

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 504

House of Representatives, March 9, 1911.

*Reported by Mr. Hogan from Committee on Military Affairs
and ordered printed under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to amend chapter two hundred and six of the Public
Laws of 1909, entitled An Act to consolidate and revise the
Military Laws of the State of Maine.

Whereas, certain changes in the military laws are necessary
in order to render more efficient the active militia of the State
of Maine; therefore, in the judgment of the Legislature, the
measure herein proposed is immediately necessary for the pres-
ervation of the public peace, health or safety.

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

Section 1. Amend section 2 of chapter 206 of the Public
2 Laws of 1909 by striking out in the fifth line thereof the
3 words "biennially in April," and inserting in place thereof

4 the words 'whenever the governor may deem necessary,' and
5 by striking out in the sixteenth line thereof the words "on
6 or before the first day of May of the year when made," and
7 inserting in place thereof the word 'forthwith,' and by strik-
8 ing out in the seventeenth line thereof the words "on or
9 before the tenth day of said May" and inserting in the place
10 thereof the words 'within ten days,' and by striking out in
11 the nineteenth and twentieth lines thereof the words "na-
12 tional guard" and inserting in place thereof the words 'active
13 militia,' so that said section as amended shall read as fol-
14 lows:

'Sect. 2. All male citizens who are more than eighteen
16 and less than forty-five years of age, excepting idiots, luna-
17 tics, paupers, vagabonds, habitual drunkards, and persons
18 convicted of infamous crimes, and who are resident in this
19 state, shall, whenever the governor may deem necessary, be
20 enrolled by the assessors in the several cities, towns and
21 plantations in which they reside, in such manner and accord-
22 ing to such regulations as the governor shall prescribe. On
23 such enrollment and opposite the name of each person who
24 is exempt from duty under section one, or who is serving
25 in the active militia, or who is unable by reason of physical
26 disability to perform military duty, the assessors shall write
27 the word "exempt" and state in each case the cause of ex-
28 emption. The assessors shall subscribe said list and make
29 oath that the same is true to the best of their knowledge and
30 belief; and shall file the same with the clerk of the city,

31 town or plantation forthwith; and each clerk shall, within
32 ten days, make a certified statement of the total number en-
33 rolled, the number marked exempt, the number belonging
34 to the active militia and the number marked disabled, and
35 forward the same to the office of the adjutant general.'

Sect. 2. Amend section 8 of chapter 206 of the Public
2 Laws of 1909 by striking out all of said section after the
3 word "appointment" in the fifteenth and sixteenth lines
4 thereof and inserting in place thereof the following:

'All officers of the staff of the commander-in-chief except-
6 ing the senior officer on duty in each of the staff departments
7 shall be appointed and commissioned by the governor and
8 shall hold office during his pleasure and until their suc-
9 cessors are appointed and qualified,' so that said section as
10 amended shall read as follows:

'Sect. 8. The staff of the commander-in-chief shall con-
12 sist of the adjutant general who shall be ex-officio chief of
13 staff, quartermaster general, and paymaster general, with
14 rank of brigadier general, an inspector general with rank of
15 colonel, a judge advocate, with rank of lieutenant colonel,
16 the senior officer on duty with each of the staff departments,
17 and four aides-de-camp, with the rank of major, and one
18 naval aide with rank of lieutenant commander. All officers,
19 except as otherwise provided in this chapter, and except the
20 aides herein provided, must be at the time of their appoint-
21 ment, commissioned officers in the active militia, on the
22 active or retired list of or above the grade of captain, but

23 no officers shall be appointed from the retired list who shall
24 have had less than eight years of service in the active militia,
25 the last year of which shall have been within ten years imme-
26 diately preceding the appointment.

‘All officers of the staff of the commander-in-chief except-
28 ing the senior officer on duty in each of the staff depart-
29 ments shall be appointed and commissioned by the governor
30 and shall hold office during his pleasure and until their suc-
31 cessors are appointed and qualified.’

Sect. 3. Amend section 20 of chapter 206 of the Public
2 Laws of 1909 by inserting after the word “otherwise” in
3 the twenty-seventh line thereof the words ‘whenever or-
4 dered by the governor’ and by striking out in the twenty-
5 eighth line thereof the word “annual,” so that said section
6 as amended shall read as follows:

‘Sect. 20. The senior officer on duty in the ordnance de-
8 partment shall have the rank of lieutenant colonel and shall
9 from time to time submit to the adjutant general requisitions
10 for all ordnance property, equipment, and accoutrements
11 and all range and target material, which requisitions when
12 approved by the adjutant general, and submitted to and
13 signed by the governor shall if they be for material issued
14 to the state by the ordnance department be forwarded to
15 that department for supply, and if they be for material not
16 so issued, then by direction of the adjutant general and in
17 the manner prescribed in section twenty-seven, the senior
18 ordnance officer shall purchase and direct the issue of such

19 ordnance property and range material, certify all bills there-
20 for as correct, and transmit them to the adjutant general.

