

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 26 of chapter 9 of the Revised Statutes of 1944.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1949



PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-fourth Legislature

1949

the public laws of 1945, and by section 2 of chapter 231 of the public laws of 1947, is hereby further amended to read as follows:

'VI. All mules and horses less than 6 months old, and all colts of draught type under 3 years old, and neat cattle 18 months old and under, and all sheep to the number of 35, and swine to the number of 10, and domestic fowl to the number of 50 and all goats to the number of 35 and all kids less than 1 year old.'

Effective August 6, 1949

Chapter 387

AN ACT Relating to the Pollution of Streams by Dumping Rubbish.

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

R. S., c. 128, § 7-A, additional. Chapter 128 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 7-A. to read as follows:

'Sec. 7-A. Dumping of domestic waste; penalty. Solid domestic waste such as rubbish, refuse, debris, trash and garbage shall not be placed or deposited directly into or on the banks of any river, stream, lake or pond or similar water course or tidal waters or on the ice thereof where such waste material may fall or be washed into said water course or tidal waters. Whoever violates the provisions of this section shall be punished by a fine of not less than \$25, nor more than \$100, and costs, for each offense.'

Effective August 6, 1949

Chapter 388

AN ACT Relating to Night Harness Horse Racing.

Emergency preamble. Whereas, the need for additional revenue by the state for the next fiscal biennium is of utmost importance to the state, and

Whereas, by the amendment of chapter 77 of the revised statutes, as hereinafter set forth, an opportunity will be created to add substantial additional revenue to the use of the state, and

Whereas, if the legislation herein contemplated is enacted, the opportunity for this additional revenue for the year 1949 will be lost to the state,

since the night harness racing for which it makes provision cannot reasonably be put into effect in 1949, unless said amendment takes effect when approved, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately 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:

Sec. 1. R. S., c. 27, § 16, amended. The 1st sentence of section 16 of chapter 27 of the revised statutes, as amended by section 1 of chapter 361 of the public laws of 1945, is hereby further amended to read as follows:

‘There shall be appropriated annually from the state treasury a sum of money not to exceed 2c per inhabitant of the state and an additional sum of money equal to 5% of the amount contributed under the provisions of section 16 of chapter 77, and an additional sum of money as provided and limited by the provisions of section 15 of chapter 77, which shall be known as the state stipend for aid and encouragement to agricultural societies and hereafter designated as the “stipend.”’

Sec. 2. R. S., c. 27, § 16, amended. The 7th sentence of section 16 of chapter 27 of the revised statutes, as amended by section 2 of chapter 366 of the public laws of 1947, is hereby further amended to read as follows:

‘No society shall receive any portion of the stipend in excess of \$5,000, except that such limitation shall not apply to any additional stipend provided for by the provisions of section 15 of chapter 77.’

Sec. 3. R. S., c. 77, § 9, amended. Section 9 of chapter 77 of the revised statutes, as amended by chapter 358 of the public laws of 1947, is hereby further 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 28-day period, except night harness racing as hereinafter defined and except day harness racing as provided in the last paragraph of section 12 and except that between the 1st day of July and the 1st Monday of August, a day meeting may be allowed for not exceeding 18 days on mile tracks. In the event such an 18-day meeting is held, no further day 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. 4. R. S., c. 77, § 12, amended. The 1st sentence of section 12 of chapter 77 of the revised statutes is hereby amended to read as follows:

'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; but between the dates of the 1st Monday in August and October 20, no license shall be issued to anyone but an agricultural fair association, except night harness racing as hereinafter defined.'

Sec. 5. R. S., c. 77, § 12, amended. Section 12 of chapter 77 of the revised statutes is hereby amended by adding at the end thereof the following paragraphs, to read as follows:

'Notwithstanding anything in this chapter to the contrary, the commission shall issue a license, where pari mutuel betting is permitted, to hold night harness races or meets for a period of 8 weeks and no more between June 15th and October 15th of each year, daily except Sundays, between the hours of 6 P. M. and midnight. The commission shall grant such licenses for night harness racing to such applicants only, who shall have and maintain adequate pari mutuel facilities, which facilities shall include a totalizator or its equivalent where odds will change at least once every 2 minutes, adequate stable facilities for not less than 400 horses, and shall have and maintain a track adequate in width to start 8 horses abreast. Said licensees shall also pay purses at least equal to minimum purses paid at any other New England harness racing track.

During the remaining time of the period, if any, between June 15th and October 15th, the commission may grant to a track or tracks a license to operate day or night harness racing for no more than 2 weeks in any 4-week period without necessarily meeting the specifications set forth in the preceding paragraph.'

Sec. 6. R. S., c. 77, § 15, amended. Section 15 of chapter 77 of the revised statutes is hereby amended to read as follows:

'Sec. 15. 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 the provisions of this chapter, but not elsewhere, the sale of pari mutuel pools 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 ~~10%~~ 15% and the odd cents of all redistribu-

tion to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of 5. Said maximum shall include the ~~3½%~~ 5% tax hereinafter prescribed. A sum equal to ½% of such total contributions shall be paid to the treasurer of state to be credited to the "stipend" fund provided by section 16 of chapter 27 as amended.'

Sec. 7. R. S., c. 77, § 16, amended. Section 16 of chapter 77 of the revised statutes, as amended by section 26 of chapter 297 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 16. Tax on pari mutuel pools. Each person, association or corporation licensed to conduct a race or race meet under the provisions of this chapter shall pay to the treasurer of state, to be credited to the general fund of the state, a sum equal to ~~3½%~~ 5% of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under the provisions of this chapter.'

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

Effective May 7, 1949

Chapter 389

AN ACT Relating to Aviation.

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

R. S., c. 21, repealed and replaced. Chapter 21 of the revised statutes, as amended by chapter 233 of the public laws of 1945 and by chapter 397 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'CHAPTER 21

AVIATION.

Sec. 1. Title of chapter. This chapter shall be known and may be cited as the "Maine Aeronautics Act".

Sec. 2. Declaration of purpose. It is hereby declared that the purpose of this chapter is to further the public interest by:

I. The revision of existing statutes relative to aviation in order to centralize all aeronautical activities in a single state agency authorized to participate in any activity essential to progress in aeronautics;