

# MAINE STATE LEGISLATURE

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NEW DRAFT

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SEVENTY-SEVENTH LEGISLATURE

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SENATE

NO. 238

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*In Senate, March 2, 1915.*

*Reported by Sen. Boynton from Committee on Military Affairs and ordered printed under joint rules.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT to amend The Military Law.

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*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, as  
3 amended by chapter eighty-one of the public laws of nine-  
4 teen hundred and eleven, by striking out in the fourth and  
5 fifth lines the words "an inspector general with rank of  
6 colonel, a judge advocate with rank of lieutenant colonel"  
7 and by striking out the word "major" in the seventh line and  
8 substituting therefor the word 'captain,' and in the eighth  
9 and ninth lines by striking out the word "commander" and  
10 the words "except as otherwise provided in this chapter, and

11 except the aides herein provided.” Add to the first para-  
12 graph the following: “The four aides-de-camp and naval  
13 aide may be detailed from the commissioned officers of the  
14 active militia of the grade above specified but officers so de-  
15 tailed shall not be relieved thereby from their regular duties  
16 in the active militia except when on duty with the comman-  
17 der-in-chief. Provided that nothing in this act shall be con-  
18 strued as terminating the commissions of the aides-de-camp  
19 and naval aide now serving on the staff of the commander-  
20 in-chief.’ So that said section as amended shall read as fol-  
21 lows:

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

38 ties in the active militia except when on duty with the com-  
39 mander-in-chief. Provided that nothing in this act shall be  
40 construed as terminating the commissions of the aides-de-  
41 camp and naval aide now serving on the staff of the com-  
42 mander-in-chief.

All officers of the staff of the commander-in-chief except-  
44 ing the senior officer on duty in each of the staff depart-  
45 ments shall be appointed and commissioned by the gov-  
46 ernor and shall hold office during his pleasure and until their  
47 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, as  
3 amended by chapter eighty-one of the public laws of nineteen  
4 hundred and eleven, by striking out the words "lieutenant  
5 colonel" in the second line and substituting therefor the  
6 word 'major.' So that said section as amended shall read as  
7 follows:

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

18 scribed in section twenty-seven, the senior ordnance officer  
19 shall purchase and direct the issue of such ordnance prop-  
20 erty and range material, certify all bills therefor as correct,  
21 and transmit them to the adjutant general.

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

He shall be the inspector of and shall exercise general su-  
30 pervision over the small-arms practice of the national guard.  
31 No target range or shooting gallery for the national guard  
32 shall be acquired, constructed, maintained or equipped, ex-  
33 cept upon his recommendation, unless the governor shall ex-  
34 pressly order otherwise. Whenever ordered by the governor  
35 it shall be his duty to make or cause to be made by the regi-  
36 mental inspectors of small-arms practice an inspection of all  
37 target ranges and shooting galleries used by the national  
38 guard, to submit a report to the adjutant general of the con-  
39 dition and necessities of each; and to make a detailed report  
40 of the transactions of his office to the adjutant general on  
41 the fifteenth day of December annually.

Sect. 3. Amend section twenty-one of chapter two hundred  
2 and six of the public laws of nineteen hundred and nine by  
3 striking out the word "surgeon" in the first line and the  
4 words "lieutenant colonel" in the second line and substitut-

5 ing therefor the word 'officer' in the first line and the word  
6 'major' in the second line. So that said section as amended  
7 shall read as follows :

'Sect. 21. The senior officer on duty in the medical depart-  
9 ment shall have the rank of major and, under the direction  
10 of the adjutant general and in the manner prescribed in sec-  
11 tion twenty-seven, shall purchase and direct the issue of all  
12 medical supplies and equipment, certify all bills therefor as  
13 correct and transmit them to the adjutant general. It shall  
14 be his duty to make or cause to be made by an officer of the  
15 medical department an annual inspection and inventory of  
16 the stock of medical supplies on hand at general headquar-  
17 ters, to make a list of the articles and qualities needed to  
18 equip the national guard in the manner prescribed by the  
19 war department, and transmit the same to the adjutant gen-  
20 eral for authority to supply the same; and he shall make to  
21 the adjutant general a detailed report of transactions of his  
22 office and of the condition and quantity of medical supplies  
23 on hand, on the fifteenth day of December 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 shall  
7 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 di-  
10 rection of the adjutant general, purchase and issue in the

11 manner prescribed in section twenty-seven, all subsistence  
12 stores and property, certify all bills therefor as correct and  
13 transmit them to the adjutant general; he shall make a de-  
14 tailed report of the transactions of his office to the adjutant  
15 general on the fifteenth day of December annually.'

