

MAINE STATE LEGISLATURE

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CHAPTER 139

MISCELLANEOUS PROVISIONS

Sec.

- 1261. Rules and regulations.
- 1262. Uniform code of military justice applicable.
- 1263. Federal regulations to govern.
- 1264. Enlistment of minors into the army.
- 1265. Voluntary service forbidden unless authorized.
- 1266. Notices for duty.
- 1267. Special inspection.
- 1268. Closing of liquor and ammunition stores.
- 1269. Permission to leave or enter State.
- 1270. Other military organizations prohibited.
- 1271. Right of way.
- 1272. Bounds and limits of camps.
- 1273. Depriving members of employment; leave of absence from duties.
- 1274. Discrimination against members.
- 1275. Discrimination in public places.
- 1276. Molestation of members.
- 1277. Prosecution of offenses before civil courts.
- 1278. Neglect of civil officers to perform duties imposed on them.
- 1279. Exemption from arrest.
- 1280. Exemption from jury duty.
- 1281. Military accounts.
- 1282. Unauthorized use of certain badges.
- 1283. Sale or purchase of military decorations prohibited.

§ 1261. Rules and regulations

The Governor is authorized to make such rules and regulations as he may deem expedient, but such rules and regulations shall conform to chapters 121 to 139 and regulations published by the national military establishment for the government of the National Guard of the United States, as nearly as practicable to those governing the United States Army, Air Force and Navy, and when promulgated, shall have the same force and effect as chapters 121 to 139. The rules and regulations as heretofore established, and not inconsistent with chapters 121 to 139, shall remain in force until new rules and regulations are approved and promulgated.

R.S.1954, c. 14, § 86.

§ 1262. Uniform code of military justice applicable

Except as provided in chapters 121 to 139, the National Guard or other authorized state military or naval forces of the State of Maine shall at all times and in all places, and the unorganized militia shall whenever called into service, be governed by the Uniform Code of Military Justice and Manual for Courts-martial, United States, 1951.

R.S.1954, c. 14, § 88.

§ 1263. Federal regulations to govern

Matters of military courtesy and discipline; precedence of regiments and corps; details and working parties; special duty; official designation and duties of officers; records; flags, colors and standards; instruction and administration of regiments, battalions and companies; interior economy of companies; rosters, detachments and daily service; honors, courtesies and ceremonies; guards; practical and theoretical instruction; care, accountability and responsibility for public property; surveys of property; staff administration and general duties of the staff corps; military correspondence; orders; muster rolls; return of troops and battle reports; arrest and confinement; and field service shall, in general and so far as practicable and consistent with chapters 121 to 139, be as prescribed in United States Army, Air Force and National Guard regulations.

R.S.1954, c. 14, § 69.

§ 1264. Enlistment of minors into the army

Whoever in this State enlists or causes to be enlisted into the Armed Forces of the United States, a minor under the age of 17 years, knowing him to be such, without the written consent of his parent, master or guardian, or persuades him to leave the State with intent thus to enlist him, shall be punished by a fine of not more than \$500 or by imprisonment for less than one year.

R.S.1954, c. 14, § 82.

§ 1265. Voluntary service forbidden unless authorized

No organization of the National Guard or other authorized state military or naval forces shall perform any voluntary military service except as authorized by chapters 121 to 139 or by the express orders of the Governor.

R.S.1954, c. 14, § 72.

§ 1266. Notices for duty

Notices for duty at encampments, maneuvers and field instruction shall be given at least 10 days prior thereto, and for other duty at such time as the officer issuing the order shall prescribe. Such notices shall be given orally or by written or printed notice in hand, sent by mail or left at the last and usual place of abode. The posting of the copy of an order in a conspicuous place in the drill or business room of the unit, at a regular meeting held not less than 4 days before the time fixed in such order for the performance of any duty, shall be sufficient notice thereof. When the days upon which the stated drills provided by law, orders or regulations are to be held have been fixed, no further notice thereof shall be required to the members of the unit.

R.S.1954, c. 14, § 39.

§ 1267. Special inspection

The Commander in Chief may in his discretion at such times and under such regulations as he may prescribe order each colonel commanding a regiment or corps, or, in case of his disability or when designated by him, the lieutenant colonel, and each officer commanding a battalion, to parade, inspect and report upon the general military efficiency of the several companies under his command at least once each year. The Commander in Chief may, whenever he deems it necessary, order an inspection by a medical officer of the officers and men, armories, clothes and equipment of the National Guard or other authorized state military or naval forces.

