

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 98

In Senate, Feb. 12, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Military Affairs.

Committee on Reference.

Presented by Mr. Boynton of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to amend the Military Law.

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

Section 1. Amend section eight of chapter two hundred
2 and six of the public laws of nineteen hundred and nine,
3 as amended by chapter eighty-one of the public laws of
4 nineteen hundred and eleven, by striking out in the fourth
5 and fifth lines the words "an inspector general with rank
6 of colonel, a judge advocate with rank of lieutenant
7 colonel," and by striking out the word "major" in the sev-
8 enth line and substituting therefor the word 'captain,' and
9 in the eighth and ninth lines by striking out the word "com-
10 mander" and the words "except as otherwise provided in

11 this chapter, and except the aides herein provided." Add
12 to the first paragraph the following: "The four aides-de-
13 camp and naval aide may be detailed from the commis-
14 sioned officers of the active militia of the grade above speci-
15 fied but officers so detailed shall not be relieved thereby
16 from their regular duties in the active militia except when
17 on duty with the commander-in-chief. Provided that noth-
18 ing in this act shall be construed as terminating the com-
19 missions of the aides-de-camp and naval aide now serving
20 on the staff of the commander-in-chief." So that said sec-
21 tion as amended shall read as follows:

'Sect. 8. The staff of the commander-in-chief shall con-
23 sist of the adjutant general who shall be ex-officio chief
24 of staff, quartermaster general, and paymaster general, with
25 rank of brigadier general, the senior officer on duty with
26 each of the staff departments, and four aides-de-camp, with
27 the rank of captain, and one naval aide with rank of lieu-
28 tenant. All officers must be at the time of their appoint-
29 ment, commissioned officers in the active militia, on the
30 active or retired list of or above the grade of captain, but
31 no officers shall be appointed from the retired list who shall
32 have had less than eight years of service in the active
33 militia, the last year of which shall have been within ten
34 years immediately preceding the appointment. The four
35 aides-de-camp and naval aide may be detailed from the
36 commissioned officers of the active militia of the grade
37 above specified but officers so detailed shall not be relieved
38 thereby from their regular duties in the active militia ex-

39 cept when on duty with the commander-in-chief. Provided
40 that nothing in this act shall be construed as terminating
41 the commissions of the aides-de-camp and naval aide now
42 serving on the staff of the commander-in-chief.

‘All officers of the staff of the commander-in-chief ex-
44 cepting the senior officer on duty in each of the staff de-
45 partments shall be appointed and commissioned by the gov-
46 ernor and shall hold office during his pleasure and until
47 their successors are appointed and qualified.’

Sect. 2. Amend section twenty of chapter two hundred
2 and six of the public laws of nineteen hundred and nine,
3 as amended by chapter eighty-one of the public laws of
4 nineteen hundred and eleven, by striking out the words
5 “lieutenant colonel” in the second line and substituting
6 therefor the word ‘major.’ So that said section as amended
7 shall read as follows:

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

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

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

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

Sect. 3. Amend section twenty-one of chapter two hun-
2 dred and six of the public laws of nineteen hundred and
3 nine by striking out the word “surgeon” in the first line

4 and the words "lieutenant colonel" in the second line and
5 substituting therefor the word 'officer' in the first line and
6 the word 'major' in the second line. So that said section
7 as amended shall read as follows:

'Sect. 21. The senior officer on duty in the medical de-
9 partment shall have the rank of major and, under the direc-
10 tion of the adjutant general and in the manner prescribed
11 in section twenty-seven, shall purchase and direct the issue
12 of all medical supplies and equipment, certify all bills there-
13 for as correct and transmit them to the adjutant general.
14 It shall be his duty to make or cause to be made by an
15 officer of the medical department an annual inspection and
16 inventory of the stock of medical supplies on hand at gen-
17 eral headquarters, to make a list of the articles and quali-
18 ties needed to equip the national guard in the manner pre-
19 scribed by the war department, and transmit the same to
20 the adjutant general for authority to supply the same; and
21 he shall make to the adjutant general a detailed report of
22 transactions of his office and of the condition and quantity
23 of medical supplies on hand, on the fifteenth day of De-
24 cember annually.'

