

MAINE STATE LEGISLATURE

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

Legislative Document

No. 746

H. P. 1245

House of Representatives, February 26, 1943.

Referred to Committee on Military Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Southard of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Revising the Military Law.

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

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

‘**Sec. 1. Composition of militia.** The militia of the state of Maine shall consist of all able-bodied male citizens of the state and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than 18 years of age and, except as hereinafter provided, not more than 45 years of age, and said militia shall be divided into ~~three~~ **these** classes, the national guard, the naval militia, **other organized militia units**, and the unorganized militia.’

Sec. 2. R. S., c. 18, § 2, amended. Section 2 of chapter 18 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘**Sec. 2. Composition of national guard.** The national guard shall consist of regularly enlisted militia between the ages of 18 and 45 years, and commissioned officers between the ages of 21 and 64 years, organized, armed and equipped as provided by national guard regulations and recognized by the war department as national guard. Provided, however, that

soldiers and sailors who have previously served honestly and faithfully in the United States army, marine corps, organized militia or the national guard or sailors of the United States navy or naval reserve may serve in the Maine national guard after reaching the age of 45 years and may continue to serve until 64 years of age.'

Sec. 3. R. S., c. 18, § 8, amended. Section 8 of chapter 18 of the revised statutes, as amended by section 5 of chapter 146 of the public laws of 1941, is hereby further amended to read as follows:

'Sec. 8. Staff. The staff of the commander-in-chief shall consist of the adjutant-general, who shall be ex officio chief of staff, quartermaster-general and paymaster-general with rank of brigadier-general; the senior officer on duty with each of the staff departments; and such aides-de-camp not to exceed 5 in number, one of whom may be a naval aid with rank of lieutenant commander, as may be appointed by the governor. Except as hereinafter provided all staff officers must be at the time of their appointment commissioned officers of the Maine national guard, or of the Maine state guard, **or other authorized state military or naval forces**, or of the officers' reserve corps of the army of the United States, or on the retired list of the army of the United States and residents of the state of Maine, on the active or retired list of or above the grade of captain, but no staff officer shall be appointed from the retired list who shall have had less than 5 years of service in the Maine national guard, or in the officers' reserve corps of the army of the United States, or in the regular army of the United States, the last year of which shall be within 5 years immediately preceding the appointment.

Aides-de-camp, except as hereinafter provided, may be detailed by the commander-in-chief from commissioned officers of the Maine national guard, or of the Maine state guard, **or other authorized state military or naval forces**, of the grades above specified, but officers so detailed shall not be relieved thereby from their regular duties except when on duty with the commander-in-chief. Honorably discharged officers or enlisted men who served in the United States army, navy, or marine corps during any **foreign** war, who are not members of the Maine national guard, or of the Maine state guard, **or other authorized state military or naval forces**, may be appointed by the governor as aides-de-camp with the rank of colonel. The aides-de-camp authorized by this chapter shall be appointed by the governor and, except those detailed from the active list, shall be commissioned by him and shall serve only during the term of the governor making the appointment; provided, that the governor may detail additional aides from the officers of the Maine national guard or of the Maine state

guard, or other authorized state military or naval forces, for temporary duty, subject to the provisions of this section.'

Sec. 4. R. S., c. 18, § 9, amended. Section 9 of chapter 18 of the revised statutes, as amended by section 1 of chapter 277 of the public laws of 1939, is hereby further amended to read as follows:

'Sec. 9. Active service national guard or other authorized state military or naval forces. In case of insurrection, invasion, tumult, riot, mob, or body of men acting together by force with intent to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of this state or the United States, or of imminent danger thereof, or in the event of public disaster resulting from flood, conflagration, or tempests, the governor shall have the power to order into the active service of the state or in aid of any civil authority the national guard or other authorized state military or naval forces or any part thereof that he may deem proper. And whenever the national guard of this state or a part thereof is called forth or drafted into federal service under the constitution and laws of the United States, the governor shall, unless the order for the call or draft specifies otherwise, order out for service the national guard or other authorized state military or naval forces or such part thereof as may be required; and if the number available be insufficient he shall order out the unorganized militia or such part as may be necessary. The designation of organizations called or drafted into the service of the United States shall not, during such service, be given to new organizations.