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 follow-  
4 ing words: "The judge advocate shall be appointed by the  
5 governor, with rank of lieutenant colonel," and substituting  
6 therefor the following: 'The senior officer on duty in the  
7 judge advocate general's department shall have the rank of  
8 major.' So that said section as amended shall read as fol-  
9 lows:

'Sect. 23. The senior officer on duty in the judge advocate  
11 general's department shall have the rank of major; he shall  
12 be an attorney-at-law of the supreme judicial court of this  
13 state, of at least five years' standing. He shall be, under the  
14 direction of the governor, charged with the supervision of  
15 all things relating to the administration of justice in the  
16 military forces of the state; he shall diligently scrutinize and  
17 examine the proceedings of all courts-martial and courts of  
18 inquiry which are submitted to him for review and report  
19 thereon to the adjutant general; he shall when directed act  
20 as judge advocate or recorder of any military court or  
21 board; he shall be the legal adviser of the military depart-  
22 ment, and to him may be referred for supervision all con-  
23 tracts, agreements, or other instruments to be drawn or ex-

24 ecuted in the course of the business thereof. He shall make  
25 a detailed report of the transactions of his office to the ad-  
26 jutant general on the fifteenth day of December annually.'

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

'Sect. 25. In time of war, insurrection, invasion or rebel-  
8 lion, or of imminent danger thereof, the governor may ap-  
9 point such staff officers and create such chiefs of staff de-  
10 partments as may be necessary to provide for an increased  
11 active militia or to fill the vacancies caused by absence in  
12 active service, or for both purposes; provided, that appoint-  
13 ments in a staff department or corps shall be made from  
14 officers of the existing staff departments or corps as promo-  
15 tions so far as such officers are available; provided, also,  
16 that promotion in each staff department or corps and ap-  
17 pointments to fill vacancies thus created shall be made as  
18 hereinafter prescribed. Provided further, that in time of  
19 peace, whenever the formations of the active militia shall re-  
20 quire it, the governor may organize such additional staff de-  
21 partments as are thereby made necessary, and whenever  
22 such new departments are organized the senior officer on  
23 duty with the new staff department shall be ex-officio a  
24 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 hundred 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  
7 States for the organized militia.' So that said section as  
8 amended 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, lieuten-  
5 ant colonel; an ordnance department, one lieutenant colonel  
6 and one major" and substituting therefor the following: 'An  
7 inspector general's department, one major; a judge advo-  
8 cate general's department, one major; a quartermaster corps,  
9 one major, two captains and three sergeants, first class; an  
10 ordnance department, one major and one ordnance ser-  
11 geant.' And by adding the following paragraph: 'Immedi-  
12 ately following the date on which this act becomes law all

13 commissions affected thereby will be vacated and the offi-  
14 cers serving thereunder will be recommissioned in the new  
15 grade and rank.' So that said section as amended shall read  
16 as follows:

'Sect. 36. There shall be the following departments con-  
18 sisting of officers of number and rank specified necessary  
19 for the maintenance of the staff corps and departments, of  
20 the 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, one  
24 major and one ordnance sergeant, and a medical depart-  
25 ment, 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 par-  
5 agraph 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 au-  
14 thorized or required as the proper complement for the na-  
15 tional guard by the orders of the war department, or the  
16 laws and regulations of the United States governing the or-  
17 ganized 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 line,  
9 shall be elected as follows: Brigadier generals by the written  
10 votes of the field officers of their respective brigades; field of-  
11 ficers by the written votes of the captains and subalterns of  
12 their respective regiments or corps; captains and subalterns  
13 by the written votes of the members of their respective com-  
14 panies; subject to the age limit prescribed in section fifty-  
15 two; Provided that if section one, article seven of the consti-  
16 tution of the state shall be hereafter amended in such manner  
17 as to permit the legislature to prescribe the mode of selecting  
18 officers for the grades herein specified, then, on and after the  
19 first day of July next succeeding the adoption of such amend-  
20 ment, the said officer shall be promoted and appointed by the  
21 governor as follows and the elective system prescribed in this  
22 chapter shall cease to exist, otherwise to remain in full force  
23 and effect: Vacancies in the grade of brigadier general shall  
24 be filled by promoting the senior colonel; vacancies in the field  
25 grades of a regiment or corps by promoting the senior officer  
26 of the regiment or corps, of the next lower grade; vacancies  
27 in the grade of captain and lieutenant by promoting the se-  
28 nior officer of the company, of the next lower grade. Subject  
29 in each case to examination as provided in section fifty-  
30 eight. Vacancies in the grade of second lieutenant shall be  
31 filled in the following manner: All enlisted men of the com-  
32 pany, and any battalion and regimental non-commissioned  
33 staff officer who was appointed from said company, shall if  
34 physically sound, be eligible for appointment, and shall be

35 permitted to appear before an examining board, for a phys-  
36 ical and a competitive practical and theoretical examination ;  
37 the enlisted men whom the board considers, after the com-  
38 petitive examination, to be the best qualified shall be ap-  
39 pointed to fill the vacancy. The governor shall prescribe  
40 regulations as to the scope and the manner of conducting  
41 such examination, and if no such enlisted man appears or if  
42 none satisfactorily passes said examination, then the gov-  
43 ernor shall fill the vacancy by making an appointment from  
44 the enlisted men of the organization in which the vacancy  
45 occurred.'

Sect. 11. Amend section fifty-two of chapter two hundred  
2 and six of the public laws of nineteen hundred and nine, as  
3 amended by chapter eighty-one of the public laws of nine-  
4 teen hundred and eleven, by striking out all after the words  
5 "Brigadier general" in the fourth line thereof and substitut-  
6 ing the following: 'Colonel and lieutenant colonel, sixty-  
7 one years; major and captain, fifty-six years; first lieuten-  
8 ant, fifty years; second lieutenant, forty-five years. This  
9 section shall not apply to the adjutant general of the state of  
10 Maine nor shall it apply to chaplains of the national guard.'  
11 So that said section as amended shall read as follows :

'Sect. 52. No person shall be elected, appointed or com-  
13 missioned to, any of the following grades, who is over the  
14 age limit prescribed for each of the several grades, namely :  
15 Brigadier general, colonel and lieutenant colonel, sixty-one  
16 years; major and captain, fifty-six years; first lieutenant,

17 fifty years; second lieutenant, forty-five years. This section  
18 shall not apply to the adjutant general of the state of Maine  
19 nor shall it apply to chaplains of the national guard.'

Sect. 12. Amend section fifty-four of chapter two hundred  
2 and six of the public laws of nineteen hundred and nine, as  
3 amended by chapter eighty-one of the public laws of nine-  
4 teen hundred and eleven, by striking out in the fifteenth line  
5 thereof the words "the ordnance and subsistence depart-  
6 ments" and substituting therefor the words 'all other staff  
7 departments and corps.' So that said section as amended  
8 shall read 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 or 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 exami-  
17 nation consisting of three officers of the medical corps. Such  
18 boards of examination shall be convened by general orders  
19 from the adjutant general's office, which orders shall indi-  
20 cate 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 all other staff departments and corps any vacancy shall  
25 be filled by the appointment thereto of any commissioned

26 officer in the active militia on the active or retired list; but  
27 if from the active list, of at least five years' service, two of  
28 which shall have been as a commissioned officer, and if from  
29 the retired list, that the last year of service on the active list  
30 shall have been within eight years immediately preceding the  
31 appointment.