Sect. 4. Amend section twenty-two of chapter two hun-
2 dred and six of the public laws of nineteen hundred and
3 nine by striking out in the first and second lines the words
4 "subsistence department" and the words "lieutenant colonel"
5 and substituting therefor the words 'quartermaster corps'
6 and the word 'major.' So that said section as amended
7 shall read as follows:

‘Sect. 22. The senior officer on duty in the quartermaster
9 corps shall have the rank of major and shall, under the
10 direction of the adjutant general, purchase and issue in
11 the manner prescribed in section twenty-seven, all subsist-
12 ence stores and property, certify all bills therefor as cor-
13 rect and transmit them to the adjutant general; he shall
14 make a detailed report of the transactions of his office to
15 the adjutant general on the fifteenth day of December an-
16 nually.’

Sect. 5. Amend section twenty-three of chapter two hun-
2 dred and six of the public laws of nineteen hundred and
3 nine by striking out in the first and second lines the fol-
4 lowing words: “The judge advocate shall be appointed by
5 the governor, with rank of lieutenant colonel,” and substi-
6 tuting therefor the following: “The senior officer on duty
7 in the judge advocate general’s department shall have the
8 rank of major.’ So that said section as amended shall read
9 as follows:

‘Sect. 23. The senior officer on duty in the judge advo-
11 cate general’s department shall have the rank of major;
12 he shall be an attorney-at-law of the supreme judicial court
13 of this state, of at least five years’ standing. He shall be,
14 under the direction of the governor, charged with the super-
15 vision of all things relating to the administration of justice
16 in the military forces of the state; he shall diligently scru-
17 tinize and examine the proceedings of all courts-martial and
18 courts of inquiry which are submitted to him for review
19 and report thereon to the adjutant general; he shall when

20 directed act as judge advocate or recorder of any military
21 court or board; he shall be the legal adviser of the military
22 department, and to him may be referred for supervision all
23 contracts, agreements, or other instruments to be drawn
24 or executed in the course of the business thereof. He shall
25 make a detailed report of the transactions of his office to
26 the adjutant general on the fifteenth day of December an-
27 nually.'

Sect. 6. Amend section twenty-five of chapter two hun-
2 dred and six of the public laws of nineteen hundred and
3 nine by striking out in the fifteenth, sixteenth and seven-
4 teenth lines the following words, "the corresponding de-
5 partmental office authorized under section eight, shall cease
6 to exist and." So that said section as amended shall read
7 as follows:

'Sect. 25. In time of war, insurrection, invasion or rebel-
9 lion, or of imminent danger thereof, the governor may
10 appoint such staff officers and create such chiefs of staff
11 departments as may be necessary to provide for an in-
12 creased active militia or to fill the vacancies caused by ab-
13 sence in active service, or for both purposes; provided, that
14 appointments in a staff department or corps shall be made
15 from officers of the existing staff departments of corps as
16 promotions so far as such officers are available; provided,
17 also, that promotion in each staff department or corps and
18 appointments to fill vacancies thus created shall be made
19 as hereinafter prescribed. Provided further, that in time

20 of peace, whenever the formations of the active militia shall
21 require it, the governor may organize such additional staff
22 departments as are thereby made necessary, and whenever
23 such new departments are organized the senior officer on
24 duty with the new staff department shall be ex-officio a
25 member of the governor's staff.'

Sect. 7. Amend section thirty-five of chapter two hundred
2 and six of the public laws of nineteen hunderd and nine by
3 striking out all of said section after the word "shall" in the
4 sixth line and substituting therefor the following: 'be con-
5 stituted the same as is now or may hereafter be prescribed
6 or provided by the laws and regulations of the United States
7 for the organized militia.' So that said section as amended
8 shall read as follows:

'Sect. 35. The regiments and all other military units of
10 the national guard shall, when so ordered by the governor,
11 constitute a brigade, which shall be commanded by the brig-
12 adier general, or, in case of his absence or disability, by the
13 senior line officer of the national guard. The staff of the
14 brigade commander shall be constituted the same as is now
15 or may hereafter be prescribed or provided by the laws and
16 regulations of the United States for the organized militia.'

Sect. 8. Amend section thirty-six of chapter two hundred
2 and six of the public laws of nineteen hundred and nine by
3 striking out in the fourth, fifth and sixth lines the following
4 words: "A subsistence department, one commissary, lieu-
5 tenant colonel; an ordnance department, one lieutenant col-

6 onel and one major” and substituting therefor the follow-
7 ing: ‘An inspector general’s department, one major; a
8 judge advocate general’s department, one major; a quarter-
9 master corps, one major; two captains and three sergeants,
10 first class; an ordnance department, one major and one
11 ordnance sergeant.’ And by adding the following para-
12 graph: ‘Immediately following the date on which this act
13 becomes law all commissions affected thereby will be va-
14 cated and the officers serving thereunder will be recommis-
15 sioned in the new grade and rank.’ So that said section as
16 amended shall read as follows:

‘Sect. 36. There shall be the following departments con-
18 sisting of officers of number and rank specified necessary for
19 the maintenance of the staff corps and departments, of the
20 national guard, namely: An inspector general’s depart-
21 ment, one major; a judge advocate general’s department,
22 one major; a quartermaster corps, one major, two captains
23 and three sergeants, first class; an ordnance department,
24 one major and one ordnance sergeant, and a medical de-
25 partment, organized as prescribed in the following section.

