

# MAINE STATE LEGISLATURE

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# Seventieth Legislature.

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SENATE.

No. 43

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND ONE.

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AN ACT to amend chapter two hundred and sixty-six of the Public Laws of eighteen hundred and ninety-three, as amended by chapter one hundred and twenty-eight of the Public Laws of eighteen hundred and ninety-nine, relating to the Militia.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Section 1. Section 30 of said act is hereby amended by  
2 inserting after the word "adjutant general" in the eighth line  
3 thereof, the words "when a soldier re-enlists and is mustered  
4 into the service within thirty days from the expiration of his  
5 previous term, his service shall be considered as unbroken  
6 and continuous, and re-enlistments and musters shall be dated  
7 as of the day of such expiration. When the term of service  
8 of any enlisted man terminates during a period of furlough

9 and while he is serving in the United States army, should  
10 he re-enlist in the national guard within thirty days of his  
11 muster out of the United States army, his service shall be  
12 considered as continuous, and shall in like manner commence  
13 on the day of such expiration, and re-enlistments and mus-  
14 ters shall be so dated,' and by inserting after the word  
15 "enlistments" in the same line thereof, the words 'or re-enlist-  
16 ments,' so that said section, as amended, shall read as  
17 follows:

'Sect. 30. All enlistments in the national guard shall be for  
19 three years, and shall be made by signing such enlistment  
20 book as may be prescribed by the commander-in-chief. An  
21 attested copy of the enlistment book, shall at the organization  
22 of each company, be made by the clerk and forwarded,  
23 together with duplicates of all enlistment papers, forthwith  
24 to the adjutant general. When a soldier re-enlists and is  
25 mustered into the service within thirty days from the expira-  
26 tion of his previous term, his service shall be considered as  
27 unbroken and continuous, and re-enlistments and musters  
28 shall be dated as of the day of such expiration. When the  
29 term of service of any enlisted man terminates during a  
30 period of furlough and while he is serving in the United  
31 States army, should he re-enlist in the national guard within  
32 thirty days of his muster out of the United States army, his  
33 service shall be considered as continuous, and shall in like  
34 manner commence on the day of such expiration, and re-  
35 enlistments and musters shall be so dated. When new  
36 enlistments or re-enlistments are made in any organization,  
37 the commanding officer shall forward duplicate enlistment  
38 papers to the adjutant general.'

Sect. 2. Section 31 of said act is hereby amended by strik-  
2 ing out, after the word "or" in the fifth line thereof, the  
3 words "in an adjoining town," and inserting in place thereof

4 the words 'within a radius of seven miles,' so that said sec-  
5 tion, as amended, shall read as follows:

'Sect. 31. No enlistment shall be allowed in the national  
7 guard of other than able bodied citizens of this State, between  
8 the ages of sixteen and forty years, residing in the town  
9 where the armory of the organization in which they enlist is  
10 situated, or within a radius of seven miles. In time of peace,  
11 no minor shall be enlisted in the national guard without the  
12 written consent of his parent or guardian; which shall appear  
13 on the enlistment paper.'

Sect. 3. Section 35 of said act is hereby amended by insert-  
2 ing after the word "sergeants" in the fourth line thereof, the  
3 words 'one acting hospital steward with rank of sergeant,  
4 who shall be a registered pharmacist,' so that said section,  
5 as amended, shall read as follows:

'Sect. 35. Each company of infantry shall consist of one  
7 captain, one first lieutenant, one second lieutenant, one first  
8 sergeant, one quartermaster sergeant, four sergeants, one  
9 acting hospital steward with rank of sergeant, who shall be  
10 a registered pharmacist, six corporals, two musicians, and  
11 not less than thirty-two nor more than ninety-two privates,  
12 and the commander-in-chief shall have authority to authorize  
13 the appointment from the privates of an infantry company,  
14 such non-commissioned officers, artificers and wagoners as  
15 will make its organization correspond with that established  
16 for the United States army, should the company be recruited  
17 to its maximum.'

