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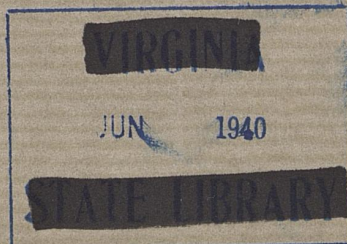
HOWARD B. MYERS, DIRECTOR
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DIGEST OF PUBLIC WELFARE PROVISIONS
UNDER THE LAWS OF THE STATE OF
NEW HAMPSHIRE

GOVERNMENT PUBLICATIONS

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Preface

This bulletin is one of a series intended to present in abstract form the public welfare provisions of the laws of each of the States.

The purpose of these bulletins is to give a brief review of the provisions for public assistance under the laws of the several jurisdictions, and of the administrative agencies set up by law with reference thereto. A chart showing the organizational relationships of the administrative agencies is included.

The possibility of error in attempting with a limited staff and in a limited time to assemble and digest the formidable mass of material incident to such a study is frankly recognized. The cooperation of those who have occasion to use these digests in reporting any errors of omission or commission noted, or in suggesting improvement in form or content, is invited and will be greatly appreciated.

Meanwhile it is hoped that those interested in considering the reorganization or strengthening of public welfare services in the several States may find the digests of practical value.

June 1940. Va. Div. of Statutory research + drafting

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DIGEST OF PUBLIC WELFARE PROVISIONS

GENERAL RELIEF 1/

(a) Description of class

Poor Relief and Emergency Relief:

Town: Any person who is poor and unable to support himself 2/ and who has no relative of sufficient ability liable for his support. 3/

County: Any person for whose support no person, or town in the State is chargeable. 4/

(b) Procedure for determining eligibility

No provision.

(c) Measure of responsibility

Poor Relief:

Town: Care in town poor farm 5/; binding out to labor for not exceeding one year; employment in workhouse 6/; burial 7/.

County: Care in county poor farm 8/; care in town poor house when contract with such town has been made 9/; binding out or employment in the same manner as town poor are bound out or employed 10/; burial 11/.

Emergency Relief:

Work relief and/or direct relief. 12/

1. Emergency provisions terminate June 30, 1937, unless the Legislature alters or amends the Act prior to that date. Laws (1935), Ch. 20, Sec. 24. Towns and cities must vote not to accept emergency provisions if they desire not to be subject to their operation. If emergency provisions are rejected, there is no State reimbursement or supervision.

2. Public Laws (1926), Ch. 106, Sec. 1.

3. Ibid, Sec. 22.

4. Ibid, Ch. 107, Sec. 1.

5. Ibid, Ch. 106, Sec. 2.

6. Ibid, Sec. 4.

Wages of anyone so bound out are used for the maintenance of such person, his family, or his children. Ibid.

7. Public Laws (1926), Ch. 106, Sec. 8.

8. Ibid, Ch. 107, Sec. 2.

9. Ibid, Sec. 6.

10. Ibid, Sec. 7.

11. Ibid, Sec. 3.

County Commissioners may reimburse town for county poor buried at town's expense. Ibid.

12. Laws (1935), Ch. 20, Sec. 8 (1).

GENERAL RELIEF (Cont'd)

(d) Qualifications imposed 13/

Poor Relief and Emergency Relief:

Town: Legal settlement, gained by 5 years' consecutive residence in the town. 14/

County: A pauper who has not resided in a county 3 months at time of first relief may be removed by the Board of County Commissioners or by a superior court to the county which relieved him within a year, or to the county in which he has resided one year within the last 5 years. 15/

(e) Incidence of financial responsibility

Poor Relief:

Town: 16/ (Obligation mandatory.)

County: 17/ (Obligation mandatory.)

13. A person is not entitled to vote if he has received assistance from any town or county within 90 days of town meeting and is unable to repay to the town or court the full amount of such assistance received during such time. Public Laws (1926), Ch. 23, Sec. 2, 5. Note, however, following provision regarding temporary or unemployment relief: While Federal funds are available the receipt of unemployment relief, or of other temporary aid granted under the provisions of this Act, does not make the recipient thereof, or any member of his family, a pauper within the terms of the election laws of the State, nor affect his or their civil or political status in any way. Laws (1935), Ch. 20, Sec. 17.
14. Laws (1933), Ch. 142, Sec. 1.

A former settlement is lost upon abandonment for 5 consecutive years of the domicile by which settlement was gained. Ibid, Sec. 2. Any settlement obtained under these provisions is lost by a person who has been assisted as a pauper for 5 consecutive years. Ibid, Sec. 3.

The father, mother, son or daughter or person in relationship of parent to a minor stepchild, must assist or maintain such person when in need. Such relation is deemed able to assist a poor person if his weekly income is more than is reasonably required for his own support or that of his own family. Public Laws (1926), Ch. 106, Sec. 22; Laws (1933), Ch. 65, Sec. 1.

15. Laws (1933), Ch. 137, Sec. 3.

The county to which the pauper is removed must pay the expenses of his transportation. Ibid.

16. Public Laws (1926), Ch. 106, Sec. 1.

17. Ibid, Sec. 1, 22.

GENERAL RELIEF (Cont'd)

(e) Incidence of financial responsibility (Cont'd)

Emergency Relief:

State: Fifty percent. (Obligation mandatory.) 18/

(State Emergency Relief Fund.) 19/

Towns and Counties: Fifty percent. (Obligation mandatory.) 18/

(f) Taxes

Town: No specific provision. (Town general funds.)

County: No specific provision. (County general funds.) 20/

State: No specific provision. (State Emergency Relief Funds.) 21/

18. Laws (1935), Ch. 20, Sec. 9.

19. Ibid, Sec. 9, 15, 16.

The State reimburses towns and counties 50 percent of the amount expended for this relief. If during any period while this Act is in effect, Federal funds are made available to the State for direct poor relief, all such available Federal moneys must be used to reimburse counties, cities and towns for their expenditures for poor relief, in accordance with any regulations or conditions imposed by the Federal authorities, in which event the balance of the expenditures by counties, cities and towns for poor relief must be borne equally by the State and by the counties, cities and towns. Ibid.

Towns and cities may vote by ballot to assume all liability for the relief of their poor, and in such cases are not entitled to grants or reimbursements from State or Federal money for poor relief, and are not subject to any of the provisions of this Act. Ibid, Sec. 10.

20. Laws (1935), Ch. 20, Sec. 19.

The selectmen of towns and mayors of cities are authorized and upon instructions from the Tax Commission, must direct the fixing of tax rates and the assessment of taxes, so that only such amounts shall be raised for the relief of the poor of the town or city as will represent, as nearly as may be estimated, the actual amount to be contributed by the town or city for that purpose, taking into consideration the assistance which may be given the city or town by the State or Federal agencies. The county conventions must take into account in making their appropriations for poor relief the amounts which the State and other agencies shall pay. Ibid.

21. Laws (1935), Ch. 20, Sec. 9, 15, 16.

GENERAL RELIEF (Cont'd)

(g) Administrative agencies

Poor Relief and Emergency Relief:

Town: Overseers of the Poor. 22/

County: Board of County Commissioners. 23/

(h) Supervisory controls

Emergency Relief:

Director of the Division of Relief of the State Board of Welfare and Relief. 24/

22. Public Laws (1926), Ch. 106, Sec. 1.

23. Ibid, Ch. 107, Sec. 2.

24. Laws (1935), Ch. 20, Sec. 8 (1).

AID TO DEPENDENT CHILDREN IN THEIR OWN HOMES

(a) Description of class

Dependent mothers and motherless children under 16 years of age. 1/

(b) Procedure for determining eligibility

Applicant must file a petition under oath with the Secretary of the State Board of Welfare and Relief asking for an allowance, and setting forth in detail the facts on which she relies. 2/ The secretary must investigate the facts stated in the application and make written recommendation of the amount of support applicant should receive. If the State Board finds that applicant is entitled to relief it makes such allowance as in its opinion is just. 3/

(c) Measure of responsibility

Maximum allowance of \$18 per month for mother and first child, and \$12 per month for each other child. 4/ Maximum allowance to parent of motherless child, for home care of child, \$8 per month for each child. 5/

(d) Qualifications imposed

No aid may be given a mother unless: The child or children are living with her; such mother, in the judgment of the State Board, is a proper person morally, physically, and mentally to bring up her children; the mother has been a resident of the State for at least one year before she applies for aid; employment, if any, in which the mother engages is approved by the State Board. 6/

The parent of a motherless child may be given aid provided: The mother is deceased, or has abandoned the home, or is mentally or physically incapacitated and under treatment in an institution; the child is living with the parent; the parent by means of such aid is enabled to maintain his home by employing a suitable caretaker, and such employment would be impossible without such aid; such caretaker, in the judgment of the State Board, is a proper person morally, physically, and mentally to bring up the child; such caretaker engages in no

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1. Laws (1935), Ch. 122, Sec. 1; Laws (1929), Ch. 145, Sec. 2.
 2. Laws (1929), Ch. 145, Sec. 1.
 3. Laws (1931), Ch. 106, Sec. 2.
 4. Laws (1935), Ch. 122, Sec. 2.
 5. Laws (1931), Ch. 106, Sec. 3.
 6. Laws (1935), Ch. 122, Sec. 3.

Nothing herein contained may be construed as depriving a mother of such assistance if one or more of her children are living with her and others are living elsewhere, and the State Board must base its allowance upon the special emergencies existing. Ibid.

AID TO DEPENDENT CHILDREN IN THEIR OWN HOMES (Cont'd)(d) Qualifications imposed (Cont'd)

employment not approved by the State Board; the parent has been a resident of this State for at least 2 years before he applies for aid; the parent is engaged in a lawful and gainful occupation where same is available and approved by the State Board, and contributes regularly from his wages toward the maintenance of his home an amount satisfactory to the State Board. 7/

(e) Incidence of financial responsibility

State. 8/ (Obligation mandatory.)

(f) Taxes

No specific provision. (State general fund.)

(g) Administrative agencies

State Board of Welfare and Relief. 9/

(h) Supervisory controls

No provision.

7. Laws (1931), Ch. 106, Sec. 3 (a-g).

8. Laws (1935), Ch. 122, Sec. 1.

9. Ibid, Sec. 4.

CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES)

(a) Description of class

"Dependent child" is any child who for any reason is destitute, homeless or abandoned and dependent upon the public for support, or has not proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill-fame or with any vicious or disreputable persons, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardians or other person in whose care it may be is an unfit place for such child. 1/

(b) Procedure for determining eligibility

Any reputable person, having knowledge of a child who appears to be either dependent or delinquent, may file with the clerk of the court a petition setting forth the facts. 2/ On return of summons, notice or other process the court must hear and dispose of the case. 3/

(c) Measure of responsibility

Commitment by juvenile court to State Board of Welfare and Relief, or to some society or association embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, and which has been approved by the State Board. 4/

Overseers of Poor liable for support of minors in cities or towns, and County Commissioners so liable in counties must procure minors' support at some orphan asylum or home, or with some private family of good repute. 5/ Permanent homes must be found by the Overseers or Commissioners for all orphan children as soon as is practicable. Education and support during minority. 6/

Except as otherwise provided, Overseers must set to work, in the workhouse or elsewhere, or bind out as apprentices, all children residing in their respective towns, who are not employed in some lawful business, whose parents are unable or neglect to maintain them, males until the age of 21 years and females until the age of 18 years. 7/

State Board of Welfare and Relief may cause such child to be placed in a hospital or institution for special treatment and care 8/, or may procure suitable family homes for minor children committed to it by juvenile courts or for whom Overseer of Poor or County Commissioners do not find homes within 60 days. 9/

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1. Public Laws (1926), Ch. 110, Sec. 2.
 2. Ibid, Sec. 4.
 3. Ibid, Sec. 8.
 4. Ibid, Sec. 10.
 5. Ibid, Ch. 109, Sec. 2.
 6. Ibid, Sec. 3.
 7. Ibid, Ch. 106, Sec. 5.
 8. Ibid, Ch. 109, Sec. 9.
 9. Ibid, Sec. 8.

CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES)(Cont'd)

(d) Qualifications imposed

No provision.

(e) Incidence of financial responsibility

County, city, or town legally chargeable. 10/ (Obligation mandatory.)

(f) Taxes

No provision.

(g) Administrative agencies

Juvenile court (session of municipal and justice court). 11/

See "Measure of responsibility".

(h) Supervisory controls

The State Board of Welfare and Relief has general supervision of all neglected, delinquent or defective children in the State, and must see that such children receive suitable education, training and support. State Board inspects all State or county charitable institutions. 12/

10. Public Laws (1926), Ch. 109, Sec. 10; Ch. 110, Sec. 11.

County, city, or town bearing financial responsibility has right of action over such expense against parents or guardian of such child. Ibid.

11. Public Laws (1926), Ch. 110, Sec. 3.

12. Ibid, Ch. 108, Sec. 7, 8.

OLD AGE ASSISTANCE(a) Description of class

Any person of the age of 70 years who is unable to support himself and has no children or other persons of sufficient ability to pay and responsible for his support under State Law. 1/

(b) Procedure for determining eligibility

Any person requesting aid must make application therefor to the Board of County Commissioners of the county in which he resides or has a legal settlement. 2/ Upon receiving an application, the County Commissioners must promptly make an investigation and record of the circumstances of the applicant. 3/ Upon completion of this investigation the County Commissioners decide whether applicant is eligible for and should receive old age assistance, the amount thereof and when it is to begin. If an application is denied or the grant is deemed inadequate by the applicant, he may appeal to the State Board of Welfare and Relief. Such Board must upon receipt of such an appeal review the case, and may also, upon its own motion, review any decision made by the County Commissioners. The State Board may make such additional investigation as it may deem necessary and must make such decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant, as in its opinion is justified and in conformity with this Act. All decisions of the State Board shall be binding upon the counties, cities and towns involved and must be complied with by the County Commissioners. All assistance grants must be reconsidered from time to time, or as frequently as may be required by the rules of the State Board of Welfare and Relief. 4/

(c) Measure of responsibility

The amount of assistance is determined by the County Commissioners with due regard to the conditions existing in each case, but in no event may it exceed, when added to the income of applicant from other sources, \$30 per month. 5/

Funeral expenses, not to exceed \$125. 6/

(d) Qualifications imposed

Applicant must be a citizen of the United States; must have been a resident of the State at least 5 of the 9 years, and continuously for one year, immediately preceding his application; application must be made in the county in which applicant has a legal settlement in some town or city thereof, or in case he has no such legal settlement, in the county in which he is residing; applicant must not be at the time of receiving

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1. Laws (1935), Ch. 127, Sec. 2.
 2. Ibid, Sec. 4.
 3. Ibid, Sec. 9.
 4. Ibid, Sec. 10, 16.
 5. Ibid, Sec. 3.
 6. Ibid, Sec. 13.