In case of a sudden and unexpected tumult, riot, mob, or body of men acting together by force with intent to commit felony or to offer violence to persons or property, or by force and violence to break and resist the laws of the state or the United States, or of imminent danger thereof, a justice of the supreme judicial court or of the superior court, in term time or vacation, or the sheriff of a county may call for aid upon a commanding officer of the national guard or naval militia or other authorized state military or naval forces, and such call shall be in writing. The commanding officer upon whom the call is made shall order out in aid of the civil authorities the military or naval force or any part thereof under his command, and shall make an immediate report of the case to the adjutant-general and to his immediate commanding officer. He shall receive only general directions from the civil authority requesting the aid, and shall remain strictly responsible to his military superior for the manner in which the troops shall be used to accomplish the desired end.

In the event of an emergency so imminent as to require immediate action the senior officer of a command may, upon request in writing of the mayor

of a city, or the selectmen of a town, order out for the defense or protection of the community the forces under his command, or any part thereof, and immediately report his action and the circumstances of the case to the adjutant-general and to his immediate commanding officer.'

Sec. 5. R. S., c. 18, § 11, amended. Section 11 of chapter 18 of the revised statutes is hereby amended to read as follows:

'**Sec. 11. Members failing to appear deemed deserters.** Every member of the national guard or other authorized state military or naval forces ordered out, and every member of the unorganized militia who volunteers or who is drafted and notified thereof, under the provisions of the preceding section, who does not appear at the time and place designated by his commanding officer, or the chief municipal officer, within 24 hours from such time, or who does not produce from a physician in good standing a sworn certificate of physical disability to so appear, shall be deemed a deserter and dealt with as prescribed in the articles of war of the United States.'

Sec. 6. R. S., c. 18, § 12, amended. Section 12 of chapter 18 of the revised statutes is hereby amended to read as follows:

'**Sec. 12. Unorganized militia to be mustered into service.** Whenever any portion of the unorganized militia is called forth under the constitution and laws of the United States, or of the state of Maine, the members thereof shall be immediately mustered into the service for such period as the call may prescribe; and whenever any portion of such unorganized militia shall be ordered into the service of the state they shall be mustered into the service for such period as the governor may direct. Such unorganized militia when so ordered into active service shall have, as far as practicable, the same system of organization, equipment, training, and discipline as are or may thereafter be prescribed for the national guard or other authorized state military or naval forces. The governor shall have the power to appoint the officers for any new organizations formed out of said unorganized militia.'

Sec. 7. R. S., c. 18, § 13, amended. Section 13 of chapter 18 of the revised statutes is hereby amended to read as follows:

'**Sec. 13. Governor may proclaim state of insurrection.** Whenever any portion of the national guard or other authorized state military or naval forces is employed in aid of the civil authority, the governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county, city, town, or plantation in which the troops are serving or any specified portion thereof, to be in a state of insurrection.'

Sec. 8. R. S., c. 18, § 14, amended. Section 14 of chapter 18 of the revised statutes is hereby amended to read as follows :