‘He shall, when required or whenever he deems it neces-
22 sary, report to the adjutant general upon the condition of
23 the ordnance, arms, and accoutrements on hand or issued to
24 the national guard; he shall point out all deficiencies and,
25 so far as he is vested with authority, he shall be responsible
26 that all organizations are armed and equipped as prescribed
27 or as may hereafter be prescribed by the war department.

‘He shall be the inspector of and shall exercise general
29 supervision over the small-arms practice of the national
30 guard. No target range or shooting gallery for the national
31 guard shall be acquired, constructed, maintained or equipped,
32 except upon his recommendation, unless the governor shall
33 expressly order otherwise. Whenever ordered by the gov-
34 ernor it shall be his duty to make or cause to be made by
35 the regimental inspectors of small-arms practice an inspec-
36 tion of all target ranges and shooting galleries used by the
37 national guard, to submit a report to the adjutant general
38 of the condition and necessities of each; and to make a de-
39 tailed report of the transactions of his office to the adjutant
40 general on the fifteenth day of December annually.’

Sect. 4. Amend section 38 of chapter 206 of the Public
2 Laws of 1909 by striking out all of said section and substi-
3 tuting therefor the following:

‘Sect. 38. For the purpose of securing competent medical
5 practitioners to conduct the physical examination of appli-

6 cants for enlistment and to render medical service to any
7 organization when so ordered by the commander-in-chief
8 the governor is authorized to issue commissions as first lieu-
9 tenants of the medical reserve corps to such active licensed
10 practioners of medicine and surgery in this state as shall
11 be favorably recommended by the senior officer of the medi-
12 cal corps, not to exceed one for each company or other
13 organization so situated that the services of an officer of
14 the medical corps cannot be effectively available. Such offi-
15 cers are not entitled to retirement, but the commission so
16 given shall confer upon the holders all the authority, rights
17 and privileges of commissioned officers of like grade in the
18 medical corps of the national guard, except promotions, but
19 only when engaged in active duty in examining recruits or
20 under orders from the commander-in-chief. They shall
21 have rank in said corps according to the date of their com-
22 missions therein, and when employed on active duty shall
23 rank next below all officers of like grade in the active militia ;
24 provided that any officer of the medical reserve corps who
25 fails to perform his duty as herein prescribed shall forfeit
26 his commission and not be eligible to reappointment.

‘Officers of the medical reserve corps when called into or
28 engaged in active duty shall be subject to all the laws, regu-
29 lations, and orders for the government of the active militia ;
30 and for conducting the physical examination of applicants
31 for enlistment shall be entitled to such compensation as the

32 governor in regulations may prescribe, and for all other ser-
33 vices to the pay of first lieutenants of the medical corps.'

Sect. 5. Amend section 52 of chapter 206 of the Public
2 Laws of 1909 by striking out in the twelfth, thirteenth, four-
3 teenth, fifteenth and sixteenth lines thereof the words "nor
4 shall it, upon the expiration of his present commission,
5 prevent the re-election or reappointment of any officer
6 to the office he now holds for the same period of time and
7 under the same conditions as obtained heretofore and up
8 to the passage of this act," so that said section as amended
9 shall read as follows:

'Sect. 52. No person shall be elected, appointed or com-
11 missioned to any of the following grades, who is over the
12 age limit prescribed for each of the several grades, namely:
13 Brigadier general, sixty-four years; colonel and lieutenant
14 colonel, sixty-one years; major, fifty-six years; captain, fifty
15 years; first lieutenant, forty-five years; and second lieuten-
16 ant, forty years. Any officer who shall, while serving in
17 any of the above grades, reach the age limit prescribed for
18 said grade, shall, if eligible, be retired; otherwise, honor-
19 ably discharged. This section shall not apply to the adju-
20 tant general of the state of Maine, and shall not serve to
21 vacate any commission now in force; nor shall it apply to
22 chaplains of the national guard.'

