

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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

Legislative Document

No. 1253

H. P. 1988

House of Representatives, January 14, 1942.

Referred to Committee on Judiciary and 750 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Southard of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-TWO

AN ACT Providing for the Civilian and Military Defense.

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

Whereas, the state of Maine is peculiarly exposed to armed attack and sabotage; and

Whereas, the state of Maine must immediately provide for adequate military and civilian defense; 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:

R. S., c. 18, § 54, amended. Section 54 of chapter 18 of the revised statutes as amended by section 1 of chapter 308 of the public laws of 1939, is hereby further amended to read as follows:

‘Sec. 54. State military defense commission. A state military defense commission is hereby created which shall consist of 8 members. The governor and adjutant-general and their successors shall be ex officio members during their respective terms of office. The governor for the time being 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. It shall be the duty of the commission to exercise general supervision and control over all armories, drill rooms, headquarters offices, 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 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 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, **and in providing for civilian defense.** 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, shipyards and other military facilities, including the building and/or improvement and maintenance of railroads and/or roads necessary for the more efficient use of such facilities, for military purposes

and the procuring of equipment and supplies for military purposes, **and for military and civilian defense purposes. It shall also have power and authority to do such things as it deems necessary in matters of civilian defense or pertaining thereto.** The members of the commission shall be reimbursed for their actual expenses incurred in the performance of their duties.'

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