

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 855

H. D. No. 188

House of Representatives, Feb. 19, 1925.

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

CLYDE R. CHAPMAN, Clerk.

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
2 seventy-four of the public laws of Maine for nineteen hun-
3 dred and twenty-three be amended by adding after the
4 word "active" in the eighth line of said section the word
5 'reserve,' and by striking out the words "honorably dis-
6 charged officers or enlisted men who served in the United
7 States army, navy or marine corps during the world war,
8 who are not members of the Maine national guard, may

9 be appointed by the governor as aides-de-camp with a rank
10 of colonel," appearing in the sixteenth, seventeenth, eight-
11 teenth, nineteenth and twentieth lines thereof and inserting
12 in place thereof the following words: 'Honorably discharged
13 officers who served in the United States army, navy or
14 marine corps during the world war, who are not members
15 of the Maine national guard, may be appointed by the gov-
16 ernor as aides-de-camp with a rank not to exceed one grade
17 higher than any grade held by them while serving in the
18 United States army, navy, marine corps, or in the officers'
19 reserve corps. Honorably discharged enlisted men who
20 served in the United States army, navy or marine corps
21 during the world war may be appointed by the governor
22 as aides-de-camp, with a rank not to exceed that of first
23 lieutenant, provided that any enlisted man who served as
24 specified above and who has since served as a commissioned
25 officer in the United States army, navy, marine corps or
26 in the officers' reserve corps may be appointed by the gov-
27 ernor as aides-de-camp with a rank not to exceed one grade
28 higher than that held by them during such service.' So
29 that said section as amended shall read:

'Sect. 8. STAFF, COMMANDER-IN-CHIEF. The
2 staff of the commander-in-chief shall consist of the adju-
3 tant general, who shall be ex-officio chief of staff, quar-
4 master general and paymaster general with rank of briga-
5 dier general, the senior officer on duty with each of the
6 staff departments and such aides-de-camp not to exceed

7 five in number, one of whom may be a naval aide with
8 rank of lieutenant commander, as may be appointed by the
9 governor. Except as hereafter provided all staff officers
10 must be at the time of their appointment commissioned
11 officers of the Maine national guard, on the active, reserve
12 or retired list of or above the grade of captain, but no staff
13 officer shall be appointed from the retired list who shall
14 have had less than eight years of service in the national
15 guard, the last year of which shall be within ten years im-
16 mediately preceding the appointment. Aides-de-camp, ex-
17 cept as hereinafter provided may be detailed by the com-
18 mander-in-chief from the commissioned officers of the na-
19 tional guard of the grades above specified, but officers so
20 detailed shall not be relieved thereby from their regular
21 duties except when on duty with the commander-in-chief.
22 Honorably discharged officers who served in the United
23 States army, navy or marine corps during the world war,
24 who are not members of the Maine national guard, may
25 be appointed by the governor as aides-de-camp with a rank
26 not to exceed one grade higher than any grade held by
27 them while serving in the United States army, navy, ma-
28 rine corps or in the officers' reserve corps. Honorably dis-
29 charged enlisted men who served in the United States army,
30 navy or marine corps during the world war may be ap-
31 pointed by the governor as aides-de-camp with a rank not
32 to exceed that of first lieutenant, provided that any enlisted
33 man who served as specified above and who has since served

34 as a commissioned officer in the United States army, navy,
35 marine corps or in the officers' reserve corps may be ap-
36 pointed by the governor as aides-de-camp with a rank not
37 to exceed one grade higher than that held by them during
38 such service. The aides-de-camp authorized by this chap-
39 ter shall be appointed by the governor and, except those
40 detailed from the active list, shall be commissioned by him
41 and shall serve only during the terms of the governor mak-
42 ing the appointment; provided, that the governor may de-
43 tail additional aides from the officers of the national guard
44 for temporary duty, subject to the provisions of this sec-
45 tion. Provided nothing in this section shall operate to ter-
46 minate the appointment of any aide who is a member of
47 the staff at the time this act becomes effective.'

Sect. 2. That the first paragraph of section fifteen of
2 chapter 174 of the public laws of Maine for nineteen hun-
3 dred and twenty-three be amended by striking out the words
4 "two years at the pleasure of the governor" in the fifth
5 line of said paragraph and by adding in place thereof the
6 words 'five years unless sooner removed for cause,' so that
7 said paragraph as amended shall read:

'Sect. 15. ADJUTANT GENERAL. (First paragraph
2 only.) The adjutant general of the state shall have the
3 rank of brigadier general, and shall be, ex-officio, chief of
4 staff, quartermaster general, and paymaster general of the
5 state. He shall be appointed by the governor and shall
6 hold office for a term of five years unless sooner removed

7 for cause. For the purpose of establishing the relation
8 between the war department and the various staff depart-
9 ments of the state, he shall be the chief of said depart-
10 ments; and the requisitions, purchases, and issues to be
11 made by the senior officer on duty in certain of said de-
12 partments, as hereinafter prescribed, shall be made by them
13 pursuant and in obedience to his directions and instruc-
14 tions.'

