

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1214

H. P. 851

House of Representatives, March 11, 1959

Referred to Committee on Veterans and Military Affairs and Legal Affairs jointly. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Dumais of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT to Authorize Issuance of Bonds in the Amount of Twenty-Two Million Dollars for Bonus to Maine Veterans of World War II and the Korean Campaign and Providing Revenue Therefor.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with Section 14 of Article IX of the Constitution to provide for the issuance of bonds on behalf of the State of Maine for the purpose of a bonus to Maine veterans of World War II and the Korean Campaign.

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

TITLE I

Bonus.

Sec. 1. Veterans of World War II and Korean Campaign 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 and the Korean Campaign, 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," sums as follows :

I. One hundred dollars to each veteran who was in service, while a bona fide resident of Maine, 6 months but less than one year, but served no part thereof in Alaska or in any place outside the continental United States.

II. One hundred and fifty dollars to each veteran who was in service, while a bona fide resident of Maine, more than one year, but served no part thereof in Alaska or in any place outside the continental limits of the United States.

III. Two hundred and fifty dollars to each veteran who was in service, while a bona fide resident of Maine, outside the continental limits of the United States or in Alaska.

Sec. 2. The word "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 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, or between June 15, 1950 and until such date as the United States concludes its participation in hostilities in Korea, 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 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 created a board to be known as the "Veterans' Bonus Board," to consist of the Director of Veterans Affairs, 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 empowered, subject to 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 this act; and the funds necessary for such administration and carrying out 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 case of the decease of any person who would, if alive, be entitled to the benefits of this act, the sums 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 de-

termining 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.

Bond issue of \$22,000,000 authorized. For the purpose of carrying out this act, the Treasurer of State is authorized, under the direction of the Governor and Council, to issue bonds from time to time as they are needed, to an amount not exceeding in the aggregate \$22,000,000. Such bonds shall be designated "Maine Military Service Loan, Act of 1959," shall mature not more than 20 years from the date thereof, and shall bear such rate of interest, and be in such form and on such terms and conditions, not inconsistent herewith, as the Governor and Council may determine. Such bonds shall contain such callable features as the Governor and Council shall determine. Such bonds 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 credited to 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. Beginning April 1, 1961 and for each and every succeeding year for 19 years there shall be appropriated from the General Fund a sum sufficient for the redemption of such bonds to an amount not exceeding \$1,100,000 per year and such additional sum as may be required for the payment of interest on all such bonds outstanding. The sum so levied and 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

Greyhound Racing.

Sec. 1. R. S., c. 87-A, additional. The Revised Statutes are amended by adding thereto a new chapter to be numbered 87-A, to read as follows:

Chapter 87-A.

Greyhound Racing Commission.

Sec. 1. Greyhound Racing Commission. There is created a Greyhound Racing Commission, hereinafter in this chapter called the "commission," which shall consist of 3 members appointed by the Governor with the advice and consent of the Council. No more than 2 members shall be of the same political party. One member shall be appointed for a term of 3 years or until his successor has been appointed and qualified. One member shall be appointed for a term of 4 years or until his successor has been appointed and qualified. One

member shall be appointed for a term of 5 years or until his successor has been appointed and qualified. Any vacancy shall be filled for the unexpired term by the Governor with the advice and consent of the Council. One member shall be appointed by the Governor as chairman and one as secretary. No member shall have any pecuniary interest in any racing or the sale of pari mutuel pools licensed hereunder.

Sec. 2. Office. The commission shall have an office in Augusta and during the time in which racing is conducted in the State may maintain branch offices elsewhere.

Sec. 3. Assistants; limitation. The commission is authorized to employ such assistants and employees as it may deem necessary to provide adequate policing and to carry out the purposes of this chapter at such compensation on a per diem basis as the commission may prescribe, subject to the Personnel Law.

Sec. 4. Compensation. Each member of the commission, except the chairman, shall receive a salary of \$1,200 a year and reasonable expenses, including transportation. The chairman shall receive \$1,500 a year and his reasonable expenses, including transportation, incurred in the performance of his duties.

Sec. 5. Report. The commission shall make an annual report to the Governor on or before the first day of February in each year, including therein an account of its actions, receipts derived under the provisions hereof, the practical effects of the application of this chapter and any recommendation for legislation which the commission deems advisable.

Sec. 6. Rules and regulations. Said commission shall make rules and regulations for the holding, conducting and operating of all greyhound races and for the operation of race tracks on which any such greyhound race meet is held. No such race meet shall be permitted on Sunday.

Sec. 7. Races. No person, association, corporation, trust or partnership shall conduct, hold or operate any greyhound meet or race for public exhibition, if pari mutuel betting is permitted, without a license from the commission.