OLD AGE ASSISTANCE (Cont'd)

(d) Qualifications imposed. (Cont'd)

assistance, an inmate of, or receiving the necessities of life from any charitable institution maintained by the State, or any of its political subdivisions, or of a private charitable, benevolent, or fraternal institution or home for the aged, except in case of temporary medical or surgical care in a hospital; applicant must not, on account of his physical condition, be in need of continued institutional care; applicant must not have deprived himself directly or indirectly of any property for the purpose of qualifying for assistance; applicant must not, at time of making application, or oath, be an inmate of any prison, jail, workhouse, infirmary, insane asylum, or other public correctional institution; during the period of 10 years immediately preceding application, applicant must not have been imprisoned for a felony; if a husband, applicant must not have without just cause failed to support his wife and children under the age of 16 years, for 6 months or more during the 10 years preceding application; applicant must not, within one year preceding application, have been an habitual tramp, beggar, or drunkard. 7/

(e) Incidence of financial responsibility

County, to be reimbursed by any city or town legally chargeable. 8/ (Obligation mandatory. 9/)

State reimburses each county, city, and town to extent of 5 percent. 10/

(f) Taxes

No specific provisions.

(g) Administrative agencies

Board of County Commissioners. 11/

(h) Supervisory controls

State Board of Welfare and Relief. 12/

7. Laws (1935), Ch. 127, Sec. 2.
8. Ibid, Sec. 6, 23.
9. Ibid, Sec. 3.
10. Ibid, Sec. 7.
11. Ibid, Sec. 6.
Board of County Commissioners makes annual report to Governor and Council concerning administration of Old Age Assistance. Ibid, Sec. 17.
12. Laws (1935), Ch. 127, Sec. 5.

BLIND ASSISTANCE

(a) Description of class

Any person who, by reason of loss of eyesight, is unable to provide himself with the necessities of life, who has not sufficient means of his own to maintain himself, and who unless relieved, will become a charge upon the public or upon those not required by law to support him. 1/

(b) Procedure for determining eligibility

Applicant must file with the County Commissioners of the county where he resides a duly verified statement of the facts bringing him within the necessary provisions. No certificate of qualification to draw money shall be granted until the applicant has filed a statement signed by a reputable physician, skilled in diseases of the eye, that he knows the applicant to be blind, and a statement by the selectmen of the town where applicant resides that he has the residential qualifications to entitle him to aid, and their recommendation of aid to a certain amount, nor until the County Commissioners are satisfied from such statements and upon further examination as they may make that the claim is well founded. 2/ If the County Commissioners are satisfied that the applicant is entitled to relief, they furnish aid to him. 2/

If an application is denied, or the grant is deemed inadequate by the applicant, or the amount of assistance is reduced or withdrawn and the applicant feels aggrieved by such action of the Commissioners, he may apply to the State Board of Welfare and Relief. The Board reviews the case, and may also, upon its own motion, review any decision made by the County Commissioners. The Board may make such additional investigation as it may deem necessary, and make such decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant as in its opinion is justified and in conformity with **this Act**. All decisions of the State Board are binding upon the counties involved and must be complied with by the county officials. 3/

If at any time the State Board of Welfare and Relief has reason to believe that assistance to the blind has been or is being improperly granted, it must cause an investigation to be made. If upon such investigation, it appears that assistance was improperly granted, the Board must immediately notify the County Commissioners to revoke or modify such assistance. 3/

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1. Public Laws (1926), Ch. 115, Sec. 9.
 2. Laws (1935), Ch. 137, Sec. 1.
 3. Ibid, Sec. 2.

BLIND ASSISTANCE (Cont'd)

(c) Measure of responsibility 4/

Direct relief, not exceeding \$30 per month. 5/

Surgical or medical treatment (with the consent of the recipient). 6/

(d) Qualifications imposed

Applicant must have been a resident of the State for at least 5 years within the 9 years, and continuously for the last year, immediately preceding date of application. 5/

Applicant must be a resident of the county in which application is made. 5/

(e) Incidence of financial responsibility.

On the county 95%. (Obligation mandatory.) 5/

On the State 5%. (Obligation mandatory.) 7/

(f) Taxes

No specific provision. (State and county general fund.)

4. Other Provisions for Aid to Blind: The State Board of Welfare and Relief may act as a bureau of information and industrial aid for the blind and for the deaf and dumb, and for this purpose may furnish materials and tools to any blind person, and may assist such blind persons as are engaged in home industries in marketing their products, in finding employment and in developing home industries for them; and may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, and by such other methods as it may deem expedient. Public Laws (1926), Ch. 115, Sec. 2. The State Board of Welfare and Relief may in its discretion contribute to the support of blind persons from the State receiving instruction in industrial institutions outside of the State. Ibid, Sec. 4.

5. Laws (1935), Ch. 137, Sec. 1.

6. Public Laws (1926), Ch. 115, Sec. 14.

This relief is in lieu of direct relief. Ibid.

7. Laws (1935), Ch. 137, Sec. 2.

BLIND ASSISTANCE (Cont'd)

(g) Administrative agencies

Board of County Commissioners. 8/

(h) Supervisory controls

State Board of Welfare and Relief. 9/

8. Laws (1935), Ch. 137, Sec. 1.

Board of County Commissioners makes annual report to Governor and Council concerning administration of Blind Assistance. Ibid, Sec. 2.

9. Laws (1935), Ch. 137, Sec. 2.

State Board of Welfare and Relief also disburses any Federal funds for Blind Assistance. Ibid.

VETERAN RELIEF

(a) Description of class

Support:

Any person, resident of the State, who served in the army or navy, including the marine corps, of the United States in any war, insurrection, campaign, or expedition in which the United States was engaged, and who received an honorable discharge; not being under guardianship or legal restraint, poor and unable to provide maintenance for himself and his dependent family, and the wives, widows, and minor children of such persons. 1/

Soldiers' Home:

Men who served in the army or navy of the United States, in the Mexican War, the War of the Rebellion, the Spanish War or the War with Germany, and honorably discharged therefrom. 2/ No applicant is admitted to the Home unless he served in a State military organization, or in the United States army or navy, and was credited to the State in a time of war and was honorably discharged; or unless after such service has been a resident of the State for the 3 years next preceding application date. 3/

Burial:

Any honorably discharged soldier of the United States army or sailor or other person serving in the navy or marine corps in any war in which the United States engaged. 4/

(b) Procedure for determining eligibility

Support:

Any person applying for aid must, when requested, furnish to the Board of County Commissioners or the Overseers of the Poor the certificate of a reputable physician, resident of the county in which he lives, as to any incapacity on his part to perform manual labor. 5/

Soldiers' Home:

Board of Managers must make needed by-laws and regulations for the admission and discharge of inmates. 6/ Upon request of the Board of Managers of the State Soldiers' Home, the Governor and Council select a competent board to investigate the industrial and financial condition of any applicant for admission to the Home. 3/

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1. Laws (1933), Ch. 78, Sec. 1.
 2. Public Laws (1926), Ch. 12, Sec. 1.
 3. Laws (1931), Ch. 138, Sec. 3.
 4. Ibid (1929), Ch. 28, Sec. 1.
 5. Public Laws (1926), Ch. 106, Sec. 12.
 6. Ibid, Ch. 12, Sec. 4.

VETERAN RELIEF (Cont'd)

(c) Measure of responsibility

Support in own home or such place, other than an almshouse, as the Overseers of the Poor or the Board of County Commissioners may deem proper. 7/

Care in State Soldiers' Home 8/, or care in almshouse if applicant for relief refuses to make application for admission to State Soldiers' Home, or refuses to go to the Home. 9/

Burial expense, not to exceed \$100. 10/

(d) Qualifications imposed

Support:

Applicant must have resided in the State for 3 years or more before making application for aid. 11/

No person may, while receiving aid, use intoxicating liquors to an extent that renders him incapable of working at his usual occupation; nor sell any articles furnished him, nor exchange them for intoxicating liquors; nor share such aid with any persons other than those entitled to the provisions of such relief. 11/

Any person receiving aid under these provisions, who receives a pension from the United States, must, while receiving such aid, apply the pension to the support of himself and dependent family. 12/

Soldiers' Home:

Veteran who is or may become unable to earn a livelihood by reason of wounds, disease, old age or other infirmity and has no adequate means of support. 8/ (See "Description of class".)

Burial:

Insufficient estate to pay funeral expenses. 10/

(e) Incidence of financial responsibility

Support:

Town or county. (Obligation mandatory.) 7/

7. Public Laws (1926), Ch. 106, Sec. 9.

8. Ibid, Ch. 12, Sec. 1.

9. Ibid, Ch. 106, Sec. 19.

10. Laws (1929), Ch. 28, Sec. 1.

11. Public Laws (1926), Ch. 106, Sec. 10.

12. Ibid, Sec. 11.

VETERAN RELIEF (Cont'd)(e) Incidence of financial responsibility (Cont'd)Soldiers' Home:State. 13/Burial:State. (Obligation mandatory.) 14/(f) Taxes

No specific provision.

(g) Administrative agenciesSupport:County: Board of County Commissioners or Town Overseers of the Poor. 15/Town: Overseers of the Poor. 15/Soldiers' Home:Board of Managers of State Soldiers' Home. 16/Burial:

Commander and adjutant of Grand Army Post of which deceased was a member, or the like officers of any other war veterans' organization to which he belonged. If he was not a member of any such organization, a majority of the Board of Selectmen of the town, or the mayor, of the city in which he died. 14/

(h) Supervisory controlsNo provision. 17/

13. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

14. Laws (1929), Ch. 28, Sec. 1.

15. Public Laws (1926), Ch. 106, Sec. 9.

16. Laws (1931), Ch. 138, Sec. 1.

17. The Veterans' Service Officer must assist veterans who are residents of the State, and their dependents, to secure all State or Federal benefits to which they are entitled. Laws (1935), Ch. 103, Sec. 1.

ABSTRACT OF ADMINISTRATIVE PROVISIONS

STATE BOARD OF WELFARE AND RELIEF

(Statutory Body)

I. General Powers and Duties

(a) Board:

(1) The State Board of Welfare and Relief has general supervision of all neglected, delinquent, or defective children in the State, and must see that such children receive suitable education, training and support. The Board must assist in the enforcement of all laws for the protection of children and investigate charges brought to its attention, and, if a crime has been committed, report to the County Solicitor. 1/

(2) The Board must inspect all State or county charitable or correctional institutions, and in making such inspections, it must report and recommend to the Board of County Commissioners or other county or State officers having the control and management of such institutions, the changes if any, that should be made therein. 2/

(3) The Board must recommend a special appropriation at each session of the Legislature for an amount sufficient for the support of mothers and motherless children. 3/

(4) The Board, in its discretion, may grant licenses to maintain boarding houses for children 4/, and must annually, and may at any time visit and inspect, or designate a person to visit and inspect premises so licensed. 5/

1. Public Laws (1926), Ch. 108, Sec. 7.

For power to administer "Aid to Dependent Children in Their Own Homes", see "Digest of Public Welfare Provisions".

The State Board of Welfare and Relief terminates June 30, 1937, unless the Legislature alters or amends the Act under which it was established. Laws (1935), Ch. 20, Sec. 24. This Board takes the place of the State Board of Public Welfare for the duration of this Act. Ibid, Sec. 20, 21.

The State Board of Public Welfare was created in 1929 in place of the State Board of Charities and Correction, taking over all its powers and duties. Laws (1929), Ch. 177, Sec. 1. In 1935 the present Board was established in lieu of the former boards, with all their powers and duties conferred upon it. Laws (1935), Ch. 20, Sec. 1.

2. Public Laws (1926), Ch. 108, Sec. 8.

3. Laws (1935), Ch. 122, Sec. 1.

4. Laws (1933), Ch. 147, Sec. 1.

5. Public Laws (1926), Ch. 113, Sec. 5.

I. General Powers and Duties (Cont'd)

(a) Board: (Cont'd)

(5) If, after the expiration of 60 days, suitable homes have not been provided for dependent children by the Overseers of the Poor or Board of County Commissioners, the Board has full control over such children and must procure permanent homes for them, whenever it appears that their welfare will be promoted thereby. 6/

(6) The Board may procure suitable family homes, where practicable, for dependent and neglected children, and must inspect such homes previous to placing children therein. The Board must maintain subsequent watch, care and supervision of the children, and may remove any child from the home, when, in its judgment, the conditions therein are not for the best interest of the child. 7/

(7) The Board may cause a child to be placed in a hospital or institution for special treatment and care, when in its judgment the health or condition of any child requires it. 8/

(8) The Board has charge of the placing out of all infants. 9/

(9) Upon the recommendation of the Board, assistance must be furnished to such deaf and dumb or blind persons, in such amounts and at such asylums, schools or other institutions designed for the purpose, as the Governor and Council may direct. 10/

(10) The Board may act as a bureau of information and industrial aid for the blind and for the deaf and dumb, and for this purpose may furnish materials and tools to any blind person, and may assist such blind persons as are engaged in home industries in marketing their products, in finding employment and in developing home industries for them; and may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, and by such other methods as it may deem expedient. 11/

(11) The Board may in its discretion contribute to the support of blind persons from the State receiving instruction in industrial institutions outside the State. 12/

(12) The Board may prepare and maintain a register of the blind in the State, which describes their condition, cause of blindness, capacity for education and industrial training and such other data as the Board may deem advisable. 13/

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6. Public Laws (1926), Ch. 109, Sec. 7.
 7. Ibid, Sec. 8.
 8. Ibid, Sec. 9.
 9. Ibid, Ch. 113, Sec. 12-21, as amended by Laws (1933), Ch. 147.
 10. Public Laws (1926), Ch. 115, Sec. 3.
 11. Ibid, Sec. 2.
 12. Ibid, Sec. 4.
 13. Ibid, Sec. 1.

