

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 656

H. P. 1178

House of Representatives, February 18, 1943.

Referred to Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Sleeper of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

**AN ACT Penalizing Certain Activities Relating to Rationed Commodities
in Time of War.**

Emergency preamble. Whereas, a state of war exists between the United States and Germany, Italy, Japan and other foreign countries; and

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to aid in the effective prosecution of the war and to promote the fulfillment of requirements for the defense of the United States and of the state and the equitable distribution in the state of scarce materials and commodities, and

Whereas, in the judgment of the legislature this fact creates an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Purposes. It is hereby declared to be in the interest of the defense and security of the United States and of the state that certain scarce

commodities rationed by the federal government be equitably distributed in the state.

Sec. 2. Powers of the governor. Whenever the governor shall determine that the federal government or any agency thereof shall have rationed any commodity and that there exists a shortage or a threatened shortage of any such rationed commodity and that the public interest of the state requires such rationing in order to fulfill the requirements for the defense of the United States and of the state and equitably to distribute such rationed commodity in the state, he shall by executive order designate such rationed commodity to be subject to the provisions of this act and promulgate and issue the rules and regulations which shall apply to such rationed commodity for the purposes of this act.

Sec. 3. Theft of ration documents; penalty. Whoever steals, or attempts to steal, embezzles, or obtains by false pretenses, or conspires with 1 or more other persons to steal, any ration check, coupon, book, stamp, certificate, or other ration document relating to or dealing with any commodity designated by the governor under section 2 hereof, shall be punished by imprisonment for not more than 6 months, or by a fine of not more than \$500, or by both such fine and imprisonment.

Sec. 4. Destruction, alteration, or transfer of ration document. Whoever without the consent of the federal government or of any duly authorized agency or representative thereof, destroys, mutilates, or alters, or transfers, or attempts to transfer, or possesses any ration check, coupon, book, stamp, certificate, or other ration document which relates to or deals with any commodity designated by the governor under section 2 hereof, shall be punished by imprisonment for not more than 6 months, or by a fine of not more than \$500, or by both such fine and imprisonment.

Sec. 5. Transfer of rationed commodities. Whoever, in the course of trade or business, transfers, or attempts to transfer any commodity designated by the governor under section 2 hereof, without taking in exchange a valid and sufficient ration check, coupon, book, stamp, certificate, or other ration document, when the taking in exchange thereof is required by the provisions of rules or regulations promulgated or issued by the governor under section 2 hereof, shall be punished by imprisonment for not more than 6 months, or by a fine of not more than \$500, or by both such fine and imprisonment.

Sec. 6. Receiving rationed commodities. Whoever receives or accepts any commodity designated by the governor under section 2 hereof, and

transferred to him by the transferor in the course of the transferor's trade or business, without exchanging a valid and sufficient ration check, coupon, book, stamp, certificate, or other ration document, when the exchange thereof is required by the provisions of rules or regulations promulgated or issued by the governor under section 2 hereof, shall be punished by imprisonment for not more than 6 months, or by a fine of not more than \$500, or by both such fine and imprisonment.

Sec. 7. False statements. Whoever, for the purpose of obtaining any commodity designated by the governor under section 2 hereof, or in any application or registration for any ration check, coupon, book, stamp, certificate, or other ration document relating to or dealing with any such commodity, knowingly makes any false representation as to a material fact shall be punished by imprisonment for not more than 6 months, or by a fine of not more than \$500, or by both such fine and imprisonment.

Sec. 8. Constitutionality. If any word, section, or provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable.

Sec. 9. Duration of act. This act shall remain in force until 6 months after the state of war ceases between the United States and every foreign government or until such earlier time as the legislature, by concurrent resolution, or the governor, by proclamation, may designate; provided, however, that this act shall survive for the purpose of prosecuting and defending all pending suits and causes of suits to which said state or any person affected thereby is, or may be, a party, and all needful processes growing out of the same, including the payment of all judgments or debts which may be rendered against said state or exists in favor of any creditor.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.