

# MAINE STATE LEGISLATURE

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## CHAPTER 123

## MILITIA

Sec.

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**§ 761. Composition**

The militia of the State of Maine shall consist of all able-bodied male citizens of the State and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than 18 years of age and, except as otherwise provided, not more than 45 years of age. Said militia shall be divided into these classes: the National Guard, the naval militia, other organized militia units and the unorganized militia.

R.S.1954, c. 14, § 19.

**§ 762. Exemption from military duty**

The Vice-President of the United States; the officers, judicial and executive, of the Government of the United States and of the several states and territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from militia service, if the conscientious holding of such belief by such person shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant.

R.S.1954, c. 14, § 20.

**§ 763. Enrollment**

All male citizens who are more than 18 and less than 45 years of age, excepting idiots, lunatics, paupers, vagabonds, habitual drunkards and persons convicted of infamous crimes, and who are resident in this State, shall, whenever the Governor may deem necessary, be enrolled by the assessors in the several municipalities in which they reside, in such manner and according to such regulations as the Governor shall prescribe. On such enrollment and opposite the name of each person who is exempt from duty under section 762, or who is serving in the active militia, or who is unable by reason of physical disability to perform militia duty, the assessors shall write the word "exempt" and state in each case the cause of exemption. The assessors shall subscribe said list and make oath that the same is true to the best of their knowledge and belief; and shall file the same with the clerk of the municipality forthwith; and each clerk shall, within 10 days, make a certified statement of the total number enrolled, the number marked exempt, the number belonging to the active militia and the number marked disabled, and forward the same to the office of the Adjutant General. Any person claiming exemption shall satisfy the enrolling officer or officers of his right thereto and in case of doubt the burden of proof shall be upon the person claiming exemption, and the enrolling officer or officers may require him to submit to examination on oath and may administer such oath.

R.S.1954, c. 14, § 21.

**§ 764. Refusal to give information a misdemeanor**

Any person knowingly and willfully refusing information or giving false information to an assessor or other authorized person making the enrollment, respecting the name, age, residence, occupation, military or naval service, physical or mental condition or other proper subject of inquiry, of himself or any person within his knowledge liable to be enrolled, shall for each such concealment, refusal or giving of false information be guilty of a misdemeanor. The officer making the enrollment shall, within 10 days, report all persons violating this section to the Adjutant General.

R.S.1954, c. 14, § 22.

**§ 765. Failure of assessors and clerks to perform duty; Governor may appoint others**

Any assessor neglecting or refusing faithfully to perform the duties of enrolling officer as required by law, or making any

false entry upon said rolls or committing any other fraud therein, and any clerk neglecting to make and forward the statement required by section 763 shall be guilty of a misdemeanor. Upon the failure of the assessors to make the enrollment of the militia as required by law, the Governor may appoint some person to make it at the expense of the municipality, and the person so appointed shall have all the powers and be subject to the same duties as are prescribed in the case of assessors.

R.S.1954, c. 14, § 23.

**§ 766. Rules when called out by Governor**

Whenever any portion of the militia not being in the service of the United States shall be on duty or ordered to assemble for duty by the Governor in time of actual war, insurrection, invasion or rebellion, or emergency due to fire, flood or other disaster, the articles of war governing the Army and Air Force of the United States, the articles for the Government of the United States Navy and the regulations prescribed for the Army, Air Force and Navy of the United States, so far as consistent with chapters 121 to 139 and the regulations issued thereunder, shall be in force and regarded as a part of chapters 121 to 139 until said forces shall duly be relieved from such duty during such state of actual war, insurrection, invasion or rebellion. No punishment under such rules and articles which shall extend to the taking of life shall in any case be inflicted until the approval by the Governor of the sentence inflicting such punishment.

R.S.1954, c. 14, § 87.