Sect. 6. Amend section 53 of chapter 206 of the Public
2 Laws of 1909 by adding thereto the words, "This section

3 shall not apply to the adjutant general of the state of Maine,'
4 so that said section as amended shall read as follows:

'Sect. 53. No officer of the active militia shall be permit-
6 ted to serve in any of the following grades for a greater
7 period than that prescribed for each of the several grades,
8 namely: Brigadier general, five years; colonel, six years;
9 lieutenant colonel, seven years; major, eight years; captain,
10 nine years; first lieutenant, ten years, and second lieutenant,
11 ten years. But should any officer be re-elected or reappoint-
12 ed to the office he now holds, the time limit of service in that
13 grade shall be reckoned from the date of the approval or
14 passage of this act. When an officer shall have served the
15 prescribed time in any one grade he shall be placed on the
16 retired list. This section shall not apply to the adjutant
17 general of the state of Maine.'

Sect. 7. Amend section 54 of chapter 206 of the Public
2 Laws of 1909 by striking out all of said section and substi-
3 tuting therefor the following:

'Sect. 54. Vacancies occurring in the various grades, ex-
5 cepting the lowest, of the several staff departments and corps
6 shall be filled by promoting and appointing the senior officer
7 in the next lower grade of said department or corps. Va-
8 cancies occurring in the lowest grade thereof shall be filled
9 in the following manner:

'In the medical department appointments shall be made by
11 the governor upon the recommendation of a board of exam-
12 ination consisting of three officers of the medical corps.

13 Such boards of examination shall be convened by general
14 orders from the adjutant general's office, which orders shall
15 indicate the number of vacancies to be filled, and any active
16 licensed practitioner of medicine and surgery in this state
17 and who is physically sound shall be permitted to appear for
18 examination.

'In the ordnance and subsistence departments any vacancy
20 shall be filled by the appointment thereto of any commis-
21 sioned officer in the active militia on the active or retired list
22 but if from the active list of at least five years' service, two
23 of which shall have been as a commissioned officer, and if
24 from the retired list that the last year of service on the
25 active list shall have been within eight years immediately
26 preceding the appointment.

'Commanding officers of brigades, regiments and separate
28 battalions shall appoint their respective staff officers subject
29 to the provisions of sections forty-seven, forty-eight, fifty-
30 seven and fifty-eight of this act, who shall hold office during
31 the pleasure of the officer making the appointment and until
32 their successors are appointed and qualified, subject at all
33 times to the same laws and regulations as apply to other com-
34 missioned officers of the national guard.

'Battalion staff officers are appointed by the regimental
36 commanders upon recommendation of the battalion com-
37 mander.'

Sect. 8. Amend section 62 of chapter 206 of the Public
2 Laws of 1909 by striking out all of said section after the

3 word "duty" in the thirty-second line thereof, so that said
4 section as amended shall read as follows:

'Sect. 62. Any officer who is sixty-four years old, or who
6 is found incapacitated for service by reason of physical dis-
7 ability under the provisions of section fifty-eight, or who
8 hereafter shall serve in any one grade the time limit as pre-
9 scribed in section fifty-three, or who shall while serving in
10 any grade reach the age limit prescribed for that grade in
11 section fifty-two and be eligible for retirement due to length
12 of service or other cause specified in this section, shall be
13 withdrawn from the active service and placed on the retired
14 list.

'Any officer who has served twenty-five years as a com-
16 missioned officer in the active militia of this state, or who
17 is sixty years old, may be, by order of the commander-in-
18 chief, withdrawn from the active service and placed on the
19 retired list.

'Any officer who has served as a commissioned officer in
21 the active militia of this state six consecutive years, or as
22 such nine years not necessarily consecutive, or nine years
23 either as an officer or soldier in which shall be counted hon-
24 est and faithful service in the military or naval service of
25 the United States, or both, provided six years of which have
26 been service as a commissioned officer in the active militia
27 of the state, shall, if he make application, be placed on the
28 retired list with the highest rank held by him during his
29 service.

‘Any officer who has served as a commissioned officer in
31 the active militia of this state for a continuous period of fif-
32 teen years; honorable service in war to be counted double,
33 may at his own request be placed upon the retired list with
34 one grade higher rank than that held at the time of his re-
35 tirement.

‘Retired officers shall be entitled to wear the uniform of
37 the rank with which they were retired; they shall continue
38 to be borne on the national guard register, shall be subject
39 to military law, and may, in the discretion of the governor,
40 be assigned to active duty.’