Immediately following the date on which this act becomes
27 law all commissions affected thereby will be vacated and the
28 officers serving thereunder will be recommissioned in the
29 new grade and rank.’

Sect. 9. Amend section thirty-seven of chapter two hun-
2 dred and six of the public laws of nineteen hundred and
3 nine by striking out in the first line thereof the words “from

4 and after the approval of this act” and all of the second
5 paragraph of said section. So that said section as amended
6 shall read as follows :

‘Sect. 37. The medical department of the national guard
8 shall consist of a medical corps, a medical reserve corps and
9 the hospital corps. The medical corps shall consist of the
10 officers necessary for the staff department, for service with
11 the regiments, separate battalions and artillery corps of the
12 national guard, and for the organization of such ambulance
13 companies, field hospitals, and supply depots, as may be
14 authorized or required as the proper complement for the
15 national guard by the orders of the war department, or the
16 laws and regulations of the United States governing the
17 organized militia ; and such officers shall have the same titles
18 as those of corresponding grades in the United States army,
19 and shall be of the same grades and numbers as are author-
20 ized or prescribed by the laws and regulations of the United
21 States for service with the corresponding organizations of
22 the regular army, or as authorized or prescribed by the said
23 laws and regulations or orders of the war department for
24 the government of the organized militia.

All promotions in the medical corps to fill vacancies in the
26 several grades created or caused by this act, or hereafter
27 occurring, shall be made according to seniority and no per-
28 son shall receive an appointment as first lieutenant in the
29 medical corps unless he shall have been examined and ap-

30 proved by a medical board of the national guard as herein-
31 after prescribed.'

Sect. 10. Amend section fifty of chapter two hundred and
2 six of the public laws of nineteen hundred and nine by strik-
3 ing out in the eighth and ninth lines thereof the words "Pro-
4 vided that any officer now in active service and holding a
5 commission in the active militia shall be eligible to re-elec-
6 tion," and in the tenth line the word "also." So that said
7 section as amended shall read as follows:

'Sect. 50. General, field, and company officers, of the
9 line, shall be elected as follows: Brigadier generals by the
10 written votes of the field officers of their respective bri-
11 gades; field officers by the written votes of the captains
12 and subalterns of their respective regiments or corps; cap-
13 tains and subalterns by the written votes of the members
14 of their respective companies; subject to the age limit pre-
15 scribed in section fifty-two: Provided that if section one,
16 article seven of the constitution of the state shall be here-
17 after amended in such manner as to permit the legislature to
18 prescribe the mode of selecting officers for the grades herein
19 specified, then, on and after the first day of July next suc-
20 ceeding the adoption of such amendment, the said officer
21 shall be promoted and appointed by the governor as follows
22 and the elective system prescribed in this chapter shall cease
23 to exist, otherwise to remain in full force and effect: Va-
24 cancies in the grade of brigadier general shall be filled by
25 promoting the senior colonel; vacancies in the field grades

26 of a regiment or corps by promoting the senior officer of
27 the regiment or corps, of the next lower grade; vacancies
28 in the grade of captain and lieutenant by promoting the
29 senior officer of the company, of the next lower grade. Sub-
30 ject in each case to examination as provided in section fifty-
31 eight. Vacancies in the grade of second lieutenant shall be
32 filled in the following manner: All enlisted men of the
33 company, and any battalion and regimental non-commis-
34 sioned staff officer who was appointed from said company,
35 shall if physically sound be eligible for appointment, and
36 shall be permitted to appear before an examining board, for
37 a physical and a competitive practical and theoretical exam-
38 ination; the enlisted men whom the board considers, after
39 the competitive examination, to be the best qualified shall
40 be appointed to fill the vacancy. The governor shall pre-
41 scribe regulations as to the scope and the manner of con-
42 ducting such examination, and if no such enlisted man ap-
43 pears or if none satisfactorily passes said examination, then
44 the governor shall fill the vacancy by making an appoint-
45 ment from the enlisted men of the organization in which the
46 vacancy occurred.'