R.S.1954, c. 14, § 37.

§ 1268. Closing of liquor and ammunition stores

Whenever any part of the National Guard or other authorized state military or naval forces is on active duty, pursuant to the order of the Governor or call of civil authority, to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the selling, bartering, lending or giving away any of said articles so long as any of the troops remain on duty in such places or in the vicinity thereof, whether any civil officer has forbidden the same or not.

R.S.1954, c. 14, § 38.

§ 1269. Permission to leave or enter State

No organization of the National Guard or other authorized state military or naval forces shall leave the State, and no military organization of another state, unless acting under the authority of the United States, shall enter the State, except in each case by permission of the Governor.

R.S.1954, c. 14, § 73.

§ 1270. Other military organizations prohibited

No body of men, other than the National Guard or other authorized state military or naval forces and the troops of the United States, shall associate themselves together as a military company or organization or parade in public with firearms in any city or town of this State; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming, or in any other way supporting, sustaining or providing drill rooms or armories for any such body of men. Associations wholly composed of soldiers and sailors honorably discharged from the service of the United States and the order known as the Sons of Veterans may parade at any time in public with firearms, having first obtained the written permission of the city or municipal officers of the town or city in which they reside to parade, and students in educational institutions where military science is taught as a prescribed part of the course of instruction, may, with the consent of the Governor, drill and parade with firearms in public under the superintendence of their military instructors. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both.

R.S.1954, c. 14, § 74.

§ 1271. Right of way

The commander of any portion of the National Guard or other authorized state military or naval forces parading or performing any military duty in any street or highway may require any or all persons in such street or highway to yield the right of way to such National Guard or other authorized state military or naval forces, provided the carriage of the United States mail, the legitimate functions of the police, and the progress and operations of the hospital ambulances, fire engines and fire departments, and apparatus of the insurance patrol shall not be interfered with thereby. All others who shall hinder, delay or obstruct any por-

tion of the National Guard or other authorized state military or naval forces whenever parading or performing any military duty, or who shall attempt to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

R.S.1954, c. 14, § 75.

§ 1272. Bounds and limits of camps

Every commanding officer, when on duty as such, may fix necessary bounds and limits to his camp or parade, not including a road so as to prevent passing. Whoever intrudes within the limits of the parade, camp or armory, after being forbidden, or resists a sentinel who attempts to put him or keep him out of such limits, or in any manner interrupts or molests the orderly discharge of duty by those under arms, or disturbs, hinders or prevents the passage of troops going to or returning from any duty, may, at the discretion of the commanding officer, be confined under guard not exceeding 24 hours. Such authority of an officer commanding a camp may be extended by order of the Commander in Chief to a distance not exceeding $\frac{1}{2}$ mile around such camp. The owner or owners of the external space within such distance of the camp, and their agents or servants, shall not be hindered or prevented from entering upon such space for the purpose of using, occupying and improving the same in the same manner in which they used, occupied and improved the same at the time when the camp was established. The commanding officer of any camp or armory may prohibit the introduction or sale of, or dealing in, wine or any intoxicating liquor within the limits or extended limits of the camp or within the armory, and he may abate as common nuisances all such sales and introductions.

R.S.1954, c. 14, § 76.

§ 1273. Depriving members of employment; leave of absence from duties

Any person who either by himself or with another, willfully deprives a member of the National Guard or other authorized state military or naval forces of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said National Guard or other authorized state military or naval forces or his employer in respect to his trade,

business or employment, because said member of said National Guard or other authorized state military or naval forces is such member, or dissuades any person from enlisting in the said National Guard or other authorized state military or naval forces by threat of injury to him in case he shall so enlist, in respect to his employment, trade or business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

All officials and employees of this State who shall be members of the National Guard or other authorized state military or naval forces thereof and army, air force, marine, coast guard and naval reservists shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days during which they shall be engaged in field, naval, air, or coast defense training ordered or authorized by the Governor or under the National Defense Act or Armed Forces Reserve Act of 1952.

R.S.1954, c. 14, § 77.