Sect. 9. Amend section 66 of chapter 206 of the Public
2 Laws of 1909 by striking out in lines four and five the words
3 “except that men may be enlisted as musicians if more than
4 sixteen years of age,” so that said section as amended shall
5 read as follows:

‘Sect. 66. Recruits enlisting in the active militia must be
7 able-bodied men, free from disease, of good character and
8 temperate habits, between the ages of eighteen and forty-
9 five years; and in time of peace no person who is not a citi-
10 zen of the United States and of this state, or who has not
11 made legal declaration of his intention to become a citizen
12 or who cannot speak, read, and write the English language
13 or who does not reside within a town where an organization
14 of the active militia is stationed, or within a radius of twelve
15 miles, shall be enlisted in the active militia; provided that
16 the character and the standard of the physical examination

17 required for enlistment in the national guard shall be as
18 prescribed in the regulations of the war department and the
19 laws of the United States for the government of the organ-
20 ized militia, and provided that no person under the age of
21 twenty-one years, having parent or guardian entitled to his
22 custody, shall be enlisted or mustered into the active militia
23 of the state without the written consent of such parent or
24 guardian.

‘No person not of the age specified above, no insane or
26 intoxicated person, no deserter from the military or naval
27 service of the United States or of this or any other state,
28 and no person who has been convicted of a felony shall be
29 enlisted in the active militia.

‘Hereafter all enlistments in the active militia shall be for
31 a term of not less than three years, and no person shall
32 again be enlisted whose service during the last enlistment
33 in the active militia was not honest and faithful, or who
34 has been dishonorably discharged or discharged without
35 honor from any military or naval organization of the state
36 or of the United States, unless he produces the written con-
37 sent to such enlistment of the commanding officer of the
38 organization in which he last served or from which he was
39 dishonorably discharged or discharged without honor and
40 unless such enlistment be approved by the adjutant general.

‘Men who have been discharged by reason of disbandment
42 may be enlisted and shall then receive credit for the period
43 served at the time of disbandment; and a man discharged

44 for physical disability shall if such disability cease and he
45 again enlists, receive credit for the period served prior to
46 such discharge.

‘Chief and principal musicians, musicians, and privates of
48 the hospital corps may be enlisted as such.’

Sect. 10. Amend section 75 of chapter 206 of the Public
2 Laws of 1909 by inserting after the word “regiment” in
3 the third line thereof the words ‘or corps,’ so that said section
4 as amended shall read as follows:

‘Sect. 75. The commander-in-chief may in his discretion
6 at such times and under such regulations as he may pre-
7 scribe order each colonel commanding a regiment or corps,
8 or, in case of his disability or when designated by him, of
9 the lieutenant colonel, and each major commanding a bat-
10 talion, to parade, inspect, and report upon the general mili-
11 tary efficiency of the several companies under his command
12 at least once each year. In addition to the inspections pro-
13 vided for in this section, the inspector general shall make
14 the inspection prescribed in section nineteen of this chapter;
15 and the commander-in-chief may, whenever he deems it
16 necessary, order an inspection by a medical officer of the
17 officers and men, armories, clothes and equipments of the
18 active militia.’

Sect. 11. Amend section 84 of chapter 206 of the Public
2 Laws of 1909 by striking out all of said section and substi-
3 tuting the following in place thereof:

‘Sect. 84. Whenever in his opinion the state of the mili-

5 tary fund and the appropriation to defray the current ex-
6 penses of the naval reserve will warrant the expenditure
7 the commander-in-chief is authorized to allow officers and
8 enlisted men of the active militia reasonable compensation
9 for attendance at drills under such regulations as he shall
10 prescribe, such regulations to be prepared for his consid-
11 eration by a special board consisting of the adjutant general,
12 the commanding officer of the coast artillery corps, the com-
13 manding officer of the second infantry and the commanding
14 officer of the ship's company, naval reserve.'

Sect. 12. Amend section 86 of chapter 206 of the Public
2 Laws of 1909 by inserting after the word "commander" in
3 the ninth line thereof the words 'or other officer who in the
4 opinion of the adjutant general is entitled to such remuner-
5 ation,' so that said section as amended shall read as follows:

'Sect. 86. In addition to all other pay and allowances
7 herein provided, there shall be allowed, subject to such regu-
8 lations as the commander-in-chief may prescribe, to an adju-
9 tant general on the staff of a brigade commander, to a regi-
10 mental adjutant, to the senior officer of the medical depart-
11 ment, to the senior officer of the ordnance department, each,
12 a sum not exceeding one hundred dollars per annum. To
13 the senior officer of the subsistence department, not exceed-
14 ing fifty dollars per annum. To each company commander
15 or other officer who in the opinion of the adjutant general
16 is entitled to such remuneration, for care and responsibility
17 of military property, not exceeding fifty dollars per annum;

18 to each company clerk, and to each company quartermaster
19 sergeant, not exceeding twenty-five dollars per annum.