Sect. 11. Amend section fifty-two of chapter two hun-
2 dred and six of the public laws of nineteen hundred and
3 nine, as amended by chapter eighty-one of the public laws
4 of nineteen hundred and eleven, by striking out all after the
5 words "Brigadier general" in the fourth line thereof and
6 substituting the following: 'Colonel and lieutenant col-

7 onel, sixty-one years; major and captain, fifty-six years;
8 first lieutenant, fifty years; second lieutenant, forty-five
9 years. This section shall not apply to the adjutant gen-
10 eral of the state of Maine nor shall it apply to chaplains of
11 the national guard.' So that said section as amended shall
12 read as follows:

'Sect. 52. No person shall be elected, appointed or com-
14 missioned to, any of the following grades, who is over the
15 age limit prescribed for each of the several grades, namely:
16 Brigadier general, colonel and lieutenant colonel, sixty-one
17 years; major and captain, fifty-six years; first lieutenant,
18 fifty years; second lieutenant, forty-five years. This sec-
19 tion shall not apply to the adjutant general of the state of
20 Maine nor shall it apply to chaplains of the national guard.'

Sect. 12. Amend section fifty-four of chapter two hun-
2 dred and six of the public laws of nineteen hundred and
3 nine, as amended by chapter eighty-one of the public laws
4 of nineteen hundred and eleven, by striking out in the fif-
5 teenth line thereof the words "ordnance and subsistence de-
6 partments" and substituting therefor the words 'quarter-
7 master corps.' So that said section as amended shall read
8 as follows:

'Sect. 54. Vacancies occurring in the various grades, ex-
10 cepting the lowest of the several staff departments and
11 corps, shall be filled by promoting and appointing the senior
12 officer in the next lower grade of said department of corps.
13 Vacancies occurring in the lowest grades thereof shall be
14 filled in the following manner:

In the medical department appointments shall be made by
16 the governor upon the recommendation of a board of exam-
17 ination consisting of three officers of the medical corps.
18 such boards of examination shall be convened by general
19 orders from the adjutant general's office, which orders shall
20 indicate the number of vacancies to be filled, and any active
21 licensed practitioner of medicine and surgery in this state
22 and who is physically sound shall be permitted to appear for
23 examination.

In the quartermaster corps any vacancy shall be filled by
25 the appointment thereto of any commissioned officer in the
26 active militia on the active or retired list; but if from the ac-
27 tive list, of at least five years' service, two of which shall
28 have been as a commissioned officer, and if from the retired
29 list, that the last year of service on the active list shall have
30 been within eight years immediately preceding the appoint-
31 ment.

Commanding officers of brigades, regiments and separate
33 battalions shall appoint their respective staff officers subject
34 to the provisions of sections forty-seven, forty-eight, fifty-
35 seven and fifty-eight of this act, who shall hold office during
36 the pleasure of the officer making the appointment and un-
37 til their successors are appointed and qualified, subject at
38 all times to the same laws and regulations as apply to other
39 commissioned officers of the national guard.

Battalion staff officers are appointed by the regimental com-

41 manders upon the recommendation of the battalion com-
42 mander.'

Sect. 13. Amend section sixty of chapter two hundred
2 and six of the public laws of nineteen hundred and nine by
3 striking out in the first line thereof the word "limit" and
4 in the second line the word "fifty-two" and substituting
5 therefor the word 'sixty-two.' So that said section as
6 amended shall read as follows:

'Sect. 60. Any officer who shall reach the age prescribed
8 in section sixty-two, or who shall fail in a second examina-
9 tion as prescribed in section fifty-eight, or who shall be
10 rendered surplus by reduction or disbandment of his or-
11 ganization in any manner provided for in this chapter, or
12 who accepts an appointment in the army, navy or marine
13 corps of the United States, if in each case he is ineligible
14 for retirement, or who tenders his resignation and the same
15 having been accepted, shall receive an honorable discharge,
16 provided he shall not be under arrest or returned to a mili-
17 tary court for any deficiency or delinquency and provided
18 he be not indebted to the state in any manner, and that all
19 his accounts for money and public property be correct.'