Sect. 4. Section 40 of said act is hereby amended by insert-  
2 ing after the word "surgeon" in the fourth line thereof, the  
3 words 'one adjutant and one quartermaster, each;' by strik-  
4 ing out after the word "surgeon" in the fifth line, the words  
5 "one adjutant, one quartermaster and one inspector of rifle  
6 practice" and inserting in place thereof the words 'one com-

7 missary of subsistence and three battalion adjutants;’ by  
8 striking out after the word “and” in the tenth line the words  
9 “one color bearer who shall be a sergeant” and inserting in  
10 place thereof the words ‘two color bearers who shall be  
11 sergeants, and three battalion sergeant majors, who shall be  
12 senior to and have the pay of a first sergeant;’ by striking  
13 out after the word “and” in the same line the words “not less  
14 than;” by inserting after the word “companies” in the same  
15 line the words ‘organized into three battalions of four com-  
16 panies each,’ and by striking out the last paragraph, begin-  
17 ning with the words “Provided, that” and ending with the  
18 words “each battalion,” so that said section, as amended shall  
19 read as follows:

‘Sect. 40. ‘To each regiment of infantry there shall be one  
21 colonel, one lieutenant colonel, three majors, and a staff to  
22 consist of one surgeon with the rank of major, one assistant  
23 surgeon, one adjutant and one quartermaster, each with the  
24 rank of captain, one assistant surgeon, one commissary of  
25 subsistence and three battalion adjutants, each with the rank  
26 of first lieutenant, and one chaplain; a non-commissioned  
27 staff to consist of one sergeant major, one quartermaster  
28 sergeant, one commissary sergeant, one hospital steward, one  
29 trumpeter, and two color bearers who shall be sergeants, and  
30 three battalion sergeant majors who shall be senior to and  
31 have the pay of a first sergeant; and twelve companies,  
32 organized into three battalions of four companies each.’

Sect. 5. Section 60 of said act is hereby amended by insert-  
2 ing after the word “filled” in the twenty-third line thereof,  
3 the words ‘in case said office shall be of the medical staff or  
4 naval reserves, then for the former, there shall be added to  
5 and become a member of the board, the surgeon general, and  
6 for the latter, an officer of the naval reserves, other than the

7 person to be so examined,' so that said section, as amended,  
8 shall read as follows :

'Sect. 60. The commander-in-chief shall appoint a military  
10 board of three officers to enquire into the qualifications of all  
11 persons elected or appointed to any office below the grade of  
12 brigadier general and claiming a commission under this act,  
13 except upon the staff of the commander-in-chief, and no  
14 commission shall issue until the person so elected or  
15 appointed shall have passed a satisfactory examination before  
16 such board, as to his moral character, his general knowledge  
17 of military affairs proportionate to the office to be held, and  
18 his fitness for the service. If he fails to appear before the  
19 board when notified or is adjudged unqualified, a new elec-  
20 tion shall be ordered or appointment made ; and no person  
21 who has failed to pass such examination shall be eligible to  
22 election or appointment to an office of equal or higher grade  
23 in the national guard, for the period of one year thereafter.  
24 such examination shall be made within thirty days after the  
25 election or appointment, unless the commander-in-chief shall  
26 for good cause enlarge the time. At least two members of  
27 said board shall be of a grade equal or superior to that of the  
28 office to be filled. In case said office shall be of the medical  
29 staff or naval reserves, then, for the former, there shall be  
30 added to and become a member of the board, the surgeon  
31 general, and for the latter, an officer of the naval reserves,  
32 other than the person to be so examined. In case of the  
33 absence of any member of the board, or of disability to sit  
34 by reason of rank, or if for other cause the board is not of  
35 the required number, the commander-in-chief may detail an  
36 officer for the time being.'

Sect. 6. Section 73 of said act is hereby amended by insert-  
2 ing after the word "dollars," at the end of said section, the  
3 words 'and in case any officer or enlisted man of the national

4 guard, carried on the pay-rolls of the organization of which  
5 he is a member, at any encampment or other duty, or on any  
6 special expense account for any duty performed, who has at  
7 any time through carelessness or inattention, lost, destroyed  
8 or suffered to be lost or destroyed, any state or government  
9 property which has been issued for his use, the officer  
10 accountable for the property or certifying the pay-roll or  
11 expense account, shall record under column of "remarks" the  
12 number and kind of articles so lost or destroyed, and in  
13 column headed "deductions" on pay-roll, or under "deduc-  
14 tions" in expense account, the amount of money value of  
15 property so lost or destroyed, and the paymaster general shall  
16 retain out of the pay of such officer or enlisted man an  
17 amount of money equal to the value of the property so lost  
18 or destroyed, and money so retained shall be credited to the  
19 account of such officer of the national guard as may be  
20 accountable to the state for said property. Such portion of  
21 said money as shall be for state property shall be turned in  
22 to the treasurer of the state, to be credited to the militia fund,  
23 and such portion as may be for United States property shall  
24 be turned in to the United State treasury, to be credited to  
25 the state on its property returns,' so that said section, as  
26 amended, shall read as follows :