‘To all officers ordered to make inspection or other jour-
21 neys necessary in the military service, there shall be allowed
22 all actual and necessary expenses incident to the performance
23 of said service, including such incidental expenditures as are
24 allowed by law and regulations to officers of the regular
25 army when inspecting the organized militia.

‘Whenever deemed necessary, the adjutant general may
27 authorize the computation of rations for enlisted men, which
28 shall be at the rates fixed by the regulations of the United
29 States in force at the time.

‘The adjutant general whenever necessary, and in such
31 manner as he may deem best, shall provide suitable mounts
32 for all officers and enlisted men required to perform mount-
33 ed duty. He shall also approve all other just and reason-
34 able claims, payments, and expenditures, legally made in
35 behalf of the military service of the state.’

Sect. 13. Amend section 87 of chapter 206 of the Public
2 Laws of 1909 by adding thereto the following:

‘And provided further that whenever the governor shall
4 deem it necessary he may draw his warrant on the state
5 treasurer in favor of the paymaster general for such sums
6 from the military fund or the appropriation for the support
7 of the naval reserve as may be required to meet immediate
8 payments for current expenditures, such funds to be ac-
9 counted for separately on a monthly account current to be

10 filed with the state auditor and any unused balance to be
11 covered into the state treasury whenever directed by the
12 governor,' so that said section as amended shall read as fol-
13 lows:

'Sect. 87. All military accounts, unless otherwise specially
15 provided by law, shall be approved by the person authorized
16 to contract the same and transmitted to the adjutant general
17 for his examination and approval. They shall then be pre-
18 sented to the governor and council, and if found correct
19 shall be certified to the paymaster general for payment, and
20 a warrant shall be drawn for the amount thereof on the
21 state treasurer in favor of the paymaster general; accounts
22 so allowed shall be paid by him to the persons to whom they
23 are severally due, or to their order; provided that no pay-
24 ment whatever shall be made or allowed except for duty
25 actually performed or services actually rendered; and pro-
26 vided that no payment of any sum authorized by this chap-
27 ter shall be made to any person until there shall have been
28 first deducted therefrom all amounts due by him to the state
29 on any military account whatsoever; and provided further
30 that whenever the governor shall deem it necessary he may
31 draw his warrant on the state treasurer in favor of the pay-
32 master general for such sums from the military fund or the
33 appropriation for the support of the naval reserve as may
34 be required to meet immediate payments for current ex-
35 penditures, such funds to be accounted for separately on a
36 monthly account current to be filed with the state auditor

37 and any unused balance to be covered into the state treasury
38 whenever directed by the governor.'

Sect. 14. Amend section 90 of chapter 206 of the Public
2 Laws of 1909 by adding thereto the following:

'Provided further that when he shall deem it necessary for
4 the proper care of military property the adjutant general
5 is authorized to lease any building or buildings or storage
6 room, but no such lease shall be made without the approval
7 of the governor,' so that said section as amended shall read
8 as follows:

'Sect. 90. It shall be the duty of municipal officers to pro-
10 vide and maintain for each company of the active militia
11 located within the limits of their respective towns a suitable
12 drill-room, offices, and armory, or place of deposit of all
13 military equipment, and for the headquarters of each sep-
14 arate battalion, corps, regiment, and brigade established
15 within said municipal limits suitable headquarters offices;
16 and the suitability for the necessary military purposes, of
17 such drill-rooms, armories and headquarters offices, shall be
18 determined by the armory commission. A reasonable com-
19 pensation to be fixed by the armory commission, after hear-
20 ing and consulting with the responsible municipal officers,
21 not to exceed three hundred dollars per annum for each com-
22 pany, other organization, band or separate headquarters shall
23 be allowed as rent for such suitable building or buildings to
24 the municipality providing and maintaining them, and paid
25 by the state out of the military fund. Provided further that

26 when he shall deem it necessary for the proper care of mili-
27 tary property the adjutant general is authorized to lease any
28 building or buildings or storage room, but no such lease shall
29 be made without the approval of the governor.'

Sect. 15. Amend section 92 of chapter 206 of the Public
2 Laws of 1909 by striking out in the fourth line thereof the
3 words "one hundred and seven" and substituting therefor
4 the word 'ninety,' and by striking out in the seventh line
5 thereof the words "one hundred and eight" and substituting
6 therefor the words 'ninety-one,' so that said section as
7 amended shall read as follows:

'Sect. 92. Any municipal officer who fails, refuses, or neg-
9 lects to take effective measures for providing and maintain-
10 ing such suitable drill-rooms, offices, armories, or headquar-
11 ters as prescribed in section ninety, and any municipal offi-
12 cer who fails, refuses, or neglects to take effective measures
13 for providing and maintaining a suitable target range as
14 prescribed in section ninety-one, shall be guilty of a mis-
15 demeanor, prosecuted by complaint or indictment before a
16 court of competent jurisdiction, and upon conviction shall
17 be fined not less than one hundred dollars nor more than
18 four hundred dollars, or imprisoned for not less than three
19 months nor more than six months, or shall suffer both such
20 fine and imprisonment, which fine shall be paid into the
21 state treasury and credited to the military fund.'

