

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninetieth Legislature

1941

the National Housing Act and for the insurance of which under that act, seasonable application is made pursuant to the provisions of Title I of the National Housing Act.'

Approved March 8, 1941

Chapter 30

AN ACT to Exempt the American National Red Cross and Its Local Chapters from Municipal Taxation.

Emergency preamble. Whereas, the American National Red Cross is a benevolent and charitable corporation within the meaning of paragraph III of section 6 of chapter 13 of the revised statutes, except that said American National Red Cross is not an institution incorporated by the state of Maine; and

Whereas, one of the primary duties of the American National Red Cross is to render services and financial aid to the civilian population of this state in times of distress and to the families and the personnel of the armed forces of the United States, and this duty has largely increased within the past year due to the existence of a limited national emergency as proclaimed by the president of the United States; and

Whereas, payment by the American National Red Cross of municipal taxes will lessen substantially the amount of services that may be rendered and the financial aid that may be given to the said armed forces of the United States; and

Whereas, payment by the American National Red Cross of municipal taxes will subject said American National Red Cross to an unjust financial burden in these days of widespread national and international suffering toward the alleviation of which said American National Red Cross is bending all its efforts; and

Whereas, it is immediately necessary that provision be made for the relief of the said American National Red Cross from any taxes that might otherwise be assessed as of April 1st, 1941; and

Whereas, in the judgment of the legislature the foregoing facts create an emergency within the meaning of section 16 of Article XXXI of the constitution, and require the immediate passage of the following legislation as

CHAP. 30.

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:

R. S., c. 13, § 6, ¶ III, amended. Paragraph III of section 6 of chapter 13 of the revised statutes, as amended, is hereby further amended to read as follows:

‘III. All property which by the articles of separation is exempt from taxation; the personal property of all literary and scientific institutions; the real and personal property of all benevolent and charitable institutions incorporated by the state; the real estate of all literary and scientific institutions occupied by them for their own purposes or by any officer thereof as a residence; the real and personal property owned by posts of the American Legion, Veterans of Foreign Wars, Grand Army of Republic, war with Spain, and Disabled American Veterans in this state and occupied or used solely by said posts for their own purposes; the real and personal property owned by chambers of commerce or boards of trade in this state and occupied or used solely by said chambers of commerce or boards of trade for their own purposes; the real and personal property owned by the American National Red Cross in this state and occupied or used solely by said American National Red Cross for its own purposes; the real and personal property of all local chapters, situated in this state, of said American National Red Cross, where said property is occupied or used solely by said local chapters for their own purposes. Corporations whose property or funds in excess of their ordinary expenses are held for the relief of the sick, the poor, or the distressed, or of widows and orphans, or to bury the dead, are benevolent and charitable corporations within the meaning of this specification, without regard to the sources from which such funds are derived, or to limitations in the classes of persons for whose benefit they are applied; but so much of the real estate of such corporations as is not occupied by them for their own purposes shall be taxed in the municipality in which it is situated. Provided, however, that nothing in this paragraph shall be construed to entitle any institution, association or corporation otherwise qualified for exemption as a benevolent or charitable institution to any exemption from taxation if any officer, member or employee thereof shall receive or may be legally entitled to receive any pecuniary profit from the operation thereof, except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly benevolent or charitable purposes, or if the organization thereof for any such avowed purposes be a pretense for directly or indirectly making any other pecuniary profit for such institution, corporation, or association, or for any of its members or employees, or if it be not or-

ganized and conducted exclusively for benevolent and charitable purposes. And any college in this state authorized under its charter to confer the degree of bachelor of arts or of bachelor of science, and having real estate liable to taxation, shall, on the payment of such tax and proof of the same to the satisfaction of the governor and council be reimbursed from the state treasury to the amount of the tax so paid; provided, however, that the aggregate amount so reimbursed to any college in any one year shall not exceed \$1500; and provided, further, that this claim for such reimbursement shall not apply to real estate bought by any such college after the 12th day of April, 1889, and provided, however, that the provisions of this paragraph shall not apply to a summer camp, or other seasonal resort, which derives a profit on its actual operating and administrative expenses incurred thereat or within the state of Maine, nor to that part of its property from which it receives compensation in the form of rent. Such camp or resort shall keep full financial records which shall at all times be open and available to inspection by the tax assessors of the town or city where it is located.'

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

Approved March 8, 1941

Chapter 31

AN ACT To Amend the Workmen's Compensation Act.

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

R. S., c. 55, §24, amended. The 1st paragraph of section 24 of chapter 55 of the revised statutes, as amended by section 8 of chapter 276 of the public laws of 1939, is hereby further amended to read as follows:

'When any injury for which compensation or medical benefits is payable under this act shall have been sustained under circumstances creating in some person other than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim such compensation and benefits or obtain damages from or proceed at law against such other person to recover damages. Any employer having paid such compensation or benefits or having become liable therefor under any decree or approved agreement shall be subrogated to the rights of the injured employee to recover against that person; provided, if the employer shall recover from such other person damages in excess of the compensation and benefits so paid or for which he has thus become liable, then any such excess shall be paid to the injured employee less the employer's ex-