

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. 1263

NEW DRAFT OF H. P. 2276—L. D. 1257

H. P. 2281

House of Representatives, July 25, 1940.

Read three times under suspension of rules and passed to be engrossed and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY

AN ACT Relating to Employees in Military Service.

Emergency preamble. Whereas, there is a strong possibility that many reserve officers and members of the national guard and many other citizens 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. 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. Employees in military or naval service; substitutes. Whenever any employee, regularly employed for a period of at least one year 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 employment, nor shall he be removable therefrom during the period of his service, but the duties of his said employment shall, if there is no other person authorized by law to perform the powers and duties of such employee during said period, be performed by a substitute, who shall be appointed for the interim by the same authority who appointed such employee if such authority shall deem the employment of such substitute necessary.

Such 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.

Sec. 3. Duration of act. This act shall cease to be of effect on August 1, 1943.

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