I. General Powers and Duties (Cont'd)

(a) Board: (Cont'd)

(13) The Board must supervise the administration of assistance to the blind. The Board must prescribe the form of and print and supply to the County Commissioners blanks of application, reports, affidavits and such other forms as it deems advisable. The Board is authorized to, and must make rules and regulations necessary for the carrying out of the provisions of law to the end that assistance to the blind may be administered uniformly throughout the State, having regard for the varying costs of living in different parts of the State and that the spirit and purpose of law may be complied with. The Board is also authorized to make such rules and regulations as may be necessary to conform with any requirements of the Social Security Board or any other agency established under the provisions of the Social Security Act. The Board is authorized to disburse any funds received from the United States Government for blind assistance. 14/

(14) The Board must supervise the administration of old age assistance. It makes rules and regulations necessary for such administration, and such as are necessary to conform with any requirements of the Social Security Board or any other agency established under the Social Security Act of Congress. 15/

(b) Director of the Division of Relief:

(1) The Director of the Division of Relief, under the supervision and approval of the State Board of Welfare and Relief, exercises general supervision over the administration of poor relief through work programs and/or direct relief by counties, cities and towns and the expenditure of all moneys therefor. 16/

(2) The Director, under the supervision and control of the State Board, must confer with, advise, and give necessary instructions and directions to local relief officers throughout the State relative to their duties. He must require that accounts relative to poor relief be kept in a uniform manner and must require county, city and town officers to report such information monthly and annually, relative to poor relief as may in the opinion of the Director be necessary, and it is the duty of such officers to furnish the information required. He also must make such rules, regulations, and orders for the administration of poor relief by counties, cities and towns as he deems necessary to insure an economical and wise expenditure of the money granted by the State to counties, cities and towns for such relief, and to comply with the rules and regulations of the Federal Government or any of its agencies relative to poor relief. 16/

14. Laws (1935), Ch. 137, Sec. 2.

15. Ibid, Ch. 127, Sec. 5.

16. Ibid, Ch. 20, Sec. 8, (1,2,3,4,5).

I. General Powers and Duties (Cont'd)

(c) Director of the Division of Welfare:

(1) The Director of Welfare, under the direction of the State Board, must give his entire time to the duties of the Division of Welfare, act as visiting agent to placed-out children and as supervisor of volunteer visitors, and perform such other duties as may be assigned to him by the State Board. 17/

(2) The Director, subject to the approval of the Attorney General, may enter into reciprocal agreements with other States regarding the interstate transportation of poor and indigent persons, and arrange with the proper officials in the State for the acceptance and support of persons receiving public aid in other States in accordance with the terms of such reciprocal agreements. 18/

(d) Veterans' Service Officer:

The Veterans' Service Officer must assist veterans who are residents of the State, and their dependents, to secure all the benefits or preferences to which they may be entitled under any State or Federal laws or regulations. 19/

II. Composition and Appointment of Governing Body

The State Board of Welfare and Relief consists of 3 members, appointed by the Governor, with the advice and consent of the Council 20/, for a term for the duration of this Act. Not more than 2 such members may be of the same political party. Any vacancy is filled for the remainder of the term 21/ and the Governor may remove any member at any time for cause. 22/ Members receive \$8 per diem for the

17. Laws (1935), Ch. 20, Sec. 5.

18. Laws (1933), Ch. 79, Sec. 1.

19. Laws (1935), Ch. 103, Sec. 1.

20. Ibid, Ch. 157, Sec. 1; Ch. 158, Sec. 1.

There are biennially elected, 5 councilors, for advising the Governor in the executive part of the Government. Const., Art. 60.

The Governor has full power and authority to convene the Council from time to time, at his discretion and, with them, or the majority of them, may and shall from time to time hold a council, for ordering and directing the affairs of the State according to the laws of the land. Ibid, Art. 62.

The Legislature may, if the public good requires it, divide the State into 5 districts, as nearly equal as may be, governing themselves by the number of population, each district to elect a councilor. Ibid, Art. 65. The members of the Governor's Council each receive \$8 a day for such time as they are actually engaged in the service of the State and their actual expenses. Public Laws (1926), Ch. 19, Sec. 36.

For the fiscal biennium ending June 30, 1937 there is appropriated from the State Treasury for the Council (per diem expenses) the sum of \$11,750. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

21. Statutes do not state by whom this vacancy is filled.

22. Laws (1935), Ch. 20, Sec. 1, 24.

II. Composition and Appointment of Governing Body (Cont'd)

time they are actually engaged in the service of the State plus their actual expenses. 23/ The Governor and Council designate one member as chairman and another as secretary. 24/

The Board consists of 2 divisions: one, the Division of Welfare, the other, the Division of Relief. 25/

III. Reports

The State Board of Welfare and Relief must report to the Governor, Council, and Legislature biennially the result of its inspection of State and county institutions, with recommendations for such changes in existing laws, as in its judgment the public good requires. 26/

IV. Executive

The State Board of Welfare and Relief appoints a State Director of the Division of Welfare, and, subject to the approval of the Governor and Council, fixes his salary. 27/ The State Board also appoints and fixes the salary of a Director of the Division of Relief. 28/ The Board may remove either director for cause. 29/

V. Staff

The Director of the Division of Welfare with the approval of the Governor and Council appoints the State Veterans' Service Officer. The Service Officer must have served in the army or navy, or the marine corps of the United States in any war in which the United States was engaged, and must have received an honorable discharge. His salary is fixed by the Director of Division of Welfare, with the approval of the Governor and Council. 30/

The Board employs and fixes the compensation of such inspectors, qualified assistants, or other employees as are necessary to properly perform the duties of both divisions of the Board. The number so employed and schedules covering their compensation must be approved by the Governor and Council. 31/

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23. Laws (1935), Ch. 20, Sec. 3.
 24. Ibid, Sec. 2.
 25. Ibid, Sec. 4.
 26. Public Laws (1926), Ch. 108, Sec. 8.
 27. Laws (1935), Ch. 20, Sec. 5.
 28. Ibid, Sec. 7.
 29. Ibid, Sec. 5, 7.
 30. Ibid, Ch. 103, Sec. 1.
 31. Ibid, Ch. 20, Sec. 6.

The salaries of all officials, clerks and employees in the Division of Relief are subject to a 5 percent deduction and subject to the provision that such salary reduction does not apply to clerks or employees receiving less than \$1,500 per annum, nor reduce the salary of any clerk or employee now receiving more than \$1,500 to a figure below that sum. Laws (1935), Ch. 157, Sec. 2; Ch. 158, Sec. 2.

VI. Financial Provisions

The Governor may, on behalf of the State, accept all moneys that may be advanced to or otherwise placed at the disposal of the State by the Federal Government or any of its agencies, for the purpose of caring for the poor, the distressed, and the unemployed. He may make such orders, rules and regulations relative to the disbursement of such moneys as may be necessary to comply with any terms, conditions, orders, rules or regulations prescribed by the Federal Government or any of its agencies, or by the President of the United States. 32/

The Division of Relief is financed out of the Emergency Relief Fund 33/, and the Division of Welfare is financed by appropriations from the general fund of the State. 34/

Amount of Appropriation:

There is appropriated from the State Treasury to the Division of Welfare, for the fiscal biennium ending June 30, 1937, the sum of \$529,209. 34/

Limitation of Funds:

Salary of Secretary.	\$ 7,000
Clerical and other expenses.	178,379
Teacher for the tubercular patients.	1,520
Child Welfare.	34,540
Blind, deaf and dumb	86,070
Mothers' Aid	21,700
Grants and contributions	<u>200,000</u>
Total\$529,209

32. Laws (1935), Ch. 20, Sec. 12.

33. Ibid, Sec. 25.

34. Ibid, Ch. 157, Sec. 1; Ch. 158, Sec. 1.

BOARD OF TRUSTEES OF STATE HOSPITAL FOR THE INSANE

(Statutory Body)

I. General Powers and Duties

(a) Board of Trustees:

(1) The Board must manage the affairs and business of the State Hospital, under the general supervision and direction of the Governor and Council, subject to such by-laws and other regulations for its government as the Governor and Council may from time to time establish. 1/

(2) Regular meetings of the Board must be held at least once a month at the Hospital, and special meetings at such other times and places as may be deemed necessary for the proper performance of its duties. 2/

(3) The Board may enter into and bind the Hospital by such contracts relative to the support of patients and the affairs of the Hospital as it may deem advantageous, and may receive, appropriate, control, convey, or invest any property given to, or owned by the Hospital in such manner as it may think expedient. 3/

1. Public Laws (1926), Ch. 9, Sec. 3.

Commitment: The Superintendent may receive any person who, by application in writing, desires to become a patient, and whose mental condition is such as to render him competent to make such application; but such person may not be detained more than 7 days after he has given written notice of his desire or intention to leave the Hospital. Ibid, Sec. 19.

Application may be made to the probate judge for the commitment of any person, but no person may be committed without certificate of 2 physicians as to his insanity. Ibid, Sec. 18. Subject to this provision the parent, guardian, or friends of any insane person, or the board of selectmen in towns or chief of police or his deputy in cities may cause the commitment of such insane person. Laws (1935), Ch. 63, Sec. 1.

The probate judge may, upon petition by any person, and notice to the selectmen of the town where an alleged dangerously insane person is, or to his guardian or other person, commit such insane person to the Hospital. And such petition may be filed, notice issued, and hearing had in vacation, or otherwise. Public Laws (1926), Ch. 11, Sec. 16.

2. Public Laws (1926), Ch. 9, Sec. 4.

3. Ibid, Ch. 11, Sec. 2.

No change may be made by the Board of its trust funds except upon approval of the Governor and Council. In making any investments of its trust funds the Board must submit its recommendations to the Governor and Council before such investments are made. The Governor and Council may also direct in whose custody the bonds, notes, and other securities of the Institution shall be kept. Ibid, Sec. 3.

I. General Powers and Duties (Cont'd)

(a) Board of Trustees: (Cont'd)

(4) The Board may make regulations for its own government, for the management of the Hospital and all persons connected therewith, and for the admission and care of patients, and may alter its regulations from time to time, as convenience may require. 4/

(5) The Board may cause to be buried at the expense of the State, in a lot purchased for that purpose, any indigent inmate of the Hospital, who dies without kindred or friends who will provide a decent burial elsewhere at their own expense. 5/

(6) Some one of the Board of Trustees must, without previous notice, visit the Hospital at least twice every month, and give suitable opportunity to every inmate therein to make to him, in private, any statement such patient may wish to make. Whenever such trustee deems it proper he must call to his aid 2 other trustees, who must with him make a further examination of such inmate and of the statements made by him. If, in their judgment, a further detention is unnecessary, they must discharge such inmate. They may order immediate change in the treatment of any inmate that they deem judicious; and in case of failure to secure it, they must summon a meeting of the whole Board, whose duty it is to take such measures as the exigency of the case demands. 6/

(7) The Board of Trustees, constituting a Commission of Lunacy 7/, by one or more of its members, must, without previous notice, visit and make thorough inspections of all asylums and other institutions for insane persons in the State, as often as once in 4 months. They must examine into the care and treatment of the insane, the sanitary condition of each asylum or institution, and all other matters relating to the general welfare of the inmates. 8/ The Commission of Lunacy may enter into an

4. Public Laws (1926), Ch. 11, Sec. 6.

5. Ibid, Sec. 24.

6. Ibid, Sec. 30.

7. Ibid, Sec. 34.

8. Ibid, Sec. 35.

Discharge: Any person committed to the Hospital may be discharged by the Commission of Lunacy (Board of Trustees), or by a justice of the superior court, whenever a further detention at the Hospital is in the opinion of the Commission or justice unnecessary; but any person so discharged who was under sentence of imprisonment at the time of his commitment, the period of which has not expired, must be remanded to prison. Ibid, Sec. 26.

Paroles: The superior court or any justice thereof may, with or without notice, in term or vacation, on due cause shown, parole any person committed to the Hospital upon such terms and conditions as justice may require; and the court or justice may at any time thereafter on due cause shown, revoke the parole and order the person returned to the Hospital under the original commitment. Ibid, Sec. 27.

(Footnote forwarded)

I. General Powers and Duties (Cont'd)

(a) Board of Trustees: (Cont'd)

agreement with a similar Board or Commission of any other State for the transfer of indigent insane persons from one State to the other where they may be deemed equitably to belong, after an investigation of the facts connected with each case. 9/

(b) Superintendent:

(1) The Superintendent of the State Hospital, and of every other asylum or place of detention for the insane, within 3 days after commitment thereto of any person, must notify the State Board of Health, giving such information regarding the person so committed to his charge as the State Board of Health may require, and must file with the Board of Health the names of persons discharged or paroled from such institution. 10/

(2) The Superintendent of the Hospital, with the approval of the Board of Trustees, may permit any inmate thereof temporarily to leave the institution in charge of his guardian, relatives, or friends, for a period not exceeding 6 months, and may receive him when returned by such guardian, relatives, or friends, within said period, or may take and recommit him when necessary, without any further order of commitment. 1

(Footnote #8 - Continued)

Investigations: The superior court, or any justice thereof must at any time with or without notice, upon application and due cause shown, investigate the question whether there is sufficient reason for the detention in the Hospital of any person who has been committed thereto, and must order his discharge when such order ought to be made, without the formality of a writ. Ibid, Sec. 28.