Sect. 14. Amend section sixty-two of chapter two hun-
2 dred and six of the public laws of nineteen hundred and
3 nine, as amended by chapter eighty-one of the public laws
4 of nineteen hundred and eleven, by striking out in the fifth,
5 sixth and seventh lines thereof the words "or who shall while
6 serving in any grade reach the age limit prescribed for that

7 grade in section fifty-two.” So that said section as amend-
8 ed shall read as follows:

‘Sect. 62. Any officer who is sixty-four years old, or who
10 is found incapacitated for service by reason of physical
11 disability under the provisions of section fifty-eight, or who
12 hereafter shall serve in any one grade the time limit as
13 prescribed in section fifty-three, and be eligible for retire-
14 ment due to length of service or other cause specified in this
15 section, shall be withdrawn from active service and placed
16 on the retired list.

Any officer who has served twenty-five years as a commis-
18 sioned officer in the active militia of this state, or who is six-
19 ty years old, may be, by order of the commander-in-chief,
20 withdrawn from the active service and placed on the retired
21 list.

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

Any officer who has served as a commissioned officer in the
33 active militia of this state for a continuous period of fifteen

34 years; honorable service in war to be counted double, may
35 at his own request be placed upon the retired list with one
36 grade higher rank than that held at the time of his retire-
37 ment.

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

Sect. 15. Amend chapter two hundred and six of the pub-
2 lic laws of nineteen hundred and nine by striking out all of
3 section seventy-two and substituting therefor the following:

'Sect. 72. No enlisted man shall be discharged from the
5 service without a discharge in writing signed by his regi-
6 mental or corps commander and no discharge shall be given
7 to any enlisted man before his term of service has expired,
8 except by order of the commander-in-chief or adjutant gen-
9 eral, upon personal application, by sentence of a general or
10 special court-martial or military commission, on certificate of
11 disability by direction of the adjutant general, and in com-
12 pliance with an order of a court of competent jurisdiction,
13 or a judge or justice thereof, on a writ of habeas corpus.

Discharges shall be of the following kinds:

1. Honorable discharge, which shall be given to every sol-
16 dier whose service has been honest and faithful, his conduct
17 having been such as to warrant his re-enlistment.

2. Discharge, which shall be given to a soldier:

(a) Without trial, on account of fraudulent enlistment.

(b) Without trial, on account of having become disqualified for service, physically or in character, through his own misconduct.

(c) On account of imprisonment under sentence of a civil court.

(d) Where discharge without honor is specially ordered by the commander-in-chief for any other reason.

3. Dishonorable discharge, which may be given to a soldier :

(a) Sentenced to be so discharged by a court-martial or military commission.

(b) Convicted of felony.

(c) Whose commanding officer makes application to the adjutant general for his discharge for the good of the service, stating briefly the misconduct relied upon as a ground for the discharge; if the adjutant general, after investigation in which the soldier complained of shall be given a full and fair hearing, concur in the application, he may issue his orders for dishonorable discharge.'

Sect. 16. Amend section ninety-one of chapter two hundred and six of the public laws of nineteen hundred and nine by adding thereto the words 'including Sundays subject to the approval of the adjutant general.' So that said section as amended shall read as follows :

'Sect. 91. It shall be the duty of municipal officers to provide for each company of the active militia located within the limits of their respective towns a suitable target range, except where such range shall be provided out of the mili-

10 tary fund appropriated by the congress of the United States
11 and apportioned to the state for that purpose; and it shall
12 be the duty of such municipal officers to maintain and keep
13 in good repair such target range for the use of the company
14 or companies located within the limits of their municipality,
15 irrespective of the method in which such range may have
16 been obtained. The suitability of such target range for
17 the necessary military purposes shall be as determined by
18 the inspector of small arms practice of the national guard
19 and approved by the adjutant general. All ranges shall be
20 open for the use of members of the national guard at any
21 time, including Sundays subject to the approval of the ad-
22 jutant general.'

Sect. 17. Amend section one hundred of chapter two hun-
2 dred and six of the public laws of nineteen hundred and
3 nine, as amended by chapter eighty-one of the public laws of
4 nineteen hundred and eleven, by striking out in the seventh
5 line the words "regimental or garrison" and substituting
6 therefor the words 'or special.' So that said section as
7 amended shall read as follows:

'Sect. 100. In all court-martial proceedings the judge ad-
9 vocate or summary court shall have authority to issue in the
10 name of the state an order directing any military person or
11 persons or any sheriff or constable to arrest and produce
12 the accused before the court, and the accused shall have the
13 right to demand the nature and cause of the accusation
14 against him, and to be presented with a copy of the charges.
15 He shall have the right of being heard by himself or counsel

16 or both; and shall have compulsory process for obtaining
17 witnesses in his favor. The officer ordering a general or
18 special court-martial will, at the request of any prisoner who
19 is to be arraigned, detail as his counsel a suitable officer who
20 shall perform such duties as devolve upon counsel for de-
21 fendant before civil courts in criminal cases.'