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 until  
37 their successors are appointed and qualified, subject at all  
38 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. 12. Amend section sixty of chapter two hundred and  
2 six of the public laws of nineteen hundred and nine by strik-  
3 ing out in the first line thereof the word "limit" and in the  
4 second line the word "fifty-two" and substituting therefor  
5 the word 'sixty-two.' So that said section as amended shall  
6 read as follows:

'Sect. 60. Any officer who shall reach the age prescribed in  
8 section sixty-two, or who shall fail in a second examination  
9 as prescribed in section fifty-eight, or who shall be rendered  
10 surplus by reduction or disbandment of his organization in

11 any manner provided for in this chapter, or who accepts an  
12 appointment in the army, navy or marine corps of the United  
13 States, if in each case he is ineligible for retirement, or who  
14 tenders his resignation and the same having been accepted,  
15 shall receive an honorable discharge, provided he shall not be  
16 under arrest or returned to a military court for any defi-  
17 ciency or delinquency and provided he be not indebted to  
18 the state in any manner, and that all his accounts for money  
19 and public property be correct.’

Sect. 14. Amend section sixty-two of chapter two hundred  
2 and six of the public laws of nineteen hundred and nine, as  
3 amended by chapter eighty-one of the public laws of nine-  
4 teen hundred and eleven, by striking out in the fifth, sixth  
5 and seventh lines thereof the words “or who shall while serv-  
6 ing in any grade reach the age limit prescribed for that  
7 grade in section fifty-two.” So that said section as amended  
8 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 dis-  
11 ability under the provisions of section fifty-eight, or who  
12 hereafter shall serve in any one grade the time limit as pre-  
13 scribed in section fifty-three, and be eligible for retirement  
14 due to length of service or other cause specified in this sec-  
15 tion, shall be withdrawn from active service and placed on  
16 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



19 sixty 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 of  
29 the state, shall, if he make application, be placed on the re-  
30 tired list with the highest rank held by him during his  
31 service.

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

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

Sect. 15. Amend chapter two hundred and six of the  
2 public laws of nineteen hundred and nine by striking out

3 all of section seventy-two and substituting therefor the  
4 following:

‘Sect. 72. No enlisted man shall be discharged from the  
6 service without a discharge in writing signed by the regi-  
7 mental or corps commander and no discharge shall be given  
8 to any enlisted man before his term of service has expired,  
9 except by order of the commander-in-chief or adjutant gen-  
10 eral, upon personal application, by sentence of a general or  
11 special court-martial or military commission, on certificate  
12 of disability by direction of the adjutant general, and in com-  
13 pliance with an order of a court of competent jurisdiction, or  
14 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-  
17 dier whose service has been honest and faithful, his conduct  
18 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 disqual-  
22 ified for service, physically or in character, through his own  
23 misconduct.

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

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

3. Dishonorable discharge, which may be given to a sol-  
29 dier:

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

(b) Convicted of felony.

(c) Whose commanding officer makes application to the  
34 adjutant general for his discharge for the good of the serv-  
35 ice, stating briefly the misconduct relied upon as a ground  
36 for the discharge; if the adjutant general, after investiga-  
37 tion in which the soldier complained of shall be given a full  
38 and fair hearing, concur in the application, he may issue  
39 his orders for dishonorable discharge.

Sect. 16. Amend section eighty-five of chapter two hun-  
2 dred and six of the public laws of nineteen hundred and  
3 nine by adding after the word "pay" in the fourth line there-  
4 of the following words, 'All officers of staff departments and  
5 corps, five dollars.' So that said section as amended shall  
6 read as follows:

'Sect. 85. Each officer and enlisted man ordered for duty  
8 by the commander-in-chief, or under his authority, shall re-  
9 ceive for every day actually on duty, the following pay: All  
10 officers of staff departments and corps, five dollars; brigadier  
11 general, six dollars; colonel, five dollars; lieutenant colonel,  
12 four dollars and fifty cents; major, four dollars; captain,  
13 three dollars and fifty cents; first lieutenant, three dollars;  
14 second lieutenant, two dollars and fifty cents; first class ser-  
15 geant, hospital corps, regimental sergeant major, quarter-  
16 master sergeant, commissary sergeant, and first sergeant,  
17 two dollars; battalion sergeant major, one dollar and ninety