‘Sec. 14. Members of militia not civilly or criminally liable; defense. No member of the militia ordered into the active service of the state shall be liable civilly or criminally for any act done, or caused, ordered, or directed to be done, by him in furtherance of and while in the performance of his military duty. When an action or proceeding of any nature shall be commenced in any court by any person against any officer or enlisted man of the militia for any act so done, or caused, ordered, or directed to be done, all the expenses of the defense of such proceeding or action, civil or criminal, including fees of witnesses for the defense, defendant’s court costs, and all costs for transcripts of records and abstract thereof on appeal, shall be paid by the state, out of the military fund; and it shall be the duty of the attorney-general, either personally or by one or more assistants, to defend such officer or soldier; provided, that where the action or proceeding is criminal the adjutant-general shall designate a judge-advocate of the national guard **or other authorized state military or naval forces** to conduct the defense of such member, or if the services of a judge-advocate be not available, then he shall select some other competent attorney to conduct such defense, and the judge-advocate or other attorney so selected shall receive and be paid out of the military fund a reasonable compensation for his professional services. In any such action or proceeding the defendant may require the person instituting or prosecuting the same to file security for payment of costs that may be awarded the defendant, which costs if recovered in action, the costs whereof have been paid out of the military fund, shall be paid into the state treasury for the benefit of the military fund; and the defendant may, in every such action or proceeding, make a general denial and give the special matter in evidence.’

Sec. 9. R. S., c. 18, § 15, amended. The 8th paragraph of section 15 of chapter 18 of the revised statutes is hereby amended to read as follows :

‘He may sell for cash to officers of the national guard **or other authorized state military or naval forces**, for their official use, and to organizations of the national guard **or other authorized state military or naval forces**, any military or naval property which is the property of the state; and he shall, with his annual report, render to the governor a true account of the sales so made, and shall deposit the proceeds of the same in the state treasury to the credit of the military fund.’

Sec. 10. R. S., c. 18, § 16, amended. Section 16 of chapter 18 of the revised statutes, as amended by section 8 of chapter 146 of the public laws of 1941, is hereby further amended to read as follows :

'Sec. 16. Property and disbursing officer. The governor shall designate, subject to the approval of the secretary of war, an officer **of the national guard or other authorized state military or naval forces** who shall be regarded as property and disbursing officer for the United States. The property and disbursing officer shall give a bond to the United States, the amount thereof to be determined by the secretary of war, for the faithful performance of his duties and for the safe-keeping and proper disposition of federal property and funds entrusted to his care, and the costs and expenses incurred by entering into such bond shall be paid out of the military fund.'

Sec. 11. R. S., c. 18, § 17, amended. Section 17 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 17. Inspector-general. The governor, on the recommendation of the adjutant-general shall designate an officer as state inspector. Whenever ordered by the governor, the state inspector shall make an inspection and a detailed report upon the armories, property, books, records, financial condition and general efficiency of the organizations of the national guard **or other authorized state military or naval forces**, and shall perform such other duties as the adjutant-general may direct or the law require, and he shall submit to the adjutant-general a report of the transactions of his office by the 15th of June annually.'

Sec. 12. R. S., c. 18, § 18, amended. Section 18 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 18. Ordnance officer. The governor, on the recommendation of the adjutant-general, shall designate an officer from the active, retired or reserve list who shall be the state ordnance officer, the salary to be fixed by the governor and council. The state ordnance officer shall, from time to time, submit to the adjutant-general requisitions for ordnance property, equipment, accoutrements, and range and target material; which requisitions, when approved by the adjutant-general and submitted to and signed by the United States property and disbursing officer, shall, if they be for material issued to the state by the ordnance department, be forwarded to that department for supply. If they be for material not so issued, then by direction of the adjutant-general and in the manner prescribed in section 25, the senior ordnance officer shall purchase and direct the issue of such ordnance property and range material, certify all bills therefor as correct, and transmit them to the adjutant-general.

He shall, when required or whenever he deems it necessary, report to the adjutant-general upon the condition of the ordnance, arms, and accoutre-

ments on hand or issued to the national guard **or other authorized state military or naval forces**; he shall point out all deficiencies and, so far as he is vested with authority, he shall be responsible that all organizations are armed and equipped as prescribed, or as may hereafter be prescribed, by the war department.

He shall be the inspector of and shall exercise general supervision over the small arms practice of the national guard **or other authorized state military or naval forces**. Whenever ordered by the governor it shall be his duty to make an inspection of all target ranges and shooting galleries used by the national guard, to submit a report to the adjutant-general of the condition and necessities of each; and to make a detailed report of the transactions of his office to the adjutant-general on the 15th day of June annually.'