Sect. 18. Amend section one hundred and four of chap-
2 ter two hundred and six of the public laws of nineteen hun-
3 dred and nine, as amended by chapter eighty-one of the pub-
4 lic laws of nineteen hundred and eleven, by striking out all
5 of the last sentence of said section and substituting therefor
6 the following: 'The costs of arrest and commitment in all
7 court martial proceedings shall be the same as is prescribed
8 in revised statutes of this state for such service in the courts
9 of this state and shall be paid by the adjutant general from
10 the military fund on presentation of all papers or copies
11 of papers showing the service thereon. Such papers and
12 copies to be certified as correct by the judge advocate or
13 summary court.' So that said section as amended shall read
14 as follows:

'Sect. 104. When the sentence of a court-martial adjudges
16 a fine and costs against any person, and such sentence has
17 been approved as provided in article 104, section 132, of this
18 act, or whenever a person in the military service is ordered
19 confined to await trial or is sentenced to confinement by a
20 court-martial, or whenever any person is ordered into con-
21 finement under the eighty-sixth article, at a place or station
22 not provided with a guard-house or military prison, the gov-

23 error, the court or officer ordering the court, or the officer
24 commanding for the time being, as the case may be, shall
25 issue a warrant of commitment directed to the sheriff of the
26 county in which the court-martial was held, directing him
27 to take the body of the person so convicted and confine
28 him in the county jail; and it shall be the duty of the sher-
29 iff to take the body of the person convicted and confine him
30 in the county jail for the time specified in the sentence, or
31 for one day for any fine not exceeding one dollar, and one
32 additional day for every dollar above that sum, and one
33 additional day for each dollar of cost. The costs of arrest
34 and commitment in all court martial proceedings shall be the
35 same as is prescribed in revised statutes of this state for
36 such service in the courts of this state and shall be paid by
37 the adjutant general from the military fund on presentation
38 of all papers or copies of papers showing the service thereon.
39 Such papers and copies to be certified as correct by the judge
40 advocate or summary court.'

Sect. 19. Amend section one hundred and seven of chap-
2 ter two hundred and six of the public laws of nineteen hun-
3 dred and nine by striking out in the second line of said sec-
4 tion the words "regimental and each garrison" and substi-
5 tuting therefor the word 'special.' So that said section as
6 amended shall read as follows:

'Sect. 107. Each summary court and the judge advocate
8 of each special court shall, at the end of each month, make
9 a report to the adjutant general of the cases tried setting

10 forth the offense committed and penalty awarded, which
11 reports may be destroyed when no longer of use.'

Sect. 20. Amend article four of section one hundred and
2 thirty-two of chapter two hundred and six of the public laws
3 of nineteen hundred and nine by adding after the word "gen-
4 eral" in the seventh line the words 'or special.' So that said
5 article as amended shall read as follows:

'Art. 4. No enlisted man, duly sworn, shall be dis-
7 charged from service without a discharge in writing, signed
8 by a field officer of the regiment to which he belongs, or by
9 the commanding officer when no field officer is present;
10 and no discharge shall be given to any enlisted man before
11 his term of service has expired except by order of the gov-
12 ernor, the adjutant general or by sentence of a general or
13 special court-martial.'

Sect. 21. Amend article thirty of section one hundred and
2 thirty-two of chapter two hundred and six of the public
3 laws of nineteen hundred and nine, as amended by chapter
4 eighty-one of the public laws of nineteen hundred and
5 eleven, by striking out in the third and fifth lines the words
6 "regimental" and substituting therefor the words 'special'
7 and by adding in the fourth line after the word "regiment"
8 the words 'or corps.' So that said article as amended shall
9 read as follows:

'Art. 30. Any soldier who thinks himself wronged by
11 any officer may complain to the commanding officer of his
12 regiment or corps, who shall summon a special court-martial^ε
13 for the doing of justice to the complainant. Any party may

14 appeal from such special court-martial to a general court-
15 martial; but if, upon such second hearing, the appeal be
16 groundless and vexatious, the party appealing shall be pun-
17 ished at the discretion of said general court-martial.'

