

# MAINE STATE LEGISLATURE

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**EIGHTY-FIRST LEGISLATURE**

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**HOUSE**

**NO. 7**

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House of Representatives, Jan. 24, 1923.

Referred to Committee on Military Affairs and five hundred copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Gardiner of Gardiner.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-THREE

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AN ACT to Revise the Military Law of the State of Maine.

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

PREAMBLE. This chapter shall be known as "The Military Law of the State of Maine."

Section 1. COMPOSITION OF MILITIA. The militia of the state of Maine shall consist of all able-bodied male citizens of the state and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided

8 into three classes, the national guard, the naval militia, and  
10 the unorganized militia.

Sect. 2. COMPOSITION OF NATIONAL GUARD.

2 The national guard shall consist of the regularly enlisted  
3 militia between the ages of eighteen and forty-five years,  
4 and the commissioned officers between the ages of twenty-  
5 one and sixty-four years, organized, armed and equipped  
6 as provided by the national guard regulations, and recog-  
7 nized by the war department as national guard.

The restrictions as to maximum age and citizenship shall  
2 not apply to soldiers who have previously served honestly  
3 and faithfully in the United States army, navy, marine  
4 corps, the organized militia or the national guard.

Sect. 3. EXEMPTION FROM MILITARY DUTY.

2 The vice-president of the United States; the officers, judi-  
3 cial and executive, of the government of the United States  
4 and of the several states and territories; persons in the  
5 military or naval service of the United States; custom-house  
6 clerks; persons employed by the United States in the trans-  
7 mission of the mail; artificers and workmen employed in  
8 the armories, arsenals, and navy yards of the United States;  
9 pilots; mariners actually employed in the sea service of any  
10 citizen or merchant within the United States, shall be exempt  
11 from militia duty without regard to age, and all persons  
12 who because of religious belief shall claim exemption from  
13 militia service, if the conscientious holding of such belief  
14 by such person shall be established under such regulations

15 as the president shall prescribe, shall be exempted from  
16 militia service in a combatant capacity; but no person so  
17 exempted shall be exempt from militia service in any ca-  
18 pacity that the president shall declare to be non-combatant.

Sect. 4. ENROLLMENT. All male citizens who are  
2 more than eighteen and less than forty-five years of age,  
3 excepting idiots, lunatics, paupers, vagabonds, habitual  
4 drunkards, and persons convicted of infamous crimes, and  
5 who are resident in this state, shall, whenever the governor  
6 may deem necessary, be enrolled by the assessors in the  
7 several cities, towns and plantations in which they reside,  
8 in such manner and according to such regulations as the  
9 governor shall prescribe. On such enrollment and oppo-  
10 site the name of each person who is exempt from duty  
11 under section three or who is serving in the active militia,  
12 or who is unable by reason of physical disability to per-  
13 form militia duty, the assessors shall write the word "ex-  
14 empt" and state in each case the cause of exemption. The  
15 assessors shall subscribe said list and make oath that the  
16 same is true to the best of their knowledge and belief; and  
17 shall file the same with the clerk of the city, town or plan-  
18 tation forthwith; and each clerk shall, within ten days, make  
19 a certified statement of the total number enrolled, the num-  
20 ber marked exempt, the number belonging to the active  
21 militia and the number marked disabled, and forward the  
22 same to the office of the adjutant general. Any person  
23 claiming exemption shall satisfy the enrolling officer or offi-

24 cers of his right thereto and in case of doubt the burden of  
25 proof shall be upon the person claiming exemption, and the  
26 enrolling officer or officers may require him to submit to  
27 examination on oath and may administer such oath.

Sect. 5. REFUSAL TO GIVE INFORMATION A  
2 MISDEMEANOR. Any person knowingly and wilfully  
3 refusing information or giving false information to an as-  
4 sessor or other authorized person making the enrollment,  
5 respecting the name, age, residence, occupation, military  
6 or naval service, physical or mental condition, or other  
7 proper subject of inquiry, of himself or any person within  
8 his knowledge liable to be enrolled, shall for each such  
9 concealment, refusal, or giving of false information be  
10 guilty of a misdemeanor. The officer making the enroll-  
11 ment shall, within ten days, report all persons violating this  
12 section to the adjutant general.

Sect. 6. FAILURE OF ASSESSORS TO PERFORM  
2 DUTY. Any assessor neglecting or refusing faithfully to  
3 perform the duties of enrolling officer as required by law,  
4 or making any false entry upon said rolls, or committing  
5 any other fraud therein, and any clerk neglecting to make  
6 and forward the statement required by section four, shall  
7 be guilty of a misdemeanor. Upon the failure of the as-  
8 sessors to make the enrollment of the militia as required  
9 by law, the governor may appoint some person to make it  
10 at the expense of the city, town or plantation, and the per-  
11 son so appointed shall have all the powers and be subject

12 to the same duties as are prescribed in the case of assessors.

Sect. 7. COMMANDER-IN-CHIEF. The governor is  
2 the constitutional commander-in-chief of the militia, except  
3 of such portions as may be at times in the service of the  
4 United States.

Sect. 8. STAFF. The staff of the commander-in-chief  
2 shall consist of the adjutant general, who shall be ex-officio  
3 chief of staff, quartermaster general and paymaster general  
4 with rank of brigadier general, the senior officer on duty  
5 with each of the staff departments and such aides-de-camp  
6 not to exceed four in number, one of whom may be a  
7 naval aide with rank of lieutenant commander, as may be  
8 appointed by the governor. Except as hereafter provided  
9 all staff officers must be at the time of their appointment  
10 commissioned officers of the Maine national guard, on the  
11 active or retired list of or above the grade of captain, but  
12 no staff officer shall be appointed from the retired list who  
13 shall have had less than eight years of service in the na-  
14 tional guard, the last year of which shall be within ten  
15 years immediately preceding the appointment. Aides-de-  
16 camp, except as hereinafter provided, may be detailed by  
17 the commander-in-chief from the commissioned officers of  
18 the national guard of the grades above specified, but offi-  
19 cers so detailed shall not be relieved thereby from their  
20 regular duties except when on duty with the commander-  
21 in-chief. Honorably discharged officers who served in the  
22 United States army, navy or marine corps during the world

23 war, who are not members of the Maine national guard, may  
24 be appointed by the governor as aides-de-camp with a rank  
25 not to exceed one grade higher than that held by them  
26 when serving in the United States army, navy, or marine  
27 corps. Honorably discharged enlisted men who served in  
28 the United States army, navy or marine corps during the  
29 world war may be appointed by the governor as aides-de-  
30 camp, with a rank not to exceed that of lieutenant. The  
31 aides-de-camp authorized by this chapter shall be appointed  
32 by the governor and, except those detailed from the active  
33 list, shall be commissioned by him and shall serve only  
34 during the term of the governor making the appointment;  
35 provided, that the governor may detail additional aides from  
36 the officers of the national guard for temporary duty, sub-  
37 ject to the provisions of this section.

Sect. 9. PURPOSES AND PROCEDURE. In case of  
2 insurrection, invasion, tumult, riot, mob, or body of men  
3 acting together by force with intent to commit a felony or  
4 to offer violence to persons or property, or by force and  
5 violence to break and resist the laws of this state, or the  
6 United States, or of imminent danger thereof, or in the  
7 event of public disaster resulting from flood, conflagration,  
8 or tempests, the governor shall have the power to order  
9 into the active service of the state any part of the national  
10 guard that he may deem proper. And whenever the na-  
11 tional guard of this state or a part thereof is called forth  
12 under the constitution and laws of the United States, the  
13 governor shall, unless the order for the call specifies other-

14 wise, order out for service the national guard or such part  
15 thereof as may be required; and if the number available  
16 be insufficient he shall order out the unorganized militia or  
17 such part as may be necessary. The designation of organ-  
18 izations called into the service of the United States shall  
19 not, during such service, be given to new organizations.

AID OF CIVIL AUTHORITIES. In case of a sudden  
2 and unexpected tumult, riot, mob or body of men acting  
3 together by force with intent to commit felony or to offer  
4 violence to persons or property, or by force and violence  
5 to break and resist the laws of the state or the United  
6 States, or of imminent danger thereof, a justice of the  
7 supreme judicial court, in term time or vacation, or the  
8 sheriff of a county, may call for aid upon a commanding  
9 officer of the national guard or naval militia, and such call  
10 shall be in writing. The commanding officer upon whom  
11 the call is made shall order out in aid of the civil authori-  
12 ties the military or naval force or any part thereof under  
13 his command, and shall make an immediate report of the  
14 case to the adjutant general and to his immediate com-  
15 manding officer. He shall receive only general directions  
16 from the civil authority requesting the aid, and shall re-  
17 main strictly responsible to his military superior for the  
18 manner in which the troops shall be used to accomplish  
19 the desired end.

In the event of an emergency so imminent as to require  
2 immediate action the senior officer of a command may, upon



3 request in writing of the mayor of a city or the selectmen  
4 of a town, order out for the defense or protection of the  
5 community the forces under his command, or any part  
6 thereof, and immediately report his action and the circum-  
7 stances of the case to the adjutant general and to his imme-  
8 diate commanding officer.

Sect. 10. UNORGANIZED MILITIA. Whenever it  
2 shall be necessary to call into active service the unorganized  
3 militia, or any part thereof, the governor shall direct his  
4 order to the chief municipal officer of any city, town or  
5 plantation, who, upon receipt of the same, shall proceed  
6 to draft by lot as many of the unorganized militia or accept  
7 as many volunteers as are required by the governor, and  
8 shall forthwith forward to the adjutant general a list of  
9 the persons so drafted or accepted as volunteers.