Sec. 13. R. S., c. 18, § 22, amended. Section 22 of chapter 18 of the revised statutes is hereby amended to read as follows:

'**Sec. 22. Power of governor to appoint staff officers.** In time of war, insurrection, invasion or rebellion, or of imminent danger thereof, the governor may appoint such staff officers and create such chiefs of staff departments as may be necessary to provide for an increased national guard **or other authorized state military or naval forces** or to fill the vacancies caused by absence in active service, or for both purposes; provided, that appointments in a staff department or corps shall be made from officers of the existing staff departments or corps as promotions so far as such officers are available; provided also, that promotion in each staff department or corps and appointments to fill vacancies thus created shall be made as hereinafter prescribed. Provided further, that in time of peace, whenever the formations of the national guard **or other authorized state military or naval forces** shall require it, the governor may organize such additional departments as are thereby made necessary ~~and whenever such new departments are organized the senior officer on duty with the new staff department shall be ex officio a member of the governor's staff.~~

Sec. 14. R. S., c. 18, § 24, amended. Section 24 of chapter 18 of the revised statutes is hereby amended to read as follows:

'**Sec. 24. Qualifications of staff officers.** Staff officers of the national guard **or other authorized state military or naval forces**, except in the lowest grade of the medical department, shall, when appointed, have had previous military experience and shall hold their positions until they reach the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened

for that purpose, or by an efficiency board of 3 commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and all vacancies among said officers shall be filled by appointment from the officers of the national guard **or other authorized state military or naval forces**, or honorably discharged officers or enlisted men who served in the United States army, navy, or marine corps during the world war.'

Sec. 15. R. S., c. 18, § 36, amended. Section 36 of chapter 18 of the revised statutes is hereby amended to read as follows:

'Sec. 36. Appointments, commissions, vacancies, examinations, oaths. Subject to the regulations prescribed by the war department all officers shall be appointed and commissioned by the governor. Except as hereinafter provided all vacancies shall be filled as follows: vacancies in the grade of colonel or lieutenant-colonel of a regiment or corps shall be filled by promoting the senior officer of the regiment or corps of the next lower grade; vacancies in the grade of major in a regiment, corps, or separate battalion shall be filled by promoting the senior officer of the next lower grade in the organization in which the vacancy occurs; vacancies in the grade of captain or lieutenant shall be filled by promoting the senior officer of the next lower grade in the organization in which the vacancy occurs; when it appears to the governor to be for the best interest of the service that vacancies be otherwise filled, such vacancies, if they be within a regiment, corps, or other separate organization, shall be filled by the governor upon the recommendation of the commanding officer of such organization, or upon the recommendation of the adjutant-general. Vacancies in the grade of second lieutenant shall be filled in the following manner: 1st, upon the recommendation of the commanding officer of the regiment, corps or other separate battalion, from enlisted men of the unit, commissioned in the officers' reserve corps or from enlisted men of the unit holding state certificates of eligibility for commissions as second lieutenants; 2nd, if no such personnel holding reserve commissions or certificates of eligibility is available and recommended for promotion in the unit, all enlisted men of any company and any non-commissioned staff officer shall, if physically sound, be eligible for appointment and shall be permitted to appear before an examining board for a physical and competitive practical and theoretical examination. The enlisted man whom the board considers, after the competitive examination, to be best qualified shall be appointed to fill the vacancy. The governor shall prescribe the scope and manner of conducting such examination, and if no enlisted man appears or if none satisfactorily passes said examination, then the governor upon the recommendation of the commanding officers of the regiment, corps, or other separate

battalion shall fill the vacancy by making an appointment of any person eligible under the law to hold a commission in the national guard **or other authorized state military or naval forces**. Every officer duly commissioned shall within 10 days accept the same and take the constitutional oath of office; such oath may be taken and subscribed before any officer authorized by law to administer an oath; and in case of neglect or refusal to accept the commission or to take and subscribe the oath within the time mentioned, such commission shall be canceled by the governor and a new appointment made to fill the vacancy.'

