

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Discard Previous Pocket Part Supplement

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visions of section 6 It shall be unlawful for any individual to fail or refuse to comply with any just or reasonable order relative to the above from any such duly appointed law enforcement officer. Such failure to comply with such order shall constitute a misdemeanor.

Duly appointed civil defense and public safety law enforcement officers of local, state and sheriffs organizations shall have power to make arrests of persons found in violation of any provisions of this chapter or any rules and regulations promulgated thereunder in times of emergency necessary to carry out the provisions of section 6 of this chapter. (1949, c. 298. 1955, c. 435, § 2.)

Effect of amendment.—The 1955 amendment deleted the words “and directed” formerly appearing after the word “authorized” in the first sentence of the first paragraph and inserted the words “and shall establish” in the same sentence. It also inserted the third and fourth sentences of the first paragraph, and added the second and third paragraphs.

Sec. 12. Appropriations and authority to accept services, gifts, grants and loans; state director authorized to convey equipment, etc.

The state director, for purposes of civil defense and public safety and subject to the approval of the governor, may convey equipment, supplies, materials or funds by way of sale, lease or grant to any political subdivision of the state, such conveyance to be subject to the terms of the offer and the rules and regulations, if any, imposed by the state. (1949, c. 298. 1955, c. 435, § 3.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the rest of the section was not changed, only the paragraph added by the amendment is set out.

Sec. 13. Utilization of existing services and facilities.—In carrying out the provisions of this chapter, the governor and the executive officers or governing bodies of the political subdivisions of the state are directed and shall utilize the services and facilities of existing departments, offices and agencies of the state and all the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed and shall cooperate with and extend such services and facilities to the governor and to the civil defense and public safety organizations of this state upon request. (1949, c. 298. 1955 c. 435. § 4.)

Effect of amendment.—The 1955 amendment substituted “and shall” for “to” after the word “directed” in lines three and six. It also substituted “all” for “of” before the words “the political subdivisions,” and “this” for “the” before the word “state” near the end of the section.

Sec. 19-A. Penalty.—Every officer of a political subdivision of this state who, having administrative responsibilities under the provisions of this chapter, willfully violates any of the provisions of this chapter shall be punished by a fine of \$20. (1955, c. 435, § 5.)

Chapter 14.

The Military Law.

Emergency Powers of Governor.

Sec. 2. Active service national guard or other authorized state military or naval forces.

In the event of an emergency so imminent as to require immediate action the senior officer of a command may, upon request in writing of the mayor of a city or the selectmen of a town, order out for the defense or protection of the community the forces under his command, or any part thereof, and immediately

report his action and the circumstances of the case to the adjutant general and to his immediate commanding officer. (R. S. c. 12, § 2. 1959, c. 378, § 1.)

Effect of amendment.—The 1959 amendment, effective on its approval, January 29, 1960, substituted “selectmen” for “selection” in the last paragraph.

As the rest of the section was not affected by the amendment, it is not set out.

Adjutant General.

Sec. 11. Adjutant general, rank, powers and duties; salary; assistant.—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 of major general. 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.

He shall control the military department subordinate only to the governor, and may adopt such methods of administration, not inconsistent with the laws, regulations and customs of the service of the national military establishment, so far as the same may be applicable, as he may deem necessary to render the department efficient.

He shall superintend the preparation of all returns, reports, plans and estimates required of the state by the national military establishment; and, on or before the 30th day of June of each year, shall make a report to the governor of the strength and condition of the militia and of the business transactions of the department, including a detailed statement of expenditure for all military purposes.

He shall be responsible for the care, preservation and repair of all military property belonging or issued to the state for the arming and equipping of the militia; and he shall dispose of all military property of the state found unserviceable after a proper inspection, account for the proceeds, and deposit the same into the state treasury, to the credit of the military fund.

He shall cause to be turned in, in such manner as the national military establishment may require, such ordnance, accoutrements and equipments belonging to the United States and receive in substitution therefor such prescribed regulation ordnance and equipment, as may be necessary to conform to the standard required by the laws and regulations of the United States.

