (1) The term includes any individual who served in
5 active duty, including training, in the active oceangoing
6 United States Merchant Marine serving the United States, or
7 of any of her allies during World War II, between December 7,
8 1941, and December 31, 1946.

9 (2) The term does not include:

10 (i) any individual at any time during such periods,
11 or thereafter, separated from the oceangoing United
12 States Merchant Marine under other than honorable
13 conditions;

14 (ii) any individual who renounced his United States
15 citizenship during such period; or

16 (iii) any individual who was on active duty in the
17 United States Merchant Marine service after December 7,
18 1941, and the person refused on conscientious, political,
19 religious or other grounds to be subject to military
20 discipline.

21 Section 3. Computation of compensation.

22 Compensation shall be payable under this act to any veteran
23 who is a legal resident of this Commonwealth and shall be
24 computed on the basis of \$25 for every month and major fraction
25 thereof of active service and training in the oceangoing
26 Merchant Marine serving the United States, or of any of her
27 allies, as shown by the service or other record of the Merchant
28 Marine veteran for a maximum amount of \$1,000, except that the
29 compensation of a Merchant Marine veteran who died in active
30 Merchant Marine military service during the period set forth in

1 section 2 shall be \$1,000. No Merchant Marine veteran who served
2 less than 60 days' active service shall be entitled to receive
3 any compensation under this act. Any Merchant Marine veteran who
4 was in active service during the periods specified shall be
5 allowed the per monthly compensation, as designated, until
6 December 31, 2002, but no Merchant Marine veteran shall be
7 entitled to receive compensation under this act in a sum to
8 exceed \$1,000.

9 Section 4. Time of service.

10 In computing time in the service for compensation, only the
11 time served, including training, with a seagoing Merchant Marine
12 shall be considered. Any individual who has received a bonus,
13 gratuity or compensation of a nature similar to that provided by
14 this act from the Commonwealth for other service, from any other
15 state in the Union or from any of the allies of the United
16 States does not qualify for the bonus provided by this act.

17 Section 5. Application for compensation.

18 Application for compensation shall be made to the Adjutant
19 General on such forms and in such manner as the Adjutant General
20 prescribes. Applicants shall state on their application whether
21 or not they have applied for or received a bonus, gratuity or
22 compensation of a nature similar to that provided for by this
23 act from the Commonwealth, any other state or any of the allies
24 of the United States. All applications shall be made personally
25 by the Merchant Marine veteran or, in case of death or mental
26 incompetency preventing the making of a personal application,
27 then by such representative of the veteran as the Adjutant
28 General shall by regulation prescribe. An application made by a
29 representative other than one authorized by such regulation
30 shall be void. The Adjutant General shall not accept or consider

1 any application filed with him after December 31, 2001.

2 Section 6. Persons to whom payments shall be made in case of
3 death or mental incapacity.

4 Whenever, prior to the date of distribution of compensation
5 under the provisions of this act, a Merchant Marine veteran
6 entitled to the compensation has died, has been or is determined
7 to be legally dead by the Federal authorities under any act for
8 the payment of Federal benefits or becomes mentally incapable of
9 receiving his or her compensation, payment shall be made by the
10 Adjutant General without proceedings in this Commonwealth:

11 (1) In case of mental incapacity to the guardian or
12 committee, if any, of the Merchant Marine veteran, or if
13 there is no guardian or committee, then to the person with
14 whom the Merchant Marine veteran lives, or in case of a
15 veteran who is hospitalized in a Federal, State or county
16 institution for mental or nervous diseases, upon order of the
17 Adjutant General, without regard to the residence of the
18 veteran, to the person or persons who would be entitled to
19 the compensation under the provisions of this act if the
20 veteran is deceased, and in the absence of any such claimant,
21 to the superintendent, manager or person in charge of such
22 Federal, State or county institution to be expended for the
23 clothing and incidental needs of the Merchant Marine veteran,
24 provided that no part of such compensation shall be paid to
25 any Federal, State or county institution for the maintenance
26 of the Merchant Marine veteran. A statement from the manager,
27 superintendent or person in charge of any Federal, State or
28 county institution wherein the Merchant Marine veteran is a
29 patient shall be admitted in evidence to determine the mental
30 condition of the Merchant Marine veteran. Such statement

1 shall set forth that the Merchant Marine veteran, because of
2 his weakness of mind, is likely to dissipate such funds as
3 may be due him under the provisions of this act and is apt to
4 become the victim of designing persons.

5 (2) In the case of death, to the following persons in
6 the order named:

7 (i) Surviving unremarried widow if such widow was
8 living with the veteran at the time of his death or if
9 not so living with the veteran at the time of his death,
10 if she establishes to the satisfaction of the Adjutant
11 General that the living apart was not due to her willful
12 act and that she was actually dependent upon the veteran
13 at the time of his death, or at any time thereafter and
14 before the final payment shall have been made by the
15 designated authorities.

16 (ii) Surviving minor child.

17 (iii) Surviving minor children, share-and-share
18 alike.

19 Section 7. Applicant to designate beneficiaries.

20 Every person making application for compensation as provided
21 in this act shall set forth on his or her application the names
22 and addresses of all persons who under this act would be
23 entitled to receive the same in the event of the death of the
24 applicant, and, if such applicant dies before the payment of the
25 compensation, then the application shall be deemed to inure to
26 the benefit of the person or persons next entitled to it, and
27 payment shall be made to such person or persons upon proof of
28 identity satisfactory to the Adjutant General. If all persons,
29 designated as entitled to compensation shall die before payment
30 thereof, the right to the compensation shall cease and

1 determine. Application for compensation made in behalf of minor
2 children shall be made by the duly appointed guardian of such
3 children or by any person who stands in loco parentis to such
4 minor children, and payments shall be made to the guardians or
5 persons.

