

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 215

H. P. 663

House of Representatives, January 28, 1949.

Referred to Committee on Military Affairs, sent up for concurrence and 1,500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Gauvin of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

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

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 not to exceed \$200, and \$15 for each month of service outside of the United States; the total bonus to any one veteran, however, not to exceed \$300.

Sec. 2. The term "veteran" defined. The word "veteran" as used in this act 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 for at least 90 days 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 and also persons who died while in line of duty within 90 days after becoming a part of such military or naval forces; provided, however, that the word "veteran," as used in this act, 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 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 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 act; and the funds necessary for such administration and carrying out of the provisions of this act 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 act, 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, 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 act 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 \$16,000,000. Such bonds or notes shall be designated "Maine Military Service Loan, Act of 1949," 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, 1950 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 \$16,000,000 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

State Lottery Commission

Sec. 1. State lottery commission, created. There is hereby created a state lottery commission to be composed of 3 members, no more than 2 of whom shall be of the same political party, to be appointed by the governor subject to the approval of his council. These members shall be appointed to serve for 1, 2 and 3 years respectively, and until their successors are appointed, approved, and duly qualified and thereafter on the expiration of the term of any member, a member shall be appointed for a term of 3 years. In case of vacancy because of death, resignation or otherwise, a member shall be appointed in like manner for the remainder of the unexpired portion of the term. The members shall elect one of their number to act as chairman of the commission. The salary of the chairman shall be \$5,000 per year. The salaries of the other members shall be \$4,000 per year.

Sec. 2. Duties of commission. The state lottery commission is hereby empowered and directed to establish a state lottery or state lotteries for the benefit of the state, the tickets of such lottery or lotteries to be numbered and the winners of prizes to be determined by public drawing of numbers in a manner determined by the commission, and shall have no power to authorize the operation of any other lottery or lotteries. It is further empowered and directed to issue rules and regulations for the regulation of the aforesaid state lotteries for the following purposes:

- I. So that the percentage of chances and the fairness of the lottery, or lotteries, will be assured to the participants therein, and
- II. So that the technical details of the management of the lottery, or lotteries, will accomplish the purposes as herein set forth.

It is further empowered and directed to do such other acts not specifically provided for herein as may seem advisable to it in the promotion and management of the said lottery or lotteries.

Sec. 3. Sale to relief cases, minors, and employees of the lottery commission prohibited. All minors, all persons receiving relief from any state, local, county, or federal agency or agencies, and all persons employed by the state lottery commission in the administration of the state lottery or

lotteries are hereby prohibited from purchasing any ticket or tickets in any lottery or lotteries conducted by the state, and are not eligible to receive prizes in such lottery or lotteries. If any minor, or any person receiving such relief, or any such employee of the state lottery commission purchases such ticket or tickets in violation of the provisions of this section and such ticket is of a number which is drawn as a winner of a prize, such prize shall be applied by the commission to the purpose mentioned in subsection (c) of section 6. Any person or persons selling any state lottery ticket or tickets to a minor shall be punished by a fine of not more than \$1000, or by imprisonment for not more than 11 months.

Sec. 4. Sale of tickets. The commission is hereby authorized and directed to arrange for the sale of tickets for any state lottery under the following restrictions:

I. If any city, town, or plantation, by their duly authorized officials elect to handle the sale of state lottery tickets, they shall retain 15% of the gross receipts.

II. In such cities, towns and plantations as do not so elect as provided in the preceding paragraph the commission may establish such agencies therein for the sale of state lottery tickets as it deems advisable, not inconsistent however with the desires of the duly authorized officials of said city, town or plantation.

Sec. 5. State lottery account. The state controller is hereby directed and empowered to set up an account, to be known as the "state lottery account" to which shall be charged all expenses accruing to the state from the functioning of the state lottery commission, including original appropriation provided for herein, and to which shall be credited all income derived from the sale of lottery tickets, sold under the authority provided for in this act.

Sec. 6. Allocation of funds. The net amount received by the state under this act shall be allocated, appropriated and used as follows:

(a) 10% thereof for the administration of said state lottery; should any part thereof not be needed for such purpose, such part shall be applied to the purpose mentioned in subsection (c) hereof;

(b) 40% thereof for prizes to be awarded in the conduct of said state lottery;

(c) 50% thereof for the amortization of any bonds issued under the provisions of Title II.

Sec. 7. Appropriation. The governor and his council are hereby authorized and directed to appropriate such moneys as are necessary for the expenses of beginning the operation of the aforesaid state lottery or lotteries, and such other expenses as may accrue from time to time, which amounts are to be debited to the "state lottery account."

Sec. 8. R. S., c. 126, § 1, amended. Section 1 of chapter 126 of the revised statutes is hereby amended to read as follows:

Sec. 1. Pool selling; penalty; exceptions. Whoever engages or participates in pool selling, **except by authority of the state lottery commission**, or aids or abets the same by his presence, shall be punished by a fine of not more than \$2,000, and by imprisonment for not more than 2 years.'

Sec. 9. R. S., c. 126, § 21, additional. Chapter 126 of the revised statutes is hereby amended by adding thereto a new section to be numbered 21, to read as follows:

Sec. 21. Exceptions. The provisions of the 3 preceding sections shall **not apply to the state lottery commission or any acts done by them or others under the authority of the act creating the said commission.**'

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, 1949. 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 a state lottery, 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, 1949 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 a state lottery; and in case of such adoption shall take effect on the day said constitutional amendment becomes effective.