He shall, under the direction of the governor, prepare and submit to the state purchasing agent requisitions for, and make issues of, such military property as is necessary to equip the organizations of the national guard or other state military or naval forces according to the standard that is now or may be hereafter prescribed by the laws and regulations of the United States; he shall approve all issues; but no such property shall be issued, or otherwise disposed of, to persons or organizations other than those of the national guard or other state military or naval forces.

He shall keep a just and true account of all expenses necessarily incurred, including pay, transportation and subsistence of officers and enlisted men of the national guard or of any other authorized state military or naval forces, and of all military property; and shall render annually to the governor a statement in detail showing the deposition of all clothing, ordnance, arms, ammunition and other military property on hand and issued.

He may sell for cash to officers of the national guard or other authorized state military or naval forces, for their official use, and to organizations of the national guard or other authorized state military or naval forces, any military or naval property which is the property of the state; and he shall, with his annual report,

render to the governor a true account of the sales so made, and shall deposit the proceeds of the same in the state treasury to the credit of the military fund.

The adjutant general shall receive an annual salary of \$10,000. He shall receive no other fee, emolument or perquisite.

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.

Subject to the approval of the governor, the adjutant general may appoint a property officer and a plans and training officer both of whom shall meet the requirements for appointment of staff officers provided in section 9, hold office at the pleasure of the adjutant general and receive salaries to be fixed by the governor and council.

The property officer shall perform such duties relative to the care, preservation and repair of military property belonging or issued to the state as the adjutant general may from time to time direct and shall receipt and account for all property allotted to his custody and make such returns and reports concerning the same as may be required by the adjutant general. He shall give a good and sufficient bond to the state in an amount to be determined by the governor for the faithful performance of his duties and for the safekeeping and proper distribution of all property entrusted to his care.

The plans and training officer shall perform such duties relative to the instruction and training of the national guard or other state military or naval forces as the adjutant general may from time to time direct and he shall make such returns and reports concerning the same as may be required by the adjutant general. (R. S. c. 12, § 12. 1945 c. 363. 1947, c. 388. 1949, c. 326, §§ 6, 7 1951, c. 161; c. 412, § 2. 1953, c. 308, § 7. 1955, c. 405, § 5; c. 473, § 2. 1957, c. 418, § 2. 1959, c. 361, § 2.)

Effect of amendments.— The first 1955 amendment inserted the provision authorizing promotion of the adjutant general to major general and made certain other changes of a formal nature in the first paragraph. The second 1955 amendment increased the annual salary of the adjutant general from \$7,000 to \$8,000. The 1957 amendment, effective July 1, 1957, increased his annual salary from \$8,000 to \$9,000 and carried appropriations for fiscal years ending in 1958 and 1959.

The 1959 amendment substituted the figures "\$9,000" for the figures "\$10,000"

in the ninth paragraph.

Editor's note.— The last paragraph of P. L. 1959, c. 361, § 2, amending this section, reads as follows: "(There is hereby appropriated from the General Fund the sum of \$867 for the fiscal year ending June 30, 1960 and \$1,000 for the fiscal year ending June 30, 1961 to carry out the purposes of this section.)"

Effective date.— P. L. 1959, c. 361, amending this section, provided in section 14 thereof as follows: "The provisions of this act shall become effective for the week ending August 22, 1959."

State Military Defense Commission.

Sec. 17. State military defense commission.—The state military defense commission, as heretofore established, shall consist of 8 members. The governor and adjutant general and their successors shall be ex officio members during their respective terms of office. The governor for the time being shall be the chairman. The other 6 members who shall be citizens of the state shall be appointed by the governor, as follows: 2 for a term of 3 years annually. In the case of any vacancy caused by death, resignation or otherwise, the governor shall appoint a citizen for the unexpired term. It shall be the duty of the commission