Sect. 11. PERSONS FAILING TO RESPOND,  
2 DEEMED DESERTERS. Every member of the national  
3 guard ordered out, and every member of the unorganized  
4 militia who volunteers or who is drafted and notified there-  
5 of, under the provisions of the preceding section, who does  
6 not appear at the time and place designated by his com-  
7 manding officer, or the chief municipal officer, within twen-  
8 ty-four hours from such time, or who does not produce  
9 from a physician in good standing a sworn certificate of  
10 physical disability to so appear, shall be deemed a deserter  
11 and dealt with as prescribed in the articles of war of the  
12 United States.

Sect. 12. UNORGANIZED MILITIA TO BE MUSTERED INTO SERVICE. Whenever any portion of the unorganized militia is called forth under the constitution and laws of the United States, or of the state of Maine, the members thereof shall be immediately mustered into the service for such period as the call may prescribe; and whenever any portion of such unorganized militia shall be ordered into the service of the state they shall be mustered into the service for such period as the governor may direct. Such unorganized militia when so ordered into active service shall have, as far as practicable, the same system of organization, equipment, training and discipline as are or may thereafter be prescribed for the national guard. The governor shall have the power to appoint the officers for any new organizations formed out of said unorganized militia.

Sect. 13. GOVERNOR MAY PROCLAIM STATE OF INSURRECTION. Whenever any portion of the national guard is employed in aid of the civil authority, the governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county, city, town or plantation in which the troops are serving or any specified portion thereof, to be in a state of insurrection.

Sect. 14. MEMBERS OF MILITIA NOT PERSONALLY LIABLE. DEFENSE. No member of the militia ordered into the active service of the state shall be liable civilly or criminally for any act done, or caused, ordered,

5 or directed to be done, by him in furtherance of and while  
6 in the performance of his military duty. When an action  
7 or proceeding of any nature shall be commenced in any  
8 court by any person against any officer or enlisted man of  
9 the militia for any act so done, or caused, ordered, or di-  
10 rected to be done, all the expenses of the defense of such  
11 proceeding or action, civil or criminal, including fees of  
12 witnesses for the defense, defendant's court costs, and all  
13 costs for transcripts of records and abstract thereof on  
14 appeal, shall be paid by the state, out of the military fund;  
15 and it shall be the duty of the attorney general, either per-  
16 sonally or by one or more assistants, to defend such officer  
17 or soldier; provided, that where the action or proceeding  
18 is criminal the adjutant general shall designate a judge-  
19 advocate of the national guard to conduct the defense of  
20 such member, or if the services of a judge-advocate be not  
21 available, then he shall select some other competent attorney  
22 to conduct such defense, and the judge-advocate or other  
23 attorney so selected shall receive and be paid out of the  
24 military fund a reasonable compensation for his profes-  
25 sional services. In any such action or proceeding the de-  
26 fendant may require the person instituting or prosecuting  
27 the same to file security for payment of costs that may be  
28 awarded the defendant, which costs if recovered in action,  
29 the costs whereof have been paid out of the military fund,  
30 shall be paid into the state treasury for the benefit of the  
31 military fund; and the defendant may, in every such action

32 or proceeding, make a general denial and give the special  
33 matter in evidence.

Sect. 15. ADJUTANT GENERAL, RANK, POWERS  
2 AND DUTIES. The adjutant general of the state shall  
3 have the rank of brigadier general, and shall be, ex-officio,  
4 chief of staff, quartermaster general, and paymaster gen-  
5 eral of the state. He shall be appointed by the governor  
6 and shall hold the office for a term of six years unless  
7 sooner removed for cause. For the purpose of establish-  
8 ing the relation between the war department and the vari-  
9 ous staff departments of the state, he shall be the chief of  
10 said departments; and the requisitions, purchases, and is-  
11 sues to be made by the senior officer on duty in certain  
12 of said departments, as hereinafter prescribed, shall be  
13 made by them pursuant and in obedience to his directions  
14 and instructions.

He shall control the military department subordinate only  
2 to the governor, and may adopt such methods of adminis-  
3 tration, not inconsistent with the laws, regulations, and  
4 customs of the service of the regular army, so far as the  
5 same may be applicable, as he may deem necessary to ren-  
6 der the department efficient.

He shall superintend the preparation of all returns, re-  
2 ports, plans and estimates required of the state by the war  
3 department; and, on or before the thirtieth day of June  
4 of each year, shall make a report to the governor of the  
5 strength and condition of the militia and of the business

6 transactions of the department, including a detailed state-  
7 ment of expenditure for all military purposes.

He shall be responsible for the care, preservation, and  
2 repair of all military property belonging or issued to the  
3 state for the arming and equipping of the militia; and he  
4 shall dispose of all military property of the state found  
5 unserviceable after a proper inspection, account for the pro-  
6 ceeds, and deposit the same into the state treasury, to the  
7 credit of the military fund.

He shall cause to be turned in, in such manner as the war  
2 department may require, such ordnance, accoutrements and  
3 equipments belonging to the United States and receive in  
4 substitution therefor such prescribed regulation ordnance  
5 and equipment, as may be necessary to conform to the  
6 standard required by the laws and regulations of the United  
7 States.

He shall, under the direction of the governor, prepare  
2 requisitions for, and make purchases and issues of, such  
3 military property as is necessary to equip the organizations  
4 of the national guard according to the standard that is  
5 now or may be hereafter prescribed by the laws and regu-  
6 lations of the United States, except such purchases and  
7 issues as are hereinafter required to be made by the United  
8 States property and disbursing officer or senior officers on  
9 duty in the other staff departments; he shall approve the  
10 bills of all purchases by whomsoever made and all issues;  
11 but no such property shall be issued, or otherwise disposed

12 of, to persons or organizations other than those of the na-  
13 tional guard, and portions of the unorganized militia called  
14 into active service.

He shall keep a just and true account of all expenses  
2 necessarily incurred, including pay, transportation and sub-  
3 sistence of officers and enlisted men of the national guard  
4 and of all military property; and shall render annually to  
5 the governor a statement in detail showing the disposition  
6 of all clothing, ordnance, arms, ammunition, and other mili-  
7 tary property on hand and issued.

He may sell for cash to officers of the national guard, for  
2 their official use, and to organizations of the national guard,  
3 any military or naval property which is the property of  
4 the state; and he shall, with his annual report, render to  
5 the governor a true account of the sales so made, and shall  
6 deposit the proceeds of the same in the state treasury to  
7 the credit of the military fund.

Whenever the adjutant general is absent from the state  
2 or is unable from any cause to perform his duties, the senior  
3 officer on duty in the adjutant general's department or an  
4 officer of the national guard present for duty in the state  
5 designated by the governor shall, during his absence or  
6 disability, perform the duties of the adjutant general.

The adjutant general shall give a bond to the state, ap-  
2 proved by the governor and council, in the sum of ten  
3 thousand dollars, conditioned on the faithful performance  
4 of his duties as herein prescribed, and the costs and ex-

5 penses incurred by entering into such bond shall be paid  
6 out of the military fund.

Sect. 16. APPORTIONMENT AND DUTIES. The  
2 governor shall designate, subject to the approval of the  
3 secretary of war, an officer of the national guard who shall  
4 be regarded as property and disbursing officer for the  
5 United States. The property and disbursing officer shall  
6 give a bond to the United States, the amount thereof to be  
7 determined by the secretary of war, for the faithful per-  
8 formance of his duties and for the safe keeping and proper  
9 disposition of federal property and funds entrusted to his  
10 care, and the costs and expenses incurred by entering into  
11 such bond shall be paid out of the military fund.

Sect. 17. INSPECTOR GENERAL. The senior officer  
2 on duty in the inspector general's department, whenever  
3 ordered by the governor, shall make an inspection and a  
4 detailed report upon the armories, property, books, records,  
5 financial condition and general efficiency of the organiza-  
6 tions of the national guard, and shall perform such other  
7 duties as the adjutant general may direct or the law re-  
8 quire, and he shall submit to the adjutant general a report  
9 of the transactions of his office by the fifteenth of June  
10 annually.

Sect. 18. ORDNANCE OFFICER. The senior officer  
2 on duty in the ordnance department shall, from time to  
3 time, submit to the adjutant general requisitions for ord-  
4 nance property, equipment, and accoutrements and range  
5 and target material; which requisition, when approved by

6 the adjutant general and submitted to and signed by the  
7 United States property and disbursing officer, shall, if they  
8 be for material issued to the state by the ordnance depart-  
9 ment, be forwarded to that department for supply, and if  
10 they be for material not so issued, then by direction of the  
11 adjutant general and in the manner prescribed in section  
12 twenty-six, the senior ordnance officer shall purchase and  
13 direct the issue of such ordnance property and range ma-  
14 terial, certify all bills therefor as correct, and transmit them  
15 to the adjutant general.

He shall, when required or whenever he deems it neces-  
2 sary, report to the adjutant general upon the condition of  
3 the ordnance, arms and accoutrements on hand or issued  
4 to the national guard; he shall point out all deficiencies  
5 and, so far as he is vested with authority, he shall be respon-  
6 sible that all organizations are armed and equipped as pre-  
7 scribed, or as may hereafter be prescribed, by the war  
8 department.

He shall be the inspector of and shall exercise general  
2 supervision over the small-arms practice of the national  
3 guard. Whenever ordered by the governor it shall be his  
4 duty to make an inspection of all target ranges and shoot-  
5 ing galleries used by the national guard, to submit a report  
6 to the adjutant general of the condition and necessities of  
7 each; and to make a detailed report of the transactions of  
8 his office to the adjutant general on the fifteenth day of  
9 June annually.

Sect. 19. CHIEF SURGEON. The senior officer on



2 duty in the medical department shall perform such duties  
3 as are prescribed by law and the national guard regulations,  
4 and he shall make to the adjutant general a detailed report  
5 of the transactions of his office and the condition and quan-  
6 tity of medical supplies on hand, on the fifteenth day of  
7 June annually.

