

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 161

H. D. No. 32

House of Representatives, Jan. 28, 1925.

Referred to Committee on Military Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Decker of Milo.

STATE OF MAINE

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

AN ACT to Amend Chapter One Hundred and Seventy-four of the Public Laws of Maine for Nineteen Hundred and Twenty-three, Known as the Military Law.

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

Section 1. That section eight of chapter one hundred and 2 seventy-four of the public laws of Maine for nineteen hundred and twenty-three be amended by adding after the word 3 “active” in the eighth line of said section the word “re- 4 serve,” and by striking out the words “honorably discharged 5 officers or enlisted men who served in the United States 6 army, navy or marine corps during the world war, who 7 are not members of the Maine national guard, may be ap- 8

9 pointed by the governor as aides-de-camp with a rank of
10 colonel," appearing in the sixteenth, seventeenth, eighteenth,
11 nineteenth and twentieth lines thereof and inserting in place
12 thereof the following words: 'Honorably discharged offi-
13 cers who served in the United States army, navy or marine
14 corps during the world war, who are not members of the
15 Maine national guard, may be appointed by the governor
16 as aides-de-camp with a rank not to exceed one grade higher
17 than that held by them when serving in the United States
18 army, navy or marine corps. Honorably discharged enlisted
19 men who served in the United States army, navy or marine
20 corps during the world war may be appointed by the gov-
21 ernor as aides-de-camp, with a rank not to exceed that of
22 lieutenant,' so that said section as amended shall read:

'Sect. 8. *Staff, Commander-in-chief.* The staff of the
2 commander-in-chief shall consist of the adjutant general,
3 who shall be ex-officio chief of staff, quartermaster general,
4 and paymaster general with the rank of brigadier general,
5 the senior officer on duty with each of the staff depart-
6 ments and such aides-de-camp not to exceed five in num-
7 ber, one of whom may be a naval aide with rank of lieu-
8 tenant commander, as may be appointed by the governor.
9 Except as hereafter provided all staff officers must be at
10 the time of their appointment commissioned officers of the
11 Maine national guard; on the active, reserve or retired list
12 of or above the grade of captain, but no staff officer shall
13 be appointed from the retired list who shall have had less

14 than eight years of service in the national guard, the last
15 year of which shall be within ten years immediately pre-
16 ceding the appointment. Aides-de-camp, except as herein-
17 after provided may be detailed by the commander-in-chief
18 from the commissioned officers of the national guard of
19 the grades above specified, but officers so detailed shall not
20 be relieved thereby from their regular duties except when
21 on duty with the commander-in-chief. Honorably dis-
22 charged officers who served in the United States army, navy
23 or marine corps during the world war, who are not mem-
24 bers of the Maine national guard, may be appointed by the
25 governor as aides-de-camp with a rank not to exceed one
26 grade higher than that held by them when serving in the
27 United States army, navy or marine corps. Honorably dis-
28 charged enlisted men who served in the United States army,
29 navy or marine corps during the world war may be ap-
30 pointed by the governor as aides-de-camp with a rank not
31 to exceed that of first lieutenant. The aides-de-camp au-
32 thorized by this chapter shall be appointed by the governor
33 and, except those detailed from the active list, shall be
34 commissioned by him and shall serve only during the terms
35 of the governor making the appointment; provided, that
36 the governor may detail additional aides from the officers
37 of the national guard for temporary duty, subject to the
38 provisions of this section. Provided nothing in this sec-
39 tion shall operate to terminate the appointment of any aide
40 who is a member of the staff at the time this act becomes
41 effective.'