Sec. 8. License. Any person, association, corporation, trust or partnership, desiring to hold a greyhound 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, corporation, trust or partnership;
- II. If an association, trust or partnership, the names and residences of the members of the organization;
- 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, corporation, trust or partnership making such application; and

VII. Such other information as the commission may require.

Sec. 9. Issuance of license; fee. If the commission is satisfied that all provisions of this chapter and the rules and regulations prescribed by the commission have been and will be complied with by the applicant, it may issue an annual 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 nor assignable. Said commission shall have power to revoke any license for good cause upon reasonable 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 greyhound race meet for public exhibition without a new license. The fee for such license shall be \$5,000 annually.

Sec. 10. Bond. Every person, association, corporation, trust or partnership, licensed under this chapter shall, before said license is issued, give a bond to the State in such reasonable sum, not exceeding \$100,000, as may be fixed by the commission, with a surety or sureties to be approved by the commission, conditioned to faithfully make the payments prescribed and to keep its books and records and make reports as herein provided and to conduct its racing in conformity with this chapter and with the rules and regulations prescribed by the commission.

Sec. 11. Penalty. Any person, association, corporation, trust or partnership, holding or conducting, or any persons or person aiding or abetting in the holding or conducting, of any greyhound race or meet for public exhibition within the State, without a license duly issued by said commission, or any person, association, corporation, trust or partnership who violates any 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 one year, or by both.

Sec. 12. Malicious interference with greyhounds. Any person who willfully or maliciously attempts to or does interfere with, tamper with, injure or destroy by the use of narcotics, drugs, stimulants or appliances of any kind any greyhound used for the purpose of racing, whether such greyhound be the property of such person or another, or who willfully or maliciously causes, instigates, counsels or in any way aids or abets any such interference, tampering, injury or destruction shall, upon conviction, be punished by a fine of not more than \$5,000 or by imprisonment for not more than 3 years, or by both in the discretion of the court, and the owner of any greyhound engaged in racing within this State that is found to have been stimulated or doped, or any entry of which such greyhound is a part, shall be denied any part of the purse offered for such race, and the purse shall be distributed as in the case of a disqualification.

Sec. 13. **Pari mutuel pools.** Within the enclosure 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 by the licensee under such regulations as may be prescribed by said commission is permitted and authorized. Commissions on such pools shall in no event and at no track exceed 16% of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage," all of which breakage shall be paid to the Treasurer of State. Said maximum shall include the 5½% tax hereinafter prescribed. A sum equal to 1% of such total contributions shall be paid to the Treasurer of State to be credited to the "Stipend Fund" provided by chapter 32, section 17.

Sec. 14. **Tax.** Each person, association, corporation, trust or partnership licensed to conduct a race or race meet under this chapter shall pay to the Treasurer of State, to be credited to the General Fund, a sum equal to 5½% of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed hereunder. Each person, association, corporation, trust or partnership licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located the sum of \$25 for each day of racing, provided such person, association, corporation, trust or partnership has a license to conduct races or race meets for more than 8 days during the year for which the license is issued.

Sec. 15. **Payments.** Payments under section 14 shall be made not later than 7 days after each racing day 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. 16. **Unclaimed ticket money.** On or before the first Monday in January of each year, every person, association, corporation, trust or partnership, conducting such a race or race meet, shall pay to the Treasurer of State all moneys collected during the year for pari mutuel pool tickets which have not been redeemed. Said moneys shall be retained by the Treasurer of State and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of 3 months, all of such moneys still in the custody of the Treasurer of State shall be credited to the General Fund.

Sec. 17. **Records.** Every person, association, corporation, trust or partnership, conducting such a race or race meet, shall so keep its books and records as to clearly show the total amount of money contributed to every pari mutuel pool on each race separately, 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 and approved by the commission.

Sec. 18. **Minors.** No minor shall be permitted to participate in any pari mutuel pool or be admitted to any pari mutuel enclosure.

Sec. 19. **Employees.** At least 80% of all the persons employed by a person, association, corporation, trust or partnership, conducting a racing plant under this chapter, shall have resided in this State for a period of not less than one year. This section shall not apply to the construction of a racing plant or its equipment.

Sec. 20. Supervision. The commission shall have the power and authority to regulate, supervise and check the making of pari mutuel pools and the distributions therefrom.

Sec. 21. Employment. No person, association, corporation, trust or partnership holding a license granted under section 8 shall employ in any capacity whatsoever any person holding office as a duly elected member of the Legislature of the State of Maine. Whoever violates this section shall be punished by a fine of not less than \$1,000 nor more than \$5,000, for each offense.

Sec. 22. Enforcement. It shall be the duty of the Attorney General with the aid of the county attorneys of the several counties to enforce the provisions of this chapter upon notification from the commission of any violations thereof.'

Sec. 2. Effective date. The provisions of this title shall become effective on January 1, 1961.

TITLE IV

State Revenue-raising Pool.

Sec. 1. R. S., c. 87-B, additional. The Revised Statutes are amended by adding thereto a new chapter, to be numbered 87-B, to read as follows:

'Chapter 87-B.

State Revenue-raising Pool.

Sec. 1. State pool. There is created a State Revenue-raising Pool to be controlled and operated by the State of Maine and under the supervision of the Greyhound Racing Commission.