Sect. 20. SENIOR OFFICER QUARTERMASTER  
2 CORPS. The senior officer of the quartermaster corps  
3 may, when deemed advisable by the adjutant general, be  
4 the military store-keeper and, under the direction of the  
5 adjutant general, he shall purchase and issue in the manner  
6 prescribed in section twenty-six such subsistence stores and  
7 property as are not issued by the United States, certify all  
8 bills therefor as correct and transmit them to the adjutant  
9 general. He shall make a detailed report of the transac-  
10 tions of his office to the adjutant general on the fifteenth  
11 day of June annually.

Sect. 21. JUDGE ADVOCATE. The judge advocate  
2 shall be an attorney-at-law of the supreme judicial court  
3 of this state, of at least five years' standing. He shall be,  
4 under the direction of the governor, charged with the super-  
5 vision of all things relating to the administration of justice  
6 in the military forces of the state; he shall diligently scru-  
7 tinize and examine the proceedings of all courts-martial and  
8 courts of inquiry which are submitted to him for review  
9 and report thereon to the adjutant general; he shall when  
10 directed act as judge advocate or recorder of any military  
11 court or board; he shall be the legal adviser of the military

12 department, and to him may be referred for supervision  
13 all contracts, agreements, or other instruments, to be drawn  
14 or executed in the course of the business thereof. He shall  
15 make a detailed report of the transactions of his office to  
16 the adjutant general on the fifteenth day of June annually.

Sect. 22. ATTORNEY GENERAL OF STATE LE-  
2 GAL ADVISER. The attorney general of the state shall  
3 be legal adviser of the adjutant general, and of the armory  
4 commission.

Sect. 23. APPOINTMENT OF STAFF OFFICERS.  
2 In time of war, insurrection, invasion or rebellion, or of  
3 imminent danger thereof, the governor may appoint such  
4 staff officers and create such chiefs of staff departments  
5 as may be necessary to provide for an increased national  
6 guard or to fill the vacancies caused by absence in active  
7 service, or for both purposes; provided, that appointments  
8 in a staff department or corps shall be made from officers  
9 of the existing staff departments or corps as promotions  
10 so far as such officers are available; provided also, that  
11 promotion in each staff department or corps and appoint-  
12 ments to fill vacancies thus created shall be made as here-  
13 inafter prescribed. Provided further, that in time of peace,  
14 whenever the formations of the national guard shall re-  
15 quire it, the governor may organize such additional depart-  
16 ments as are thereby made necessary, and whenever such  
17 new departments are organized the senior officer on duty  
18 with the new staff department shall be ex-officio a member  
19 of the governor's staff.

Sect. 24. DUTIES OF STAFF OFFICERS. Officers  
2 of all staff departments and corps shall perform the duties  
3 required of them by law, and such others, not inconsistent  
4 with the laws of the state, as correspond to those which  
5 are now or may hereafter be required, of the correspond-  
6 ing staff departments or corps of the regular army by the  
7 customs of the service, the orders of the war department,  
8 and the laws and regulations of the United States.

Sect. 25. QUALIFICATIONS OF STAFF OFFICERS.  
2 Staff officers of the national guard, except in the lowest  
3 grade of the medical department, shall, when appointed, have  
4 had previous military experience and shall hold their posi-  
5 tions until they reach the age of sixty-four years, unless  
6 retired prior to that time by reason of resignation, disa-  
7 bility or for cause to be determined by a court-martial legally  
8 convened for that purpose, or by an efficiency board of  
9 three commissioned officers, senior in rank to the officer  
10 whose fitness for service shall be under investigation, and  
11 all vacancies among said officers shall be filled by appoint-  
12 ment from the officers of the national guard, or honorably  
13 discharged officers or enlisted men who served in the United  
14 States army, navy or marine corps during the world war.

Sect. 26. PROCEDURE BY PURCHASING OFFI-  
2 CER. Purchase of military property not exceeding one  
3 hundred dollars in value may be made in such manner as  
4 the purchasing officer may deem best. For other purchases  
5 not exceeding five hundred dollars, the purchasing officer

6 shall procure written proposals from at least two parties.  
7 For purchases exceeding five hundred dollars in value the  
8 purchasing officer shall publicly advertise, for not less than  
9 ten days, for sealed proposals, to be opened at the place,  
10 day and hour designated in such advertisement. All bids  
11 must be accompanied with a certified check for ten per  
12 centum of the amount of the bid; and he may require the  
13 person contracting to give bond in such sum and surety  
14 as he may direct, conditioned for faithful performance, in  
15 default of which, such bond shall be prosecuted by the at-  
16 torney general, and all moneys recovered turned into the  
17 state treasury for the benefit of the military fund; provided,  
18 that in case of emergency occasioned by war, invasion, riot,  
19 insurrection, resistance to the law, or imminent danger there-  
20 of, or by flood, conflagration, or tempest, the governor may  
21 direct that such property as may be urgently required be  
22 purchased in open market; provided, also, that the right is  
23 reserved to reject any or all bids.

Sect. 27. OFFICER NOT TO BE PERSONALLY IN-  
2 TERESTED. No officer herein authorized to make pur-  
3 chases or sales of military property shall be concerned, di-  
4 rectly or indirectly, in the purchase or sale of any such  
5 property, except for and on account of the state; nor shall  
7 any such officer take or apply to his own use any gain or  
8 emolument for negotiating or transacting any business of  
9 his office, other than what is allowed by law.

Sect. 28. PROPERTY PURCHASED TO BE IN-

2 SPECTED. All property purchased under the authority  
3 herein granted shall be inspected by an officer designated  
4 for that purpose by the adjutant general, and no payment  
5 shall be made therefor until it shall appear by the certifi-  
6 cate of the inspecting officer that the property is of the  
7 kind and quality specified in the contract of purchase.

Sect. 29. PENALTY FOR CONTRACTING INDEBT-  
2 EDNESS ON BEHALF OF STATE WITHOUT AU-  
3 THORIZATION. No officer or enlisted man shall con-  
4 tract, or presume to authorize the contracting of, any in-  
5 debtedness on behalf of the state, unless especially author-  
6 ized to do so by this chapter or by the express order of  
7 the adjutant general; and any person in the military serv-  
8 ices who shall violate the provisions of this section shall be  
9 dishonorably discharged and suffer such other punishment  
10 as a court-martial may direct.

Sect. 30. ORGANIZATION AND REGULATIONS  
2 OF NATIONAL GUARD. The organization of the na-  
3 tional guard of Maine including enlistments, appointments,  
4 promotions, transfers, discharges, equipment, uniforms, re-  
5 ductions and warrants of non-commissioned officers, in-  
6 struction and training, armament, discipline, and elimina-  
7 tion and disposition of officers, shall be the same as that  
8 which is now or may hereafter be prescribed or provided  
9 by the laws and regulations of the United States for the  
10 national guard; and the commander-in-chief is hereby au-  
11 thorized, and it shall be his duty, to issue and prescribe

12 from time to time such orders and regulations, and to adopt  
13 such other means of administration as shall maintain the  
14 prescribed standard of organization, armament and disci-  
15 pline; and it shall be the further duty of the commander-  
16 in-chief to prescribe such regulations and to adopt such  
17 methods of administration for the care, preservation, dis-  
18 position of and accountability for all military property is-  
19 sued to the national guard and belonging to the United  
20 States; for procuring, disbursing, and accounting for all  
21 military funds allotted to the state; for arming, equipping  
22 and supplying the national guard; and for arranging for  
23 such camps of instruction, field service, and rifle practice  
24 as shall meet the requirements that are now or may here-  
25 after be prescribed by the laws and regulations of the  
26 United States. And such orders, regulations, and means  
27 adopted shall have the full force and effect of law.

Sect. 31. NEW ORGANIZATIONS. When authorized  
2 by the war department, new organizations may be raised  
3 on petition to the governor, or by his order; and when the  
4 minimum number of persons required by law has been en-  
5 listed and notice thereof given to the governor, he shall  
6 order an inspection to be made by an officer of the national  
7 guard, and if it is found that the conditions contemplated  
8 by law for federal recognition can be met by the new organ-  
9 ization, the governor shall appoint commissioned officers  
10 therefor and request an inspection to be made by an officer  
11 of the regular army with a view to federal recognition.

Sect. 32. CIVILIAN COOKS. The commander-in-chief  
2 may authorize the employment of cooks to the number fixed  
3 in this chapter in organizations in which there are vacancies  
4 in enlisted cooks when such organizations are on duty un-  
5 der his orders or are called upon in aid of the civil authori-  
6 ties. The commander-in-chief may authorize the employ-  
7 ment and prescribe the number of cooks for all headquar-  
8 ters and organizations for which the enlistment of cooks  
9 is not authorized by this chapter. Cooks during such em-  
10 ployment shall be subject to the laws and regulations for  
11 the government of the national guard and shall receive the  
12 same pay as enlisted cooks.

Sect. 33. NAVAL MILITIA. Such persons as may be  
2 enlisted or as may be appointed or commissioned therein,  
3 shall constitute the naval militia of the state of Maine.

Sect. 34. ORGANIZATION BY COMMANDER-IN-  
2 CHIEF; DRILL, DISCIPLINE, ETC. The commander-  
3 in-chief may organize the forces prescribed in the preced-  
4 ing section as he may deem proper; and when in his judg-  
5 ment the efficiency of the naval militia will be increased  
6 thereby, or whenever public interest may demand it, he may  
7 alter, reorganize, or disband any or all of the organizations  
8 therein; and he shall have power at any time to change  
9 the organization of the naval militia so as to conform to  
10 any organization, system of drill or instruction which may  
11 be adopted for the navy of the United States, and to in-  
12 crease and decrease for that purpose the number of officers,

13 warrant officers, chief petty officers, petty officers and en-  
14 listed men and to change their grades, titles, and designa-  
15 tions.

The system of administration, drill and instruction of the  
2 naval militia shall conform, as nearly as practicable, to that  
3 of the navy of the United States; and the discipline and  
4 government thereof when not otherwise prescribed shall be  
5 according to the laws and regulations now or hereafter  
6 governing the national guard. No part of the naval militia  
7 shall be attached to any organization of the national guard  
8 except when especially ordered by the governor, in which  
9 case the senior officer present shall command the whole,  
10 unless the commander-in-chief shall direct otherwise.