Sect. 16. Section 95 of chapter 206 of the Public Laws
2 of 1909 is amended by adding thereto the words 'For each

3 day actually employed in the transaction of the business of
4 the armory commission military members other than the
5 adjutant general shall receive the pay of their rank as pro-
6 vided in section 85 and civilian members shall receive as
7 compensation the sum of five dollars; and all members shall
8 be reimbursed for actual traveling expenses, such accounts
9 to be paid from the military fund in accordance with the
10 provisions of section 87,' so that said section as amended
11 shall read as follows:

'Sect. 95. The adjutant general, together with two officers
13 of the line of the active militia of or above the grade of
14 captain and two civilians appointed by the governor for a
15 term of four years unless sooner relieved by proper author-
16 ity and eligible to reappointment for a like period, shall con-
17 stitute an armory commission of which the adjutant general
18 shall be the chairman, whose duty it shall be to exercise gen-
19 eral supervision and control over all armories, drill-rooms,
20 and headquarters offices, to consult and co-operate with the
21 municipal authorities and to devise effective means of ob-
22 taining and maintaining such armories, and to fix, subject
23 to the approval of the governor, the compensation to be
24 allowed to the municipalities as rent for them; they shall
25 have the power, after consulting and hearing the responsible
26 municipal officers, to determine the administrative question
27 of military suitability and adequate maintenance of all armo-
28 ries, drill-rooms, offices, and headquarters offices; and it
29 shall be their duty to notify the responsible municipal offi-

cers of all deficiencies in these respects, and should such officers fail, refuse, or neglect to take effective measures for providing such suitable buildings and their maintenance, the chairman of the commission shall initiate the prosecution prescribed by section ninety-two. For each day actually employed in the transaction of the business of the armory commission military members other than the adjutant general shall receive the pay of their rank as provided in section 85 and civilian members shall receive as compensation the sum of five dollars; and all members shall be reimbursed for actual traveling expenses, such accounts to be paid from the military fund in accordance with the provisions of section 87.'

Sect. 17. Amend section 100 of chapter 206 of the Public Laws of 1909 by striking out in the first line thereof the words "In all trials before courts-martial" and substituting therefor the words: 'In all court-martial proceedings the judge advocate or summary court shall have authority to issue in the name of the state an order directing any military person or persons or any sheriff or constable to arrest and produce the accused before the court, and,' so that said section as amended shall read as follows:

'Sect. 100. In all court-martial proceedings the judge advocate or summary court shall have authority to issue in the name of the state an order directing any military person or persons or any sheriff or constable to arrest and produce the accused before the court, and the accused shall have the

15 right to demand the nature and cause of the accusation
16 against him, and to be presented with a copy of the charges.
17 He shall have the right of being heard by himself or coun-
18 sel or both; and shall have compulsory process for obtaining
19 witnesses in his favor. The officer ordering a general, regi-
20 mental or garrison court-martial will, at the request of any
21 prisoner who is to be arraigned, detail as his counsel a suit-
22 able officer who shall perform such duties as devolve upon
23 counsel for defendant before civil courts in criminal cases.'

Sect. 18. Amend section 104 of chapter 206 of the Public
2 Laws of 1909 by striking out after the word "person" in
3 the second, third and fourth lines thereof the words "and
4 such fine and costs has not been fully paid within thirty days
5 after the confirmation thereof," and substituting therefor
6 the words, 'and such sentence has been approved as pro-
7 vided in article 104 of section 132 of this act,' and by add-
8 ing to said section the following: 'The costs of arrest and
9 commitment in all court-martial proceedings shall be paid
10 by the adjutant general from the military fund on presenta-
11 tion of all papers, showing service thereon, such copies to
12 be certified by the judge advocate or summary court.' So
13 that said section as amended shall read as follows:

'Sect. 104. When the sentence of a court-martial adjudges
15 a fine and costs against any person, and such sentence has
16 been approved as provided in article 104 of section 132 of
17 this act, or whenever a person in the military service is or-
18 dered confined to await trial or is sentenced to confinement