Plea of insanity in criminal causes: When a person is indicted for any offense, or is committed to jail on any criminal charge to await the action of the grand jury, any justice of the court before which he is to be tried, if a plea of insanity is made in court, or the justice is notified by either party that there is a question as to the sanity of the respondent, may in term time or vacation, order the person to the care and custody of the Superintendent of the State Hospital. He must be detained and observed by the Superintendent until further order of the court, or until such person is ordered discharged from the Hospital by the Board of Trustees thereof, upon a report to them by the Superintendent that such person is not insane. **Ibid, Sec. 13.**

9. Public Laws (1926), Ch. 11, Sec. 36.
10. Ibid, Sec. 20.
11. Ibid, Sec. 29.

I. General Powers and Duties (Cont'd)

(b) Superintendent: (Cont'd)

(3) The Superintendent must furnish stationery to any inmate who desires it, and must transmit promptly and without inspection, to the trustee whom the Board of Trustees may designate, all letters addressed to the Board by inmates of the Hospital. 12/

II. Composition and Appointment of Governing Body

The Board of Trustees consists of 7 members. The Governor and one member of the Council appointed by the Governor, are ex officio members and 5 men or women are appointed by the Governor and Council for 5-year terms, to serve without pay other than their reasonable expenses. The chairman must be one of the 5 appointed members. Vacancies are filled by the Governor and Council for the unexpired term. 13/

III. Reports

The Board of Trustees must make to the Governor and Council an annual report, covering that of the Superintendent to the Board, of the receipts and expenditures of the Hospital, the number of patients admitted and discharged during the year, and all other matters connected with the general interests of the Hospital. Such report must be filed in the office of the Secretary of State on or before October first. 14/

The Board of Trustees, as the Commission of Lunacy, must keep a correct record of the number of commitments, discharges, and deaths at each asylum, institution or other place of detention. It must keep a record of the age, sex and nationality of each person committed, discharged, or deceased, and must report the same annually to the Governor and Council, with any other matters or recommendations which the Commission considers important. 15/

It is the duty of the Superintendent to file with the State Board of Health the names of all such persons committed to, discharged or paroled from the institution. 16/

The Governor and Council after each biennial fiscal period, must cause to be made and published a report of the management of the institution, inclusive of the reports made to them by the head thereof. 17/

12. Public Laws (1926), Ch. 11, Sec. 31.

13. Ibid, Ch. 9, Sec. 2. For composition of Council see "Composition and Appointment of Governing Body" under "State Board of Welfare and Relief".

14. Public Laws (1926), Ch. 11, Sec. 8.

15. Ibid, Sec. 37.

16. Ibid, Ch. 286, Sec. 14; Ch. 11, Sec. 20.

17. Ibid, Ch. 9, Sec. 15.

IV. Executive

The Superintendent of the Hospital is chosen by the Board of Trustees of the Hospital, subject to the approval of the Governor and Council, and may be removed by the Board for cause, after notice and hearing, with like approval. 18/

V. Staff

The Board may, with approval of the Governor and Council, employ such clerical and other assistants, and fix the compensation thereof, as may be necessary for the proper performance of their duties. 19/

VI. Financial Provisions

The State Hospital for the Insane is financed by appropriations from the general fund of the State.

Amount of Appropriation:

There is appropriated from the State Treasury to the State Hospital for the Insane, for the fiscal biennium ending June 30, 1937, the sum of \$1,378,062. 20/

Limitation of Funds:

Salary of Superintendent.	\$	10,000
Clerical and current expenses		62,282
Professional care and treatment		449,500
Custodial care.		456,040
Operation of plant.		182,700
Maintenance of plant.		124,780
Agriculture		92,760
Total	\$	1,378,062

18. Public Laws (1926), Ch. 9, Sec. 3.

19. Ibid, Sec. 4.

A 5 percent deduction is in effect from the salary of each clerk and employee receiving over \$1,500 in cash or its equivalent, provided that this deduction shall not reduce the compensation of such clerk or employee to a salary below \$1,500. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

20. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

The Board of Trustees, as the Commission of Lunacy, determines whether a patient, or any relative chargeable therewith, is able to bear the expense incident to his maintenance at the Hospital. In case the patient or relative is able to pay only a part of such expense, the remainder is paid by the State. Public Laws (1926), Ch. 11, Sec. 2.

BOARD OF TRUSTEES OF LACONIA STATE SCHOOL

FOR THE FEEBLE-MINDED

(Statutory Body)

I. General Powers and Duties

(a) Board of Trustees:

(1) The Board of Trustees has the general management and supervision of the School. One or more of the Trustees must visit the School as often as once a month. 1/

(2) The Board has power to make all necessary rules and regulations for admission to, and for the government and control of the institution and its inmates, and to do everything necessary to properly care for and educate the feeble-minded persons of the State. 1/

(3) Feeble-minded persons legally received into the School must be detained in custody, regardless of age or length of residence, if in the judgment of the Board of Trustees of the School their segregation seems to be for the best interests of the inmates concerned and of the community. 2/

(4) Regular meetings of the Board of Trustees must be held at least once a month at the School, and special meetings at such other times and places as may be deemed necessary for the proper performance of its duties. 3/

1. Public Laws (1926), Ch. 112, Sec. 2.

Commitment: All feeble-minded persons supported by towns or counties in the State, or attending public schools, who, in the judgment of the selectmen of the town, the Board of County Commissioners of the county, the State Board of Welfare and Relief, or the superintendents of schools, are capable of being benefited by instruction at the School, must be committed to the Laconia State School. Ibid, Sec. 3.

Upon application to the judge of probate for any county, and upon a hearing, feeble-minded persons may be committed to the School by an order of commitment directed to the Superintendent, and accompanied by the certificates of 2 physicians who are graduates of a legally organized medical college and who have practiced for 3 years in this State, that such person is a suitable subject for the institution. Ibid, Sec. 9.

Prior consideration must be given to applicants already supported at public expense, and who in the opinion of the State Board of Welfare and Relief are in the greatest need of care and instruction in the School. Ibid, Sec. 8.

Defective delinquent persons having criminal records or criminalistic or incorrigible tendencies of such nature as to make their presence in the School detrimental to the other inmates may not be committed to the School. Ibid, Sec. 11. Males are received into the School between the ages of 5 and 21, and females between the ages of 5 and 46. Ibid, Sec. 1.

2. Public Laws (1926), Ch. 112, Sec. 4.

3. Ibid, Ch. 9, Sec. 4.

I. General Powers and Duties (Cont'd)

(a) Board of Trustees: (Cont'd)

(5) If there is room for the reception of feeble-minded persons of other States in the School without excluding residents of the State, they may be received at a cost to them or their responsible relatives or guardians of such sum as the Board of Trustees may determine. 4/

(6) The Board of Trustees may permit any inmate of the School to leave the institution on parole, and may determine the conditions on which the parole is granted. The Board must cause an investigation to be made prior to the granting of the parole, as to the home into which the inmate is to go if paroled, and other conditions and circumstances which may affect his or her welfare and behavior, and must provide such supervision of paroled inmates as is deemed necessary for their welfare. The Board may revoke the parole and order the return of the inmate to whom it has been granted. No length of absence or parole may operate as a discharge from the School. 5/

(7) Any inmate of the School may be discharged by any 3 of the Trustees, or by a justice of the superior court, whenever a further detention at the School is in their opinion unnecessary; but any person so discharged who was under sentence of imprisonment at the time of his commitment, the period of which has not expired, must be remanded to prison. 6/

(b) Superintendent:

Powers and duties are not specified by statute.

II. Composition and Appointment of Governing Body

The Board of Trustees consists of 7 members; 5 of whom are appointed by the Governor and Council for 5-year terms, to serve without pay, other than reasonable expenses, and they may be either men or women. The Governor and such member of the Council as he may appoint are ex officio members and act as the other 2 members of the Board. Vacancies are filled by the Governor and Council for the unexpired term. The Chairman, who must be one of the appointed members, is elected annually by the Board. 7/

III. Reports

The Superintendent must file with the State Board of Health the names of persons discharged or paroled from the School. 6/

4. Public Laws (1926), Ch. 112, Sec. 7.

5. Ibid, Sec. 15.

6. Ibid, Sec. 16.

7. Ibid, Ch. 9, Sec. 2.

For Composition of Council see "Composition and Appointment of Governing Body" under "State Board of Welfare and Relief".

III. Reports (Cont'd)

The Governor and Council must require the trustees and the executive head of the institution to keep such records and books of account and make such reports to them from time to time, as they may deem necessary and expedient. 8/

The Governor and Council, after each biennial fiscal period, must cause to be made and published a report of the management of the institution, inclusive of the reports made to them by the head thereof. 9/

IV. Executive

The Superintendent of the School is chosen by the Board of Trustees, subject to the approval of the Governor and Council. He may be removed by the Board for cause, after notice and hearing, with like approval. 10/

V. Staff

The Board of Trustees has authority, with the approval of the Governor and Council, to employ such clerical and other assistants necessary for the proper performance of its duties, and to fix their compensation. 11/

VI. Financial Provisions

The Laconia State School for the Feeble-minded is financed by appropriations from the general fund of the State. 12/

8. Public Laws (1926), Ch. 9, Sec. 14.

9. Ibid, Sec. 15.

10. Ibid, Sec. 3.

11. Ibid, Sec. 4.

A 5 percent deduction is in effect from the salary of each clerk and employee receiving over \$1,500 in cash or its equivalent, provided that this deduction shall not reduce the compensation of such clerk or employee to a salary below \$1,500. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

12. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

Relatives or guardians bound by law to support persons received in the School, and able to pay, must contribute to the care, instruction, and maintenance of such persons, sums which the Board of Trustees may determine; such sums are collectible by the Board from the property of the feeble-minded person, or from the person or persons legally responsible for his maintenance. Public Laws (1926), Ch. 112, Sec. 6.

VI. Financial Provisions (Cont'd)

Amount of Appropriation:

There is appropriated from the State Treasury to the Laconia State School for the Feeble-minded, for the fiscal biennium ending June 30, 1937, the sum of \$368,770. 13/

Limitation of Funds: 13/

Salary of Superintendent.	\$ 8,000
Clerical and current expenses	22,400
Professional care and treatment	72,142
Custodial care.	110,528
Operation of plant.	45,900
Maintenance of plant.	26,300
Agriculture	76,000
Purchase of land.	<u>7,500</u>
Total.\$368,770

13. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

BOARD OF TRUSTEES OF STATE INDUSTRIAL SCHOOL

(Statutory Body)

I. General Powers and Duties(a) Board of Trustees:

(1) The Board of Trustees manages the affairs and business of the School under the general supervision of the Governor and Council, and subject to such by-laws and other regulations for its government as the Governor and Council may from time to time establish. 1/

(2) Regular meetings of the Board of Trustees must be held at least once a month at the School and special meetings at such other times and places as may be deemed necessary for the proper performance of its duties. 2/

1. Public Laws (1926), Ch. 9, Sec. 3.

Commitment: Whenever a minor under 17 years of age is convicted of an offence punishable otherwise than by imprisonment for life, he must be sentenced to the Industrial School for the term of his minority; provided, that nothing herein may prevent such sentence being suspended under the provisions of any other law. Ibid, Ch. 399, Sec. 16.

Whenever a minor under 17 years of age is a truant or incorrigible, or knowingly associates with immoral or vicious persons, or is growing up in idleness or crime, or knowingly patronizes any place where gambling is carried on, or frequents a house of ill-fame, a court or justice may, upon such fact being shown, order the minor committed to the Industrial School for a term of his minority. Ibid, Ch. 399, Sec. 17.

All minors committed to the School as above provided are under the care of and subject to the control of the Board of Trustees of the School until such minors attain the age of 21 years. Ibid, Ch. 399, Sec. 19.

If any minor under 17 years of age is committed by error of any court to any penal institution other than the School, the Board of Trustees, the State Board of Welfare and Relief, the county solicitor, the minor, or any person interested in the minor may apply to a justice of the superior court for an order for the commitment of such minor to the School for the term of his minority, and the justice must issue a new mittimus accordingly. Ibid, Ch. 399, Sec. 18.

If the (juvenile) court finds that any child, who is brought before it for hearing for violation of any of the laws of the State, ought to be subjected to punishment therefore, the court may order the child to furnish sufficient sureties for his appearance at the next term of the superior court to be held in the county where he may be arraigned. In default thereof the child may be committed to the State Industrial School where he is kept until his case is disposed of by the superior court. Ibid, Ch. 110, Sec. 14.

2. Public Laws (1926), Ch. 9, Sec. 4.

I. General Powers and Duties (Cont'd)

(a) Board of Trustees: (Cont'd)

(3) The Board of Trustees is a corporation for the purpose of taking, holding, and managing, in trust for the State, lands, money, or other property granted, devised, or bequeathed for the use of the School, and of selling and conveying the same and of investing the proceeds thereof. 3/

(4) The Board adopts, and may from time to time alter and amend, by-laws for the government of the institution and for the management of its concerns. 4/

(5) The Board must see that all scholars sent to the School are properly instructed, employed, and cared for, and that the affairs of the institution are conducted according to law and the by-laws thereof, and that strict discipline is maintained therein. 5/

(6) One or more of the Trustees must visit the institution once in every 2 weeks. Once in every 3 months the institution must be examined by a majority of the trustees. 6/

(7) The Board may receive, clothe, and discipline juvenile offenders sent to the institution by virtue of any Act of the Congress of the United States, for such reasonable compensation as may be agreed upon between it and the United States authorities; and the Superintendent of the School must receive and detain such offenders as if they had been sentenced by a State court; provided, that such offenders are received at the School only upon condition that they have the same rights as to release, indenture, and discharge as is provided for children committed to the School. 7/

(8) Whenever the Board deems it proper and for the best interests of any child under its charge that he be released from the School before attaining the age of 21 years, it may release him upon such condition as it may impose. 8/

3. Public Laws (1926), Ch. 399, Sec. 1.

4. Ibid, Sec. 5.

5. Ibid, Sec. 6.

6. Ibid, Sec. 7.

7. Ibid, Sec. 20.

8. Ibid, Sec. 22.

No release is effective until provisions have been made for the proper care of the released person elsewhere than at the School. Ibid, Sec. 23.

