

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundred and First Legislature

1963

Chapter 382

AN ACT Relating to Requirements, Appointment and Term of the Adjutant General.

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

Sec. 1. R. S., c. 14, § 9, amended. The first paragraph of section 9 of chapter 14 of the Revised Statutes is amended to read as follows:

“The staff of the Commander in Chief shall consist of the Adjutant General, who shall be ex officio chief of staff, quartermaster general and paymaster general with ~~rank of brigadier general~~ grade not to exceed that of major general; the senior officer on duty with each of the staff departments; and such aides-de-camp not to exceed 9 in number, one of whom may be a naval aide with rank of captain and one of whom may be an air force aide, as may be appointed by the Governor. **No person shall be appointed as Adjutant General or Assistant Adjutant General unless he holds or has held a commission of at least field grade or equivalent in the Organized Militia of the State or the armed forces of the United States, or of a reserve component thereof, and shall have served not less than 5 years in one or more of such services and shall meet the criteria for federal recognition in the grade to which appointed as are prescribed by the regulations governing the National Guard of the United States.** All other staff officers, except in the medical department and chaplains, must be at the time of their appointment commissioned officers of the Maine National Guard, or of the Maine State Guard, or other authorized state military or naval forces, or of the officers’ reserve corps of the army or air force of the United States, or on the retired list of the army or air force of the United States and residents of the State of Maine, on the active or retired list of or above the grade of captain but no staff officer shall be appointed from the retired list who shall have had less than 5 years of service in the Maine National Guard, or in the officers’ reserve corps of the army of the United States, or in the regular army of the United States the last year of which shall be within 5 years immediately preceding the appointment.’

Sec. 2. R. S., c. 14, § 11, amended. The first paragraph of section 11 of chapter 14 of the Revised Statutes, as repealed and replaced by section 5 of chapter 405 of the public laws of 1955, is amended to read as follows:

“The Adjutant General of the State shall be appointed by the Governor, shall have the rank of ~~brigadier general~~ and ~~may be promoted to the rank~~ not to exceed that of major general, and shall hold office for a term of 4 years and until his successor is appointed and qualified. He shall be ex officio, chief of staff, quartermaster general and paymaster general of the State. For the purpose of establishing the relation between the national military establishments, and the various staff departments of the State, he shall be the chief of said departments; and the requisitions, purchases and issues to be made by the senior officer on duty in certain of said departments, as ~~hereinafter~~ prescribed, shall be made by them pursuant and in obedience to his directions and instructions.’

Sec. 3. R. S., c. 14, § 11, amended. The 10th paragraph of section 11 of chapter 14 of the Revised Statutes is amended to read as follows:

'The Adjutant General may appoint, subject to the approval of the Governor, an officer ~~who shall meet the same requirements as officers for appointment to the staff as provided for in section 9~~ as Assistant Adjutant General, who shall assist the Adjutant General in the performance of his duties, and who shall, whenever the Adjutant General is absent or unable from any cause to perform his duties, or whenever a vacancy shall exist in the office of Adjutant General, perform the duties of the Adjutant General during such absence and disability, and who, in the case of vacancy in the said office, shall be acting Adjutant General until such vacancy shall have been filled by the Commander in Chief, as provided for by law.'

Sec. 4. Effective date. This act shall become effective on January 1, 1964. The first appointment under chapter 14, section 9, shall be made within 10 days after the effective date of this act, which appointment date shall become the anniversary date for future appointments thereunder.

Effective January 1, 1964

Chapter 383

AN ACT Relating to Income from Ministerial and School Fund in Determining Educational Foundation Program Allowance.

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

Sec. 1. R. S., c. 41, § 237-C, sub-§ II, amended. The last paragraph of subsection II of section 237-C of chapter 41 of the Revised Statutes, as enacted by section 14 of chapter 366 of the public laws of 1961, is amended to read as follows:

'Expenditures made for the purposes listed in this subsection, as reduced by tuition collections and other school maintenance incidental receipts as prescribed in section 237-D, **except that income received from a ministerial and school fund shall not be deducted**, shall constitute the net operating cost for the purposes of section 237-E.'

Sec. 2. R. S., c. 41, § 237-D, amended. The 4th sentence of the 2nd paragraph of section 237-D of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 16 of chapter 353 of the public laws of 1959, is amended to read as follows:

'From this total foundation program shall be subtracted the average of the 2 preceding years' tuition collections and other school maintenance incidental receipts **except that income received from a ministerial and school fund shall not be subtracted.**'

Effective September 21, 1963