

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventieth Legislature.

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SENATE.

No. 69

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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  
3 line thereof, the words "When a soldier re-enlists and is  
4 mustered into the service within thirty days from the expir-  
5 ation of his previous term, his service shall be considered  
6 as unbroken and continuous, and re-enlistments and musters

7 shall be dated as of the day of such expiration.  
8 When the term of service of any enlisted man termin-  
9 ates during a period of furlough and while he is serving in  
10 the United States army, should he re-enlist in the National  
11 Guard within thirty days of his muster out of the United  
12 States army, his service shall be considered as continuous,  
13 and shall in like manner commence on the day of such expir-  
14 ation, and re-enlistments and musters shall be so dated,'  
15 and by inserting after the word "enlistments" in the same  
16 line thereof, the words 'or re-enlistments,' so that said section,  
17 as amended, shall read as follows:

'Sect. 30. All enlistments in the National Guard shall be  
19 for 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 organiza-  
22 tion 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 ex-  
26 piration of his previous term, his service shall be considered  
27 as 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-en-  
35 listments and musters shall be so dated. When new enlist-  
36 ments or re-enlistments are made in any organization, the  
37 commanding officer shall forward duplicate enlistment papers  
38 to the Adjutant-General.'

Sect. 2. Section 31 of said act is hereby amended by striking out, after the word "or" in the fifth line thereof, the words "in an adjoining town," and inserting in place thereof the words 'within a radius of seven miles,' so that said section, as amended, shall read as follows:

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

Sect. 3. Section 35 of said act is hereby amended by inserting after the word "privates" in the 6th line thereof the words 'one of whom shall be a pharmacist, a nurse, or a person capable in the judgment of the examining surgeon of serving in one or both capacities. He shall be liable to detail for service at hospital when such details are ordered, and shall receive the pay of a sergeant,' so that said section, as amended, shall read as follows:

'Sect. 35. Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two musicians, and not less than thirty-two nor more than ninety-two privates, one of whom shall be a pharmacist, a nurse, or a person capable in the judgment of the examining surgeon of serving in one or both capacities. He shall be liable to detail for service at hospital when such details are ordered, and shall receive the pay of a sergeant.'

Sect. 4. Section 40 of said act is hereby amended by inserting after the word "surgeon" in the fourth line thereof, the 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 ser-  
11 geants, 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  
14 less than," by inserting after the word "companies" in the  
15 same line the words 'organized into three battalions of four  
16 companies each,' and by striking out the last paragraph, be-  
17 ginning with the words "Provided, that" and ending with the  
18 words "each batallion," 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,  
29 one trumpeter, and two color bearers who shall be sergeants,  
30 and three battalion sergeant-majors who shall be senior to  
31 and 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,  
6 and for the latter, an officer of the naval reserves, other than  
7 the person to be so examined,' so that said section, as  
8 amended, 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  
11 all persons elected or appointed to any office below the grade  
12 of brigadier general and claiming a commission under this  
13 act, except upon the staff of the commander-in-chief, and  
14 no commission shall issue until the person so elected or ap-  
15 pointed 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  
25 the election or appointment, unless the commander-in-chief  
26 shall for good cause enlarge the time. At least two members  
27 of said board shall be of a grade equal or superior to that  
28 of the office to be filled. In case said office shall be of the  
29 medical staff or naval reserves, then, for the former, there  
30 shall be added to and become a member of the board, the  
31 surgeon-general, and for the latter, an officer of the naval  
32 reserves, other than the person to so be examined. In case  
33 of the absence of any member of the board, or of disability  
34 to sit by reason of rank, or if for other cause the board is not  
35 of the required number, the commander-in-chief may detail  
36 an officer for the time being.'

Sect. 6. Section 73 of said act is hereby amended by inserting after the word "dollars," at the end of said section, the words 'and in case any officer or enlisted man of the National Guard, carried on the pay-rolls of the organization of which he is a member, at any encampment or other duty, or any special expense account for any duty performed, who has at any time through carelessness or inattention, lost, destroyed or suffered to be lost or destroyed, any state or government property which has been issued for his use, the officer accountable for the property or certifying the pay-roll or expense account, shall record under column of "Remarks" the number and kind of articles so lost or destroyed, and in column headed "Deductions" on pay-roll, or under "deductions" in expense account, the amount of money value of property so lost or destroyed, and the paymaster general shall retain out of the pay of such officer or enlisted man an amount of money equal to the value of the property so lost or destroyed, and money so retained shall be credited to the account of such officer of the National Guard as may be accountable to the state for said property. Such portion of said money as shall be for state property shall be turned in to the treasurer of the state, to be credited to the militia fund, and such portion as may be for U. S. property shall be turned in to the U. S. treasury, to be credited to the state on its property returns,' so that said section, as amended, shall read as follows:

Sect. 73. Any officer, enlisted man or other person, who shall wilfully or maliciously destroy, injure or deface any article of military property belonging to the state, or shall use it for other than military purposes, or shall have or retain the same in violation of law or regulations shall be punished by a fine not exceeding fifty dollars. And in case any officer or enlisted man of the National Guard, carried on the pay-rolls of the organization of which he is a member, at

34 any encampment or other duty, or on any special expense ac-  
35 count for any duty performed, who has at any time through  
36 carelessness or inattention, lost, destroyed or suffered to be  
37 lost or destroyed, any state or government property which  
38 has been issued for his use, the officer accountable for the  
39 property or certifying the pay-roll or expense account, shall  
40 record under column of "Remarks" the number and kind of  
41 articles so lost or destroyed, and in column headed "Deduc-  
42 tions" on pay-roll, or under "Deductions" in expense account,  
43 the amount of money value of property so lost or destroyed,  
44 and the paymaster general shall retain out of the pay of such  
45 officer or enlisted man an amount of money equal to the  
46 value of the property so lost or destroyed, and money so  
47 retained shall be credited to the account of such officer of the  
48 National Guard as may be accountable to the state for said  
49 property. Such portion of said money as shall be for state  
50 property shall be turned in to the treasurer of the state, to be  
51 credited to the Militia fund, and such portion as may be for  
52 United States property shall be turned in to the United States  
53 treasury, to be credited to the state on its property returns.'

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



14 room and armory or place of deposit for the arms, equip-  
15 ments and other property furnished by the state. They shall  
16 also provide suitable rooms for the headquarters of each  
17 separate battalion, regiment or brigade established within  
18 their limits, and a reasonable compensation for the rent there-  
19 of, not exceeding one hundred dollars per annum, may be  
20 allowed to the town so furnishing, and paid by the state.  
21 And there may be also allowed and paid by the state for the  
22 rent of quarters occupied by each authorized band legally  
23 enlisted and mustered into the service, not exceeding one  
24 hundred dollars, and said quarters shall always be subject to  
25 all provisions of the law and regulations which apply to  
26 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 case  
30 by the municipal authorities in writing. If said premises  
31 are used contrary to the provisions hereof, there shall be a  
32 deduction from the rent of the premises agreed upon, equal  
33 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 21, 1901.

Reported by Mr. MORRISON from Committee on Military Affairs,  
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*