6 Section 8. Exemption from attachment.

7 No sum payable under this act to a Merchant Marine veteran or
8 any other person under this act shall be subject to attachment,
9 levy or seizure under any legal or equitable process and shall
10 be exempt from all State taxation. No right to compensation
11 under the provisions of this act shall be assignable, except as
12 provided in this act, or serve as a security for any loan. Any
13 assignment or loan made in violation of this section shall be
14 held void; however, assignments to any group or organization of
15 veterans, incorporated or unincorporated, or to any nonprofit
16 corporation, heretofore formed solely for aiding disabled or
17 incapacitated veterans and assignments to the State Veterans'
18 Commission shall be valid. The State Veterans' Commission is
19 hereby authorized to accept such assignments, which shall be
20 treated as confidential, and the funds realized from such
21 assignments shall be expended by the commission solely for the
22 aid of needy veterans, including those of the Merchant Marine,
23 and their families. Except as provided in this section, the
24 Adjutant General shall not direct the payment nor shall payment
25 be made under this act to any person other than a veteran or the
26 lawful representatives of a veteran.

27 Section 9. Penalty for fees for assisting Merchant Marine
28 veterans.

29 Any person who charges or collects or attempts to charge or
30 collect, either directly or indirectly, any fee or other

1 compensation for assisting, in any manner, a veteran in
2 obtaining any of the benefits to which he or she is entitled
3 under the provisions of this act commits a misdemeanor, and,
4 upon conviction thereof, shall be subject to a fine of not more
5 than \$2,500, or imprisonment for not more than one year, or
6 both.

7 Section 10. Digest and explanation of act.

8 The Adjutant General shall, as soon as practicable after the
9 approval of this act, prepare and publish a pamphlet or
10 pamphlets containing a digest and explanation of the provisions
11 of this act, accompanied by such statements as he believes may
12 be of assistance to the Merchant Marine veterans in filing their
13 application and shall from time to time prepare and publish
14 additional or supplementary information as may be found
15 necessary. The pamphlet or pamphlets shall be distributed in
16 such manner as the Adjutant General may determine to be most
17 effective to inform Merchant Marine veterans of their rights
18 under this act. The Adjutant General shall enlist, as far as
19 possible, the services of Merchant Marine veteran organizations
20 in this Commonwealth in the dissemination of such information.

21 Section 11. Ascertainment of service.

22 Immediately upon the passage of this act, the Adjutant
23 General shall ascertain the individuals who are Merchant Marine
24 veterans as defined in section 2 and ascertain as to each
25 Merchant Marine veteran the number of months of service as
26 provided in sections 3 and 4 for which he or she is entitled to
27 receive compensation. His decisions shall be final and not
28 subject to review by any court or by any other officer. In all
29 cases, not within the express purview of this act, the decision
30 of the Adjutant General as to payment or nonpayment of

1 compensation or eligibility shall be in all things final.

2 Section 12. False or fraudulent statements; penalty.

3 Whoever knowingly makes any false or fraudulent statement of
4 a material fact in any application, certificate or document made
5 under the provisions of this act or of any regulation made by
6 the Adjutant General in administering this act commits a
7 misdemeanor and, upon conviction, shall be fined not more than
8 \$10,000 or undergo imprisonment for not more than five years, or
9 both.

10 Section 13. Administration of act.

11 (a) General administration.--The Adjutant General shall
12 administer this act and shall prepare and distribute
13 applications, investigate all claims and applications filed with
14 him and, if satisfied of the proof of such claim or application,
15 approve the application, and direct payment thereof and shall
16 make any regulation necessary to administer this act.

17 (b) Records.--The books, papers and records, together with
18 the filing cases and equipment procured and used in the
19 administration of this act, shall become a part of the permanent
20 records of the office of Adjutant General.

21 (c) Oaths and affirmations.--Employees of the Department of
22 Military and Veterans Affairs, whose specific duty is to aid and
23 assist veterans and their widows, children and dependents in the
24 prosecution of claims before the Department of Veterans Affairs,
25 or other branch of the Federal Government, are hereby authorized
26 and empowered to administer oaths and affirmations in all
27 matters pertaining to and concerning such claims.

28 Section 14. Payment.

29 The compensation payable under this act shall be paid by the
30 State Treasurer from the World War II Merchant Marines Veterans'

1 Compensation Fund to be administered by the State Treasurer and
2 created with funds realized from revenue collected by the
3 Commonwealth through what is known as the emergency liquor tax
4 and established by the act of June 9, 1936 (1st Sp.Sess.,
5 P.L.13, No.4), entitled, "An act imposing an emergency State tax
6 or liquor, as herein defined, sold by the Pennsylvania Liquor
7 Control Board; providing for the collection and payment of such
8 tax; and imposing duties upon the Department of Revenue and the
9 Pennsylvania Liquor Control Board," and shall be appropriated
10 each year to the fund. Any revenue from the fund unappropriated
11 by December 31, 2002, shall be credited to the General Fund.
12 Payments under this act shall be made as soon as possible after
13 funds thereof are available.

14 Section 15. Effective date.

15 This act shall take effect immediately.