Sect. 2. That the first paragraph of section fifteen of chapter one hundred and seventy-four of the public laws of Maine for nineteen hundred and twenty-three be amended by striking out the words "two years at the pleasure of the governor" in the fifth line of said paragraph and by adding in place thereof the words 'five years unless sooner removed for cause,' so that said paragraph as amended shall read:

'Sect. 15. *Adjutant General.* (First paragraph only). The adjutant general of the state shall have the rank of brigadier general, and shall be, ex-officio, chief of staff, quartermaster general, and paymaster general of the state. He shall be appointed by the governor and shall hold the office for a term of five years unless sooner removed for cause. For the purpose of establishing the relation between the war department and the various staff departments of the state, he shall be the chief of said departments; and the requisitions, purchases, and issues to be made by the senior officer on duty in certain of said departments, as herein after prescribed, shall be made by them pursuant and in obedience to his directions and instructions.'

Sect. 3. That the seventh paragraph of section fifteen of chapter one hundred and seventy-four of the public laws of Maine for nineteen hundred and twenty-three be amended by adding after the word "issued" in the last line thereof the words 'belonging to the state of Maine,' so that said paragraph as amended shall read:

'Sect. 15. *Adjutant General.* (Seventh paragraph only.)

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

Sect. 4. That section thirty of chapter one hundred and
2 seventy-four of the public laws of nineteen hundred and
3 twenty-three be amended by inserting after the word "shall"
4 in the tenth line thereof the following words: 'provide that
5 all organizations accepted by the state shall be raised to
6 their full quota and that they shall,' so that said section as
7 amended shall read:

'Sect. 30. *Organization of National Guard.* The organ-
2 ization of the national guard of Maine including enlist-
3 ments, appointments, promotions, transfers, discharges,
4 equipment, uniforms, reductions and warrants of non-com-
5 missioned officers, instruction and training, armament, dis-
6 cipline, and elimination and disposition of officers, shall be
7 the same as that which is now or may hereafter be pre-
8 scribed or provided by the laws and regulations of the
9 United States for the national guard; and the commander-
10 in-chief is hereby authorized, and it shall be his duty, to
11 issue and prescribe from time to time such orders and reg-
12 ulations, and to adopt such other means of administration

13 as shall provide that all organizations accepted by the state
14 shall be raised to their full quota and that they shall main-
15 tain the prescribed standard or organization, armament and
16 discipline; and it shall be the further duty of the com-
17 mander-in-chief to prescribe such regulations and to adopt
18 such methods of administration for the care, preservation,
19 disposition of and accountability for all military property
20 issued to the national guard and belonging to the United
21 States; for procuring, disbursing, and accounting for all
22 military funds allotted to the state; for arming, equipping
23 and supplying the national guard; and for arranging for
24 such camps of instruction, field service, and rifle practice
25 as shall meet the requirements that are now or may here-
26 after be prescribed by the laws and regulations of the
27 United States. And such orders, regulations, and means
28 adopted shall have the full force and effect of law.'

Sect. 5. That section thirty-eight of chapter one hundred
2 and seventy-four of the laws of Maine for nineteen hun-
3 dred and twenty-three be stricken out of the military law
4 and that there be inserted in place thereof the following
5 section:

'Sect. 38. *Discharge and Retirement of Officers.* Any
2 officer who accepts an appointment in the army, navy or
3 marine corps of the United States, or who tenders his res-
4 ignation and the same having been accepted, shall receive
5 an honorable discharge, provided he shall not be under
6 arrest or returned to a military court for any deficiency

7 or delinquency and provided he be not indebted to the state
8 in any manner and that all of his accounts for money and
9 public property be correct.

‘Any officer who shall reach the age of sixty-four years
2 shall be retired.

‘Any officer who is found incapacitated for service by rea-
2 son of physical disability shall be withdrawn from active
3 service and placed on the retired list.

‘Any person who has served as a commissioned officer in
2 the Maine national guard for a period of not less than nine
3 years may, upon personal request, be placed upon the re-
4 tired list. When placed upon the retired list an officer shall
5 be given the highest rank held by him during his term of
6 service, provided, that if at the time of his retirement he
7 shall have served as a commissioned officer in the Maine
8 national guard for a continuous period of fifteen years
9 or more he may be retired with a rank one grade higher
10 than the highest rank held by him during his service, ex-
11 cept that in no case shall a rank higher than that of brig-
12 adier general be granted an officer under these provisions,
13 upon retirement. Retired officers shall be entitled to wear
14 the uniform of the rank with which they were retired. Ex-
15 cept as provided above no commissioned officer in the na-
16 tional guard or naval militia shall be removed from office
17 without his consent, except by sentence of a general court-
18 martial or by an efficiency board, in a manner prescribed
19 by law.’

