

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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

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**Legislative Document**

**No. 1233**

S. P. 609

In Senate, January 14, 1942.

Referred to Committee on Military Affairs. Sent down for concurrence and 600 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Dow of Franklin.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-TWO

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**AN ACT Relating to the Improvement of the Military Laws.**

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**Emergency preamble.** Whereas, a state of war exists between the United States and Germany, Italy, Japan and other foreign countries; and

Whereas, in the judgment of the legislature this fact creates an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and requires 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, § 91, amended.** Section 91 of chapter 18 of the revised statutes, as enacted by chapter 7 of the public laws of 1941, is hereby amended to read as follows:

**'Sec. 91. Authority and name.** Whenever any part of the National Guard of this state is in active federal service, the governor is hereby authorized to organize and maintain within this state during such period, under such regulations as the secretary of war of the United States may prescribe for discipline in training, such military forces as the governor, as commander-in-chief, may deem necessary to defend this state and protect its sovereignty.

Such forces shall be composed of officers commissioned or assigned, and such able-bodied male citizens of the state and such other able-bodied men who have or shall have declared their intention to become citizens of the United States as shall volunteer therein, who shall be more than 18 years of age ~~and not more than 60~~; provided, the restriction as to citizenship shall not apply to soldiers and sailors who have previously served honestly and faithfully in the United States army, navy, marine corps, the organized militia, or the National Guard.

Such forces shall be replacements of and distinct from the National Guard and shall be known as the "Maine State Guard."

Such forces shall be uniformed, the expense thereof, ~~exclusive of the uniform and equipment of the commissioned officers~~, shall be paid by the state.'

**Sec. 2. Care of insane members of armed forces; status.** Any member of the armed forces of the United States, who was a resident of the state of Maine at the time of his induction into the service, who shall be determined by a federal board of medical officers to have a mental disease not incurred in line of duty, shall be received at either of the state hospitals for the insane in the discretion of the commissioner of institutional service, without formal commitment, upon delivery of such person, together with the findings of such board of medical officers that such person is insane, at the hospital designated by said commissioner.

After delivery of such person at the hospital designated by said commissioner, his status shall be the same as if he had been committed to the hospital under the provisions of section 406 of chapter 1 of the public laws of 1933, as amended.

**Sec. 3. Repealing clause.** All acts or parts of acts in conflict with the provisions of the preceding section are hereby repealed or amended to conform with the provisions therein.

**Sec. 4. P. L., 1941, c. 202, § 1, amended.** The 1st sentence of section 1 of chapter 202 of the public laws of 1941 is hereby amended to read as follows:

'Except as herein otherwise provided, no application for a marriage license shall be accepted by the town or city clerk unless accompanied by or unless there shall have been previously filed with him a statement or statements signed by a physician duly licensed to practice in the state of Maine, or by a physician duly licensed to practice outside of the state of,

**Maine who is a graduate of a class A medical school** that each applicant has been given a physical examination, including a standard blood test, as required by the bureau of health in the state department of health and welfare for the discovery of syphilis, made on a day specified in the statement, which shall not be more than the 30th day prior to that on which the license is applied for, said blood test to be made by the state laboratory or by a hospital laboratory approved by the bureau of health in the state department of health and welfare, and that in the opinion of the physician the person therein named is not infected with syphilis, or, if so infected, is not in a stage of that disease whereby it may become communicable.'

**Emergency clause.** In view of the emergency set forth in the preamble hereof, this act shall take effect when approved.