Sect. 22. Amend article sixty-two of section one hundred
2 and thirty-two of chapter two hundred and six of the public
3 laws of nineteen hundred and nine, by striking out in the
4 fifth line the words "regimental, garrison" and substituting
5 therefor the word 'special.' So that said article as amended
6 shall read as follows:

'Art. 62. All crimes not capital, and all disorders and
8 neglects which officers and soldiers may be guilty of, to the
9 prejudice of good order and military discipline, though not
10 mentioned in the foregoing articles are to be taken cog-
11 nizance of by a general, or a special, or summary court-
12 martial, according to the nature and degree of the offense,
13 and punished at the discretion of such court.'

Sect. 23. Amend section one hundred and thirty-two of
2 chapter two hundred and six of the public laws of nineteen
3 hundred and nine by striking out all of article seventy-two
4 and substituting therefor the following:

'Art. 72. After this act becomes law, courts-martial shall
6 be of three kinds, namely: First, general courts-martial;
7 second, special courts-martial; and third, summary courts-
8 martial.

General courts-martial may consist of any number of offi-
10 cers from five to thirteen, inclusive.

Special courts-martial may consist of any number of officers from three to five, inclusive.

A summary court-martial shall consist of one officer.'

Sect. 24. Amend section one hundred and thirty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by adding the following article:

'Art. 73. The commander-in-chief may appoint general courts-martial whenever necessary; and its proceedings and sentence shall be sent directly to the adjutant general, by whom they shall be laid before the governor for his approval or orders in the case. When empowered by the commander-in-chief, the commanding officer of any district or of any force or body of troops, may appoint general courts-martial whenever necessary; but when any such commander is the accuser or the prosecutor of the person or persons to be tried the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser, or a witness for the prosecution.'

Sect. 25. Amend section one hundred and thirty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out all of article seventy-four and substituting therefor the following:

'Art. 74. The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command, larger than a company, may appoint special courts-martial for his command; but

10 such special courts-martial may in any case be appointed by
11 superior authority when by the latter deemed desirable, and
12 no officer shall be eligible to sit as a member of such court
13 when he is the accuser or a witness for the prosecution.'

Sect. 26. Amend section one hundred and thirty-two of
2 chapter two hundred and six of the public laws of nineteen
3 hundred and nine by striking out all of article seventy-five
4 and substituting therefor the following:

'Art. 75. General courts-martial shall have power to try
6 any person subject to military law for any crime or offense
7 made punishable by the military law and any other person
8 who by statute or by the law of war is subject to trial by
9 military tribunals.'

Sect. 27. Amend section one hundred and thirty-two of
2 chapter two hundred and six of the public laws of nineteen
3 hundred and nine by adding the following articles:

'Art. 76. Special courts-martial shall have power to try
5 any person subject to military law, except an officer, for any
6 crime or offense not capital made punishable by the military
7 law.

Special courts-martial shall have concurrent jurisdiction
9 with the summary court in all minor offenses and with the
10 general court-martial in all offenses not capital. The order
11 appointing the court shall designate the person or persons
12 to be tried and the offense or offenses for which they are
13 to be tried.

Said court-martial shall have power to adjudge punish-
15 ment not to exceed thirty days' confinement, dishonorable

16 discharge, forfeiture of all pay or allowances, and a fine of
17 fifty dollars and cost of witnesses, or any or all of such con-
18 finement, forfeiture and pay.

'Art. 77. Summary courts-martial shall have power to try
20 any soldier for any crime or offense not capital made pun-
21 ishable by the military law: Provided, that non-commis-
22 sioned officers shall not, if they object thereto, be brought to
23 trial before a summary court-martial without the authority
24 of the officer competent to bring them to trial before a gen-
25 eral court-martial.

Summary courts-martial shall have power to adjudge pun-
27 ishment not to exceed thirty days' confinement, forfeiture
28 of thirty dollars pay or a fine of thirty dollars, or any or
29 all of such confinement, forfeiture of pay and fine, and in
30 addition thereto, in case of non-commissioned officers, re-
31 duction to the ranks, and in the case of first-class privates
32 reduction to second-class privates: Provided, that the sum-
33 mary court shall not adjudge confinement, forfeiture or fine
34 in excess of ten days' confinement, forfeiture of ten dollars
35 pay, or a fine of ten dollars, or any or all of such confine-
36 ment, forfeiture, and fine unless the accused shall before
37 trial consent in writing to trial by said court; but in any
38 case of refusal to so consent the trial may be had either by
39 general or special court-martial, or by summary court but
40 in case of trial by said summary court without consent, as
41 aforesaid, the court shall not adjudge more than ten days'
42 confinement, forfeiture of ten dollars pay and a fine of ten

43 dollars, or any or all of such confinement, forfeiture and
44 pay.