I. General Powers and Duties (Cont'd)(a) Board of Trustees: (Cont'd)

(9) The Board may contract to pay the board of a released child when such child, because of age or other conditions, is unable to earn his board and no proper place can be found for him without payment of board. 9/

(10) The Board may bind out, as an apprentice or servant to an inhabitant of this State, any child committed to its charge. To this end it may make indentures for such binding out for any time, not exceeding the minority of the child, as seems to them proper. But in every such indenture the Board must reserve the right, by giving notice in writing to that effect, to cancel the indenture and remove the child from the master, whenever it appears to the Board that the further continuance of the child with the master will be prejudicial to the best interests of the child. 10/

(11) In all questions of release and binding out the Board must have scrupulous regard to the religious and moral character of those under whose custody a released or indentured child is placed. 11/

(12) No release or binding out of a child may operate as a discharge of the child from the School. The Board is deemed to have the care and control of children released or bound out until they attain the age of 21 years, and such care and control as are meanwhile conferred by the Board upon others must be construed to be conferred upon agents of the Board. 12/

(13) The Board has full power at any time to modify or cancel any arrangement for the release or binding out of a child, to return the child to the School, or to make new arrangements for the custody of the child elsewhere, such power to continue until the child attains the age of 21 years. 13/

(14) Any scholar distinguishing himself by obedience, diligence, and good conduct may be discharged by the Board whenever it deems such discharge for his best interest and that of the State. Every such discharge must be in writing and a full release from all the penalties and disabilities created by the sentence, and may be in such terms of commendation as the scholar deserves. 14/

9. Public Laws (1926), Ch. 399, Sec. 24.

Payments so made are charged to the expenses of the School, in the same manner as if they were payments for boarding, instructing, and disciplining the child at the School. Ibid, Sec. 25.

10. Public Laws (1926), Ch. 399, Sec. 26.

11. Ibid, Sec. 27.

12. Ibid, Sec. 28.

13. Ibid, Sec. 29.

14. Ibid, Sec. 30.

I. General Powers and Duties (Cont'd)

(a) Board of Trustees: (Cont'd)

(15) The Board, or a committee of the Trustees, if one be authorized, must make or cause to be made such changes in the placing of the child or the conditions of his release as it deems for the best interest of the child; or it may order the parole officer to remand the paroled child to School for further observation and treatment, or pending the making of new arrangements for the placing out of the child. 15/

(16) If any child committed to the School is found by the Board to be incorrigible and dangerous to the discipline of the School, the Board may order such child to be transferred and committed to some other State institution for such time as it sees fit, but not exceeding the time when his sentence to the Industrial School expires. 16/ This disposition of the child may at any time be modified in the discretion of the Board, as in the care of released children. 17/

(17) The Board may provide such light industrial work as it deems best for the interests of the children and the School, and may contract for such work. The earnings therefrom must be deposited with the State Treasurer as custodian of a fund known as the "Boys' and Girls' Benefit Fund". This is to be paid out only on order of the Board for the maintenance of this department and in such manner and amounts as it deems best for the interests and benefits of the children. The Board must establish a proportionable distributive system of earnings for each one employed, and the Superintendent acts as agent for the boys and girls. The Board must at all times give full consideration to the work to avoid commercializing the lives of the children or interfering with the agricultural pursuits of the School. 18/

(b) Superintendent:

(1) The Superintendent, subject to the control of the Board of Trustees, has charge of the lands, buildings, furniture, tools, implements, stock, provisions, and other property of the Institution. 19/

(2) The Superintendent must be a constant resident at the institution, and he and the subordinate officers under his direction have the custody and charge of the scholars therein. They must discipline, instruct, govern, and employ the inmates; endeavor to preserve their health, promote their improvement in such studies, trades, and employments as may be suited to their ages and capacities; and secure the formation of moral, religious, and industrial habits. 20/

15. Public Laws (1926), Ch. 399, Sec. 35.

16. Ibid, Sec. 37.

Such child may be transferred and committed to any county institution upon payment thereto by the School of such sum as may be reasonable for his care and maintenance, and for such term, not exceeding his term at the School, as the Board may determine. Ibid, Sec. 38.

17. Public Laws (1926), Ch. 399, Sec. 39.

18. Laws (1929), Ch. 19, Sec. 44.

19. Public Laws (1926), Ch. 399, Sec. 10.

20. Ibid, Sec. 13.

I. General Powers and Duties (Cont'd)

(b) Superintendent: (Cont'd)

(3) The Superintendent must keep a register containing the name, residence, and age of each scholar, with the date of his commitment, and the time and manner of his discharge. Such facts must be added relative to his deportment at the School and his personal and family history, as may be of importance. 21/

(c) Parole Officer:

(1) The Parole Officer, under the direction of the Board of Trustees and subject to regulations prescribed by such Board, must seek out proper places for children fitted to be released or bound out, and must keep in touch with children after they are released or bound out, by visitation, obtaining reports as to their conduct, surroundings, and associations, or in such other manner as the Board may prescribe. 22/

(2) Whenever the Parole Officer deems it best that any child released or bound out should be placed under different conditions, he must report the case fully to the Board of Trustees or to any committee of the Trustees to which such matters may be delegated by the full Board. 23/

(3) Any order in writing given to the Parole Officer by the Board, or a committee of the Trustees authorized to attend to such matters, confers upon the Parole Officer full power and authority to take the person of the child and remove him as directed. 24/

(d) State Board of Welfare and Relief:

The State Board has the right to visit and privately interview all released and indentured children, and may at all times require of the Board of Trustees of the School, the Superintendent, or the Parole Officer, full information as to the location and conditions of release or terms of indenture of any children placed out by the School. 25/

II. Composition and Appointment of Governing Body

The Board of Trustees consists of 7 members, who may be either men or women; 5 members are appointed by the Governor and Council for 5-year terms, to serve without pay other than their reasonable expenses. Vacancies are filled by the Governor and Council for the unexpired term. The Governor and one member of the Council whom he may appoint are ex officio members and serve as the other 2 members of the Board. The Chairman, who must be one of the appointed members, is elected annually by the Board. 26/

21. Public Laws (1926), Ch. 399, Sec. 14.

22. Ibid, Sec. 32.

23. Ibid, Sec. 34.

24. Ibid, Sec. 36.

25. Ibid, Sec. 41.

26. Ibid, Ch. 9, Sec. 2. For composition of Council, see "Composition and Appointment of Governing Body", under "State Board of Welfare and Relief".

III. Reports

The Superintendent must account to the Board of Trustees annually, and at such other times as it may require, for all money received and paid out by him; such accounts must be specific, containing the dates and amounts of all receipts, and the date, quantity, and price of every article purchased, or procured. 27/

The Governor and Council must require the Trustees and the executive head of the institution to keep such records and books of account and make such reports to them, from time to time, as they may deem necessary and expedient. 28/

The Governor and Council, after each biennial fiscal period, must cause to be made and published a report of the management of the institution, inclusive of the reports made to them by the head thereof. 29/

The Parole Officer must report his doings to the Board of Trustees as often as required. 30/

IV. Executive

The Board of Trustees appoints and fixes the compensation of a Superintendent, who serves at the pleasure of the Board. 31/

V. Staff

The Board appoints and fixes the compensation of a treasurer, teachers and other necessary officers and agents and may remove them at pleasure. 32/

The Board annually appoints a Parole Officer for the School and fixes his salary. 33/

27. Public Laws (1926), Ch. 9, Sec. 11.

28. Ibid, Sec. 14.

29. Ibid, Sec. 15.

30. Ibid, Sec. 34.

31. Ibid, Sec. 8.

The Superintendent and treasurer, before entering upon their duties, must give bond to the State in a sum, and with sureties satisfactory to the Governor and Council, conditioned to faithfully perform their duties, and to account for all money and property received by them. Ibid, Ch. 399, Sec. 9.

32. Public Laws (1926), Ch. 399, Sec. 32.

A 5 percent deduction is in effect from the salary of each clerk and employee receiving over \$1,500 in cash or its equivalent, provided that this deduction does not reduce the compensation of such clerk or employee to a salary below \$1,500. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

33. Public Laws (1926), Ch. 399, Sec. 33.

VI. Financial Provisions

The State Industrial School is financed by appropriations from the general fund of the State.

Amount of Appropriation:

There is appropriated from the State Treasury to the State Industrial School, for the fiscal biennium ending June 30, 1937, the sum of \$164,980. 34/

Limitation of Funds:

Salary of Superintendent	\$ 8,000
Clerical and current expenses.	12,260
Instruction.	9,360
Custodial care	65,500
Operation of plant	26,300
Maintenance of plant	15,800
Agriculture.	19,760
Parole Officer, expenses	8,000
Total.	<u>\$164,980</u>

34. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

BOARD OF TRUSTEES OF STATE SANATORIUM

(For treatment of Tuberculosis)

(Statutory Body)

I. General Powers and Duties

(a) Board of Trustees:

(1) The Board of Trustees must manage the affairs and business of the Sanatorium, under the general supervision of the Governor and Council, subject to such by-laws and other regulations for its government as the Governor and Council may from time to time establish. 1/

(2) Regular meetings of the Board of Trustees must be held at least once a month at the Sanatorium, and special meetings at such other times and places as may be deemed necessary for the proper performance of its duties. 2/

(3) The Board may take and hold in trust for the State any grant, devise, bequest, or donation of property for the use of the Sanatorium, or for the maintenance or help of any patient or patients therein. 3/

(4) The Board must adopt such by-laws and rules as it deems necessary or proper for the management of its business affairs, the admission of patients, and for the government of the Sanatorium, all subject to the supervision of the Governor and Council. 3/

(5) The Board, upon an order issued by the State Board of Welfare and Relief, may receive for treatment at the expense of the State, persons in indigent circumstances, whose relatives legally chargeable with their support are unable to provide for such treatment. The order is based upon satisfactory evidence, to be kept on file in the office of the Board, that the patient is entitled to treatment at the expense of the State. 4/

(b) Superintendent:

Powers and duties are not specified by statute.

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1. Public Laws (1926), Ch. 9, Sec. 3.
 2. Public Laws (1926), Ch. 9, Sec. 4.
 3. Ibid, Ch. 130, Sec. 2.
 4. Ibid, Sec. 4.

Admission: In cases where the State Board of Welfare and Relief finds that persons applying for treatment at the Sanatorium, or those relatives chargeable with their support, are able to pay only a part of the weekly expense of maintenance at the Institution, the State Board may issue an order to admit such persons and the State is held for the amount necessary to make up that deficit. Ibid, Sec. 5.

The charges for the support of patients in the Sanatorium who are able to pay for their care and treatment must be fixed by the Trustees. Ibid, Sec. 3.

II. Composition and Appointment of Governing Body

The Board of Trustees consists of 7 members; 5 members are appointed by the Governor and Council for 5-year terms, to serve without pay other than their reasonable expenses, and they may be either men or women; vacancies are filled by the Governor and Council for the unexpired term. The Governor and such member of the Council as he may appoint are ex officio members. The chairman, who must be one of the appointed members, is elected annually by the Board. 5/

III. Reports

The Governor and Council must require the trustees and the executive head of the institution to keep such records and books of account, and make such reports to them from time to time as they may deem necessary and expedient. 6/

The Governor and Council, after each biennial fiscal period, must cause to be made and published a report of the management of the institution, inclusive of the reports made to them by the head thereof. 7/

IV. Executive

The executive head of the Sanatorium is chosen by the Board of Trustees, subject to the approval of the Governor and Council, and may be removed by the Board for cause, after notice and hearing, with like approval. 8/ The Superintendent must be a physician. Salary of Superintendent is fixed by the Board of Trustees. 9/

V. Staff

The Board of Trustees may, with the approval of the Governor and Council, employ such clerical and other assistants, and fix their compensation, as may be necessary for the proper performance of its duties. 10/

5. Public Laws (1926), Ch. 9, Sec. 2.

For composition of Council see "Composition and Appointment of Governing Body" under "State Board of Welfare and Relief".

6. Public Laws (1926), Ch. 9, Sec. 14.

7. Ibid, Sec. 15.

8. Ibid, Sec. 3.

9. Ibid, Ch.130, Sec. 2.

The Board of Trustees may determine the salaries and compensation of all persons rendering service to the Board or Sanatorium. Ibid.

10. Public Laws (1926), Ch. 130, Sec. 4.

A 5 percent deduction is in effect from the salary of each clerk and employee receiving over \$1,500 in cash or its equivalent, provided that this deduction does not reduce the compensation of such clerk or employee to a salary below \$1,500. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

VI. Financial Provisions

The State Sanatorium is financed by appropriations from the general fund of the State. 11/

Amount of Appropriation:

There is appropriated from the State Treasury to the State Sanatorium, for the fiscal biennium ending June 30, 1937, the sum of \$153,350. 11/

Limitation of Funds: 11/

Salary of Superintendent.	\$ 8,000
Clerical and other current expenses	4,660
Professional care and treatment	31,580
Custodial care.	58,960
Operation of plant.	33,400
Maintenance of plant.	5,600
Agriculture	<u>11,150</u>
Total	\$153,350

11. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

BOARD OF MANAGERS OF STATE SOLDIERS' HOME

(Statutory Body)

I. General Powers and Duties

(a) Board of Trustees:

(1) The Board has the custody and care of the property of the Institution. 1/

(2) The Board must make needed by-laws and regulations for the management of the Home and for the admission and discharge of inmates, and generally, do all things necessary to carry into effect the purposes for which the Home was established. 1/

(3) The Board may receive, in behalf of the State, all donations and bequests that may be made for the establishment and maintenance of the Home, and for the support and care of inmates therein. 2/

(4) Upon request of the Board, the Governor and Council select a competent board to investigate the industrial and financial condition of any applicant for admission to the Home. 3/

(b) Commandant:

Powers and duties are not specified by statute.