Sect. 35. COMPENSATION. The pay of officers and  
2 petty officers of the naval militia shall be the same as that  
3 of officers and non-commissioned officers of the same rela-  
4 tive rank in the national guard; and seamen shall receive  
5 the pay of privates of infantry. The commanding officer  
6 of a battalion shall be allowed a sum not exceeding fifty  
7 dollars per annum for the care and responsibility of state  
8 and United States property for which he may be account-  
9 able; each division commander shall be allowed a sum not  
10 exceeding fifty dollars per annum for the care and respon-  
11 sibility of public property for which he is accountable; the  
12 executive officer of a battalion, each division clerk and the  
13 third class yeoman of each division shall receive for their  
14 services a sum not exceeding twenty-five dollars per annum.



Sect. 36. AUTHORITY OF OFFICERS. Commissioned officers of the naval militia shall have the same authority, rights, privileges and qualifications, grade for grade, as commissioned officers in the national guard, and, if not otherwise prescribed, shall be appointed in the same manner; but the board of examination, in the case of the appointment of an officer of the naval militia, shall consist of at least one commissioned officer of the naval militia, active or retired.

Sect. 37. APPOINTMENTS OF COMMISSIONED OFFICERS, VACANCIES, ETC. Subject to the regulations prescribed by the war department all officers shall be appointed and commissioned by the governor. Except as hereinafter provided all vacancies shall be filled as follows: Vacancies in the grade of colonel or lieutenant-colonel of a regiment or corps shall be filled by promoting the senior officer of the regiment or corps of the next lower grade; vacancies in the grade of major in a regiment, corps or separate battalion shall be filled by promoting the senior officer of the next lower grade in the organization in which the vacancy occurs; vacancies in the grade of captain or lieutenant shall be filled by promoting the senior officer of the next lower grade in the organization in which the vacancy occurs; when it appears to the governor to be for the best interest of the service that vacancies be otherwise filled, such vacancies, if they be within a regiment, corps or other separate organization, shall be filled by the gov-

19 error upon the recommendation of the commanding officer  
20 of such organization, if he be a field officer, otherwise upon  
21 the recommendation of the adjutant general. Vacancies in  
22 the grade of second lieutenant shall be filled in the follow-  
23 ing manner: All enlisted men of any company and any  
24 non-commissioned staff officer shall, if physically sound,  
25 be eligible for appointment and shall be permitted to appear  
26 before an examining board for a physical and competitive  
27 practical and theoretical examination. The enlisted man  
28 whom the board considers, after the competitive examina-  
29 tion, to be best qualified shall be appointed to fill the va-  
30 cancy. The governor shall prescribe the scope and man-  
31 ner of conducting such examination, and if no enlisted man  
32 appears or if none satisfactorily passes said examination,  
33 then the governor upon the recommendation of the com-  
34 manding officer of the regiment, corps or other separate  
35 battalion shall fill the vacancy by making an appointment  
36 of any person eligible under the law to hold a commission  
37 in the national guard. Every officer duly commissioned  
38 shall within ten days accept the same and take the consti-  
39 tutional oath of office; such oath may be taken and sub-  
40 scribed before any officer authorized by law to administer  
41 an oath; and in case of neglect or refusal to accept the  
42 commission or to take and subscribe the oath within the  
43 time mentioned, such commission shall be cancelled by  
44 the governor and a new appointment made to fill the va-  
45 cancy.

Sect. 38. RETIREMENT OF OFFICERS. Any officer  
2 who shall reach the age of sixty-four years shall be retired.  
3 Any officer who accepts an appointment in the army, navy  
4 or marine corps of the United States, or who tenders his  
5 resignation and the same having been accepted, shall re-  
6 ceive an honorable discharge, provided he shall not be under  
7 arrest or returned to a military court for any deficiency  
8 or delinquency and provided he be not indebted to the state  
9 in any manner and that all his accounts for money and  
10 public property be correct. Any officer who is found in-  
11 capacitated for service by reason of physical disability shall  
12 be withdrawn from active service and placed on the retired  
13 list, with the highest rank held by him during service, pro-  
14 vided, that if at the time of his retirement he shall have  
15 served as a commissioned officer in the national guard for  
16 a continuous period of fifteen years, he may be retired with  
17 one grade higher rank than that held at the time of his  
18 retirement.

Retired officers shall be entitled to wear the uniform of  
2 the rank with which they were retired. Except as provided  
3 above no commissioned officer in the national guard or  
4 naval militia shall be removed from office without his con-  
5 sent, except by sentence of a general court-martial or by  
6 an efficiency board, in a manner prescribed by law.

Sect. 39. CERTIFICATE OF MERIT. Hereafter when  
2 any enlisted man of the national guard shall have distin-  
3 guished himself in the service for gallantry or for long and

4 meritorious service in the national guard or naval militia  
5 for a continuous period of fifteen years or for a period of  
6 twenty years not necessarily continuous, the governor may,  
7 upon the recommendation of the commanding officer of the  
8 regiment or of the senior officer of the organization to which  
9 such enlisted man belongs, grant him a certificate of merit;  
10 and a holder of such certificate shall be borne on the mili-  
11 tary register of the state for the remainder of his life;  
12 provided that meritorious service hereafter in time of actual  
13 war, insurrection or rebellion, shall count double toward  
14 procuring such certificate.

Sect. 40. UNITED STATES ARMY REGULATIONS  
2 TO GOVERN. Matters of military courtesy and disci-  
3 pline; precedence of regiments and corps; details and work-  
4 ing parties; special duty; official designation and duties of  
5 officers; records; flags, colors and standards; instruction  
6 and administration of regiments, battalions and companies;  
7 interior economy of companies; rosters, detachments and  
8 daily service; honors, courtesies and ceremonies; guards;  
9 practical and theoretical instruction; care, accountability  
10 and responsibility for public property; surveys of property;  
11 staff administration and general duties of the staff corps;  
12 military correspondence; orders; muster rolls; return of  
13 troops and battle reports; arrest and confinement; and field  
14 service, shall, in general and so far as practicable and con-  
15 sistent with this chapter, be as now or hereafter prescribed  
16 in the regulations for the armies of the United States.

Sect. 41. SPECIAL INSPECTION. The commander-  
2 in-chief may in his discretion at such times and under such  
3 regulations as he may prescribe order each colonel com-  
4 manding a regiment or corps, or, in case of his disability  
5 or when designated by him, the lieutenant colonel, and each  
6 officer commanding a battalion, to parade, inspect and re-  
7 port upon the general military efficiency of the several com-  
8 panies under his command at least once each year; and  
9 the commander-in-chief may, whenever he deems it neces-  
10 sary, order an inspection by a medical officer of the officers  
11 and men, armories, clothes and equipment of the national  
12 guard or naval militia.

Sect. 42. CERTAIN PLACES MAY BE CLOSED  
2 WHEN NATIONAL GUARD ON DUTY. Whenever  
3 any part of the national guard is on active duty, pursuant  
4 to the order of the governor or call of civil authority, to  
5 aid in the enforcement of the laws, the commanding offi-  
6 cer of such troops may order the closing of any place  
7 where intoxicating liquors, arms, ammunition, dynamite or  
8 other explosives are sold, and forbid the selling, bartering,  
9 lending, or giving away any of said articles so long as  
10 any of the troops remain on duty in such places or in the  
11 vicinity thereof, whether any civil officer has forbidden the  
12 same or not.

Sect. 43. NOTICES FOR DUTY. Notices for duty  
2 at encampments, maneuvers and field instruction shall be  
3 given at least ten days prior thereto, and for other duty

4 at such time as the officer issuing the order shall prescribe.  
5 Such notices shall be given orally or by written or printed  
6 notice in hand, sent by mail or left at the last and usual  
7 place of abode, provided that the posting of the copy of  
8 an order in a conspicuous place in the drill or business  
9 room of the company, at a regular meeting held not less  
10 than four days before the time fixed in such order for the  
11 performance of any duty, shall be sufficient notice to all  
12 members of the company present at such meeting; and  
13 provided that when the days upon which the stated drills  
14 provided by law, orders or regulations are to be held have  
15 been fixed, no further notice thereof shall be required to  
16 the members of the company.

Sect. 44. PRIZES FOR GENERAL MILITARY EF-  
2 FICIENCY AND MARKSMANSHIP. To encourage gen-  
3 eral military efficiency among organizations in the national  
4 guard the adjutant general is authorized to offer annually  
5 a suitable reward. He may also provide suitable rewards  
6 for proficiency in small arms practice and practice with  
7 light and heavy guns. All such rewards shall be competed  
8 for under such regulations as may be approved by the  
9 adjutant general. Members of any staff, corps or detach-  
10 ments assigned or attached for duty with any command  
11 shall be considered a part of such command for the pur-  
12 pose of the competitions herein authorized.

Sect. 45. MEDAL FOR HONORABLE SERVICE.  
2 Every officer and enlisted man who has rendered honorable

3 service for nine years in the national guard of the state  
4 shall receive a service medal therefor and an additional  
5 bar or clasp for each additional three years' service.

Sect. 46. MEDAL FOR PERFECT ATTENDANCE.

2 Every officer or enlisted man in the national guard who  
3 has a perfect record of attendance at every military duty  
4 for one year, shall receive a suitable medal therefor, and  
5 a bar or clasp for each additional year of perfect attend-  
6 ance, either continuous or otherwise.