Sec. 2. Duties of commission. The commission shall have the duty of establishing and supervising the pool for the purposes set forth in this chapter. It may adopt such rules and regulations as it may deem necessary to carry out the purposes of this chapter. It shall have exclusive control over the printing, distribution and sale of tickets; determination, announcement and payment of prizes; and safeguards to be established for the protection of the State and the public, subject only to the restrictions hereof. Such rules and regulations as may be adopted by the commission shall be by majority vote. The commission shall employ a director to be the executive officer of the commission and who shall have the duty of enforcing the rules and regulations. The director shall keep full and accurate records of all commission meetings, rules and regulations adopted by the commission, accounts of all operations, prepare all necessary reports, and perform such other duties as may be assigned to him by the commission.

Sec. 3. Records open. A copy of all reports and records required under this chapter shall be filed with the Secretary of State and same shall there be open to public inspection at all reasonable times.

Sec. 4. Pool established. The State Revenue-raising Pool shall be conducted on a state-wide basis by means of the sale of numbered tickets. Draw-

ing of winning numbers shall be made promptly at the close of each pool period in accordance with rules and regulations to be made by the commission, said drawing to be open to the public and to be held in the House of Representatives hall in Augusta. The commission shall publicly announce, not later than 5 days prior thereto, the date of the drawing, the number of prizes to be drawn, and the amount of each prize. The commission shall determine the number of such pool periods as shall be established in any one calendar year. The commission will have the authority to establish the amount of each prize, provided the net amount to be drawn shall not exceed 50% of the net proceeds from the sale of tickets to be returned in the form of prizes, no more than 10% of which shall be in any one prize.

Sec. 5. Advertising. The commission shall adopt rules and regulations relative to the advertising for sale of pool tickets toward the end that such advertising shall be held at a minimum, and it shall be unlawful for any person to advertise contrary to such rules and regulations. Any person violating this section shall be punished by a fine of not more than \$1,000, or by imprisonment of not more than 6 months, or by both. Nothing herein contained shall authorize the commission to provide for advertising which is prohibited under federal or state laws.

Sec. 6. Treasurer of State. The commission shall deposit with the Treasurer of State such moneys as shall be received by it, which shall be kept in a separate fund. The Treasurer of State is authorized to issue his checks against said fund forthwith upon written order signed by any 2 commissioners.

Sec. 7. Reports. At the conclusion of every pool period the director shall prepare a report which shall show:

- I. The total number of tickets sold and the amount of money received from such sales;
- II. The expense of operation for the period; and
- III. The amount of prizes paid for the period.

This report shall be filed with the Governor and Council within 30 days from the close of such period and a copy given to the Treasurer of State.

Sec. 8. Distribution. The Treasurer of State, after deducting expenses incurred and after carrying out the provisions of section 12, shall credit the balance of the funds in his hands to the General Fund of the State.

Sec. 9. Prohibition. No person who is not duly authorized by the commission to sell tickets shall sell, or cause or permit to be sold, any lottery tickets of any kind.

Sec. 10. Minors. No person shall sell, or cause or permit to be sold, to a minor any pool ticket and no person shall permit a minor to sell pool tickets, or knowingly permit any other person to handle, buy or sell pool tickets to whom any court, selectmen of a town, chief of police, overseer of the poor or the commission shall prohibit the sale thereto.

Sec. 11. Penalty. Whoever violates any of the provisions of this chapter or any of the rules and regulations promulgated pursuant thereto shall be punished by a fine of not more than \$5,000, or by imprisonment for not less than 2 years nor more than 5 years, or by both.

Sec. 12. Appropriation. There is appropriated from the General Fund the sum of \$25,000 for the purpose of starting the revenue pool established. Said sum or such part thereof as may be required to start said pool shall be considered a loan by the State and shall be returned to the State at the earliest possible moment by the pool commission from the proceeds of the pool.'

Sec. 2. Effective date. The provisions of this title shall become effective on January 1, 1961.

TITLE V.

Use of Proceeds.

Use of proceeds. The proceeds derived under Titles III and IV shall be paid into the General Fund of the State and expended in the following manner:

- I. Such sum as may be necessary to carry out the provisions of Title II;
- II. Such sum as may be necessary to pay the expenses of the administration, collection and enforcement of this act.

TITLE VI.

Referendum.

Referendum for ratification. The aldermen of cities, the selectmen of towns and the assessors of the several plantations of 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 at the next general or special state-wide election to give in their votes upon the acceptance or rejection of the foregoing act, and the question shall be: "Shall a bond issue be ratified, as proposed by an act of the Legislature, in the amount of twenty-two million dollars for bonus to Maine Veterans of World War II and the Korean Campaign and to provide for the payment of such bonds by greyhound racing and state revenue pool tickets?"

The inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of said ratification voting "Yes" and those opposed to said ratification voting "No," and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return 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 said act, the Governor shall forthwith make known the fact by his proclamation, and the act shall thereupon become effective as of the date of said proclamation.

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.