

MAINE STATE LEGISLATURE

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(Governor's Bill)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1804

H.P. 1320 House of Representatives, June 10, 1987
Reference to the Committee on Aging, Retirement and
Veterans suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MARSANO of Belfast.

Cosponsored by Representatives RICHARD of Madison,
JALBERT of Lisbon, and Senator BLACK of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Create an Additional Section to the
2 Maine Code of Military Justice to Encompass
3 General Disciplinary Offenses Similar
4 to the United States Code of Military
5 Justice.
6

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

9 37-B MRSA §454 is enacted to read:

10 §454. General disciplinary offenses

11 Though not specifically mentioned in this Code,
12 all disorders and neglects to the prejudice of good
13 order and discipline in the state military forces or
14 all conduct of a nature to bring discredit upon the

1 state military forces, or both, of which persons sub-
2 ject to this Code may be guilty, shall be punished in
3 accordance with the nature and degree of the offense,
4 as a court-martial may direct.

5 STATEMENT OF FACT

6 The Maine Revised Statutes, Title 37-B, section
7 454, applies to all disorders and neglects to the
8 prejudice of good order and discipline in the state
9 military forces and all conduct of a nature to bring
10 discredit upon the state military forces. The United
11 States Code of Military Justice has a comparable
12 "general" criminal disciplinary statute in Article
13 134 to include all offenses to military discipline
14 not specifically outlined in the federal criminal ar-
15 ticles in the United States Code of Military Justice.
16 The language of Title 37-B, section 454, covers many
17 rather diverse offenses of concern to the military
18 community as well. Conduct cannot be punished under
19 Title 37-B, section 454, if the conduct has been ad-
20 judged to be in violation of some other specific sec-
21 tion. Conduct prescribed by this so-called "General
22 Article" includes, but is not limited to, certain as-
23 saults, indecent conduct, illicit sexual relations,
24 dishonorable conduct which includes dishonorably
25 failing to pay a just debt, fraud, drunkenness and
26 disorderly conduct, uttering disloyal statements that
27 tend to undermine discipline and loyalty, to be dis-
28 tinguished from disrespectful language which violates
29 a specific section, and communicating a threat. Of-
30 fenses recognized by the "General Article" must have
31 a substantial military interest, that is, an impact
32 on military discipline requiring swift action to cur-
33 tail others and avoid disruption of discipline, pre-
34 serving the integrity of the system.

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