Sect. 47. PAY AND ALLOWANCE. Each officer and  
2 enlisted man ordered by the commander-in-chief or under  
3 his authority for duty at encampments, maneuvers, field  
4 exercises, small arms competitions, or other special duties  
5 or when called forth in aid of the civil authorities, shall  
6 receive for every day actually on duty, the same pay as  
7 officers and enlisted men of the same grade and classifi-  
8 cation in the regular army, provided, that warrant officers  
9 shall be paid five dollars a day and enlisted men of grade  
10 I as now or hereafter established for the regular army shall  
11 be paid not less than two dollars and fifty cents per day;  
12 grade II, two dollars and twenty-five cents; grade III, two  
13 dollars; grade IV, one dollar and ninety cents; grade V,  
14 one dollar and seventy-five cents; grade VI, one dollar and  
15 sixty cents; grade VII, one dollar and fifty cents, and pro-  
16 vided further that all band musicians shall be paid not less  
17 than four dollars per day and all specialists shall be paid  
18 the same additional compensation as is allowed the cor-

19 responding classes of specialists in the regular army; there  
20 shall be allowed the necessary transportation and subsist-  
21 ence, but no pay or compensation shall be allowed except  
22 as otherwise provided by law when ordered for inspection,  
23 muster, small arms practice, drill, parade, review, field serv-  
24 ice or practice marches unless expressly authorized in the  
25 order for such duties.

When the national guard, or any portion thereof, shall  
2 be called forth in aid of the civil authorities, or assembled  
3 in obedience to such calls, as provided for in section nine,  
4 all officers and men thereof shall receive  
5 the pay set forth in this section; and such compensation  
6 and the necessary expenses incurred in quartering, caring  
7 for, transporting and subsisting the troops as well as the  
8 expense incurred for pay, care and subsistence of officers  
9 and enlisted men temporarily disabled in the line of duty,  
10 while on such duty, shall be paid by the county where such  
11 service is rendered. The treasurer of such county shall,  
12 upon presentation to him of vouchers and pay rolls of  
13 such expenses and compensation, certified by the command-  
14 ing officer of the organization or corps on duty in aid of  
15 the civil authority, in such county or counties, and ap-  
16 proved by the adjutant general, forthwith execute in be-  
17 half of and in the name of such county a certificate or  
18 certificates of indebtedness for the money required to pay  
19 such vouchers and pay rolls; such certificates shall bear  
20 interest at the rate of not to exceed six per centum per



21 annum, and shall be made payable on the first day of Jan-  
22 uary following the expiration of two months from their  
23 issue, and the amount thereof shall be raised in the next  
24 tax budget of said county succeeding their issue, and ap-  
25 plied to the payment of such certificates. Said county  
26 treasurer shall sell such certificates at public or private  
27 sale, and apply the proceeds thereof to the payment of such  
28 expenses and compensation. Any county treasurer or pub-  
29 lic officer, who shall neglect or refuse to perform any of  
30 the duties required by this section, shall be personally  
31 charged with the costs and all necessary disbursements of  
32 any action or proceeding brought to compel such perform-  
33 ance, together with a reasonable additional allowance to  
34 the plaintiff or relator in such action or proceeding to be  
35 fixed.

Sect. 48. SPECIAL ALLOWANCES. In addition to all  
2 other pay and allowances herein provided there shall be al-  
3 lowed each company commander or other officer who in the  
4 opinion of the adjutant general is entitled to remuneration  
5 for care and responsibility of military property and satisfac-  
6 tory performance of military duties, not exceeding fifty dol-  
7 lars per annum; each company clerk, and each company  
8 supply sergeant, not exceeding twenty-five dollars per an-  
9 num, when certified by the company commander.

To all officers ordered to make inspection or other journeys  
2 necessary in the military service, there shall be allowed all  
3 actual and necessary expenses incident to the performance

4 of said service, including such incidental expenditures as are  
5 allowed by law and regulations to officers of the regular  
6 army when inspecting the organized militia.

Whenever deemed necessary, the adjutant general may  
2 authorize the commutation of rations for enlisted men,  
3 which shall be at the rate fixed by the regulations of the  
4 United States army in force at the time.

The adjutant general whenever necessary, and in such  
2 manner as he may deem best, shall provide suitable mounts  
3 for all officers and enlisted men required to perform mount-  
4 ed duty. He shall also approve all other just and reasonable  
5 claims, payments and expenditures, legally made in behalf  
6 of the military service of the state.

Sect. 49. APPROVAL AND PAYMENT OF MILI-  
2 TARY ACCOUNTS. All military accounts, unless other-  
3 wise specially provided by law, shall be approved by the  
4 person authorized to contract the same and transmitted to  
5 the adjutant general for his examination and approval.  
6 They shall then be presented to the state auditor, and if  
7 found correct shall be certified to the paymaster general for  
8 payment, and a warrant shall be drawn for the amount  
9 thereof on the state treasurer in favor of the paymaster  
10 general; accounts so allowed shall be paid by him to the  
11 persons to whom they are severally due, or to their order;  
12 provided, that no payment whatever shall be made or al-  
13 lowed except for duty actually performed or services actu-  
14 ally rendered; and provided, that no payment of any sum

15 authorized by this chapter shall be made to any person until  
16 there shall have been first deducted therefrom all amounts  
17 due by him to the state on any military account whatsoever ;  
18 and provided further that whenever the governor shall deem  
19 it necessary he may draw his warrant on the state treasurer  
20 in favor of the paymaster general for such sums from the  
21 military fund or the appropriation for the support of the  
22 naval militia as may be required to meet immediate pay-  
23 ments for current expenditures, such funds to be accounted  
24 for separately on a monthly account current to be filed with  
25 the state auditor and any unused balance to be carried into  
26 the state treasury whenever directed by the governor.

Sect. 50. THE MILITARY FUND. For the current  
2 expenses of the national guard and naval militia there shall  
3 be appropriated annually a sum of not less than one hundred  
4 and five thousand dollars, of which sum as much thereof as  
5 may be necessary shall be appropriated by the paymaster  
6 general for the support of the naval militia. The appropria-  
7 tion thus provided shall constitute a continuous military  
8 fund, from which special fund only, except where herein  
9 otherwise specified, shall be paid the expenses authorized by  
10 this act; and so much thereof as may be necessary is hereby  
11 appropriated to carry out the provisions of this section, to  
12 be paid upon vouchers approved as provided in section forty  
13 nine.

Sect. 51. CLAIMS FOR DISABILITY. Any member  
2 of the national guard or naval militia who shall, when on  
3 duty or assembled therefor, in case of riot, tumult, breach

4 of the peace, insurrection or invasion, or whenever called  
5 into active service of the state by order of the governor, or  
6 called in aid of the civil authorities, or when participating by  
7 order of the governor in any encampment, maneuvers or  
8 field instruction of any part of the regular army at or near  
9 any military post or camp or lake or sea coast defenses of  
10 the United States, or when participating by order of the  
11 governor in practice marches or camps of instruction, or  
12 when assembled for any regular or special drill or other  
13 duty under the command of a superior officer, receive any  
14 injury, or incur or contract any disability or disease by rea-  
15 son of such duty or assembly, or who shall without wilful  
16 negligence on his part receive any wound, injury or disease  
17 incident thereto while performing any lawfully ordered duty  
18 which shall incapacitate him from his usual business or  
19 occupation, shall receive compensation according to the pro-  
20 visions of chapter two hundred and thirty-eight of the laws  
21 of Maine for 1919, and any amendments thereto, as an em-  
22 ployee of the State of Maine, and the average weekly wage  
23 in such cases shall be taken to be the earning capacity of  
24 the injured in the occupation in which he is regularly en-  
25 gaged.

Sect. 52. ARMORIES, STABLES AND TARGET  
2 RANGES. It shall be the duty of the municipal officers to  
3 provide and maintain for each platoon or company of the  
4 national guard or naval militia located within the limits of  
5 their respective towns suitable drill rooms, offices, armory,  
6 stables, or place of deposit of all military property, and for

7 the headquarters of each separate battalion, corps, regiment  
8 or brigade established within such municipal limits suitable  
9 headquarters offices; and the suitability for the necessary  
10 military purposes of such drill rooms, armories, headquarters  
11 offices or stables shall be determined by the armory com-  
12 mission. A reasonable compensation shall be fixed by the  
13 armory commission, after hearing and consulting with the  
14 responsible municipal officers, for each company, other or-  
15 ganization, band or separate headquarters or stables, and  
16 shall be allowed as rent for such building or buildings to the  
17 municipality providing and maintaining them, and paid by  
18 the state out of the appropriation for armory rental. To carry  
19 out the provisions of this section the sum of thirty thousand  
20 dollars is hereby appropriated annually, payment to be made  
21 by the treasurer of the state upon vouchers manifested by  
22 the armory commission to the state auditor. All armories,  
23 drill rooms, offices, headquarters offices or stables shall be  
24 subject always to the provisions of law and to the regula-  
25 tions prescribed by the proper authorities, and said armories,  
26 drill rooms, offices, headquarters offices or stables shall be  
27 held for the exclusive use of the national guard unless other-  
28 wise authorized by the general regulations for the govern-  
29 ment of armories prescribed by the armory commission, or  
30 by special authority of the chairman of said commission  
31 after application in special cases by the municipal authorities  
32 in writing. Should any municipal officer use such buildings  
33 or stables without authority, or abuse the authority or privi-

34 lege so granted, they and each of them shall, in each case,  
35 be guilty of a misdemeanor and shall be punished as pre-  
36 scribed in this section. The governor is authorized to accept  
37 in the name of the state donations of lands and buildings to  
38 be used for military purposes by the national guard or naval  
39 militia under such conditions as the donors may nominate;  
40 lands and buildings so donated shall be subject to the rules  
41 and regulations prescribed by the governor; and provided  
42 further that when any building is turned over to the state  
43 for use as an armory or drill shed the armory commission  
44 shall be authorized to approve for payment from the appro-  
45 priation for armory rentals such sums as may be necessary  
46 for the upkeep of such building including repairs, furnish-  
47 ings, light, heat, water and janitor service.

Whenever the military fund shall be sufficient to warrant  
2 such expenditure, the armory commission may, with the  
3 approval and by direction of the governor, erect upon lands  
4 donated to the state for the purpose either by municipalities,  
5 corporations or individuals, armories, drill rooms, head-  
6 quarters offices, stables or other buildings for military pur-  
7 poses.

