

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 1191

H. D. No. 418

House of Representatives, March 18, 1925.

Reported by Mr. Decker of Milo from Committee on Military Affairs and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE

AN ACT to Amend Chapter One Hundred and Seventy-four of the Public Laws of Maine for Nineteen Hundred and Twenty-three, Known as the Military Law.

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

Section 1. That the ninth paragraph of section fifteen of 2 chapter one hundred seventy-four of the public laws of 3 Maine for nineteen hundred and twenty-three be stricken 4 out of the military law and that there be inserted the following 5 paragraph in place thereof, so that said paragraph, 6 as amended, shall read as follows:

'Sect. 15. ADJUTANT GENERAL. (Ninth paragraph 2 only). The adjutant general may appoint, subject to the 3 approval of the governor, an officer from the active, re-

4 tired or reserve list of the national guard as assistant ad-
5 jutant general, who shall whenever the adjutant general is
6 absent or unable from any cause to perform his duties
7 perform the duties of the adjutant general during such
8 absence or disability.'

Sect. 2. That section thirty-eight of chapter one hundred
2 seventy-four of the laws of Maine for nineteen hundred
3 and twenty-three be stricken out of the military law and
4 that there be inserted in place thereof the following section:

'Sect. 38. DISCHARGE AND RETIREMENT OF
2 OFFICERS. Any officer who accepts an appointment in
3 the army, navy or marine corps of the United States, or
4 who tenders his resignation and the same having been ac-
5 cepted, shall receive an honorable discharge, provided he
6 shall not be under arrest or returned to a military court
7 for any deficiency or delinquency and provided he be not
8 indebted to the state in any manner and that all of his
9 accounts for money and public property be correct.

'Any officer who shall reach the age of sixty-four years
2 shall be retired.

'Any officer who is found incapacitated for service by
2 reason of physical disability shall be withdrawn from active
3 service and placed on the retired list.

'Any person who has served as a commissioned officer in
2 the Maine national guard for a period of not less than nine
3 years may, upon personal request, be placed upon the re-
4 tired list. When placed upon the retired list an officer shall

5 be given the highest rank held by him during his term of
6 service, provided, that if at the time of his retirement he
7 shall have served as a commissioned officer in the Maine
8 national guard for a continuous period of fifteen years or
9 more he may be retired with a rank one grade higher than
10 the highest rank held by him during his service, except that
11 in no case shall a rank higher than that of brigadier general
12 be granted an officer under these provisions, upon retirement.
13 Retired officers shall be entitled to wear the uniform of the
14 rank with which they were retired. Except as provided
15 above no commissioned officer in the national guard or
16 naval militia shall be removed from office without his con-
17 sent, except by sentence of a general court-martial or by an
18 efficiency board, in a manner prescribed by law.'

Sect. 3. That the first paragraph of section fifty-two of
2 Chapter one hundred seventy-four of the public laws of
3 Maine for nineteen hundred and twenty-three be amended
4 by inserting after the word "company" in the third line
5 thereof the words 'battery, band or detachment,' so that
6 said paragraph, as amended, shall read:

'Sect. 52. ARMORIES, STABLES AND TARGET
2 RANGES. (First paragraph only.) It shall be the duty
3 of the municipal officers to provide and maintain for each
4 platoon or company, battery, band or detachment of the
5 national guard or naval militia located within the limits of
6 their respective towns, suitable drill rooms, offices, armory,
7 stables or place of deposit of all military property, and for

8 the headquarters of each separate battalion, corps, regiment
9 or brigade established within such municipal limits, suit-
10 able headquarters offices; and the suitability for the neces-
11 sary military purposes of such drill rooms, armories, head-
12 quarters offices or stables shall be determined by the arm-
13 ory commission. A reasonable compensation shall be fixed
14 by the armory commission, after hearing and consulting
15 with the responsible municipal officers, for each company,
16 other organization, band or separate headquarters or stables,
17 and shall be allowed as rent for such building or buildings
18 to the municipality providing and maintaining them, and
19 paid by the state out of the appropriation for armory rental.
20 To carry out the provisions of this section there shall be
21 appropriated biennially such sums as are deemed necessary,
22 said sums to be known as the armory fund, payment to be
23 made therefrom by the treasurer of the state upon vouchers
24 manifested by the armory commission to the state auditor,
25 said armories, drill rooms, offices, headquarters offices or
26 stables shall be subject always to the provisions of law and
27 to the regulations prescribed by the proper authorities, and
28 said armories, drill rooms, offices, headquarters offices or
29 stables shall be held for the exclusive use of the national
30 guard unless otherwise authorized by the general regula-
31 tions for the government of armories prescribed by the
32 armory commission, or by special authority of the chairman
33 of said commission after application in special cases by the
34 municipal authorities in writing. Should any municipal

35 officer use such buildings or stables without authority, or
36 abuse the authority or privilege so granted, they and each
37 of them shall in each case, be guilty of a misdemeanor and
38 shall be punished as prescribed in this section. The govern-
39 or is authorized to accept in the name of the state donations
40 of lands and buildings to be used for military purposes by
41 the national guard or naval militia under such conditions
42 as the donors may nominate; lands and buildings so do-
43 nated shall be subject to the rules and regulations pre-
44 scribed by the governor; and provided further that when
45 any building is turned over to the state for use as an armory
46 or drill shed the armory commission shall be authorized to
47 approve for payment from the appropriation for armory
48 rentals such sums as may be necessary for the upkeep of
49 such building, including repairs, furnishings, light, heat,
50 water and janitor service.

Sect. 4. That section eighty-one of chapter one hundred
2 seventy-four of the public laws of Maine for nineteen hun-
3 dred and twenty-three be amended by adding thereto the
4 following paragraph:

'All officials and employees of the state of Maine who
2 shall be members of the national guard thereof shall be
3 entitled to leave of absence from their respective duties,
4 without loss of pay or time, on all days during which they
5 shall be engaged in field or coast defense training ordered
6 or authorized by the governor of the state of Maine under
7 the provisions of the national defense act,' so that said
8 section eighty-one shall read as amended:

‘Sect. 81. DEPRIVING MEMBERS OF EMPLOY-
2 MENT. Any person who either by himself or with an-
3 other, wilfully deprives a member of the national guard or
4 naval militia of his employment, or prevents his being em-
5 ployed by himself or another, or obstructs or annoys said
6 member of said national guard or naval militia or his em-
7 ployer in respect to his trade, business or employment, be-
8 cause said member of said national guard or naval militia
9 is such member, or dissuades any person from enlisting in
10 the said national guard or naval militia by threat of injury
11 to him in case he shall so enlist, in respect to his employ-
12 ment, trade or business, shall be deemed guilty of a mis-
13 demeanor and upon conviction thereof shall be punished
14 by a fine not exceeding five hundred dollars or by imprison-
15 ment not exceeding six months, or by both such fine and
16 imprisonment.

‘All officials and employees of the state of Maine who
2 shall be members of the national guard thereof shall be
3 entitled to leave of absence from their respective duties,
4 without loss of pay or time, on all days during which they
5 shall be engaged in field or coast defense training ordered
6 or authorized by the governor of the state of Maine or
7 under the provisions of the national defense act.’