§ 1274. Discrimination against members

No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment or business of the members thereof, shall by any constitution, rule, bylaw, resolution, vote or regulation discriminate against any member of the National Guard or other authorized state military or naval forces because of such membership, in respect to the eligibility of such member of the National Guard or other authorized state military or naval forces to membership in such association or corporation, or in respect to his rights to retain said last mentioned membership. Any person who aids in enforcing any such provisions against a member of the said National Guard or other authorized state military or naval forces with intent to discriminate against him because of such membership shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

R.S.1954, c. 14, § 78.

§ 1275. Discrimination in public places

Whoever makes any distinction, discrimination or restriction against any soldier or sailor duly enlisted in the service of the United States or of the State relative to admission to, or treat-

ment in, a theatre, skating rink or other public place of amusement, or in any public conveyance or public meeting, or in an inn or hotel, or other public place kept for gain or hire, while wearing the uniform of said United States or of said State, except for good cause, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months.

R.S.1954, c. 14, § 83.

§ 1276. Molestation of members

Whoever shall unlawfully molest, insult or abuse any member of the National Guard or other authorized state military or naval forces while in the performance of his duty shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

R.S.1954, c. 14, § 79.

§ 1277. Prosecution of offenses before civil courts

Offenses against chapters 121 to 139, except when they are purely military and committed by a person subject to military jurisdiction, may, unless a different remedy is specially provided, be prosecuted by complaint or indictment before a court of competent criminal jurisdiction. All fines and forfeitures collected under chapters 121 to 139, the disposition whereof is not otherwise specially provided for, shall be paid into the State Treasury and credited to the Military Fund.

R.S.1954, c. 14, § 80.

§ 1278. Neglect of civil officers to perform duties imposed on them

Civil officers named in chapters 121 to 139, neglecting or refusing to obey their provisions, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

R.S.1954, c. 14, § 81.

§ 1279. Exemption from arrest

Every person belonging to the National Guard or other authorized state military or naval 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.

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 first 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.1954, c. 14, § 70; 1957, c. 397, § 7.

§ 1280. Exemption from jury duty

Every member of the National Guard or other authorized state military or naval forces, every retired officer and every enlisted man holding the certificate of merit shall be exempt from all jury duty. Production of a certificate from the claimant's commanding officer showing that the holder is a member of the National Guard or other authorized state military or naval forces, or a certificate of retirement, or a certificate of merit, or the sworn statement of the claimant that he is such member, retired officer or holder of a certificate of merit shall be prima facie proof that the claimant is entitled to the exemption.

R.S.1954, c. 14, § 71.

§ 1281. Military accounts

All military accounts, unless otherwise specially provided by law, shall be approved by the person authorized to contract the same and transmitted to the Adjutant General for his examination and approval. They shall then be presented to the State Controller.

For the current expenses of the National Guard, State Guard and other authorized state military or naval force, there shall be appropriated biennially such sums as may be necessary for the proper administration of the military law, which shall be designated as the "Military Fund."

R.S.1954, c. 14, § 54.

§ 1282. Unauthorized use of certain badges

Whoever willfully wears the badge, button or other insignia of the Grand Army of the Republic, of the Sons of Union Veterans of the Civil War, of the United Spanish War Veterans, of the

Veterans of Foreign Wars or of the American Legion, or the official discharge button of the Army, Air Force, Navy or Marine Corps, or of any other military, naval or patriotic organization legally incorporated, or uses or wears the same to obtain aid or assistance thereby within the State, unless he shall be entitled to use or wear the same under the rules and regulations respectively of the Department of Maine of the Grand Army of the Republic, of the Sons of Union Veterans of the Civil War, of the United Spanish War Veterans, of the Veterans of Foreign Wars, or of the American Legion or under the regulations of the Army, Air Force, Navy or Marine Corps or of any other military, naval or patriotic organization legally incorporated, shall be punished by a fine of not more than \$20 or by imprisonment for not more than 30 days, or by both.

R.S.1954, c. 14, § 84.

§ 1283. Sale or purchase of military decorations prohibited

It shall be unlawful for any person to expose for sale, offer for sale, sell, pawn or pledge, or for any person to buy, purchase or loan money on any military badge, button, decoration or other insignia issued under the regulations of the Army, Air Force, Navy or Marine Corps of the United States or the National Guard. Whoever violates this section shall be punished by a fine of not more than \$20 or by imprisonment for not more than 30 days, or by both.

1963, c. 219.