

MAINE STATE LEGISLATURE

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SPECIAL SESSION—JUNE 26, 1940

E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1246

S. P. 756

In Senate, June 26, 1940.

Presented by Senator Marden of Kennebec and 750 Copies ordered printed.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY

AN ACT Providing for Improvement in Military Preparedness.

Emergency preamble. Whereas, the facilities for the national guard are far from adequate and handicap proper training of the military forces within the state; and

Whereas, sufficient funders are not available for necessary improvements in the training of the national guard; and

Whereas, the present world catastrophe plainly shows the need of immediate preparedness for national defense; and

Whereas, in the judgment of this legislature, the facts hereinbefore set forth create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore,

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

Sec. 1. R. S., c. 18, § 54, amended. Section 54 of chapter 18 of the revised statutes is hereby amended to read as follows:

Sec. 54. State military defense commission. ~~The adjutant general, together with four officers of the line of the national guard of or above~~

the grade of captain, detailed by the governor in addition to their other duties, shall constitute an armory commission of which the adjutant-general shall be the chairman. A state military defense commission is hereby created, which shall consist of 7 members, one of whom shall be the adjutant general who shall be the chairman. The other 6 members who shall be citizens of the state shall be appointed by the governor, as follows: 2 for a term of 1 year, 2 for a term of 2 years, and 2 for a term of 3 years, and thereafter 2 for a term of 3 years annually. In the case of any vacancy caused by death, resignation or otherwise, the governor shall appoint a citizen for the unexpired term, whose duty it shall be the duty of the commission to exercise general supervision and control over all armories, drill rooms, headquarters offices, and stables and state owned or controlled realty used for military purposes, to consult and cooperate with the municipal authorities and to devise effective means of obtaining and maintaining such armories, and to fix, subject to the approval of the governor, the compensation to be allowed to the municipalities as rent for them; they shall have the power, after consulting and hearing the responsible municipal officers, to determine the administrative question of military suitability and adequate maintenance of all armories, drill rooms, offices, headquarters offices, and stables, and it shall be their duty to notify the responsible officers of all deficiencies in these respects, and should such officers fail, refuse, or neglect to take effective measures for providing such suitable buildings and their maintenance, the chairman of the commission shall initiate the prosecution prescribed by section 51. The armory commission is authorized where towns or municipalities have been relieved from compliance with the provisions of this section to provide armories, target ranges, or stables by reason of any agreement or agreements entered into between such towns or cities and the state of Maine, to hire or lease suitable buildings for drill halls, quarters, headquarters offices, or stables as may be necessary to adequately house the national guard. The commission is further authorized and directed to cooperate with the federal government and/or municipalities, under direction of the governor, in establishing and coordinating national defense in the state of Maine, especially in the providing of equipment, training facilities, suitable quarters for troops and supplies, and buildings and lands for military purposes. The commission may acquire real property by right of eminent domain in the manner prescribed by law for the taking of land for highway purposes, and both real and personal property by purchase, gift or otherwise, for the purpose of construction and/or maintenance of armories, airports and other military facilities for military purposes and the procuring of equipment and supplies for military purposes. For each day actually employed

~~in the transaction of the business of the armory commission the members other than the adjutant-general shall receive as compensation the base pay of their grade and all members shall be reimbursed for actual traveling expenses, such accounts to be paid from the armory fund.~~
The members of the commission shall be reimbursed for their actual expenses incurred in the performance of their duties.

Sec. 2. Clerical amendment. Wherever in the laws of the state the words "armory commission" appear in reference to the state armory commission, they are stricken out and the words "state military defense commission" inserted in place thereof.

Sec. 3. Clarification of municipal airport law. Section 3 of chapter 213 of the public laws of 1931 is hereby amended to read as follows:

'Sec. 3. Acquisition of land. Private property needed by a city, town or county for an airport or landing field or for the expansion of an airport or landing field may be acquired by gift, purchase, lease or other means if such city, town or county is able to agree with the owners on the terms thereof, and otherwise such cities or towns may take such land **whether it is within or without the limit of the said city, town or county** as a matter of public exigency in the manner prescribed for the taking of parks, squares and playgrounds and counties may take such land as a matter of public exigency in the manner prescribed for the taking of land for highways, provided that no property, rights or easements of a public utility shall be taken without the approval of the public utilities commission after hearing and upon such notice to the public utility affected thereby as said commission may order. **Provided, however, that before a city or town shall take land for an airport or landing-field, or for the expansion of an airport or landing-field, by eminent domain as hereinbefore provided, it shall secure the consent of the municipal officers of the town or city in which such land is located.'**

Sec. 4. Conveyance of certain state owned land authorized. The commissioner of institutional service with the approval of the governor and council may sell and convey by quitclaim deed, or lease for a term of years, such part or parts of the land belonging to the state and occupied by the state school for boys in South Portland, as may in the opinion of the said commissioner and the governor and council be necessary for the extension or improvement of the Portland municipal airport so that the said airport shall be suitable for military purposes. Such sale or lease shall be on such terms and conditions as the said commissioner and the said governor and council shall decide.

Sec. 5. Definition. Wherever in this act the words "military purposes" appear, they shall mean any purposes that will aid in facilitating the preparation for or conduct of war whether for defense or offense or whether on land, sea, or in the air.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.