Sect. 6. That section forty-eight of chapter one hundred
2 and seventy-four of the laws of nineteen hundred and twen-
3 ty-three be amended by adding thereto the two following
4 paragraphs:

“There shall be allowed, as and when approved by the
2 adjutant general, to each regimental commander or com-
3 mander of a separate battalion, for the maintenance of ade-
4 quate administrative office and extra compensation of the
5 personnel thereof, a sum payable in quarterly installments,
6 not exceeding one dollar per man of the average strength
7 of that unit for the year, and not, in any event, to exceed
8 one thousand dollars per year for a regiment or three hun-
9 dred dollars per year for a separate battalion. Unit com-
10 manders receiving such allowance shall make a statement
11 in writing to the adjutant general in such detail as he shall
12 require of the disposition thereof before another quarterly
13 allowance shall be approved.

‘To each man, when first commissioned as an officer under
2 the provisions of Section thirty-seven of the military law,
3 there shall be paid the sum of \$50 for the express purpose
4 of assisting said commissioned officer in securing suitable
5 military clothing and equipment required by virtue of his
6 office, provided, however, that said sum of \$50 shall not
7 be paid to any newly commissioned officer until he has
8 been Federally recognized by the Militia Bureau and has
9 fulfilled all other requirements of the military law govern-
10 ing the office to which he has been commissioned.’

So that said section as amended shall read:

'Sect. 48. *Special Allowances.* There shall be allowed,
2 as and when approved by the adjutant general, to each regi-
3 mental commander or commander of a separate battalion,
4 for the maintenance of adequate administrative office and
5 extra compensation of the personnel thereof, a sum, pay-
6 able in quarterly installments, not exceeding one dollar per
7 man of the average strength of that unit for the year, and
8 not, in any event, to exceed one thousand dollars per year
9 for a regiment or three hundred dollars per year for a
10 separate battalion. Unit commanders receiving such allow-
11 ance shall make a statement in writing to the adjutant gen-
12 eral in such detail as he shall require of the disposition
13 thereof before another quarterly allowance shall be approved.

'To each man when first commissioned as an officer under
2 the provisions of section thirty-seven of the military law
3 there shall be paid the sum of \$50 for the express purpose
4 of assisting said commissioned officer in securing suitable
5 military clothing and equipment required by virtue of his
6 office, provided, however, that said sum of \$50 shall not be
7 paid to any newly commissioned officer until he has been
8 Federally recognized by the Militia Bureau and has ful-
9 filled all other requirements of the military law governing
10 the office to which he has been commissioned.

'In addition to all other pay and allowances herein pro-
2 vided there shall be allowed each company commander or
3 other officer who in the opinion of the adjutant general is

4 entitled to remuneration for care and responsibility of mili-
5 tary property and satisfactory performance of military
6 duties, not exceeding fifty dollars per annum; each company
7 clerk, and each company supply sergeant, not exceeding
8 twenty-five dollars per annum, when certified by the com-
9 pany 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. 7. That the first paragraph of Section 52 of Chap-
2 ter 174 of the Public Laws of Maine for 1923 be amended
3 by inserting after the word “company” in the third line
4 thereof the words ‘battery, band or detachment’ and after
5 the word “property” in the fifth line, and the word “Offices”

6 in the seventh line, the words, 'including heat, light and
7 janitor service,' so that said paragraph as amended shall
8 read:

'Sect. 52. *Armories, Stables and Target Ranges.* (First
2 paragraph only). It shall be the duty of the municipal
3 officers to provide and maintain for each platoon or com-
4 pany, battery, band or detachment of the national guard or
5 naval militia located within the limits of their respective
6 towns, suitable drill rooms, offices, armory, stables or place
7 of deposit of all military property, including heat, light, and
8 janitor service, and for the headquarters of each separate
9 battalion, corps, regiment or brigade established within such
10 municipal limits, suitable headquarters offices, including
11 heat, light and janitor service; and the suitability for the
12 necessary military purposes of such drill rooms, armories,
13 headquarters offices or stables shall be determined by the
14 armory commission. A reasonable compensation shall be
15 fixed by the armory commission, after hearing and consult-
16 ing with the responsible municipal officers, for each com-
17 pany, other organization, band or separate headquarters or
18 stables, and shall be allowed as rent for such building or
19 buildings to the municipality providing and maintaining
20 them, and paid by the state out of the appropriation for
21 armory rental. To carry out the provisions of this section
22 there shall be appropriated biennially such sums as are
23 deemed necessary, said sums to be known as the armory
24 fund, payment to be made therefrom by the treasurer of

25 the state upon vouchers manifested by the armory com-
26 mission to the state auditor, said armories, drill rooms,
27 offices, headquarters offices or stables shall be subject always
28 to the provisions of law and to the regulations prescribed
29 by the proper authorities, and said armories, drill rooms,
30 offices, headquarters offices or stables shall be held for the
31 exclusive use of the national guard unless otherwise author-
32 ized by the general regulations for the government of armo-
33 ries prescribed by the armory commission, or by special
34 authority of the chairman of said commission after appli-
35 cation in special cases by the municipal authorities in writing.
36 Should any municipal officer use such buildings or stables
37 without authority, or abuse the authority or privilege so
38 granted, they and each of them shall in each case, be guilty
39 of a misdemeanor and shall be punished as prescribed in
40 this section. The governor is authorized to accept in the
41 name of the state donations of lands and buildings to be
42 used for military purposes by the national guard or naval
43 militia under such conditions as the donors may nominate;
44 lands and buildings so donated shall be subject to the rules
45 and regulations prescribed by the governor; and provided
46 further that when any building is turned over to the state
47 for use as an armory or drill shed the armory commission
48 shall be authorized to approve for payment from the appro-
49 priation for armory rentals such sums as may be necessary
50 for the upkeep of such building, including repairs, furnish-
51 ings, light, heat, water and janitor service.'

Sect. 8. That section 81 of chapter 174 of the Public
2 Laws of Maine for 1923 be amended by adding thereto the
3 following paragraph:

‘All officials and employees of the State of Maine who
2 shall be members of the national guard thereof shall be en-
3 titled to leave of absence from their respective duties, with-
4 out loss of pay or time, on all days during which they shall
5 be engaged in field or coast defense training ordered or
6 authorized by the governor of the State of Maine or under
7 the provisions of the National Defense Act.’

So that said Section 81 shall read as amended:

‘Sect. 81. *Depriving Members of Employment.* Any per-
2 son who either by himself or with another, wilfully deprives
3 a member of the national guard or naval militia of his em-
4 ployment, or prevents his being employed by himself or
5 another, or obstructs or annoys said member of said national
6 guard or naval militia or his employer in respect to his trade,
7 business or employment, because said member of said na-
8 tional guard or naval militia is such member, or dissuades
9 any person from enlisting in the said national guard or naval
10 militia by threat of injury to him in case he shall so enlist,
11 in respect to his employment, trade or business, shall be
12 deemed guilty of a misdemeanor and upon conviction there-
13 of shall be punished by a fine not exceeding five hundred
14 dollars, or by imprisonment not exceeding six months, or by
15 both such fine and imprisonment.

‘All officials and employees of the State of Maine who

2 shall be members of the national guard thereof shall be en-
3 titled to leave of absence from their respective duties, with-
4 out loss of pay or time, on all days during which they shall
5 be engaged in field or coast defense training ordered or
6 authorized by the governor of the State of Maine or under
7 the provisions of the National Defense Act.'