19 by a court-martial, or whenever any person is ordered into
20 confinement under the eighty-sixth article, at a place or
21 station not provided with a guard-house or military prison,
22 the governor, the court or officer ordering the court, or the
23 officer commanding for the time being, as the case may be,
24 shall issue a warrant of commitment directed to the sheriff
25 of the county in which the court-martial was held, direct-
26 ing him to take the body of the person so convicted and
27 confine him in the county jail; and it shall be the duty of
28 the sheriff to take the body of the person convicted and con-
29 fine him in the county jail for the time specified in the sen-
30 tence, or for one day for any fine not exceeding one dollar,
31 and one additional day for every dollar above that sum, and
32 one additional day for each dollar of cost. The costs of
33 arrest and commitment in all court-martial proceedings shall
34 be paid by the adjutant general from the military fund on
35 presentation of all papers, showing service thereon, such
36 copies to be certified by the judge advocate or summary
37 court.'

Sect. 19. Amend section 108 of chapter 206 of the Public
2 Laws of 1909 by striking out in the first line thereof the
3 words "of this article" and inserting in the place thereof
4 the words 'in regard to courts and boards established by
5 this act,' so that said section as amended shall read as fol-
6 lows:

'Sect. 108. The provisions in regard to courts and boards

8 established by this act shall apply, so far as apposite, to the
9 naval reserve.'

Sect. 20. Amend section 114 of chapter 206 of the Public
2 Laws of 1909 by inserting after the word "arms" in the
3 seventeenth line thereof the word 'uniform,' so that said
4 section as amended shall read as follows:

'Sect. 114. The uniform, arms, and equipment of the
6 active militia shall be the same as those of the regular army
7 and navy of the United States, except that on articles of
8 uniform and equipment the distinguishing letters "Me." may
9 be substituted for the letters "U. S."; each organization of
10 the national guard and every enlisted man thereof shall be
11 uniformed, armed, and equipped by the state, as is or may
12 hereafter be prescribed or provided by the laws and regula-
13 tions of the United States for the organized militia, and no
14 member or organization of the active militia, shall adopt,
15 use or wear in the military service of the state any other
16 uniform, arms, or equipment.

'All commissioned officers shall provide themselves with
18 such uniforms, arms, and equipment as are required of
19 commissioned officers of the regular army; and the adjutant
20 general may purchase and issue as state property on memo-
21 randum receipt to commissioned officers such articles of
22 arms, uniform, and equipment as he may deem necessary.

'The clothes, arms, military outfit, and accoutrements fur-
24 nished by or through the state to a member of the active
25 militia, and the uniforms, arms, and equipment required of

26 commissioned officers shall not be subject to any suit, dis-
27 tress, execution, or sale, for debt or payment of taxes.'

Sect. 21. Amend section 123 of chapter 206 of the Public
2 Laws of 1909 by inserting after the word "deposit" in the
3 fourth line the words, 'provided, however, that upon order
4 of the governor and council the quartermaster general is
5 authorized to issue to the municipal officers of any city or
6 town field ordnance of obsolete pattern under such regula-
7 tions as the governor and council may prescribe,' and by
8 inserting after the word "responsible" in the fifteenth line
9 the words 'and the costs and expenses incurred by entering
10 into such bond shall be paid out of the military fund,' so
11 that said section as amended shall read as follows:

'Sect. 123. All property furnished by the state shall re-
13 main and continue to be the property of the state, to be used
14 for military purposes only, and when not so in use shall be
15 kept in the armories or designated places of deposit, pro-
16 vided, however, that upon order of the governor and coun-
17 cil, the quartermaster general is authorized to issue to the
18 municipal officers of any city or town field ordnance of ob-
19 solete pattern under such regulations as the governor and
20 council may prescribe. Every officer receiving public prop-
21 erty for military use shall be held responsible for the safe-
22 keeping and the return of the same when called for; he
23 shall account for and make such returns thereof as may be
24 prescribed whenever called upon so to do by the governor
25 or other proper authority, and every such officer shall, when

26 required by the governor, give bond payable to the adjutant
27 general of the state in such sum as he may direct, with good
28 and sufficient sureties, conditioned to account for, safely
29 keep, and return all military property of the state and the
30 United States for which such officer may be accountable
31 and responsible, and the costs and expenses incurred by
32 entering into such bond shall be paid out of the military
33 fund. Any officer, enlisted man or other person, who shall
34 wilfully or maliciously destroy, injure or deface any article
35 of military property belonging to the state, or shall use it
36 for other than military purposes, or shall have or retain the
37 same in violation of law or regulations, shall be punished
38 by a fine not exceeding fifty dollars. And in case any offi-
39 cer or enlisted man of the national guard who has at any
40 time through carelessness or inattention lost, destroyed, or
41 suffered to be lost or destroyed, any state or government
42 property which has been issued for his use, the paymaster
43 general shall retain out of the pay or allowances or moneys
44 due such officer or enlisted man for any military services
45 whatsoever, an amount of money equal to the value of the
46 property so lost or destroyed, and money so retained shall
47 be credited to the account of such officer of the national
48 guard as may be accountable to the state for said property.
49 Such portion of said money as shall be for state property
50 shall be turned in to the treasurer of the state, to be credited
51 to the militia fund, and such portion as may be for United
52 States property shall be turned in to the United States treas-

53 ury to be credited to the state on its property returns.'