18 cents; color sergeant, one dollar and eighty-five cents; com-  
19 pany quartermaster sergeant, sergeant, cook, one dollar and  
20 seventy-five cents; corporal, one dollar and fifty cents; first  
21 class private, hospital corps, one dollar and forty cents; pri-  
22 vate, hospital corps, one dollar and thirty cents; private, one  
23 dollar and twenty-five cents; members of the band, three dol-  
24 lars; and in addition thereto, there shall be allowed the nec-  
25 essary transportation and subsistence: Provided that no pay  
26 or compensation shall be allowed when ordered for inspec-  
27 tion or muster, small arms practice, drill, parade, review,  
28 field service, or practice marches, unless expressly author-  
29 ized in the order for such duties, and provided further, that  
30 when ordered for encampments, maneuvers, field exercise,  
31 or small arms' competitions, or when called forth in aid of  
32 the civil authority, commissioned officers of whatsoever  
33 grade, shall receive the pay proper of officers of the same  
34 grade in the regular army, and enlisted men shall receive the  
35 pay set forth in this section.

Should the active militia, or any part of it, be ordered on  
37 duty for more than ten days, officers and men shall receive  
38 the same pay and allowances as the regular troops of the  
39 United States, but if when ordered the length of service  
40 is not given, they shall be paid for the first ten days as speci-  
41 fied in this section, and after ten days, shall receive the same  
42 pay and allowances as the regular troops of the United  
43 States.

When the active militia, or any portion thereof, shall be  
45 called forth in aid of the civil authority, or assembled in obe-

46 dience to such calls, as provided for in sections seventy-  
47 seven and seventy-eight, all officers and men thereof shall  
48 receive the pay set forth in this section; and such compen-  
49 sation and the necessary expenses incurred in quartering,  
50 caring for, transporting, and subsisting the troops as well as  
51 the expense incurred for pay, care and subsistence of officers  
52 and enlisted men temporarily disabled in the line of duty,  
53 while on such duty, shall be paid by the county where such  
54 service is rendered. The treasurer of such county shall,  
55 upon presentation to him of vouchers and pay rolls for such  
56 expenses and compensation, certified by the commanding of-  
57 ficer of the organization or corps on duty in aid of the civil  
58 authority in such county or counties, and approved by the  
59 adjutant general, forthwith execute in behalf of and in the  
60 name of such county a certificate or certificates of indebted-  
61 ness for the money required to pay such vouchers and pay  
62 rolls; such certificates shall bear interest at the rate of not  
63 to exceed six per centum per annum, and shall be made pay-  
64 able on the first day of January following the expiration of  
65 two months from their issue, and the amount thereof shall  
66 be raised in the next tax budget of said county succeeding  
67 their issue, and applied to the payment of such certificates.  
68 Said county treasurer shall sell such certificates at public and  
69 private sale, and apply the proceeds thereof to the payment  
70 of such expenses and compensation. Any county treasurer  
71 or public officer, who shall neglect or refuse to perform any  
72 of the duties required by this section, shall be personally

73 charged with the costs and all necessary disbursements of  
74 any action or proceeding brought to compel such perform-  
75 ance, together with a reasonable additional allowance to the  
76 plaintiff or related in such action or proceeding, to be fixed  
77 by the court.'

Sect. 17. Amend section eighty-six of chapter two hundred  
2 and six of the public laws of nineteen hundred and nine, as  
3 amended by chapter eighty-one of the public laws of nine-  
4 teen hundred and eleven, by adding after the word "adju-  
5 tant" in the fifth line thereof the words 'to the senior officer  
6 of the inspector general's department,' and by striking out  
7 in the eighth line thereof the words "subsistence depart-  
8 ment" and substituting therefor the words 'quartermaster  
9 corps.' So that said section as amended shall read as fol-  
10 lows :

'Sect. 86. In addition to all other pay and allowances here-  
12 in provided, there shall be allowed, subject to such regula-  
13 tions as the commander-in-chief may prescribe, to an adju-  
14 tant general on the staff of a brigade commander, to a regi-  
15 mental adjutant, to the senior officer of the inspector gen-  
16 eral's department, to the senior officer of the medical depart-  
17 ment, to the senior officer of the ordnance department, each,  
18 a sum not exceeding one hundred dollars per annum. To the  
19 senior officer of the quartermaster corps, not exceeding fifty  
20 dollars per annum. To each company commander or other  
21 officer who in the opinion of the adjutant general is entitled  
22 to such remuneration for care and responsibility of military  
23 property, not exceeding fifty dollars per annum; to each

24 company clerk, and to each company quartermaster ser-  
25 geant, not exceeding twenty-five dollars per annum.