Sect. 3. That the ninth paragraph of section fifteen of
2 chapter one hundred seventy-four of the public laws of
3 Maine for nineteen hundred and twenty-three be stricken
4 out of the military law and that there be inserted the fol-
5 lowing paragraph in place thereof, so that said paragraph
6 as amended shall read as follows:

'Sect. 15. ADJUTANT GENERAL. (Ninth paragraph
2 only). The adjutant general may appoint, subject to the
3 approval of the governor, an officer from the active, retired
4 or reserve list of the national guard as assistant adjutant
5 general, who shall whenever the adjutant general is absent
6 or unable from any cause to perform his duties perform
7 the duties of the adjutant general during such absence or
8 disability.'

Sect. 4. That section thirty of chapter one hundred sev-
2 enty-four of the public laws of nineteen hundred and twen-
3 ty-three be amended by inserting after the word "shall" in
4 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
7 as amended shall read:

'Sect. 30. ORGANIZATION OF NATIONAL GUARD.
2 The organization of the national guard of Maine including
3 enlistments, 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
12 regulations, and to adopt such other means of administra-
13 tion as shall provide that all organizations accepted by the
14 state shall be raised to their full quota and that they shall
15 maintain the prescribed standard or organization, armament
16 and 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 seventy-four of the laws of Maine for nineteen hundred
3 and twenty-three be stricken out of the military law and
4 that there be inserted in place thereof the following sec-
5 tion:

'Sect. 38. DISCHARGE AND RETIREMENT OF
2 OFFICERS. Any officer who accepts an appointment in
3 the army, navy or marine corps of the United States, or
4 who tenders his resignation and the same having been ac-
5 cepted, shall receive an honorable discharge, provided he
6 shall not be under arrest or returned to a military court for
7 any deficiency or delinquency and provided he be not in-
8 debted to the state in any manner and that all of his ac-
9 counts for money and 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
3 nine years may, upon personal request, be placed upon the
4 retired list. When placed upon the retired list an officer
5 shall be given the highest rank held by him during his term

6 of service, provided, that if at the time of his retirement
7 he shall have served as a commissioned officer in the Maine
8 national guard for a continuous period of fifteen years or
9 more he may be retired with a rank one grade higher than
10 the highest rank held by him during his service, except that
11 in no case shall a rank higher than that of brigadier general
12 be granted an officer under these provisions, upon retirement.
13 Retired officers shall be entitled to wear the uniform of
14 the rank with which they were retired. Except as provided
15 above no commissioned officer in the national guard or naval
16 militia shall be removed from office without his consent,
17 except by sentence of a general court-martial or by an effi-
18 ciency board, in a manner prescribed by law.'

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

'There shall be allowed, as and when approved by the ad-
2 jutant 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 fifty dollars for the express
4 purpose of assisting said commissioned officer in securing
5 suitable military clothing and equipment required by virtue
6 of his office, provided, however, that said sum of fifty dol-
7 lars shall not be paid to any newly commissioned officer
8 until he has been federally recognized by the militia bureau
9 and has fulfilled all other requirements of the military law
10 governing the office to which he has been commissioned.’

So that said section as amended shall read:

‘Sect. 48. SPECIAL ALLOWANCES. There shall be
2 allowed, as and when approved by the adjutant general, to
3 each regimental commander or commander of a separate
4 battalion, for the maintenance of adequate administrative
5 office and extra compensation of the personnel thereof, a
6 sum, payable in quarterly installments, not exceeding one
7 dollar per man of the average strength of that unit for the
8 year, and not, in any event, to exceed one thousand dollars
9 per year for a regiment or three hundred dollars per year
10 for a separate battalion. Unit commanders receiving such
11 allowance shall make a statement in writing to the adjutant
12 general in such detail as he shall require of the disposition

13 thereof before another quarterly allowance shall be ap-
14 proved.