II. Composition and Appointment of Governing Body

The Board of Managers consists of the Governor, the Commanders of the Grand Army of the Republic, United Spanish War Veterans, Veterans of Foreign Wars for the department of New Hampshire, and the Adjutant of the American Legion for the New Hampshire department, all ex officio. In addition, the Governor, with the advice of the Council, appoints 5 citizens of the State, 4 of whom at least must have served in the Army or Navy of the United States in the War of the Rebellion, the War with Spain, or the World War, and were honorably discharged. They are members, one each, of the New Hampshire department of the Grand Army, United Spanish War Veterans, the American Legion, and the Veterans of Foreign Wars. They hold office for 5 years, and in case of a vacancy, an appointment must be made for the unexpired term. 4/

The Board chooses one of its number secretary and the Governor is Chairman of the Board. 5/ No member of the Board, except the secretary, receives any compensation other than necessary expenses actually incurred in the performance of duties; the Board fixes the compensation of the secretary. 6/

1. Public Laws (1926), Ch. 12, Sec. 4.

Admission: See "Veteran Relief" under "Digest of Public Welfare Provisions".

2. Public Laws (1926), Ch. 12, Sec. 6.

3. Laws (1931), Ch. 138, Sec. 3.

4. Ibid, Sec. 1.

5. Ibid, Ch. 12, Sec. 3.

6. Ibid, Sec. 12.

III. Reports

The Board must file with the Secretary of State, on or before October 1st next preceding each biennial session of the Legislature, a report to the Legislature. The Board sets forth the operations and condition of the Home, gives a detailed account of all moneys received and expended on its behalf since the last report, an estimate of the amount of money required for its uses before the meeting of the next Legislature, and such other matters and recommendations as it may think its interests require. 7/

The Governor and Council must require the trustees and the executive head of the Institution to keep such records and books of account, and make such reports to them from time to time, as they may deem necessary and expedient. 8/

The Governor and Council, after each biennial fiscal period must cause to be made and published a report of the management of the Institution, inclusive of the reports made to them by the head thereof. 9/

IV. Executive

The Board appoints a Commandant of the Home, defines his duties, and fixes his compensation. 10/

V. Staff

The Board appoints, or provides for the appointment of all officers and employees needed for the proper management of the Institution, defines their duties, and fixes their compensation. 10/

VI. Financial Provisions

The State Soldiers' Home is financed by appropriations from the general fund of the State.

7. Public Laws (1926), Ch. 12, Sec. 11.

8. Ibid, Ch. 9, Sec. 14.

9. Ibid, Sec. 15.

10. Ibid, Ch. 12, Sec. 5.

In making such appointments, honorably discharged Union soldiers, sailors and marines who served in the War of Rebellion have preference, and the compensation paid to officials and employees may not exceed what is paid for like sources in other similar institutions. All officials must be sworn to a faithful performance of their duties. Ibid.

A 5 percent deduction is in effect from the salary of each clerk and employee receiving over \$1,500 in cash or its equivalent, provided that this deduction does not reduce the compensation of such clerk or employee to a salary below \$1,500. Laws (1935) Ch. 157, Sec. 1; Ch. 158, Sec. 1.

VI. Financial Provisions (Cont'd)

Amount of Appropriation:

There is appropriated to the State Soldiers' Home from the State Treasury, for the fiscal biennium ending June 30, 1937, the sum of \$64,310. 11/

Limitation of Funds:

Salary of Commandant.	##	3,600
Clerical and current expenses		1,280
Custodial care.		27,140
Professional care and treatment		8,000
Operation of plant.		15,300
Maintenance of plant.		5,540
Agriculture		<u>3,450</u>
Total.	##	64,310

11. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

BOARD OF TRUSTEES OF STATE PRISON

(Statutory Body)

I. General Powers and Duties

(a) Board of Trustees:

(1) The Board of Trustees manages the affairs and business of the State Prison, under the general supervision and direction of the Governor and Council 1/, subject to such by-laws and other regulations for its government as the Governor and Council may from time to time establish. 2/

(2) Regular meetings of the Board must be held at least once a month at the State Prison and special meetings at such other times and places as may be deemed necessary for a proper performance of its duties. 3/

(3) The Board must establish by-laws for the government of the Prison. 4/

1. For composition of Council, see "Composition and Appointment of Governing Body" under "State Board of Welfare and Relief".

2. Public Laws (1926), Ch. 9, Sec. 3.

3. Ibid, Sec. 4.

4. Ibid, Ch. 400, Sec. 6 (3).

Employment of Prisoners: No contract shall be made by which the labor or time of any prisoner in the State Prison or in any reformatory, penitentiary or jail in the State, or the product or profit of his work shall be contracted for, let, farmed out, given or sold to any person, firm, association or corporation. But convicts may work for, and the product of their labor may be disposed of to the State, or any political division and/or subdivision thereof, or for, or to any public institution owned or managed or under the control of the State or political division and/or subdivision thereof. Laws (1933), Ch. 42, Sec. 1.

No articles or supplies manufactured at the State Prison by the labor of convicts may be purchased from any other source for the State or its departments or institutions unless the Superintendent of Industries (no statutory provision regarding this officer) first certifies that such articles cannot be furnished. Laws (1933), Ch. 42, Sec. 1.

The State Highway Commissioner may employ, or cause to be employed, convicts confined in the State Prison in the construction, improvement and maintenance of State highways and in preparing road materials. Public Laws (1926), Ch. 369, Sec. 41.

After January 19, 1934, no goods, wares, or merchandise, manufactured or mined wholly or in part by convicts or prisoners of other States, except convicts or prisoners on parole or probation, may be sold on open market, or sold to, or exchanged with, an institution of the State or with any of its political divisions and/or subdivisions. Laws (1933), Ch. 42, Sec. 1.

I. General Powers and Duties (Cont'd)(a) Board of Trustees: (Cont'd)

(4) The Board must provide for the purchase of articles necessary for the use of the Prison, and for the health and comfort of the officers and prisoners. 5/

(5) The Board may make necessary additions, alterations, and repairs within the Prison or its inclosure. 6/

(6) The Board must provide a military guard for the security of the Prison. 7/

(7) The Board may provide for payment, to prisoners confined in the State Prison, of such pecuniary earnings, and render to their families such pecuniary assistance, as it may deem proper under such rules as it may prescribe. 8/ Any money so accruing remains under the control of the Board, to be used for the benefit of the prisoner, his family, or dependent relatives under such regulations as to home, manner and amount of disbursement as the Board may prescribe. 9/ If any prisoner escapes, or commits a breach of discipline while confined in the Prison, or when on parole violates the conditions and terms thereof, the Board may, in its discretion, cause the forfeiture of all earnings remaining to such prisoner's credit. 10/

(b) Warden:

(1) The Warden has the general management and superintendence of the State Prison. 11/

(2) The Warden must receive, safely keep, and employ in the Prison all convicts pursuant to their sentence, and until discharged according to law. He may employ convicts outside the prison walls, upon terms prescribed by the Board of Trustees. 12/

5. Public Laws (1926), Ch. 400, Sec. 6 (4).

6. Ibid, Sec. 6 (7).

7. Ibid, Sec. 6 (8).

8. Ibid, Sec. 27.

9. Ibid, Sec. 29.

10. Ibid, Sec. 30.

11. Laws (1927), Ch. 101, Sec. 1.

12. Public Laws (1926), Ch. 400, Sec. 8 (1).

A prisoner while so employed, or while going to or from the Prison in connection with such employment, is deemed to be in Prison so far as all laws relating to escape, attempts to escape, and aiding escape are concerned. Ibid.

I. General Powers and Duties (Cont'd)

(b) Warden:

(3) The Warden has the custody and superintendence of all persons confined in the Prison, and of all property belonging thereto. 13/

(4) The Warden must obey and enforce all orders, by-laws and regulations made by the Board for the management of the Prison. 14/

(5) The Warden must command the military guard for the Prison. 15/

(6) The Warden must keep a regular and true account upon the books of the Prison of all money received and expended on account of the Prison, and of all its concerns. 16/

(7) The Warden must receive all convicts sentenced to confinement or hard labor by any court of the United States within this State who may be delivered to him by the marshal of the district or his deputy, and must safely keep such convicts until discharged by due course of the laws of the United States. 17/

(8) The Warden, with the consent of the Board of Trustees, may offer suitable encouragement and indulgences to those convicts who distinguish themselves by obedience, industry, and faithfulness. He may also punish any convict guilty of insolence or ill language to any officer of the Prison, or guilty of obstinate or refractory behavior, by solitary imprisonment for not more than 30 days at one time, or by such other reasonable and effective modes of punishment and discipline as the Board of Trustees may from time to time prescribe. 18/

(9) The Warden may furnish, at the expense of the State, to each convict discharged from the Prison, a suit of clothes, decent and suitable for the season in which he is discharged, and a sum of money of not more than \$10. 19/

13. Public Laws (1926), Ch. 400, Sec. 8 (2).

The rules and regulations established for the government of the State Prison must provide for suitable religious instruction and ministration to the inmates. Ibid, Sec. 25. The inmates must have freedom of religious belief and freedom to worship God according to the dictates of their consciences; but this does not permit anything inconsistent with proper discipline and management. Ibid, Sec. 26.

14. Public Laws (1926), Ch. 400, Sec. 8 (3).

15. Ibid, Sec. 8 (4).

16. Ibid, Sec. 8 (6).

17. Ibid, Sec. 11.

18. Ibid, Sec. 16.

Whenever a prisoner desires to communicate with the Governor and Council, or the Board of Trustees, he must be permitted to do so in a direct manner, and without any supervision being exercised over his letters by the Prison officials or other persons. Ibid, Sec. 17.

19. Public Laws (1926), Ch. 400, Sec. 18.

I. General Powers and Duties (Cont'd)(c) Governor and Council:

(1) The Board of Trustees, in all its powers and duties, is subject to the supervision and direction of the Governor and Council. 20/

(2) The Governor and Council are visitors of the State Prison, and must annually, and oftener, if possible visit the Prison and see that all regulations made for the government thereof are proper and properly executed. 21/

II. Composition and Appointment of Governing Body

The Board of Trustees consists of 7 members, who may be either men or women. Five members are appointed by the Governor and Council for 5-year terms to serve without pay other than their reasonable expenses, and the Governor and one member of the Council whom he may appoint are ex officio members, serving as the other 2 members of the Board. The Board elects annually one of the appointed members as chairman. Vacancies are filled by the Governor and Council for the unexpired term. 22/

III. Reports

The Warden must render to the Board of Trustees, on or before December first, annually, a full and true account of all the receipts and profits and expenses and disbursements of the Prison since the last annual report, and a particular report of its management and condition. 23/

The Governor and Council must require the Trustees and the head of the institution to keep such records and books of account, and make such reports to them from time to time, as they may deem necessary and expedient. 24/

The Governor and Council, after each biennial fiscal period, must cause to be made and published a report of the management of the institution, inclusive of the reports made to them by the heads thereof. 25/

IV. Executive

The executive head of the Prison, the Warden, is chosen by the Board of Trustees, subject to the approval of the Governor and Council. He may be removed by the Board for cause, after notice and hearing, and with like approval. 26/ His annual salary is \$3,250, with such allowances and expenses as the Governor and Council may approve. 27/

20. Public Laws (1926), Ch. 400, Sec. 6.

21. Ibid, Sec. 7.

22. Ibid, Ch. 9, Sec. 2.

For composition of Council, see "Composition and Appointment of Governing Body" under "State Board of Welfare and Relief".

23. Public Laws (1926), Ch. 400, Sec. 8 (8).

24. Ibid, Ch. 9, Sec. 14.

25. Ibid, Sec. 15.

26. Ibid, Sec. 3; Laws (1927), Ch. 101, Sec. 1.

(Footnotes forwarded)

V. Staff

The Board of Trustees has authority, with the approval of the Governor and Council, to employ such clerical and other assistants, and to fix the compensation thereof, as may be necessary for the proper performance of its duties. 28/

The Warden appoints a deputy, for whose acts he is answerable, and who, in case of absence, death, removal, or resignation of the Warden, exercises his powers and is subject to his duties and liabilities until a Warden is duly appointed and qualified. 29/

VI. Financial Provisions

The State Prison is financed by appropriations from the general fund of the State.

Amount of Appropriation:

There is appropriated to the State Prison from the State Treasury, for the fiscal biennium ending June 30, 1937, the sum of \$232,666. 30/

(Footnotes continued)

27. Public Laws (1926), Ch. 400, Sec. 3.

The Warden, before entering upon the discharge of his duties, must give bond to the State in the sum of \$20,000 with sufficient sureties to the acceptance of the Governor and Council, conditioned for the faithful performance of the duties of the office. Ibid, Sec. 4.

28. Public Laws (1926), Ch. 9, Sec. 4.

A 5 percent deduction is in effect from the salary of each clerk and employee receiving over \$1,500 in cash or its equivalent, provided that this deduction does not reduce the compensation of such clerk or employee to a salary below \$1,500. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

29. Public Laws (1926), Ch. 400, Sec. 5.

30. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

Funds for Employment of Prisoners: The sum of not more than \$200,000 was appropriated in 1931 for the State Prison in order to anticipate and meet any emergency that arose because of loss of the contract for the employment of prisoners, the same to be expended to provide employment for the prisoners, to organize, conduct and manage an industry or industries adapted to the needs of the prison and the prisoners, and to provide repairs, additions and alterations to buildings, new structures, machinery, tools, materials, supplies, equipment and other instrumentalities useful for the employment of the prisoners. Laws (1931), Ch. 156, Sec. 1.