It shall be the duty of municipal officers to provide for  
2 organizations of the national guard located within the limits  
3 of their respective towns a suitable target range, except  
4 where such range shall be provided out of the funds appro-  
5 priated by the congress of the United States and apportioned  
6 to the state for that purpose; and it shall be the duty of

7 such municipal officers to maintain and keep in good repair  
8 such target range for the use of the company or companies  
9 located within the limits of their municipality, irrespective of  
10 the method in which such range may have been obtained.  
11 The suitability of such target range for the necessary mili-  
12 tary purposes shall be as determined by the senior officer  
13 in the ordnance department of the national guard and ap-  
14 proved by the adjutant general. All ranges shall be open for  
15 the use of members of the national guard at any time, in-  
16 cluding Sundays, subject to the approval of the adjutant  
17 general.

Any municipal officer who fails, refuses or neglects to take  
2 effective measures for providing and maintaining such suit-  
3 able drill rooms, offices, armories, headquarters or stables  
4 as prescribed in this section, and any municipal officer who  
5 fails, refuses or neglects to take effective measures for pro-  
6 viding and maintaining a suitable target range as prescribed  
7 in this section shall be guilty of a misdemeanor, prosecuted  
8 by complaint or indictment before a court of competent  
9 jurisdiction, and upon conviction shall be fined not less  
10 than one hundred dollars nor more than four hundred  
11 dollars, or imprisoned for not less than three months nor  
12 more than six months, or shall suffer both such fine and  
13 imprisonment, which fine shall be paid into the state treasury  
14 and credited to the military fund.

Sect. 53. MUNICIPALITIES TO RAISE MONEY BY  
2 TAXATION. All municipalities in this state are hereby

3 given power and authority to build or acquire by purchase,  
4 lease, gift or otherwise, suitable armories, drill-rooms,  
5 stables, headquarters offices, and the land necessary therefor  
6 and for target ranges for such organizations of the national  
7 guard and naval militia as may be stationed or located  
8 therein, and to provide for the maintenance and repair of  
9 the same; and all municipalities are hereby authorized, and  
10 it shall be the duty of the officers thereof, to raise money  
11 by taxation or otherwise for the purpose of providing suit-  
12 able armories, drill-rooms, stables, headquarters offices and  
13 target ranges for such organizations of the national guard  
14 and naval militia as may be stationed and located therein, in  
15 such manner as is by law provided for the erection and  
16 maintenance of all municipal public buildings and improve-  
17 ments.

Sect. 54. EXEMPTION FROM TAXATION. All  
2 armories, drill-rooms, offices, stables, headquarters offices,  
3 and target ranges, owned by the state or by any municipality,  
4 or by any organization of the national guard, and all build-  
5 ings and lands leased by the state or by any municipality,  
6 or by an officer or organization of the national guard, to be  
7 used as an armory, drill-room, stable, headquarters office,  
8 target range, or for other military purposes shall be exempt  
9 from taxation for all purposes during the period of such  
10 ownership or lease and use.

Sect. 55. ARMORY COMMISSION. The adjutant  
2 general, together with two officers of the line of the national



3 guard of or above the grade of captain, and two civilians  
4 appointed by the governor for a term of four years unless  
5 sooner relieved by proper authority and eligible to reap-  
6 pointment for a like period, shall constitute an armory com-  
7 mission of which the adjutant general shall be the chairman,  
8 whose duty it shall be to exercise general supervision and  
9 control over all armories, drill-rooms, headquarters offices,  
10 stables, to consult and co-operate with the municipal au-  
11 thorities and to devise effective means of obtaining and  
12 maintaining such armories, and to fix, subject to the approval  
13 of the governor, the compensation to be allowed to the  
14 municipalities as rent for them; they shall have the power,  
15 after consulting and hearing the responsible municipal offi-  
16 cers, to determine the administrative question of military  
17 suitability and adequate maintenance of all armories, drill-  
18 rooms, offices, headquarters offices, stables, and it shall be  
19 their duty to notify the responsible municipal officers of all  
20 deficiencies in these respects, and should such officers fail,  
21 refuse or neglect to take effective measures for providing  
22 such suitable buildings and their maintenance, the chairman  
23 of the commission shall initiate the prosecution prescribed  
24 by section fifty-two. The armory commission is authorized  
25 where towns or municipalities have been relieved from  
26 compliance with the provisions of this act to provide  
27 armories, target ranges or stables by reason of any agree-  
28 ment or agreements entered into between such towns or  
29 cities and the State of Maine, to hire or lease suitable

30 buildings for drill halls, quarters, headquarters offices or  
31 stables as may be necessary to adequately house the na-  
32 tional guard. For each day actually employed in the trans-  
33 action of the business of the armory commission the mem-  
34 bers other than the adjutant general shall receive as com-  
35 pensation the sum of ten dollars and all members shall be  
36 reimbursed for actual traveling expenses, such accounts to be  
37 paid from the military fund.

Sect. 56. COURTS-MARTIAL. Courts-martial in the  
2 national guard shall be of three kinds, namely, general  
3 courts-martial, special courts-martial and summary courts-  
4 martial. They shall be constituted, and have cognizance of  
5 the same subjects and possess like powers, except as to  
6 punishments, as similar courts provided for by the laws and  
7 regulations governing the army of the United States, and  
8 the proceedings of courts-martial of the national guard shall  
9 follow the forms and modes of procedure as now or shall  
10 be hereafter prescribed for similar courts.

Sect. 57. RULES OF EVIDENCE. The rules of evi-  
2 dence in all courts-martial shall follow in general, so far as  
3 applicable, the common law rules of evidence as observed  
4 by the courts of this state in criminal cases, but a certain  
5 latitude in the introduction of evidence and the examination  
6 of witnesses by an avoidance of restrictive rules is per-  
7 missible when it is in the interest of the administration of  
8 military justice. The accused shall at his own request, but  
9 not otherwise, be a competent witness; and his failure to

10 make such request shall not create any presumption against  
11 him.

Sect. 58. WARRANTS AND RIGHTS OF ACCUSED.

2 Presidents of courts-martial and summary court officers  
3 shall have power to issue, in the name of the state, warrants  
4 directing any sheriff or constable to arrest accused persons  
5 and bring them before the court for trial, and the accused  
6 shall have the right to demand the nature and cause of the  
7 accusation against him, and to be presented with a copy of  
8 the charges. He shall have the right of being heard by  
9 himself or counsel, or both; and shall have compulsory  
10 process for obtaining witnesses in his favor.

Sect. 59. SUMMONING OF WITNESSES. Presi-

2 dents of courts-martial and any summary court officer shall  
3 have power to summon the necessary witnesses for the trial  
4 of cases and for that purpose shall have power to issue, in  
5 the name of the state, all necessary subpoenas and subpoenas  
6 duces tecum. They shall have power to issue the like  
7 processes to compel witnesses to appear and testify which  
8 courts of criminal jurisdiction within this state may law-  
9 fully issue. Such writs and processes may be directed to  
10 any sheriff or constable whose duty it shall be to serve or  
11 execute such writ and process when issued by the civil  
12 courts of criminal jurisdiction in this state.

The attendance of witnesses in the military service of the  
2 state may be procured by the service of formal subpoena, or  
3 by the order of competent military authority; and every

4 person in the military service of the state who being duly  
5 subpoenaed or ordered to appear as a witness before the  
6 courts-martial wilfully neglects or refuses to appear to  
7 qualify as a witness, or to testify or produce documentary  
8 evidence, shall be deemed guilty of disobedience of orders  
9 and punished by a court-martial accordingly; and every  
10 person not belonging to the military service of the state who  
11 being duly subpoenaed to appear as a witness before a court-  
12 martial wilfully neglects or refuses to appear or refuses so  
13 to qualify, testify or produce documentary evidence, shall  
14 be deemed guilty of a misdemeanor and prosecuted like  
15 other misdemeanors in any court of competent jurisdiction  
16 and punished by a fine not exceeding one hundred dollars;  
17 provided that such witness may plead as a defense that he  
18 was not tendered one day's fee and mileage for the journey  
19 to and from the place of trial; and provided, that all wit-  
20 nesses shall receive the fees prescribed by statute for wit-  
21 nesses in the supreme judicial court, such amounts to be  
22 paid by the adjutant general out of the military fund; and  
23 provided that no witness shall be compelled to incriminate  
24 himself or to answer any question which may tend to in-  
25 criminate or degrade him.

Sect. 60. JURISDICTION. All courts-martial of the  
2 national guard including summary courts shall have power  
3 to sentence to confinement in lieu of fines authorized to be  
4 imposed; provided, that such sentence of confinement shall  
5 not exceed one day for each dollar of fine and costs au-  
6 thorized.

All processes, warrants and sentences of courts-martial shall be executed by civil officers in this state the same as like precepts of the supreme judicial court are executed in the state, and all such processes, warrants or sentences when issued by any courts-martial shall extend to any part of the state.

Sect. 61. CONFINEMENT. When the sentence of a court-martial adjudges a fine and costs against any person, and such sentence has been approved as provided by section ninety of this act, or whenever a person in the military service is ordered confined to await trial or is sentenced to confinement by a court-martial, or whenever any person is ordered into confinement at a place or station not provided with a guard house or military prison, the governor, the court or officer ordering the court, or the officer commanding for the time being, as the case may be, shall issue a warrant of commitment directed to the sheriff of the county in which the court-martial was held, directing him to take the body of the person so convicted and confine him in the county jail; and it shall be the duty of the sheriff to take the body of the person convicted and confine him in the county jail for the time specified in the sentence, or for one day for any fine not exceeding one dollar, and one additional day for every dollar above that sum, and one additional day for each dollar of cost. The costs of arrest and commitment in all court-martial proceedings shall be the same as is prescribed in the revised statutes of this state for such

22 service in the courts of this state and shall be paid by the  
23 adjutant general from the military fund on presentation of  
24 all papers or copies of papers showing the service thereon;  
25 such papers and copies to be certified as correct by the  
26 judge advocate or summary court.