To all officers ordered to make inspection or other jour-  
27 neys necessary in the military service, there shall be allowed  
28 all actual and necessary expense incident to the performance  
29 of said service, including such incidental expenditures as are  
30 allowed by law and regulations to officers of the regular army  
31 when inspecting the organized militia.

Whenever deemed necessary, the adjutant general may au-  
33 thorize the commutation of rations for enlisted men, which  
34 shall be at the rates fixed by the regulations of the United  
35 States in force at the time.

The adjutant general whenever necessary, and in such  
37 manner as he may deem best, shall provide suitable mounts  
38 for all officers and enlisted men required to perform mount-  
39 ed duty. He shall also approve all other just and reasona-  
40 ble claims, payments, and expenditures, legally made in be-  
41 half of the military service of the state.'

Sect. 18. Amend section ninety-one of chapter two hun-  
2 dred and six of the public laws of nineteen hundred and nine  
3 by adding thereto the words 'including Sundays subject to  
4 the approval of the adjutant general.' So that said section  
5 as amended shall read as follows:

'Sect. 91. It shall be the duty of municipal officers to pro-  
7 vide for each company of the active militia located within  
8 the limits of their respective towns a suitable target range,  
9 except where such range shall be provided out of the military  
10 fund appropriated by the congress of the United States and

11 apportioned to the state for that purpose; and it shall be  
12 the duty of such municipal officers to maintain and keep in  
13 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 the  
17 necessary military purposes shall be as determined by the  
18 inspector of small arms practice of the national guard and  
19 approved by the adjutant general. All ranges shall be open  
20 for the use of members of the national guard at any time,  
21 including Sundays, subject to the approval of the adjutant  
22 general.'

Sect. 19. 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  
10 the name of the state an order directing any military person  
11 or 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. 20. Amend section one hundred and four of chapter  
2 two hundred and six of the public laws of nineteen hundred  
3 and nine, as amended by chapter eighty-one of the public  
4 laws of nineteen hundred and eleven, by striking out all of  
5 the last sentence of said section and substituting therefor the  
6 following: 'The costs of arrest and commitment in all court-  
7 martial proceedings shall be the same as is prescribed in re-  
8 vised statutes of this state for such service in the courts of  
9 this state and shall be paid by the adjutant general from the  
10 military fund on presentation of all papers or copies of pa-  
11 pers showing the service thereon. Such papers and copies  
12 to be certified as correct by the judge advocate or summary  
13 court.' So that said section as amended shall read as fol-  
14 lows:

'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 to  
27 take the body of the person so convicted and confine him  
28 in the county jail; and it shall be the duty of the sheriff to  
29 take the body of the person convicted and confine him in  
30 the county jail for the time specified in the sentence, or for  
31 one day for any fine not exceeding one dollar, and one ad-  
32 ditional day for every dollar above that sum, and one addi-  
33 tional day for each dollar of cost. The costs of arrest and  
34 commitment in all court martial proceedings shall be the  
35 same as is prescribed in revised statutes of this state for such  
36 service in the courts of this state and shall be paid by the  
37 adjutant general from the military fund on presentation of  
38 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. 21. 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 substitut-  
5 ing 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,  
9 make a report to the adjutant general of the cases tried set-

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

Sect. 22. 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  
4 "general" in the seventh line the words 'or special.' So that  
5 said article as amended shall read as follows:

'Article 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; and  
10 no discharge shall be given to any enlisted man before his  
11 term of service has expired except by order of the governor,  
12 the adjutant general or by sentence of a general or special  
13 court-martial.'

