

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

NINETY - SECOND L E G I S L A T U R E

Legislative Document

No. 1213

S. P. 468

In Senate, July 9, 1946

Referred to the Committees on Military Affairs and Appropriations and Financial Affairs. Sent down for concurrence and 1,500 copies ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Currier of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SIX

AN ACT to Provide for a Sliding Scale Bonus to Maine Veterans of World War II and to Provide for the Payment Thereof by Running Horse Races.

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

TITLE I

Bonus

Sec. 1. Veterans in World War II entitled to bonus. In order to promote the spirit of patriotism and loyalty, in testimony of the gratitude of the state of Maine, and in recognition of the splendid services of Maine men and women in World War II, every veteran, as hereinafter defined, shall be entitled to receive from the state of Maine, from a fund hereinafter created and called "The Veterans' Bonus Fund," the following sums: \$10 for each month of service in the United States and \$15 for each month of service outside of the United States.

Sec. 2. The term "veteran" defined. The word "veteran" as used in this title shall mean any male or female officer, soldier, sailor, marine, nurse, or any other person regularly enlisted, who was a part of the military or

naval forces of the United States or her allies in World War II between December 7, 1941 and September 2, 1945, inclusive, and who was a resident of the state of Maine at the time he or she was commissioned, enlisted, inducted, appointed or mustered into the military or naval service of the United States or her allies, and who has been or may be given an honorable or ordinary discharge or release from such service; provided, however, that the word "veteran," as used in this title, shall not be construed to mean, and shall not include any person who, at any time during the period of World War II between December 7, 1941 and September 2, 1945, inclusive, sought to avoid service because of conscientious objections thereto, or because of alienage, or who has been at any time guilty of fraud or wilful violation or evasion of the Selective Service Act or of the rules or regulations of the War Department in force thereunder.

Sec. 3. Application for bonus, when and where filed; what application shall contain. Applications for such bonus shall be filed with the adjutant-general, on forms provided by him, within 6 months from the date this act goes into effect; or, in the case of an applicant whose final discharge from service is received after the date this act goes into effect, within 6 months after the date of such discharge. Such application shall state facts sufficient to establish the status of such applicant as veteran as defined herein, and shall be duly verified.

Sec. 4. "Veterans' Bonus Board" created, powers and duties. There is hereby created a board to be known as "The Veterans' Bonus Board," to consist of the finance commissioner, the treasurer of state and the adjutant-general. It shall be the duty of the said board to examine into such applications and make any other examination necessary to establish facts, and approve or disapprove the same. Whenever any such application is approved by said board it shall be the duty of the adjutant-general to prepare a voucher and transmit the same to the state controller; said state controller shall issue his warrant therefor, for the amount stated therein, and the treasurer of state shall pay the same upon approval of the governor and council out of said Veterans' Bonus Fund.

Sec. 5. Board authorized to employ assistance for administration. The Veterans' Bonus Board is hereby empowered, subject to the provisions of the personnel law, to employ such assistance and, with the approval of the governor and council, to incur such other expense as may be necessary for the administration and the carrying out of the provisions of this title; and the funds necessary for such administration and carrying out of the provisions of this title shall be expended from said Veterans' Bonus Fund.

Sec. 6. In case of decease of veteran, bonus to be paid to dependents; order of precedence; bonus not subject to assignment nor to claims of creditors. In the case of the decease of any person who would if alive be entitled to the benefits of this title, the sum herein named shall be paid to his or her dependents, if any, and otherwise to his or her heirs-at-law; provided that if there is more than one dependent or heir-at-law, payments shall in either case be made in such proportions as the said Veterans' Bonus Board shall determine, and in determining the order of precedence the following order so far as practicable shall be observed: spouse and children, mother or father, brother or sister, other dependents; provided, however, that no right or payment under this title shall be subject to the claims of creditors capable of assignment and no assignment of the same shall be valid or binding, regarded as assets legal or equitable of the estate of the deceased or made the basis for administration thereof.

TITLE II

Bonds

Sec. 1. Bond issue authorized to provide funds; bonds to mature within 15 years of issue. For the purpose of carrying out the provisions of this act, the treasurer of state is hereby authorized, with the approval of the governor and council, to issue bonds or notes from time to time as they are needed, to an amount not exceeding in the aggregate \$30,000,000. Such bonds or notes shall be designated "Maine Military Service Loan, Act of 1946," shall mature not more than 15 years from the date thereof, and shall bear such rate of interest, and be in such form and on such terms and conditions, other than those herein specified, as the governor and council may determine. Such bonds or notes shall be issued in the name and behalf of the state, and shall be deemed a pledge of the faith and credit of the state. The proceeds of the sale thereof shall be paid into the general fund and expended in the following manner:

I. Such sum as may be necessary to the credit of a fund hereby created, which fund shall be known as "The Veterans' Bonus Fund," and from which the payments authorized by Title I shall be made;

II. Such sum as may be necessary to carry out the provisions of Title III.

Sec. 2. How funds shall be provided for retirement of bonds. The amount necessary to pay said bonds or notes as they mature, and the interest as it accrues, shall be raised from the proceeds derived from the

provisions of Title III. Beginning April 1, 1947 and for each succeeding year for 19 years, there shall be raised a sum sufficient for the redemption of such bonds or notes to an amount not exceeding \$1,500,000 per year and such additional sum as may be required for the payment of interest on all such bonds or notes outstanding. The sum so raised shall be paid into the general fund, and redemption of said bonds or notes and payment of the interest thereon shall be made from said fund.

TITLE III

State Running Race Commission

R. S., c. 77-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 77-A, to read as follows:

CHAPTER 77-A.