Sect. 62. JURISDICTION PRESUMED. The juris-  
2 diction of the courts and boards established by this act shall  
3 be presumed, and the burden of proof shall rest on any  
4 person seeking to oust such courts or boards of jurisdiction  
5 in any action or proceeding.

No action or proceeding shall be prosecuted or maintained  
2 against a member of the military forces of this state or an  
3 officer acting under its authority or reviewing its proceed-  
4 ings on account of the approval or imposition or execution  
5 of any sentence, or the imposition or collection of any fine  
6 or penalty, or the execution of any warrant, writ, execution,  
7 process or mandate of a military court.

Sect. 63. OATHS, BY WHOM ADMINISTERED.  
2 Officers of the judge-advocate general's department, judge-  
3 advocates of courts-martial, summary court officers, and the  
4 recorders of a board, are hereby authorized to administer  
5 oaths for the purpose of military administration, and shall  
6 charge no fee for the same.

Sect. 64. REPORTS TO BE MADE TO ADJUTANT  
2 GENERAL. Each summary court and the judge-advocate  
3 of each special court shall, at the end of each month, make  
4 a report to the adjutant general of the cases tried, setting

5 forth the offense committed and the penalty awarded, which  
6 reports may be destroyed when no longer of use.

Sect. 65. APPLICABLE TO NAVAL MILITIA. The  
2 provisions in regard to courts and boards established by this  
3 act shall apply, so far as applicable, to the naval militia.

Sect. 66. UNIFORM OF COMMISSIONED OFFI-  
2 CERS. All commissioned officers shall provide themselves  
3 with such uniforms, arms and equipments as are required of  
4 commissioned officers of the regular army, and the adjutant  
5 general may purchase and issue as state property on memo-  
6 randum receipt or sell for cash to commissioned officers  
7 such articles of arms, uniforms and equipment as he may  
8 deem necessary.

EXEMPTION FROM ATTACHMENT. The clothes,  
2 arms, military outfit and accoutrements furnished by or  
3 through the state to a member of the active militia and the  
4 uniforms, arms and equipment required of commissioned  
5 officers shall not be subject to any suit, distress, execution,  
6 or sale for debt or payment of taxes.

Sect. 67. UNIFORM NOT TO BE WORN BY UN-  
2 AUTHORIZED PERSONS. Every person, other than an  
3 officer or enlisted man of the national guard of this state, or  
4 of any other state, or of the United States army, navy,  
5 marine corps, or revenue or forest service, or a member of  
6 any service of the United States for whom such uniform  
7 has been prescribed by proper authority, or inmate of any  
8 veterans' or soldiers' home, or a member of the Grand

9 Army of the Republic, or of the Sons of Veterans or the  
10 boy scouts of America, who at any time wears the uniform  
11 of the United States army or navy or national guard of this  
12 state, or any part of such uniform, or a uniform or a part of  
13 a uniform similar thereto, within the limits of this state, shall  
14 be guilty of a misdemeanor, and shall upon conviction be  
15 punished by a fine not exceeding three hundred dollars, or  
16 by imprisonment in the county jail not exceeding six months,  
17 or by both such fine and imprisonment, provided, that noth-  
18 ing in this act shall be construed as prohibiting persons of  
19 the theatrical profession from wearing such uniform in any  
20 playhouse or theatre actually engaged in following said pro-  
21 fession, and provided that nothing in this act shall be con-  
22 strued as prohibiting the uniform rank of civic societies  
23 parading or traveling in a body or assembling in a lodge  
24 room; and provided further, that whenever the national  
25 guard or any part thereof is in active service, or is called  
26 into active service, no civic organization or member thereof  
27 shall parade or appear in uniform in the locality where said  
28 national guard is in service.

Sect. 68. EQUIPMENT NOT TO BE SOLD. The  
2 clothes, arms, military outfits and accoutrements furnished  
3 by or through the state to any member of the national  
4 guard shall not be sold, bartered, exchanged, pledged, loaned  
5 or given away; and no person not a member of the military  
6 forces of this state or the United States, or duly authorized  
7 officer or agent of the state or of the United States, who



8 has possession of any such clothes, arms, military outfit or  
9 accoutrements so furnished and which have been the sub-  
10 ject of any such unlawful disposition, shall have any right,  
11 title or interest therein; but the same shall be seized and  
12 taken wherever found by any officer of the state, civil or  
13 military, and shall thereupon be delivered to any command-  
14 ing officer or other officer authorized to receive the same,  
15 who shall make an immediate report to the adjutant gen-  
16 eral. The possession of any such clothes, arms, military  
17 outfits or accoutrements by any person not a member of the  
18 military forces of the state or of the United States shall be  
19 presumptive evidence of such sale, barter, exchange, pledge,  
20 loan or gift.

Sect. 69. PENALTY FOR SALE OF EQUIPMENT.

2 Any person who shall, sell, or offer for sale, barter, ex-  
3 change, pledge, loan or give away, secrete or retain after  
4 demand made by any officer of the state, civil or military,  
5 any clothes, arms, military outfits or accoutrements fur-  
6 nished by or through the state to a member of the national  
7 guard, or who shall receive by purchase, barter, exchange,  
8 pledge, loan or gift, any such clothes, arms, military out-  
9 fits or accoutrements shall be guilty of a misdemeanor and  
10 punished by a fine not exceeding one hundred dollars or  
11 by imprisonment not exceeding six months, or by both such  
12 fine and imprisonment.

Sect. 70. REPAIR OF EQUIPMENT. The adjutant  
2 general shall, whenever it may be necessary, make arrange-

3 ments for the repair, cleansing and renovation of all clothes,  
4 arms, military outfits or accoutrements on hand or issued  
5 to any organization of the national guard; and when the  
6 necessity of such repair, cleansing or renovation is due to  
7 the fault or negligence of any member of the national guard,  
8 the cost thereof shall be charged against any pay due or  
9 to become due such member or recovered in the same man-  
10 ner as a fine, forfeiture or penalty, as prescribed by this  
11 chapter.

Sect. 71. INSPECTION AND CONDEMNATION.

2 The inspector general or such other military officer as the  
3 adjutant general may designate, shall inspect and condemn  
4 public military property which has become unfit for use;  
5 no property shall be sold until it has been so inspected and  
6 condemned and such condemnation approved by the adju-  
7 tant general, and the proceeds of sales of condemned ma-  
8 terial, stores, supplies, or other public military property of  
9 every kind shall be deposited with the adjutant general,  
10 paid into the state treasury, and credited to the military  
11 fund.

Sect. 72. STATE EQUIPMENT; OBSOLETE PAT-  
2 TERNS MAY BE ISSUED TO MUNICIPALITIES.

3 All property furnished by the state shall remain and con-  
4 tinue to be the property of the state, to be used for mili-  
5 tary purposes only, and when not so in use shall be kept  
6 in the armories or designated places of deposit; provided,  
7 however, that upon order of the governor and council, the

8 quartermaster general is authorized to issue to the munici-  
9 pal officers of any city or town field ordnance of obsolete  
10 pattern under such regulations as the governor and council  
11 may prescribe. Every officer receiving public property for  
12 military use shall be held responsible for the safe-keeping  
13 and the return of the same when called for; he shall ac-  
14 count for and make such returns thereof as may be pre-  
15 scribed whenever called upon so to do by the governor or  
16 other proper authority.

Sect. 73. DESTRUCTION OF EQUIPMENT. Any  
2 officer, enlisted man or other person, who shall wilfully or  
3 maliciously destroy, injure or deface any particle of mili-  
4 tary property belonging to the state or United States, or  
5 shall use it for other than military purposes, or shall have  
6 or retain the same in violation of law or regulations, shall  
7 be punished by a fine not exceeding fifty dollars. And in  
8 case any officer or enlisted man of the national guard who  
9 has at any time through carelessness or inattention lost,  
10 destroyed or suffered to be lost or destroyed, any state  
11 or government property which has been issued for his use,  
12 the paymaster general shall retain out of the pay or allow-  
13 ances or moneys due such officer or enlisted man for any  
14 military services whatsoever, an amount of money equal to  
15 the value of the property so lost or destroyed, and money  
16 so retained shall be credited to the account of such officer  
17 of the national guard as may be accountable to the state  
18 for said property. Such portion of said money as shall

19 be for state property shall be turned into the treasurer of  
20 the state, to be credited to the military fund, and such por-  
21 tion as may be for United States property shall be turned  
22 in to the United States treasury to be credited to the state  
23 on its property returns.

Sect. 74. EXEMPTION FROM ARREST. Every per-  
2 son belonging to the national guard of the state shall in  
3 all cases, except felony and breach of the peace, be privi-  
4 leged from arrest while going to, remaining at, or return-  
5 ing from any place at which he may be required to attend  
6 for military duty.

Sect. 75. EXEMPTION FROM JURY DUTY. Every  
2 member of the national guard, every retired officer, and  
3 every enlisted man holding the certificate of merit shall  
4 be exempt from all jury duty; production of a certificate  
5 from the claimant's commanding officer showing that the  
6 holder is a member of the national guard, or a certificate  
7 of retirement, or of a certificate of merit, or the sworn  
8 statement of the claimant that he is such member, retired  
9 officer, or holder of a certificate of merit, shall be prima  
10 facie proof that the claimant is entitled to the exemption.

Sect. 76. VOLUNTARY SERVICE. No organization  
2 of the national guard shall perform any voluntary military  
3 service except as authorized by this act or by the express  
4 orders of the governor.

Sect. 77. PERMISSION TO LEAVE OR ENTER  
2 STATE. No organization of the national guard shall leave

3 the state, and no military organization of another state,  
4 unless acting under the authority of the United States, shall  
5 enter the state, except in each case by permission of the  
6 governor.