Sect. 23. 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 word  
6 "regimental" and substituting therefor the word 'special' and  
7 by adding in the fourth line after the word "regiment" the  
8 words 'or corps.' So that said article as amended shall read  
9 as follows:

'Article 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-mar-  
13 tial for the doing of justice to the complainant. Any party

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

Sect. 24. 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:

'Article 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 cogni-  
11 zance of by a general, or a special, or summary court-mar-  
12 tial, according to the nature and degree of the offense, and  
13 punished at the discretion of such court.'

Sect. 25. 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:

'Article 72. After this act becomes law, courts-martial  
6 shall be of three kinds, namely: First, general courts-mar-  
7 tial; second, special courts-martial; and third, summary  
8 courts-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. 26. 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:

'Article 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. 27. 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:

'Article 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,

9 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. 28. 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:

'Article 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 law of war is subject to trial by mili-  
9 tary tribunals.'

Sect. 29. 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:

'Article 76. Special courts-martial shall have the power to  
5 try any person subject to military law, except an officer, for  
6 any crime or offense not capital made punishable by the  
7 military 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 to  
12 be tried and the offense or offenses for which they are to be  
13 tried.

Said court martial shall have power to adjudge punishment  
15 not to exceed thirty days' confinement, dishonorable dis-  
16 charge, forfeiture of all pay or allowances, and a fine of fif-  
17 ty dollars and cost of witnesses, or any or all of such con-  
18 finement, forfeiture and pay.

Article 77. Summary courts-martial shall have power to  
20 try any soldier for any crime or offense not capital made  
21 punishable by the military law: Provided, that non-commis-  
22 sioned officers shall not, if they object thereto, be brought  
23 to trial before a summary court-martial without the  
24 authority of the officer competent to bring them to trial be-  
25 fore a general 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 all  
29 of such confinement, forfeiture of pay and fine, and in ad-  
30 dition thereto, in case of non-commissioned officers, reduc-  
31 tion to the ranks, and in the case of first-class privates reduc-  
32 tion to second-class privates: Provided, that the summary  
33 court shall not adjudge confinement, forfeiture or fine in ex-  
34 cess of ten days' confinement, forfeiture of ten dollars pay,  
35 or a fine of ten dollars, or any or all of such confinement,  
36 forfeiture, and fine unless the accused shall before trial con-  
37 sent in writing to trial by said court; but in any case of refu-  
38 sal to so consent the trial may be had either by general or  
39 special court-martial, or by summary court, but in case of  
40 trial by said summary court without consent, as aforesaid,

41 the court shall not adjudge more than ten days' confinement,  
42 forfeiture of ten dollars pay and a fine of ten dollars, or any  
43 or all of such confinement, forfeiture and pay.

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

Sect. 30. Amend article eighty 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 eighteenth and nineteenth lines the words "and in the case of  
5 non-commissioned officers, reduction to the ranks in addi-  
6 tion thereto" and in the thirty-third line the words "garri-  
7 son, regimental" and substituting therefor the word 'special.'  
8 So that said article as amended shall read as follows:

'Article 80. The commanding officer of each camp, station,  
10 or other place, regiment or corps, detached battalion, or  
11 company, or other detachment in the military forces of this  
12 state, shall have power to appoint for such place, command,  
13 or station, a summary court to consist of one officer to be  
14 designated by him before whom enlisted men who are to be  
15 tried, shall be brought to trial within twenty-four hours of  
16 the time of the arrest, or as soon thereafter as practicable,  
17 except when the accused is to be tried by general court-mar-  
18 tial; but such summary court may be appointed and the of-  
19 ficer designated by superior authority when by him deemed  
20 desirable; and the officer holding the summary court shall  
21 have power to administer oaths and to hear and determine



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

Sect. 31. 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 of  
5 nineteen hundred and eleven, are hereby repealed.

Sect. 32. Amend article eighty-four of section 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 in  
4 the fourth line the words "regimental and garrison courts"  
5 and substituting therefor the words 'a special court.' So that  
6 said article as amended shall read as follows:

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

Sect. 33. 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 'mili-  
8 tia' shall be substituted therefor.