to exercise general supervision and control over all armories, drill rooms, headquarters offices, stables and state owned or controlled realty used for military purposes, to consult and cooperate with the municipal authorities and to devise effective means of obtaining and maintaining such armories, and to fix, subject to the approval of the governor, the compensation to be allowed to the municipalities as rent for them; they shall have the power, after consulting and hearing the responsible municipal officers, to determine the administrative question of military suitability and adequate maintenance of all armories, drill rooms, offices, headquarters offices and stables, and it shall be their duty to notify the responsible officers of all deficiencies in these respects, and should such officers fail, refuse or neglect to take effective measures for providing such suitable buildings and their maintenance, the chairman of the commission shall initiate the prosecution prescribed by section 18. The commission is authorized where towns or municipalities have been relieved from compliance with the provisions of this section to provide armories, target ranges or stables by reason of any agreement or agreements entered into between such towns or cities and the state of Maine, to hire or lease suitable buildings for drill halls, quarters, headquarters offices or stables as may be necessary to adequately house the national guard. The commission is further authorized and directed to cooperate with the federal government or municipalities in establishing and coordinating national defense in this state, especially in the providing of equipment, training, facilities, suitable quarters for troops and supplies, and buildings and lands for military purposes, including construction and expansion of armories and other facilities for joint use by the national guard and another reserve component or other reserve components of the armed forces of the United States. The commission may acquire real property by right of eminent domain in the manner prescribed by law for the taking of land for highway purposes, and both real and personal property by purchase, gift or otherwise, for the purpose of construction or maintenance of armories, airports, shipyards and other military facilities, including the building or improvement and maintenance of railroads or roads necessary for the more efficient use of such facilities, for military purposes and the procuring of equipment and supplies for military purposes. The members of the commission shall be reimbursed for their actual expenses incurred in the performance of their duties. The judge advocate shall be the legal adviser of the commission. (R. S. c. 12, § 24. 1949, c. 326, § 10. 1961, c. 213, § 1.)

Effect of amendment.—The 1961 amendment added all of the eighth sentence of this section following “military purposes.”

Sec. 18. Drill rooms, offices, armories, stables, etc.; duty of municipal officers to provide use of same; erection of armories.—The municipal officers shall provide and maintain for each unit of the national guard, or other state military or naval forces located within the limits of their municipality, armories and other necessary buildings, the suitability of which shall be determined by the state military defense commission.

After consulting with the municipal officers, the state military defense commission shall fix a reasonable compensation, subject to the approval of the governor to be paid as rent to the municipality providing and maintaining the buildings. This compensation shall be paid by the state out of the appropriation for armory rental. The buildings shall be used exclusively for military purposes, unless otherwise authorized by the general regulations prescribed by the state military defense commission, or by special authority of the chairman of the commission after written application by the municipal officers, and may be jointly used by the national guard and another reserve component or other reserve components of the armed forces of the United States.

The governor may accept, in the name of the state, donations of real estate and personal property to be used for military purposes by the national guard, or other state military or naval forces, upon such conditions as the donors may

prescribe. The governor may prescribe further regulations pertaining to property so donated. The state military defense commission may approve for payment from the appropriation for armory rentals necessary sums for the maintenance and operation of the property.

Whenever the military fund is sufficient the state military defense commission may, with the approval of the governor, erect armories and other necessary buildings upon land donated to the state for that purpose.

When a city or town constructs armories and other necessary buildings for the use of the national guard or other state military or naval forces, the state shall reimburse the city or town for $\frac{1}{2}$ of each installment as it becomes due the contractor where the following conditions are observed:

I. The city or town shall deposit with the treasurer of state a recorded deed conveying to the state clear title to all the real estate involved.

II. The state military defense commission shall certify in writing to the treasurer of state that an installment is due.

III. The state contribution shall not exceed a total of \$50,000 to each city or town.

IV. Not more than 3 such armory projects shall be erected biennially.

The municipal officers shall provide target ranges for units of the national guard, or other state military or naval forces, located within the limits of their municipality, except where ranges are provided from the funds appropriated for the purpose by the federal government. The municipal officers shall maintain the target ranges in good condition regardless of the method by which they were obtained. The suitability of target ranges shall be determined by the senior officer in the ordnance department of the national guard, or other state military or naval force, and approved by the adjutant general. These target ranges shall be open for the use of members of the national guard, or other state military or naval forces, at all times, subject to the approval of the adjutant general.