Sect. 78. OTHER MILITARY ORGANIZATIONS  
2 PROHIBITED. No body of men, other than the national  
3 guard and the troops of the United States, shall associate  
4 themselves together as a military company or organization,  
5 or parade in public with firearms in any city or town of  
6 this state; nor shall any city or town raise or appropriate  
7 any money toward arming, equipping, uniforming or in any  
8 other way supporting, sustaining or providing drill-rooms  
9 or armories for any such body of men; but associations  
10 wholly composed of soldiers and sailors honorably dis-  
11 charged from the service of the United States and the order  
12 known as the Sons of Veterans may parade at any time  
13 in public with firearms, having first obtained the written  
14 permission of the city or municipal officers of the town  
15 or city in which they reside to parade, and students in edu-  
16 cational institutions where military science is taught as a  
17 prescribed part of the course of instruction, may, with the  
18 consent of the governor, drill and parade with firearms in  
19 public under the superintendence of their military instruc-  
20 tors. Any person violating any provision of this section  
21 shall be deemed guilty of a misdemeanor and punished by  
22 a fine not exceeding one hundred dollars, or by imprison-  
23 ment not exceeding six months, or by both such fine and  
24 imprisonment.

Sect. 79. RIGHT OF WAY. The commander of any  
2 portion of the national guard parading or performing any  
3 military duty in any street or highway, may require any  
4 or all persons in such street or highway, to yield the right  
5 of way to such national guard, provided the carriage of the  
6 United States mail, the legitimate functions of the police  
7 and the progress and operations of the hospital ambulances,  
8 fire engines and fire departments, and apparatus of the in-  
9 surance patrol shall not be interfered with thereby. All  
10 others who shall hinder, delay or obstruct any portion of  
11 the national guard whenever parading or performing any  
12 military duty, or who shall attempt so to do, shall be guilty  
13 of a misdemeanor, and upon conviction thereof shall be  
14 punished by a fine not exceeding five hundred dollars, or  
15 by imprisonment not exceeding six months, or by both  
16 such fine and imprisonment.

Sect. 80. BOUNDS AND LIMITS OF CAMPS. Ev-  
2 ery commanding officer, when on duty as such, may fix  
3 necessary bounds and limits to his camp, or parade, not  
4 including a road so as to prevent passing. Whoever in-  
5 trudes within the limits of the parade, camp or armory,  
6 after being forbidden, or resists a sentinel who attempts  
7 to put him or keep him out of such limits, or in any man-  
8 ner interrupts or molests the orderly discharge of duty by  
9 those under arms, or disturbs, hinders or prevents the pas-  
10 sage of troops going to or returning from any duty, may,  
11 at the discretion of the commanding officer, be confined

12 under guard not exceeding twenty-four hours. Such au-  
13 thority of an officer commanding a camp may be extended  
14 by order of the commander-in-chief to a distance not ex-  
15 ceeding one-half mile around such camp; provided, that  
16 the owner or owners of the external space within such dis-  
17 tance of the camp, and their agents or servants, shall not  
18 be hindered or prevented from entering upon such space  
19 for the purpose of using, occupying and improving the  
20 same in the same manner in which they used, occupied and  
21 improved the same at the time when the camp was estab-  
22 lished. The commanding officer of any camp or armory  
23 shall prohibit the introduction or sale of, or dealing in,  
24 beer, wine or any intoxicating liquor, within the limits or  
25 extended limits of the camp or within the armory, and he  
26 may abate as common nuisances all such sales and intro-  
27 ductions.

Sect. 81. DEPRIVING MEMBERS OF EMPLOY-  
2 MENT. Any person who either by himself or with an-  
3 other, wilfully deprives a member of the national guard  
4 or naval militia of his employment, or prevents his being  
5 employed by himself or another, or obstructs or annoys  
6 said member of said national guard or naval militia or his  
7 employer in respect to his trade, business or employment,  
8 because said member of said national guard or naval mili-  
9 tia is such member, or dissuades any person from enlist-  
10 ing in the said national guard or naval militia by threat  
11 of injury to him in case he shall so enlist, in respect to

12 his employment, trade or business, shall be deemed guilty  
13 of a misdemeanor and upon conviction thereof shall be  
14 punished by a fine not exceeding five hundred dollars, or  
15 by imprisonment not exceeding six months, or by both such  
16 fine and imprisonment. Proof of the discharge by an em-  
17 ployer of an employee who is a member of the national  
18 guard within fifteen days of his entrance therein or within  
19 fifteen days of his return from or completion of any mili-  
20 tary duty therewith shall be prima facie evidence of a vio-  
21 lation of this section.

Sect. 82. DISCRIMINATION AGAINST MEMBERS.

2 No association or corporation, constituted or organized for  
3 the purpose of promoting the success of the trade, employ-  
4 ment or business of the members thereof, shall by any con-  
5 stitution, rule, by-law, resolution, vote or regulation, dis-  
6 criminate against any member of the national guard or  
7 naval militia because of such membership, in respect to  
8 the eligibility of such member of the national guard or  
9 naval militia to membership in such association or cor-  
10 poration, or in respect to his rights to retain said last men-  
11 tioned membership; and any person who aids in enforcing  
12 any such provisions against a member of the said national  
13 guard or naval militia with intent to discriminate against  
14 him because of such membership, shall be guilty of a mis-  
15 demeanor and upon conviction thereof shall be punished  
16 by a fine not exceeding five hundred dollars, or by im-  
17 prisonment not exceeding six months, or by both such fine  
18 and imprisonment.



Sect. 83. MOLESTATION OF MEMBERS. Whoever  
2 shall unlawfully molest, insult or abuse any member of the  
3 national guard or naval militia while in the performance  
4 of his duty shall be deemed guilty of misdemeanor, and  
5 on conviction thereof shall be punished by a fine not to  
6 exceed five hundred dollars or by imprisonment not to ex-  
7 ceed six months, or by both such fine and imprisonment.

Sect. 84. PROSECUTION OF OFFENSES BEFORE  
2 CIVIL COURTS. Offenses against the provisions of this  
3 chapter, except when they are purely military and com-  
4 mitted by a person subject to military jurisdiction, may,  
5 unless a different remedy is specially provided, be prose-  
6 cuted by complaint or indictment before a court of com-  
7 petent criminal jurisdiction; and all fines and forfeitures  
8 collected under the provisions of this chapter, the dispo-  
9 sition whereof is not otherwise specially provided for, shall  
10 be paid into the state treasury and credited to the military  
11 fund.

Sect. 85. NEGLECT OF CIVIL OFFICERS TO PER-  
2 FORM DUTIES IMPOSED ON THEM. Civil officers  
3 named in this chapter, neglecting or refusing to obey its  
4 provisions, shall be guilty of a misdemeanor, and upon  
5 conviction therefor shall be punished by a fine not to ex-  
6 ceed five hundred dollars or by imprisonment not to ex-  
7 ceed six months or by both such fine and imprisonment.

Sect. 86. COMPANY BY-LAWS. Companies of the  
2 national guard may make by-laws, subject to the written

3 approval of the adjutant general, not repugnant to law,  
4 orders or regulations, and fix a sum to be paid by any mem-  
5 ber of such company for non-compliance therewith not ex-  
6 ceeding five dollars. Any member who fails to pay such  
7 sums so fixed, within thirty days after notification that the  
8 same is due, shall be deemed guilty of conduct to the preju-  
9 dice of good order and military discipline, and punished by  
10 a court-martial accordingly.

Sect. 87. NATIONAL GUARD ASSOCIATION. The  
2 commissioned officers of the national guard may organize  
3 themselves into an association the name of which shall be  
4 The National Guard Association of the State of Maine.  
5 Such association may adopt a constitution and by-laws not  
6 repugnant to law, orders, or regulations, and alter and  
7 amend the same, and may take and hold such real and  
8 personal property as may be necessary for the purposes of  
9 the association.

Sect. 88. REGULATIONS. The governor is hereby  
2 authorized to make such rules and regulations as he may  
3 deem expedient, but such rules and regulations shall con-  
4 form to this chapter, and regulations published by the militia  
5 bureau of the war department for the government of the  
6 national guard of the United States, as nearly as practicable  
7 to those governing the United States army and navy, and  
8 when promulgated, shall have the same force and effect as  
9 the provisions of this chapter. The rules and regulations in  
10 force at the time of the passage of this chapter, and not  
11 inconsistent herewith, shall remain in force until new rules  
12 and regulations are approved and promulgated.

Sect. 89. RULES GOVERNING MILITIA NOT IN  
2 FEDERAL SERVICE WHEN CALLED OUT BY  
3 GOVERNOR. Whenever any portion of the militia not  
4 being in the service of the United States shall be on duty or  
5 ordered to assemble for duty by the governor in time of  
6 actual war, insurrection, invasion or rebellion, the articles  
7 of war governing the army of the United States, the  
8 articles for the government of the United States navy, and  
9 the regulations prescribed for the army and navy of the  
10 United States, so far as consistent with this chapter and  
11 the regulations issued thereunder, shall be in force and  
12 regarded as a part of this chapter until said forces shall  
13 duly be relieved from such duty during such state of actual  
14 war, insurrection, invasion, or rebellion; but no punishment  
15 under such rules and articles which shall extend to the  
16 taking of life, shall in any case be inflicted until the approval  
17 by the governor of the sentence inflicting such punishment.

Sect. 90. ARTICLES OF WAR AND COURTS MAR-  
2 TIAL. Except as provided in the preceding sections the  
3 national guard of Maine, and the unorganized militia when-  
4 ever called into service, shall at all times and in all places, be  
5 governed by the articles of war and the manual of courts  
6 martial, as now or hereafter modified and adapted to the  
7 use of the national guard by the war department, militia  
8 bureau, in the national guard regulations.

Sect. 91. Chapter two hundred and fifty-nine of the public  
2 laws of nineteen hundred and seventeen, and all amend-  
3 ments thereto, are hereby repealed.