Article 78. Officers who may appoint a court-martial, ex-
46 cepting summary courts, shall be competent to appoint a
47 judge advocate for the same.'

Sect. 26. Amend article eighty of section one hundred and
2 thirty-two of chapter two hundred and six of the public
3 laws of nineteen hundred and nine by striking out in the
4 thirty-third line the words "garrison, regimental" and sub-
5 stituting therefor the word 'special.' So that said article
6 as amended shall read as follows :

'Art. 80. The commanding officer of each camp, station,
8 or other place, regiment or corps, detached battalion, or
9 company, or other detachment in the military forces of this
10 state, shall have power to appoint for such place, command,
11 or station, a summary court to consist of one officer to be
12 designated by him before whom enlisted men who are to
13 be tried, shall be brought to trial within twenty-four hours
14 of the time of the arrest, or as soon thereafter as practicable,
15 except when the accused is to be tried by general court-mar-
16 tial; but such summary court may be appointed and the offi-
17 cer designated by superior authority when by him deemed
18 desirable; and the officer holding the summary court shall
19 have power to administer oaths and to hear and determine
20 such cases, and when satisfied of the guilt of the accused
21 adjudge the punishment to be inflicted, which said punish-
22 ment shall not exceed ten days' confinement, forfeiture of
23 ten dollars pay, or a fine of ten dollars, or any or all of such

24 confinement, forfeiture of pay and fine, and in the case of
25 non-commissioned officers, reduction to the ranks in addi-
26 tion thereto; that there shall be a summary court record kept
27 at the headquarters of the proper command in the field, each
28 regiment, or corps, detached battalion, or company at its
29 home station, in which shall be entered a record of all cases
30 heard and determined and the action had thereon; and no
31 sentence adjudged by said summary court shall be executed
32 until it shall have been approved by the officer appointing
33 the court, or by the officer commanding for the time being:
34 Provided, that when but one commissioned officer is present
35 with a command he shall hear and finally determine such
36 cases; and provided further, that non-commissioned officers
37 shall not, if they object thereto, be brought to trial before
38 summary courts without the authority of the officer com-
39 petent to order their trial by general court-martial, but shall
40 in such cases be brought to trial before special or general
41 courts-martial, as the case may be.'

Sect. 29. Articles eighty-one, eighty-two and eighty-three
2 of section one hundred and thirty-two of chapter two hun-
3 dred and six of the public laws of nineteen hundred and
4 nine, as amended by chapter eighty-one of the public laws
5 of nineteen hundred and eleven, are hereby repealed.

Sect. 30. Amend article eighty-four of sections one hun-
2 dred and thirty-two of chapter two hundred and six of the
3 public laws of nineteen hundred and nine by striking out
4 in the fourth line the words "regimental and garrison courts"

5 and substituting therefor the words 'a special court.' So
6 that said article as amended shall read as follows:

'Art. 84. The judge advocate shall administer to each
8 member of the court, before they proceed upon trial, the
9 following oath, or affirmation, which shall also be taken by
10 all members of a special court-martial: "You, A. B., do
11 swear, or affirm, that you will well and truly try and deter-
12 mine according to evidence, the matter now before you,
13 between the state of Maine and the prisoner to be tried, and
14 that you will duly administer justice, without partiality, fa-
15 vor, or affection, according to the provisions of the rules and
16 articles for the government of the military forces of this
17 state, and if any doubt should arise not explained by said
18 articles, then according to your conscience, the best of your
19 understanding, and the customs of war in like cases, and you
20 do further swear or affirm that you will not divulge the
21 sentence of the court until it shall be published by the proper
22 authority, except to the judge advocate; neither will you
23 disclose or discover the vote or opinion of any particular
24 member of the court-martial, unless required to give evi-
25 dence thereof, as a witness, by a court of justice in due
26 course of law. So help you God."'

Sect. 31. Hereafter in chapter two hundred and six of the
2 public laws of nineteen hundred and nine, as amended by
3 chapters seven and eighty-one of the public laws of nine-
4 teen hundred and eleven, and chapters three and one hun-
5 dred and fifty-one of the public laws of nineteen hundred
6 and thirteen, whenever the words "naval reserve" appear

7 the word "reserve" shall be stricken out and the word
8 'militia' shall be substituted therefor.