In order to provide funds for the appropriation, the State Treasurer was authorized to borrow from time to time such sum or sums not exceeding \$200,000 as the Governor, with the advice and consent of the Council, might approve, and for that purpose might issue notes in the name and on behalf of the State. The date of last maturity of any of the notes was not to be later than December 31, 1934. Ibid, Sec. 2.

At the 1934 special session the sum of not exceeding \$20,000 was appropriated to reimburse the fund which was set up under the provisions of Ch. 156 (1931) on account of ordinary repairs at the State Prison and the Governor was authorized to draw his warrant for the sum out of any money in the treasury not otherwise appropriated. Laws (1934 Ex.), Ch. 5.

VI. Financial Provisions (Cont'd)Limitation of Funds: 31/

Salary of Warden.....	\$ 6,500
Clerical and other current expenses.....	9,160
Chaplain and teachers.....	3,200
Custodial care.....	177,706
Operation of plant.....	27,100
Maintenance of plant.....	8,000
Agriculture.....	<u>1,000</u>
Total.....	\$232,666

31. Laws (1935), Ch. 157, Sec. 1; Ch. 158, Sec. 1.

STATE BOARD OF PAROLE

(Statutory Body)

I. General Powers and Duties

(1) The Board of Parole has the legal custody of all convicts released upon parole, until they reach their final discharge or are remanded to prison. 1/

(2) The Board has the direction and control of the Parole Officer. 2/

(3) The Board must make such rules and regulations relative to the performance by the Probation Officer of the duties of his office as in its judgment are advisable. 3/

(4) Any convict whose minimum sentence is 3 years or more may be paroled by the Governor and Council when he has served 2/3 of his minimum sentence, upon recommendation of the Board of Parole. 4/ Such paroled convict must remain in the legal custody of the Parole Officer, to whom he must report at least once each month, and as often as the Governor and Council may require. 5/

(5) When it appears to the Board of Parole that any convict released from the State Prison on parole has violated the terms thereof, or has violated the law, or has fallen among criminal companions, the Board must file a sworn complaint against the convict, setting forth the facts, with one of the clerks of the superior court. 6/ Thereupon, after hearing 7/, the justice may, if he finds the facts in the complaint to be substantially true, and that the public good requires the remanding of the released prisoner to the State Prison, certify the same to the Governor and Council who must revoke the parole. 8/

1. Public Laws (1926), Ch. 369, Sec. 27.

There is no Board of Pardons in the State. The power of pardoning offenses, except in cases of impeachment, is vested in the Governor, by and with the advice of the Council. Const., Art. 52.

The Governor, with the advice of the Council, may commute punishments from death to imprisonment for life or for some shorter term. Public Laws (1926), Ch. 19, Sec. 5.

The Governor, with advice of the Council, may respite the execution of a sentence of death. Ibid, Sec. 6.

2. Public Laws (1926), Ch. 369, Sec. 30.

3. Ibid, Sec. 30, 31.

4. Ibid, Sec. 25.

5. Ibid, Sec. 26.

6. Ibid, Sec. 32.

7. Ibid, Sec. 33.

8. Ibid, Sec. 35.

II. Composition and Appointment of Governing Body

The Board of Parole is composed of the members of the Board of Trustees of the State Prison. 9/ See "Composition and Appointment of Governing Body" under "Board of Trustees of State Prison".

III. Reports

The Board of Parole must keep a record of all its doings and report thereon to the Governor and Council quarterly, and more often when required by them. 10/

The Governor and Council must require the trustees and the executive head of the institution to keep such records and books of account, and make such reports to them from time to time as they may deem necessary and expedient. 11/

The Governor and Council, after each biennial fiscal period, must cause to be made and published a report of the management of the institution, inclusive of the reports made to them by the head thereof. 12/

IV. Executive

The Board of Parole appoints some suitable person to act under its direction under the title of Parole Officer. 13/ He receives the necessary and reasonable expenses actually incurred by him in the performance of his duties and such sum for salary as the Board of Parole may determine, subject to the approval of the Governor and Council. 14/

V. Staff

No specific provision. See "Staff" under "Board of Trustees of State Prison".

VI. Financial Provisions

The State Board of Parole is financed by appropriations from the general fund of the State. 15/

Amount of Appropriation:

There is appropriated to the State Board of Parole from the State Treasury, for the fiscal biennium ending June 30, 1937, the sum of \$12,880. 15/

Limitation of Funds: 15/

Salary of Parole Officer.\$ 5,880
Expenses.	7,000
Total\$12,880

9. Public Laws (1926), Ch. 369, Sec. 27.
 10. Ibid, Sec. 31.
 11. Ibid, Ch. 9, Sec. 14.
 12. Ibid, Sec. 15.

13. Ibid, Ch. 369, Sec. 28.
 14. Laws (1927), Ch. 67, Sec. 1.
 15. Laws (1935), Ch. 157,
 Sec. 1; Ch. 158, Sec. 1.

JUVENILE COURT

(Session of Municipal or Justice Court)

(Statutory Body)

I. General Powers and Duties

(a) Court:

(1) The Municipal and Justice Courts have original jurisdiction in all cases of dependent and delinquent children. 1/

(2) The Court records of criminal proceedings with reference to juveniles in all Courts of the State must be kept in separate books and filed from all other Court records. 2/

(3) The Court may make an order committing any dependent child under 17 years of age to the care of the State Board of Welfare and Relief, or to some society or association embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, and which has been approved by the State Board. 3/

(4) The Court may continue the hearing from time to time in the case of a delinquent child, and may commit the child to the care and custody of a Probation Officer, or it may allow the child to remain in its own home, subject to the visitation of the Probation Officer, such child to report to the Probation Officer as often as may be required, and subject to be returned to the Court for further or other proceedings whenever such action appears to be necessary; or the Court may cause the child

1. Public Laws (1926), Ch. 110, Sec. 3.

For provisions regarding dependent and neglected children see "Care of Dependent and Neglected Children (Institutions and Agencies)", under "Digest of Public Welfare Provisions".

"Delinquent child" is any child under the age of 17 years who violates any law of this State or any city or town ordinance, or who is incorrigible, or who knowingly associates with vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly patronizes any place where gambling is carried on or who frequents a house of ill-fame. Ibid, Sec. 2.

2. Public Laws (1926), Ch. 110, Sec. 29.

Neither the record of the arrest, trial, or conviction of a juvenile offender, nor the fact of such arrest, trial, or conviction, may be admissible in evidence or in any way shown in any action or proceeding of a criminal or civil nature, except during the period for which the juvenile offender has been placed on probation by any Court of the State, or within 2 years after the discharge of the juvenile offender from any institution to which he may have been committed by any Court in the State. Ibid, Sec. 30.

3. Public Laws (1926), Ch. 110, Sec. 10.

I. General Powers and Duties (Cont'd)(a) Court: (Cont'd)

to be placed in a suitable family home, subject to the visitation of the Probation Officer and the further order of the Court; or the Court may authorize the child to be boarded out in some suitable family home when provision is made by voluntary contribution or otherwise for the payment of board for the child until a suitable provision is made for it in a home without payment. 4/

(5) If the Court finds that any child, who is brought before it for hearing for violation of any of the laws of the State, ought to be subjected to punishment therefor, the Court may order the child to furnish sufficient sureties for his appearance at the next term of the Superior Court to be held in the county where he may be arraigned. In default thereof the child may be committed to the State Industrial School, where he is kept until his care is disposed of by the Superior Court. 5/

(6) The Court, in committing children, must place them as far as practicable in the care and custody of individuals having the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith. 6/

(7) The Court may place any person convicted by it in the care of the Probation Officer under its jurisdiction, for such time and under such conditions as may seem proper. 7/

(8) The Court designates a suitable time for hearing the cases of juvenile offenders and dependent or delinquent children, which is called the session for children, and for which a separate docket must be kept. Such session must be separate from that for the trial of criminal cases, and as far as practicable, must be held in rooms not used for such trials. 8/

4. Public Laws (1926), Ch. 110, Sec. 13.

5. Ibid, Sec. 14.

No Court may commit a child of less than 17 years of age to any jail or police station. If the child is unable to give bail he may be committed to the care of a Probation Officer or sent to some suitable institution kept by the State. No child may be sentenced to any institution where adult convicts are confined. Ibid, Sec. 15.

6. Public Laws (1926), Ch. 110, Sec. 16.

No child under the supervision of any State institution may be denied the free exercise of the religion of his parents, whether living or dead, nor the liberty of worshipping God according thereto. Ibid.

7. Public Laws (1926), Ch. 110, Sec. 20.

8. Ibid, Sec. 27.

No minor may be present at any hearing unless his presence is necessary, either as a party or a witness, or in the opinion of the Court, in the interest of justice. Ibid.

I. General Powers and Duties (Cont'd)(b) Probation Officer:

(1) The Probation Officer in the execution of his official duties has all the powers of police officers, but is not an active member of the regular police force. 9/

(2) The Probation Officer must inquire into the nature of every criminal case brought before the Court under whose jurisdiction he acts. 10/

(3) The Probation Officer must furnish each person released on probation with a written statement of the terms and conditions of his release. 11/

II. Composition and Appointment of Governing Body

The Juvenile Court is a session of the Municipal or Justice Court. 12/ In each town and city having not less than 2,000 inhabitants the Governor appoints the Municipal Court, to consist of one learned, able and discreet person as Justice of the Municipal Court, with the advice and consent of the Council, and a Special Justice is appointed and commissioned in like manner. 13/ In the absence, inability or disqualification of the Justice of the Municipal Court the Special Justice must perform the duties of the Justice. 14/ If the Justice and Special Justice are disqualified or unable from any cause to sit in any case, a disinterested Justice of the Peace, attending upon written request of the Justice, may hear and determine the case and issue final process therein, and he must keep a record thereof, which must be kept with and constitute a part of the record of the Court, all of which must have like effect as if it were heard and determined by the Justice of the Court. 15/

The salaries of the Judges of Municipal Courts range from \$600, and such additional sum as the town may vote, to \$2,400 annually according to the population of the towns. 16/

The Special Justice or Justice of the Peace requested to sit owing to the disqualification of the Justice or Special Justice is paid \$3 a day for each day or part thereof that he serves, provided, that the annual salaries of Special Justices of Municipal Courts of the following cities and towns shall be as follows: Of Manchester \$800, of Nashua \$600, of Concord \$500, and of Hampton \$150. Such salaries are in lieu of any other compensation or fees. 17/

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9. Public Laws (1926), Ch. 110, Sec. 18.
 10. Ibid, Sec. 19.
 11. Ibid, Sec. 21.
 12. Ibid, Sec. 3, 27.
 13. Ibid, Ch. 323, Sec. 1.
 14. Ibid, Sec. 2.
 15. Ibid, Ch. 110, Sec. 3.

Appointment and Term of Justices of the Peace: All judicial officers are nominated and appointed by the Governor and Council. All commissions of Justices of the Peace are for 5-year terms. Constitution, Art. 45, 75.

16. Public Laws (1926), Ch. 323, Sec. 32; Laws (1935), Ch. 87, Sec. 1.
17. Public Laws (1926), Ch. 323, Sec. 4; Laws (1935), Ch. 101, Sec. 1.

III. Reports

Each Probation Officer must keep full records of all cases investigated by him, of all cases placed in his care by the Court, and of any other duties performed by him. He must make a monthly report to the State Board of Welfare and Relief in such form as the Board may direct. 18/

The clerk of each Court, or the Justice thereof, if there is no clerk, must forthwith notify the State Board of Welfare and Relief of the name of each Probation Officer appointed. 19/

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

The Justice of each Municipal Court must, and of any other Court may, appoint one person to perform the duties of Probation Officer under the jurisdiction of the Court. Each Probation Officer holds office during the pleasure of the Justice who makes the appointment. 20/ His compensation is determined by the Justice of the Court under whose jurisdiction he acts, and must be paid by the city or town wherein the Court is established. 21/

All cities and towns having a population of 5,000 or more must provide compensation for a Clerk of the Municipal Court to be appointed by the Justice thereof. The Clerk of the Manchester Municipal Court receives an annual salary of \$750, to be paid by said city; the salaries of all other clerks of Municipal Courts in cities or towns of 5,000 population or more shall be not less than \$150, and as much more as the city or town in which such Court is located may vote to pay. Whenever a city or town of less than 5,000 population wherein a Municipal Court is located provides compensation therefor, the Justice of such Court must appoint a Clerk. If no compensation is provided, or if for any reason the office of Clerk of a Municipal Court is vacant, the Justice, or in his absence, the Special Justice shall also serve as Clerk. All clerks hold office during the pleasure of the Justice appointing them. 22/

VI. Financial Provisions

The salaries of the Judges of the Municipal Courts are paid from the treasury of the city or town in which the Courts are located. 23/

18. Public Laws (1926), Ch. 110, Sec. 22.
19. Ibid, Sec. 24.
20. Ibid, Sec. 17.
21. Ibid, Sec. 25.
22. Ibid, Ch. 323, Sec. 7, 8, 9, 10, 11.
23. Ibid, Sec. 32; Laws (1935), Ch. 87, Sec. 1.

BOARD OF COUNTY COMMISSIONERS

(Statutory Body)

I. General Powers and Duties

(Only the welfare powers of the Board are included.)