State Running Race Commission

Sec. 1. State running race commission. There shall be and hereby is created a state running race commission, hereinafter in this chapter called the "commission" consisting of 3 members who shall be appointed and may be for cause removed by the governor with the advice and consent of the council. One member shall be appointed for 1 year, one for 2 years and one for 3 years and upon the expiration of their terms of office their successors shall be appointed for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. No member of the commission shall have any pecuniary interest in any racing or the sale of pari mutuel pools licensed under the provisions of this chapter.

Sec. 2. Organization. The commissioners shall select one from their number to be chairman and another to be secretary of the commission. Two of the members of the commission shall constitute a quorum to do business. It shall be the duty of the secretary to keep a record of all proceedings of the commission and to preserve all books, maps, documents, papers and records entrusted to its care.

Sec. 3. Office. The commission shall maintain an office in Augusta, open the entire year, and during the time in which running races are conducted in the state may maintain branch offices elsewhere.

Sec. 4. Assistants. The commission, with the approval of the governor and council, is authorized to employ such assistants and employees as it may deem necessary to provide adequate policing and to carry out the pur-

poses of this chapter at such compensation on a per diem basis, subject to the provisions of the personnel law.

Sec. 5. Compensation. Each member of the commission shall receive a salary of \$4,000 a year and his reasonable expenses, including transportation, incurred in the performance of his duties.

Sec. 6. Report of the commission. The commission shall make an annual report to the governor on or before the 1st day of December in each year, including therein an account of its actions, receipts derived under the provisions of this chapter, the practical effects of the application of this chapter and any recommendation for legislation which the commission deems advisable.

Sec. 7. Rules and regulations. Said commission shall make rules and regulations for the holding, conducting and operating of all running horse races or meets for public exhibition held in this state and for the operation of race tracks on which any such race or meet is held. No such race or meet shall be permitted on Sunday. The physical plants conducting such running races shall be comparable to the physical plants of New England tracks now operating.

Sec. 8. Races. No person, association or corporation shall hold, conduct or operate any running horse race or meet for public exhibition, if pari mutuel betting is permitted, within the state without a license from the state running race commission. The commission may sell the right to conduct running horse races to the highest bidder therefor, provided such bid is in an amount not less than \$2,000,000 annually.

Sec. 9. Licenses. Any person, association or corporation desiring to hold a running horse race or meet for public exhibition shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

- I. The full name and address of the person, association or corporation;
- II. If an association, the names and residences of the members of the association;
- III. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders;
- IV. The exact location where it is desired to conduct or hold races or race meets;

V. Whether or not the racing plant is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation, of the directors and stockholders thereof;

VI. A statement of the assets and liabilities of the person, association or corporation making such application;

VII. Such other information as the commission may require.

Sec. 10. Issuance of license. If the commission is satisfied that all the provisions of this chapter and the rules and regulations prescribed by the commission have been and will be complied with by the person, association or corporation applying for a license, it may issue a license which shall expire on the 31st day of December. The license shall set forth the name of the licensee, the place where the races or race meets are to be held, and the time and number of days during which racing may be conducted by said licensee. Any such license issued shall not be transferable or assignable. Said commission shall have power to revoke any license issued at any time for good cause upon 30 days' notice and hearing. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation and the corporation shall not hold a running horse race or meet for public exhibition, without a new license.

Sec. 11. Penalty. Any person, association or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting of any running horse race or meet for public exhibition within the state without a license duly issued by said commission, or any person, association or corporation who violates any of the provisions of this chapter or who violates any of the rules and regulations prescribed by the commission shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

Sec. 12. Pari mutuel pools. Within the enclosure and on the grounds of any race track where is held a race or race meet licensed and conducted under this chapter but not elsewhere, the sale of pari mutuel pools under such regulations as may be prescribed by said commission is hereby permitted and authorized. Commissions on such pools shall in no event and at no track exceed 12% and the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of 5. Said maximum shall include the 5% tax hereinafter prescribed.

Sec. 13. Tax on pari mutuel pools. Each person, association, or corporation licensed to conduct a race or race meet under this chapter shall pay to the treasurer of state for the use of the state a sum equal to 5% of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this chapter.

Sec. 14. Payment. Said payment under the preceding section shall be made not later than 7 days after each race and shall be accompanied by a report under oath showing the total of all said contributions to pari mutuel pools covered by such report and such other information as the commission may require.

Sec. 15. Records. Every person, association or corporation conducting a race or race meet under this chapter shall so keep its books and records as to clearly show the total number of admissions and the total amount of money contributed to every pari mutuel pool on each race separately and the amount of money received daily from admission fees, and within 60 days after the conclusion of every race meeting shall submit to the commission a complete audit of its accounts certified by a public accountant qualified to practice in the state of Maine and approved by the commission.

Sec. 16. Minors. No minor whether attending a race or employed in any manner on or about a race track shall be permitted to participate in any pari mutuel pool or be admitted to any pari mutuel enclosure.

Sec. 17. Supervision. Said commission shall have the power and authority to regulate, supervise and check the making of pari mutuel pools and the distribution therefrom. Said commission shall have the further power and authority to investigate as to the direct and indirect ownership and control of any licensee and any expense incurred by the commission in so doing shall be at the expense of such licensee or of the applicant for a license.

Sec. 18. Enforcement. It shall be the duty of the attorney-general with the aid of the solicitors of the several counties to enforce the provisions of this chapter upon notification from said commission of any violations thereof.

TITLE IV

Conditional upon adoption of constitutional amendment; act to become effective upon same date as constitutional amendment. This act shall take effect only upon the adoption in September, 1946, of the proposed amendment to Article IX of the constitution providing for the issuing of state bonds for the purpose of paying a sliding-scale bonus to Maine members of

the military and naval forces of World War II; and in case of such adoption, shall take effect on the day said constitutional amendment becomes effective.