

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 596

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to provide for the pay and care of the members of
the National Guard for disability while in the service.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. A member of the National Guard or Naval
2 Militia who shall, when on duty or assembled therefor, in
3 case of riot, tumult, breach of the peace, insurrection or
4 invasion, or whenever in attendance at the annual encamp-
5 ment under order of the commander-in-chief, or when
6 called in aid of the civil authorities, receive any injury, or
7 incur or contract any disability or disease, by reason of such
8 duty or assembly therefor, which shall temporarily incapaci-
9 tate him from pursuing his usual business or occupation,
10 shall, during the period of such incapacity, receive the same

11 pay which he would be entitled to if on duty and actual
12 necessary expenses for care and medical attendance, pro-
13 vided, however, that he shall show that such disease or disa-
14 bility is due to no fault or neglect of his own, and if con-
15 tracted while on duty during the annual encampment, that
16 it is due entirely to the unsanitary condition of the camp
17 or the negligence of the officials having the same in charge.
18 No claim shall be allowed under this section unless the claim-
19 ant within thirty days after the close of the annual encamp-
20 ment or after receiving the injury or contracting the disease
21 or disability upon which the claim is made, notifies in writing
22 the Adjutant General of his intention to make such claim.
23 Under this section no disability shall be considered tempo-
24 rary which continues more than ninety days from the date
25 of recovering the injury or of incurring or contracting the
26 disease or disability, and pay and expenses for care and medi-
27 cal attendance for more than the said ninety days shall not
28 be allowed. Where a claim is made under this section the
29 claimant shall, within thirty days after receiving the injury
30 or contracting the disease or disability upon which the claim
31 is made, or such further time as the Adjutant General shall
32 grant, submit to the Adjutant General his proof by affidavits
33 or otherwise as the Adjutant General may direct. On
34 examination thereof the Adjutant General may allow or dis-
35 allow the whole or any part of said claim. He may at his
36 discretion cause examinations of the claimant to be made
37 from time to time by a medical officer or officers designated

38 for the purpose, and he may direct the removal of a claimant
39 to, and his treatment in, a hospital designated by the Adju-
40 tant General, and if the claimant refuses to permit any such
41 examination or if he refuses to go to such hospital or to
42 follow the advice given or treatment prescribed for him
43 therein, he shall thereby forfeit and be barred from all right
44 to any claim or allowance under this section, or he may refer
45 the same to a board of inquiry who shall have the same
46 power to take evidence, administer oaths, issue subpoenas
47 and compel witnesses to attend and testify and produce books
48 and papers and punish their failure to do so, as is possessed
49 by a general courtmartial. If the claim is so referred to a
50 board of inquiry its findings shall be subject to the approval
51 of the Adjutant General. He may approve either the whole
52 or any part thereof, or he may return the proceedings of
53 the board for revision and for taking further testimony.
54 The amount which shall be found due such member by the
55 Adjutant General, either on his own investigation, the report
56 of a medical examiner, or to the extent that the findings of
57 a board of inquiry are approved by him, shall be a claim
58 against the State of Maine and the Adjutant General shall
59 so certify to the Governor and Council who will cause their
60 warrant to be drawn for the amount so certified and the
61 Treasurer of the State of Maine shall pay said amount to
62 the claimant from any moneys in the Treasury not other-
63 wise appropriated.

Sect. 2. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 15, 1907.

Reported by Mr. FLAHERTY from Committee on Military Affairs, and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*