

# MAINE STATE LEGISLATURE

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CHAPTER 129  
STATE GUARD

Sec.

- 881. Authority and name.
- 882. Organization; rules and regulations.
- 883. Active service; pay and allowances; disability compensation.
- 884. Requisitions; armories; other buildings.
- 885. Use out of State.
- 886. Articles of war; freedom from arrest.
- 887. Federal service.
- 888. Enlistment of civil groups.
- 889. Disqualifications.
- 890. Oath of office.
- 891. Period of service.

**§ 881. Authority and name**

The Governor is authorized to organize and maintain within this State in time of peace, war or other emergency, under such regulations as the Secretary of the Army of the United States may prescribe for the organization, standard of training, instruction and discipline, such military forces distinct from the National Guard and the organized militia as the Governor, as Commander in Chief, may deem necessary to defend this State and protect its sovereignty. Such forces shall be known as the Maine State Guard and they shall be uniformed at the expense of the State.

Such forces shall be composed of officers commissioned or assigned, and such able-bodied male citizens of the State and such other able-bodied men who have or shall have declared their intention to become citizens of the United States as shall volunteer therein, who shall be more than 17 years of age. The restriction as to citizenship shall not apply to soldiers and sailors who have previously served honestly and faithfully in the United States Army, Air Force, Navy, Marine Corps, the organized militia or the National Guard. Youths not less than 16 years of age may be enrolled if written consent thereto is given by parents or guardian.

A person may not become a member of the Maine State Guard if he is a member of the National Guard or other reserve component of the Armed Forces of the United States.

R.S.1954, c. 14, § 89; 1963, c. 405, § 1.

**§ 882. Organization; rules and regulations**

The Governor is authorized from time to time to prescribe in rules and regulations not inconsistent with this chapter the enlistment, designation and location of units, the organization, administration, equipment, maintenance, training and discipline of such forces. The organization shall not conflict with the laws of the United States. Such rules and regulations, in so far as he deems practicable and desirable, shall conform to existing laws governing and pertaining to the National Guard of the State and the rules and regulations promulgated thereunder.

He shall, subject to the rules and regulations prescribed by the Department of the Army, appoint officers for such units and organizations of the State Guard as he may establish and such officers shall, subject to removal by the Commander in Chief, exercise the same military authority over their several commands as specified by the statutes of Maine for officers of the National Guard of the State.

R.S.1954, c. 14, § 90.

**§ 883. Active service; pay and allowances; disability compensation**

All of sections 703, 708 and 1041 not inconsistent with this chapter shall apply to and govern the Maine State Guard whenever such guard has been organized.

No pay will be allowed the officers and enlisted men of the Maine State Guard for drill and inspections, but nothing in this section shall be construed as to invalidate the provisions of section 1041 which are applicable to the Maine State Guard.

Any member of the Maine State Guard who, while in such active service as defined in section 703, shall receive any injury, or incur or contract any disability or diseases by reason of such active duty, or who shall without willful negligence on his part receive any wound, injury or disease incident thereto while performing any lawfully ordered duty in connection therewith, which shall incapacitate him from his usual business or occupation, shall receive compensation therefor in accordance with Title 39, as an employee of this State. The average weekly wage in such cases shall be taken to be the earning capacity of the injured in the occupation in which he is regularly engaged, and in case of death his dependents, if any, shall be entitled to compensation as provided in said Title 39.

R.S.1954, c. 14, § 91.

**§ 884. Requisitions; armories; other buildings**

For the use of such forces, the Governor is authorized to requisition from the Secretary of the Army such arms, ammunition, clothing and equipment as the Secretary of the Army in his discretion, and under regulations determined by him, is authorized to issue; and to make available to such forces the facilities of state armories and their equipment and such other state premises and property as may be available.

R.S.1954, c. 14, § 92.

**§ 885. Use out of State**

The Maine State Guard shall not be required to serve outside the boundaries of this State except:

Any organization, unit or detachment of such forces, upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this State into another state until they are apprehended or captured by such organization, unit or detachment or until the military or police forces of the other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons; provided such other state shall have given authority by law for such pursuit by such forces of this State. Any such person who shall be apprehended or captured in such other state by an organization, unit or detachment of the forces of this State shall without unnecessary delay be surrendered to the military or police forces of the state in which he is taken or to the United States, but such surrender shall not constitute a waiver by this State of its right to extradite or prosecute such person for any crime committed in this State.

R.S.1954, c. 14, § 93.

**§ 886. Articles of war; freedom from arrest****1. Uniform Code of Military Justice of the United States.**

Whenever such forces or any part thereof shall be ordered out for active service under section 703 the Uniform Code of Military Justice of the United States applicable to members of the National Guard of this State in relation to courts-martial, their jurisdiction, the limits of punishment and the rules and regulations prescribed thereunder shall be in full force and effect with respect to Maine State Guard.

**2. Freedom from arrest.** Every person belonging to such forces shall in all cases, except felony and breach of the peace,

be privileged from arrest while going to, remaining at or returning from any place at which he may be required to attend for military duty.

R.S.1954, c. 14, § 100.

### § 887. Federal service

Nothing in this chapter shall be construed as authorizing such forces, or any part thereof, to be called, ordered or in any manner drafted, as such into the military service of the United States, but no person shall by reason of his enlistment or commission in any such forces be exempted from military service under any law of the United States.

R.S.1954, c. 14, § 95.

### § 888. Enlistment of civil groups

No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league or other combination of persons or civil group shall be enlisted in such forces as an organization or unit.

R.S.1954, c. 14, § 96.

### § 889. Disqualifications

No person shall be commissioned or enlisted in such forces who has been expelled or dishonorably discharged from any military or naval organization of this State, or of another state or of the United States, or who has been convicted of a felony in any court of this State, or of another state or of the United States.

R.S.1954, c. 14, § 97.

### § 890. Oath of office

The oath to be taken by officers commissioned and men enlisted in such forces shall be substantially in the form prescribed for officers and enlisted men of the National Guard, substituting the words "Maine State Guard" where necessary.

R.S.1954, c. 14, § 98.

### § 891. Period of service

The term of service or enlistment of officers commissioned and men enlisted in such forces shall be that prescribed for officers and enlisted men of the National Guard.

R.S.1954, c. 14, § 99; 1963, c. 405, § 2.