Sect. 22. Amend section 132 of chapter 206 of the Public
2 Laws of 1909 by striking out all of the first six lines thereof
3 and substituting therefor the following:

'Sect. 132. Except as provided in the preceding section
5 the officers and soldiers of any troops whether active or
6 reserve militia of this state or otherwise, appointed, enlisted,
7 mustered or drafted into the military forces of this state,
8 shall, at all times, and in all places, be governed by the fol-
9 lowing rules and articles and shall be subject to be tried by
10 courts-martial. The word "officer," as used therein, shall
11 be understood to designate commissioned officers; the word
12 "soldier" shall be understood to include non-commissioned
13 officers, musicians, artificers, and privates, and other enlisted
14 men, and the convictions mentioned therein shall be under-
15 stood to be convictions by court-martial.'

Sect. 23. Amend section 132 of chapter 206 of the Public
2 Laws of 1909 by inserting after article 26 the following:

'Article 29. Any officer who thinks himself wronged by
4 the commanding officer of his regiment or corps, and, upon
5 due application to such commander, is refused redress, may
6 complain to the adjutant general. The adjutant general
7 shall examine into said complaint and take proper measures
8 for redressing the wrong complained of.

'Article 30. Any soldier who thinks himself wronged by
10 any officer may complain to the commanding officer of his
11 regiment, who shall summon a regimental court-martial for

12 the doing of justice to the complainant. Any party may
13 appeal from such regimental court-martial to a general court-
14 martial; but if, upon such second hearing, the appeal be
15 groundless and vexatious, the party appealing shall be pun-
16 ished at the discretion of said general court-martial.'

Sect. 24. Amend section 132 of chapter 206 of the Public
2 Laws of 1909 by striking out all of article 64.

Sect. 25. Amend section 132 of chapter 206 of the Public
2 Laws of 1909 by inserting after article 80 the following:

'Article 81. Every officer commanding a regiment or corps
4 shall be competent to appoint for his own regiment or corps,
5 courts-martial, consisting of three officers.

'Article 82. Every officer commanding a garrison, fort,
7 encampment for field service, or other place, where the
8 troops consist of different corps, shall be competent to ap-
9 point, for such garrison or other place, courts-martial con-
10 sisting of three officers.'

Sect. 26. Amend section 132 of chapter 206 of the Public
2 Laws of 1909 by inserting after article 112 the following:

'Article 113. Every judge advocate, or person acting as
4 such, at any general court-martial, shall, with as much ex-
5 pedition as the opportunity of time and distance of place
6 may admit, forward the original proceedings and sentence
7 of such court to the adjutant general, in whose office they
8 shall be carefully preserved.

'Article 114. Every party tried by a general court-martial
10 shall, upon demand thereof, made by himself or by any per-

11 son in his behalf, be entitled to a copy of the proceedings
12 and sentence of such court.'

Sect. 27. Amend section 132 of chapter 206 of the Public
2 Laws of 1909 by inserting after article 121 the following:

'Article 125. In the case of death of any officer while
4 engaged in field service for instruction or otherwise the sec-
5 ond officer in command of the troops with which said officer
6 was serving at the time of his death shall immediately secure
7 all his effects then in camp and shall make and transmit to
8 the adjutant general an inventory thereof.

'Article 126. In the case of death of any soldier while en-
10 gaged in field service for instruction or otherwise the com-
11 manding officer of his troop, battery, company or detach-
12 ment shall immediately secure all his effects then in camp
13 and shall, in the presence of two other officers, make an
14 inventory thereof and transmit the same to the adjutant
15 general.

'Article 127. Officers charged with the care of the effects
17 of deceased officers or soldiers shall account for and deliver
18 the same in accordance with such instructions as may be
19 given by the adjutant general. And no officer so charged
20 shall be discharged until he has deposited in the hands of
21 the commanding officer of his regiment or corps all the
22 effects of such deceased officers or soldiers not so accounted
23 for and delivered.'

Sect. 28. This act shall take effect when approved.