'Sect. 73. Any officer, enlisted man or other person, who  
28 shall wilfully or maliciously destroy, injure or deface any  
29 article of military property belonging to the State, or shall  
30 use it for other than military purposes, or shall have or retain  
31 the same in violation of law or regulations shall be punished  
32 by a fine not exceeding fifty dollars. And in case any officer  
33 or enlisted man of the national guard, carried on the pay-  
34 rolls of the organization of which he is a member, at any  
35 encampment or other duty, or on any special expense account  
36 for any duty performed, who has at any time through care-

37 lessness or inattention, lost, destroyed or suffered to be lost  
38 or destroyed, any state or government property which has  
39 been issued for his use, the officer accountable for the prop-  
40 erty or certifying the pay-roll or expense account, shall  
41 record under column of "remarks" the number and kind of  
42 articles so lost or destroyed, and in column headed "deduc-  
43 tions" on pay-roll, or under "deductions" in expense account,  
44 the amount of money value of property so lost or destroyed,  
45 and the paymaster general shall retain out of the pay of such  
46 officer or enlisted man an amount of money equal to the value  
47 of the property so lost or destroyed, and money so retained  
48 shall be credited to the account of such officer of the national  
49 guard as may be accountable to the state for said property.  
50 Such portion of said money as shall be for state property  
51 shall be turned in to the treasurer of the state, to be credited  
52 to the militia fund, and such portion as may be for United  
53 States property shall be turned in to the United States treas-  
54 ury, to be credited to the state on its property returns.'

Sect. 7. Section 78 of said act is hereby amended by  
2 inserting after the word "state" in the thirteenth line thereof,  
3 the words 'and there may be also allowed and paid by the  
4 state for the rent of quarters occupied by each authorized  
5 band legally enlisted and mustered into the service, not  
6 exceeding one hundred dollars, and said quarters shall  
7 always be subject to all provisions of law and regulations  
8 which apply to armories,' so that said section, as amended,  
9 shall read as follows:

'Sect. 78. Municipal officers shall provide for each com-  
11 pany of the national guard located within the limits of their  
12 respective towns, subject to the approval of the com-  
13 mander-in-chief or such officer as he may designate, a suit-  
14 able drill room and armory or place of deposit for the arms,  
15 equipments and other property furnished by the state.



16 They shall also provide suitable rooms for the headquarters  
17 of each separate battalion, regiment or brigade established  
18 within their limits, and a reasonable compensation for the  
19 rent thereof, not exceeding one hundred dollars per annum,  
20 may be allowed to the town so furnishing, and paid by the  
21 state. And there may be also allowed and paid by the state  
22 for the rent of quarters occupied by each authorized band  
23 legally enlisted and mustered into the service, not exceed-  
24 ing one hundred dollars, and said quarters shall always be  
25 subject to all provisions of law and regulations which apply  
26 to armories, and such drill rooms, armories, headquarters or  
27 other places provided for in this section shall be held for the  
28 exclusive use of the national guard unless otherwise author-  
29 ized by the commander-in-chief after application in each  
30 case by the municipal authorities in writing. If said  
31 premises are used contrary to the provisions hereof, there  
32 shall be a deduction from the rent of the premises agreed  
33 upon, equal to one month's rental for each day of such use.'

Sect. 8. No provision of this act shall be construed as  
2 terminating any commission or enlistment in the national  
3 guard, but any such shall continue in force according to the  
4 terms thereof, subject to the provisions of this act.

Sect. 9. This act shall take effect when approved.

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## STATE OF MAINE.

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IN SENATE, February 6, 1901.

Presented by Mr. MORRISON of York, and on motion by same Senator,  
laid on table to be printed, pending reference to Committee on Military  
Affairs.

KENDALL M. DUNBAR, *Secretary*.