The legislative body of a municipality may raise money for purchasing, leasing, constructing and maintaining, or may accept by gift or otherwise, real estate and personal property to be used for armories, other necessary buildings, and target ranges for units of the national guard, or other state military and naval forces, located in the municipality.

To carry out the provisions of this section there shall be a biennial appropriation known as the military fund, from which payment is to be made by the treasurer of state upon vouchers issued by the state military defense commission to the state controller.

Any municipal officer who fails to take effective measures for providing and maintaining suitable armories, other necessary buildings, and target ranges as prescribed by this section, or who uses the buildings without authority, or who abuses the authority granted is guilty of a misdemeanor. He shall be prosecuted by complaint or indictment before a court of competent jurisdiction and upon conviction shall be punished by a fine of not less than \$100 nor more than \$400, or by imprisonment for not less than 3 months nor more than 6 months, or both. Any fine imposed by the authority of this section shall be paid into the state treasury and credited to the military fund.

All real estate and personal property owned or leased by the state, by any municipality, or by any organization of the state military or naval forces, and used for military purposes is exempt from all taxation during the period of such ownership or lease and use. (R. S. c. 12, § 25. 1953, c. 308, § 8. 1957, c. 405, § 4. 1961, c. 213, § 2.)

Effect of amendments. — The 1957 amendment rewrote this section.

The 1961 amendment substituted "used exclusively for military purposes" for "held for the exclusive use of the national

guard, or other state military or naval forces" in the last sentence of the second paragraph and added at the end of that sentence the language beginning with the words "and may be".

General Provisions.

Sec. 70. Exemption from arrest.

No person shall be arrested in a civil action, on mesne process, or execution, or on a warrant for taxes, on the day of annual Thanksgiving, the 19th day of April, the 30th day of May, the 4th day of July, the 1st Monday of September, Veterans Day, November 11th or Christmas. On the day of any military training, inspection, review or election, no officer or soldier required by law to attend the same shall be arrested on any such processes. (R. S. c. 12, § 73, 1957, c. 397, § 7.)

Effect of amendment. — The 1957 amendment made the last paragraph into two sentences and inserted “Veterans Day” for “Armistice Day” in such paragraph. As the first paragraph was changed by the amendment, it is not set out.

Chapter 15.

State Police.

Sections 8-13. Stations for Weighing Vehicles.

State Police.

Sec. 1. Chief; appointment and duties; deputy chief; members of force; rules and regulations.—The governor, with the advice and consent of the council, shall appoint a chief of the state police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. Such appointment may be made from the membership of the state police. He may be removed by the governor and council only after charges have been preferred in writing and, if he so requests, after public hearing. The chief shall be the executive head of the department of the state police, as heretofore established, and shall execute the duties of his office under the direction and subject to the approval of the governor and council. Subject to the approval of the governor and council, the chief may designate a commissioned officer of the state police to act as his deputy. Subject to the personnel law, the chief of the state police may enlist suitable persons as members of the state police to enforce the law and employ such other employees as may be necessary. The chief of the state police shall make rules and regulations, subject to the approval of the personnel board, for the discipline and control of the state police. (R. S. c. 13, § 1, 1945, c. 255, § 1, 1947, c. 24, §§ 1, 2, 1959, c. 363, § 5, 1961, c. 397, § 1.)

Effect of amendments. — The 1959 amendment added the words “department of the” and the words “as heretofore established” in the fourth sentence of this section. The 1961 amendment rewrote the portion of the section which followed the fourth sentence.

Sec. 2. Powers and duties; duty of other officers to cooperate.—The specific powers and duties of the state police shall be to patrol the state highways and other important ways, especially outside the compact portion of cities and towns, for the purpose of enforcing the provisions of law and all laws relating to motor driven and horse drawn vehicles and all rules and regulations in regard thereto, and of arresting all violators thereof and prosecuting all offenders against the same. The state police shall also aid the state highway commission in the enforcement of its rules and orders and permit regulations. In addition to such duties and powers, the chief and members of the state police are vested with the same powers and duties throughout the several counties of the state as sheriffs have in their respective counties to serve criminal processes, to investigate and prosecute violators of any law of this state and to arrest the offenders thereof, and also the