(1) General Relief: The Board of County Commissioners may make needful orders and regulations for the removal of county paupers to the county poor farm, or any other place designated by them 1/, and for the government of the poor farm and county houses of correction. 2/ The Board may bind out to labor for a term not exceeding one year any person chargeable or liable to be chargeable to the county. 3/ The Board may reimburse a town for county poor buried at the town's expense. 4/ The Board is authorized to employ such qualified agents or assistants as it may deem necessary to administer emergency poor relief in its respective county. 5/

(2) Old Age Assistance: Old Age Assistance is administered in each county by the Board of County Commissioners. It is the duty of the Commissioners to provide a reasonable subsistence compatible with decency and health for those eligible for Old Age Assistance. 6/

(3) Blind Assistance: Each person claiming relief under the blind assistance laws must file with the County Commissioners of the county where he resides a duly verified statement of the facts entitling him to relief. 7/ The Commissioners, if satisfied that the applicant is entitled to such relief, must furnish aid to him in accordance with law. 8/

(4) Veteran Relief: Any person entitled to Veterans' Assistance must be supported at the public expense in the town or city of his abode, at his home or such place, other than a town or county almshouse, as the Overseers of the Poor or the County Commissioners may deem proper. 9/ The County Commissioners or Overseers of the Poor may require any person applying for veterans' aid, who is eligible for admission, to make application for admission to the State Soldiers' Home, in case he has no family or settled place of abode, whenever in their discretion they deem it best; and if such person refuses to make application or refuses to go to the Home, he may be supported at the county or town almshouse. 10/

(5) Care of Dependent and Neglected Children: It is the duty of the County Commissioners of counties liable for the support of dependent and neglected minors in the county, to procure such minors' support at some orphan asylum or home, or with some private family of good repute. 11/

1. Public Laws (1926), Ch. 107, Sec. 2.
2. Ibid, Ch. 38, Sec. 10.
3. Ibid, Ch. 107, Sec. 7.
4. Ibid, Sec. 3.
5. Laws (1935), Ch. 20, Sec. 13.
6. Ibid, Ch. 127, Sec. 3, 6.

7. Ibid, Sec. 3.
8. Ibid, Ch. 137, Sec. 1.
9. Public Laws (1926), Ch. 106, Sec. 9.
10. Ibid, Sec. 19.
11. Ibid, Ch. 109, Sec. 2.

II. Composition and Appointment of Governing Body

There are chosen at each biennial election 3 County Commissioners to hold office for 2 years. 12/ The superior court of the county fills all vacancies 13/, and may remove any Commissioner for official misconduct. 14/ The Commissioners choose from their number a chairman and a clerk. 15/ Commissioners receive annual salaries ranging from \$700 to \$2,100, except that in Carroll and Coos Counties they receive only \$5 per day while engaged in the business of the county; in all counties except Strafford they receive, in addition, a reasonable sum for all necessary expenses. 16/

III. Reports

The Board of County Commissioners must make reports to the State Board of Welfare and Relief as it may from time to time require. The Board must make such reports and in such detail as may be required of it to the Federal Government. Within 90 days after the close of each calendar year the Board must make a report to the Governor and Council for the preceding year, which must include a full account of the administration of Blind Assistance and Old Age Assistance, the expenditure of all funds for such purposes, adequate and complete statistics concerning such assistance, and such other information as the Board may deem advisable, or the Governor and Council may require. 17/

The Board must report to the State Board of Welfare and Relief all minors cared for by them, with copies of the contracts made, and such other information as may be required by the State Board. 18/

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

No provision.

VI. Financial Provisions

The county pays the salaries and expenses of its County Commissioners. 19/ When authorized by county convention, the Board may issue bonds of the county to raise money for its uses, subject to limitations. 20/

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12. Public Laws (1926), Ch. 36, Sec. 1.
 13. Ibid, Sec. 9.
 14. Ibid, Sec. 7.
 15. Ibid, Ch. 38, Sec. 1.
 16. Laws (1935), Ch. 154, Sec. 1.
 17. Ibid, Ch. 127, Sec. 17; Ch. 137, Sec. 2.
 18. Public Laws (1926), Ch. 109, Sec. 5.
 19. Ibid, Ch. 38, Sec. 28.
 20. Ibid, Sec. 21.

TOWN OVERSEERS OF THE POOR

(Statutory Body)

I. General Powers and Duties

(a) Veteran Relief:

(1) Any person entitled to Veterans' Assistance must be supported at public expense in the town or city of his abode, at his own home or such place, other than a town or county almshouse, as the Overseers of the Poor or the County Commissioners may deem proper. 1/

(2) The Overseers of the Poor or Board of County Commissioners may require any person applying for veterans' aid, who is eligible for admission, to make application for admission to the State Soldiers' Home, in case he has no family or settled place of abode, whenever in their discretion they deem it best; and if such person refuses to make application or refuses to go to the Home, he may be supported at the county or town almshouse. 2/

(b) Paupers:

(1) Whenever a person in any town is poor and unable to support himself he must be relieved and maintained by the Overseers of the Poor of such town. 3/

(2) The Overseers of the Poor in any town may, by written contract, bind out to labor for a term not exceeding one year, or employ in their workhouse, every person residing in the town who lives idly and pursues no lawful business, and who is poor and in need of relief, or whose family, standing in need of relief, is supported by such town; they must take his wages and appropriate the same to the maintenance of such person, his family, or his children. 4/

(3) The Overseers must inquire into the treatment of all persons bound out, and must see that the contract for binding out is fulfilled and that all wrongs or injuries are redressed. 5/

(4) If a pauper who is temporarily in a town not his home, applies to the Overseers of the Poor to be returned to his home, they may cause him to be returned at the expense of the town; or they may set him to work in the workhouse or elsewhere; or they may bind him out not exceeding the time that will be required for him to earn sufficient money to defray the expenses of such return. They may cause him to be returned to his home by the use of the money so earned and they may supply any additional sum from the town treasury that may be necessary for the purpose. 6/

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1. Public Laws (1926), Ch. 106, Sec. 9.
 2. Ibid, Sec. 19.
 3. Ibid, Sec. 1.
 4. Ibid, Sec. 4.
 5. Ibid, Sec. 6.
 6. Ibid, Sec. 7.

I. General Powers and Duties (Cont'd)

(b) Paupers: (Cont'd)

(5) If a pauper dies in any town, the Overseers of the Poor must cause him to be decently buried at the expense of the town. 7/

(c) Care of Dependent and Neglected Children:

(1) The Overseers of the Poor must procure for all minors in their town support at some orphan asylum or home, or with some private family of good repute. 8/ As soon as practicable they must find permanent homes for all such orphan minors, and make contracts for their education and support during minority. 9/ They may send to any orphans' home in the State, or other institution devoted to, or suitable for the care, protection, and education of children, upon such terms as may be agreed upon, all children residing in their respective towns who are not employed in some lawful business and whose parents are unable or neglect to maintain them. 10/

(2) Except as otherwise provided, the Overseers must set to work, in the workhouse or elsewhere, or bind out as apprentices, all children residing in their respective towns who are not employed in some lawful business, and whose parents are unable or neglect to maintain them, - males until the age of 21 years, and females until the age of 18 years. 11/

See (3) under "Paupers" supra.

II. Composition and Appointment of Governing Body

Any town, at the annual meeting, may choose by majority vote, one or more Overseers of the Poor. 12/ To fill any vacancy which may occur, the town in which the Overseer serves chooses such officer at an adjournment of the annual meeting or at any legal meeting held for the purpose 13/, or if the town at an annual meeting refuses or neglects to fill any town office by an election or if there is a vacancy from any cause, the selectmen appoint, in writing, some suitable person to such office. 14/

7. Public Laws (1926), Ch. 106, Sec. 8.

8. Ibid, Ch. 109, Sec. 2.

9. Ibid, Sec. 3.

10. Ibid, Sec. 4.

If, after the expiration of 60 days, suitable homes have not been provided for dependent children by the Overseers of the Poor (in cities or towns) or Board of County Commissioners (in counties), the State Board of Welfare and Relief has full control over such children and must procure permanent homes for them, whenever it appears that their welfare will be promoted thereby. Ibid, Sec. 7.

11. Public Laws (1926), Ch. 106, Sec. 5.

12. Ibid, Ch. 47, Sec. 36.

13. Ibid, Sec. 40.

14. Ibid, Sec. 41.

II. Composition and Appointment of Governing Body (Cont'd)

Overseers continue in office until the next annual meeting of the town and until others are chosen or appointed and qualified. 15/ The Mayor of the city is ex officio chairman of the Board of Overseers of the Poor. 16/ No provision for compensation of Overseers.

III. Reports

Overseers of the Poor must keep full and accurate records of the paupers fully supported, the persons received and partially supported, and the travelers and vagrants lodged at the expense of their respective towns, together with the amount paid by them for such support and relief. They must make an annual report of the number of persons supported and relieved, with the cost of such support and relief, to the State Board of Welfare and Relief, on or before July first in each year, on blanks furnished by the State Board. 17/

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

No provision.

VI. Financial Provisions

Towns may at any legal meeting grant and vote such sums of money, not exceeding \$300, as they may judge necessary for the purpose of maintaining the poor and for the obtaining of free hospital beds for the use of such inhabitants of the town as have been entitled to receive assistance from the town by reason of their indigent circumstances for not less than a year, or for the permanent endowment of hospital beds for the use of such inhabitants, not exceeding \$5,000. 18/

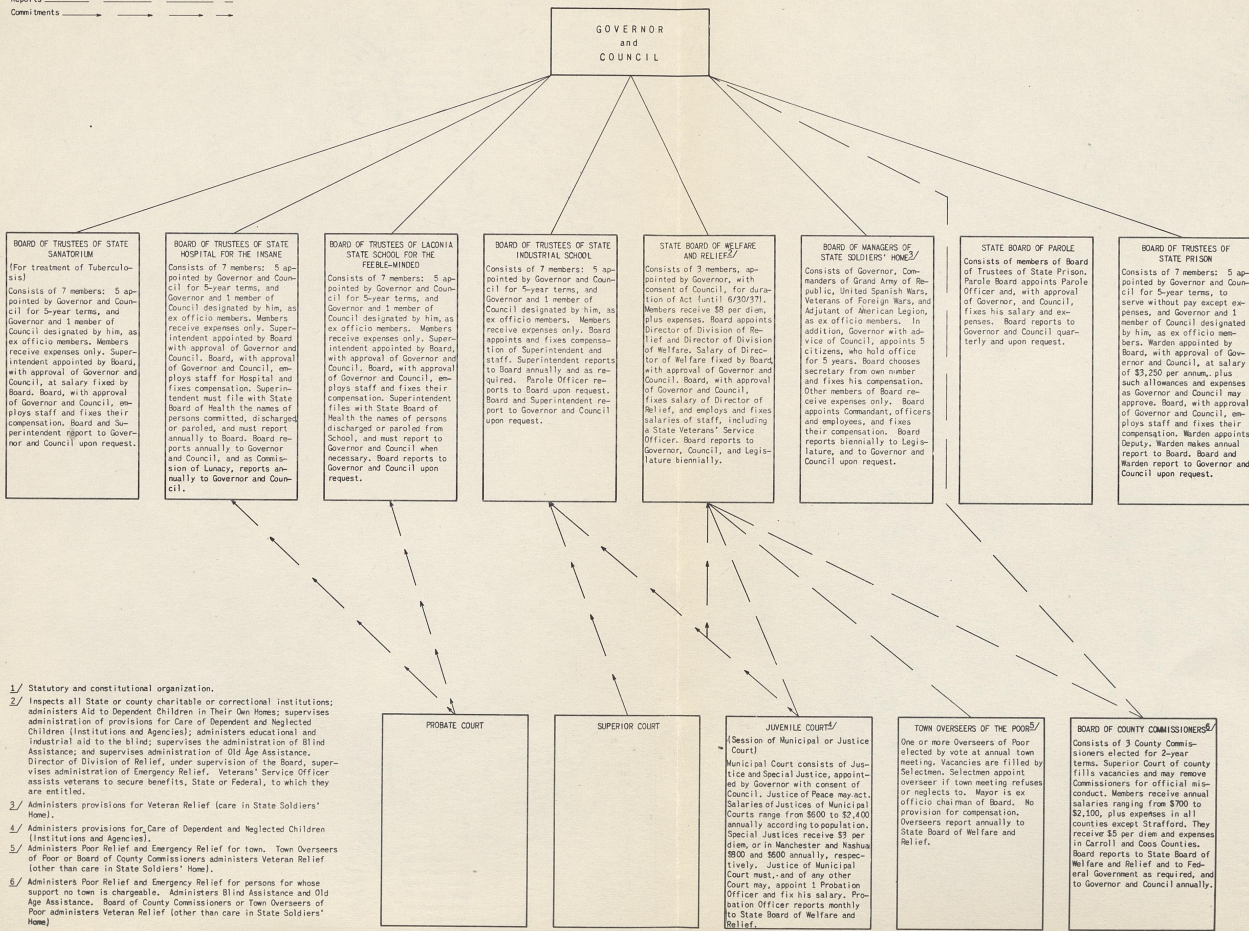
15. Public Laws (1926), Ch. 47, Sec. 39.

16. Ibid, Ch. 51, Sec. 9.

17. Ibid, Ch. 47, Sec. 20.

18. Ibid, Ch. 42, Sec. 4.

Actual Control ———
 Reports ———
 Commissions ———



1/ Statutory and constitutional organization.
 2/ Inspects all State or county charitable or correctional institutions; administers Aid to Dependent Children in their Own Homes; supervises administration of provisions for Care of Dependent and Neglected Children (Institutions and Agencies); administers educational and industrial aid to the blind; supervises administration of Blind Assistance and supervises administration of Old Age Assistance. Director of Division of Relief, under supervision of the Board, supervises administration of Emergency Relief. Veterans' Service Officer assists veterans to secure benefits, State or Federal, to which they are entitled.
 3/ Administers provisions for Veteran Relief (care in State Soldiers' Home).
 4/ Administers provisions for Care of Dependent and Neglected Children (Institutions and Agencies).
 5/ Administers Poor Relief and Emergency Relief for town. Town Overseers of Poor or Board of County Commissioners administers Veteran Relief (other than care in State Soldiers' Home).
 6/ Administers Poor Relief and Emergency Relief for persons for whose support no town is chargeable. Administers Blind Assistance and Old Age Assistance. Board of County Commissioners or Town Overseers of Poor administers Veteran Relief (other than care in State Soldiers' Home).

