

MAINE STATE LEGISLATURE

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SPECIAL SESSION

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. 1257

H. P. 2276

House of Representatives, July 24, 1940.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. LaFleur of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY

AN ACT Relating to Officers and Employees in Military Service.

Emergency preamble. Whereas, there is a strong possibility that all reserve officers and members of the national guard will be called into federal service within 2 months, and

Whereas, unless this act takes effect immediately its provisions would not be effective, and

Whereas, in the judgment of the legislature these facts 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. Officers and employees in military service. Chapter 2 of the revised statutes is hereby amended by adding thereto a new section to be numbered 54-A, and to read as follows:

‘Sec. 54-A. **Appointive officers and employees in military or naval service; substitutes.** Whenever any appointive officer or employee, regularly employed by the state, or by any department, bureau, commission, or office

thereof, or by any county, municipality, township, or school district within the state, shall in time of war, contemplated war, emergency or limited emergency enlist, enroll, be called, or ordered, or be drafted in the military or naval service of the United States, or any branch or unit thereof, he shall not be deemed or held to have thereby resigned from or abandoned his said office or employment, nor shall he be removable therefrom during the period of his service, but the duties of his said office or employment shall, if there is no other person authorized by law to perform the powers and duties of such officer or employee during said period, be performed by a substitute, who shall be appointed for the interim by the same authority who appointed such officer or employee if such authority shall deem the employment of such substitute necessary.

Such officer or employee while in the military or naval service of the United States shall be considered as on leave of absence without pay, and for the purpose of computing time in regard to pension rights and seniority, shall be considered as in the service of the state during the period of his national service.'

Sec. 2. Validity. If any term or provision of this act shall be declared unconstitutional or invalid in whole or in part by a court of competent jurisdiction, then to the extent that it is not unconstitutional or invalid such term or provisions shall be enforced and effectuated, and such determination shall not be deemed to invalidate the remaining terms or provisions hereof.

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