

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1478

H. P. 1736

House of Representatives, April 29, 1947.

Reported by Five Members (Report B) from Committee on Military Affairs and printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

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

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 sum of \$100.

Sec. 2. The word "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 or inducted, who has been a part of the military or naval forces of the United States in World War II at least 3 months between December 8, 1941 and August 14, 1945, inclusive, unless honorably discharged for physical disability incident to such service,

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, and who has been or may be given an honorable discharge or release from such service.

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 commissioner of finance, 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 the approval of the governor and council out of said Veterans' Bonus Fund. The board shall have the authority to determine the date when bonus payments shall commence.

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 procedure; 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 in cash 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, pay-

ments 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

Bond Issue

Sec. 1. Bond issue authorized to provide funds; bonds to mature within 20 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 \$10,000,000. Such bonds or notes shall be designated "Maine Military Service Loan, Act of 1947," shall mature not more than 25 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 shall contain such callable features as governor and council shall 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 expended 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.

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 moneys collected under the provisions of title III. Beginning April 1, 1949 and for each and every succeeding year for 24 years, there shall be allocated from such moneys a sum sufficient for the redemption of such bonds or notes to an amount not exceeding \$400,000 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 collected 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

Running Horse Racing

Sec. 1. R. S., c. 77, § 9, amended. Section 9 of chapter 77 of the revised statutes is hereby amended to read as follows:

'Sec. 9. Rules and regulations. The commission shall make rules and regulations for the holding, conducting, and operating of all ~~harness~~ 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 held on Sunday. No meeting shall be allowed for more than 6 days in any 30-day period, except that between the 1st day of July and the 1st Monday of August, a meeting may be allowed for not exceeding 18 days on mile tracks. In the event such an 18-day meeting is held, no further meetings where pari mutuel betting is permitted, shall be allowed during the same calendar year. ~~No part of this chapter shall be construed to apply to any racing whatever except harness horse races.'~~

Sec. 2. R. S., c. 77, § 10, amended. Section 10 of chapter 77 of the revised statutes is hereby amended to read as follows:

'Sec. 10. Races. No person, association, or corporation shall hold, conduct, or operate any ~~harness~~ horse race or meet for public exhibition, if pari mutuel betting is permitted, within the state without a license from the commission.'

Sec. 3. R. S., c. 77, § 11, amended. The 1st paragraph of section 11 of chapter 77 of the revised statutes is hereby amended to read as follows:

'Any person, association, or corporation desiring to hold a ~~harness~~ 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:'

Sec. 4. R. S., c. 77, § 14, amended. Section 14 of chapter 77 of the revised statutes is hereby amended to read as follows:

'Sec. 14. Penalty. Any person, association, or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting of any ~~harness~~ 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 chap-

ter 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.'

TITLE IV

Referendum

This act shall be submitted for approval or rejection to the duly qualified voters of the state of Maine at the next state-wide election to be held on the 2nd Monday of September, 1947. The municipal officers of the cities, towns and plantations in this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives to give in their votes upon this act, and the question shall be: "Shall the act providing for the payment of a bonus to Maine veterans of World War II and to provide for the payment thereof by running horse racing, as submitted by the 93rd legislature to the people, be accepted?" and the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the act expressing it by making a cross within the square opposite the word "Yes" upon the ballots and those opposed to the act by making a cross within the square opposite the word "No" upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and returns made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the governor shall forthwith make known the fact by his proclamation and thereupon this act shall become law. The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof.

TITLE V

Conditional upon adoption of constitutional amendment; act to become effective upon same date as constitutional amendment. This act shall take effect only under the provisions of title IV and upon the adoption in September, 1947, of the proposed amendment to article IX of the constitution providing for the issuing of state bonds for the purpose of paying

a bonus to Maine veterans of World War II and to provide for the payment thereof by running horse racing and dog racing; and in case of such adoption shall take effect on the day said constitutional amendment becomes effective.