‘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 fifty dollars for the express
4 purpose of assisting said commissioned officer in securing
5 suitable military clothing and equipment required by virtue
6 of his office, provided, however, that said sum of fifty dol-
7 lars shall not be paid to any newly commissioned officer
8 until he has been federally recognized by the militia bureau
9 and has fulfilled all other requirements of the military law
10 governing 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 du-
6 ties, 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 jour-
2 neys necessary in the military service, there shall be allowed
3 all actual and necessary expenses incident to the perform-
4 ance of said service, including such incidental expenditures
5 as are allowed by law and regulations to officers of the
6 regular 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 mounted
4 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 fifty-two of
2 chapter one hundred seventy-four of the public laws of
3 Maine for nineteen hundred and twenty-three be amended
4 by inserting after the word “company” in the third line
5 thereof the words ‘battery, band or detachment,’ and after
6 the word “property” in the fifth line, and the word “offices”
7 in the seventh line, the words, ‘including heat, light and
8 janitor service,’ so that said paragraph as amended shall
9 read:

‘Sect. 52. ARMORIES, STABLES AND TARGET
2 RANGES. (First paragraph only.) It shall be the duty
3 of the municipal officers to provide and maintain for each
4 platoon or company, battery, band or detachment of the
5 national guard or naval militia located within the limits of
6 their respective towns, suitable drill rooms, offices, armory,
7 stables or place of deposit of all military property, includ-
8 ing heat, light, and janitor service, and for the headquar-

9 ters of each separate battalion, corps, regiment or brigade
10 established within such municipal limits, suitable headquar-
11 ters offices, including heat, light and janitor service; and
12 the suitability for the necessary military purposes of such
13 drill rooms, armories, headquarters offices or stables shall
14 be determined by the armory commission. A reasonable
15 compensation shall be fixed by the armory commission, after
16 hearing and consulting with the responsible municipal offi-
17 cers, for each company, other organization, band or sep-
18 arate headquarters or stables, and shall be allowed as rent
19 for such building or buildings to the municipality providing
20 and maintaining them, and paid by the state out of the ap-
21 propriation for armory rental. To carry out the provisions
22 of this section there shall be appropriated biennially such
23 sums as are deemed necessary, said sums to be known as
24 the armory fund, payment to be made therefrom by the
25 treasurer of the state upon vouchers manifested by the
26 armory commission to the state auditor, said armories, drill
27 rooms, offices, headquarters offices or stables shall be sub-
28 ject always to the provisions of law and to the regulations
29 prescribed by the proper authorities, and said armories,
30 drill rooms, offices, headquarters offices or stables shall be
31 held for the exclusive use of the national guard unless other-
32 wise authorized by the general regulations for the govern-
33 ment of armories prescribed by the armory commission,
34 or by special authority of the chairman of said commission
35 after application in special cases by the municipal author-

36 ities in writing. Should any municipal officer use such
37 buildings or stables without authority, or abuse the author-
38 ity or privilege so granted, they and each of them shall
39 in each case, be guilty of a misdemeanor and shall be pun-
40 ished as prescribed in this section. The governor is au-
41 thorized to accept in the name of the state donations of
42 lands and buildings to be used for military purposes by
43 the national guard or naval militia under such conditions
44 as the donors may nominate; lands and buildings so donated
45 shall be subject to the rules and regulations prescribed by
46 the governor; and provided further that when any build-
47 ing is turned over to the state for use as an armory or
48 drill shed the armory commission shall be authorized to
49 approve for payment from the appropriation for armory
50 rentals such sums as may be necessary for the upkeep of
51 such building, including repairs, furnishings, light, heat,
52 water and janitor service.'

Sect. 8. That section eighty-one of chapter one hundred
2 seventy-four of the public laws of Maine for nineteen hun-
3 dred and twenty-three be amended by adding thereto the
4 following paragraph:

'All officials and employees of the state of Maine who
2 shall be members of the national guard thereof shall be
3 entitled to leave of absence from their respective duties,
4 without loss of pay or time, on all days during which they
5 shall be engaged in field or coast defense training ordered

6 or authorized by the governor of the state of Maine under
7 the provisions of the national defense act.'

So that said section eighty-one shall read as amended:

'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 or
4 naval militia of his employment, or prevents his being em-
5 ployed by himself or another, or obstructs or annoys said
6 member of said national guard or naval militia or his em-
7 ployer in respect to his trade, business or employment, be-
8 cause said member of said national guard or naval militia
9 is such member, or dissuades any person from enlisting in
10 the said national guard or naval militia by threat of injury
11 to him in case he shall so enlist, in respect to his employ-
12 ment, trade or business, shall be deemed guilty of a mis-
13 demeanor and upon conviction thereof shall be punished
14 by a fine not exceeding five hundred dollars, or by impris-
15 onment not exceeding six months, or by both such fine and
16 imprisonment.

'All officials and employees of the state of Maine who
2 shall be members of the national guard thereof shall be
3 entitled to leave of absence from their respective duties,
4 without loss of pay or time, on all days during which they
5 shall be engaged in field or coast defense training ordered
6 or authorized by the governor of the state of Maine or
7 under the provisions of the national defense act.'