Sec. 16. R. S., c. 18, § 37, amended. Section 37 of chapter 18 of the revised statutes, as amended by chapter 87 of the public laws of 1937, is hereby further amended to read as follows:

'Sec. 37. Discharge and retirement of officers. Any officer who accepts an appointment in the army, navy or marine corps of the United States, or who tenders his resignation and the same having been accepted, shall receive an honorable discharge, provided he shall not be under arrest or returned to a military court for any deficiency or delinquency and provided he shall not be indebted to the state in any manner and provided all of his accounts for money and public property shall be correct.

Any officer who shall reach the age of 64 years shall be retired.

Any officer who is found incapacitated for service by reason of physical disability shall be withdrawn from active service and placed on the retired list.

Any person who has served as a commissioned officer in the Maine national guard **or other authorized state military or naval forces** for a period of not less than 9 years may, upon personal request, be placed upon the retired list. When placed upon the retired list an officer shall be given the highest rank held by him during his term of service, provided, that if at the time of his retirement he shall have served as a commissioned officer in the Maine national guard **or other authorized state military or naval forces** or federal military service for a period of 15 years or more he may be retired with a rank 1 grade higher than the highest rank held by him during his service. Retired officers shall be entitled to wear the uniform of the rank with which they were retired. Except as provided above no commissioned officer in the national guard ~~or naval militia or other authorized state military or naval forces~~ shall be removed from office without his consent, except by sentence of a general court-martial or by an efficiency board, in a manner prescribed by law. Whenever the occasion may require, the governor, with their consent, may order to active duty any retired officer, warrant officer or enlisted man and they shall be entitled to pay and emoluments of their grade while performing such service.'

Sec. 17. R. S., c. 18, § 38, amended. Section 38 of chapter 18 of the revised statutes is hereby amended to read as follows :

‘Sec. 38. Certificate of merit. Hereafter when any enlisted man of the national guard **or other authorized state military or naval forces** shall have distinguished himself in the service for gallantry or for long and meritorious service in the national guard ~~or naval militia~~ **or other authorized state military or naval forces** for a continuous period of 15 years or for a period of 20 years not necessarily continuous, the governor may, upon the recommendation of the commanding officer of the regiment or of the senior officer of the organization to which such enlisted man belongs, grant him a certificate of merit ; and a holder of such certificate shall be borne on the military register of the state for the remainder of his life ; provided that meritorious service hereafter in time of actual war, insurrection, or rebellion, shall count double toward procuring such certificate.’

Sec. 18. R. S., c. 18, § 40, amended. Section 40 of chapter 18 of the revised statutes is hereby amended to read as follows :

‘Sec. 40. Special inspection. The commander-in-chief may in his discretion at such times and under such regulations as he may prescribe order each colonel commanding a regiment or corps, or, in case of his disability or when designated by him, the lieutenant-colonel, and each officer commanding a battalion, to parade, inspect, and report upon the general military efficiency of the several companies under his command at least once each year ; and the commander-in-chief may, whenever he deems it necessary, order an inspection by a medical officer of the officers and men, armories, clothes, and equipment of the national guard ~~or naval militia~~ **or other authorized state military or naval forces.’**

Sec. 19. R. S., c. 18, § 41, amended. Section 41 of chapter 18 of the revised statutes is hereby amended to read as follows :

‘Sec. 41. Certain places may be closed when national guard on duty. Whenever any part of the national guard **or other authorized state military or naval forces** is on active duty, pursuant to the order of the governor or call of civil authority, to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite, or other explosives are sold, and forbid the selling, bartering, lending, or giving away any of said articles so long as any of the troops remain on duty in such places or in the vicinity thereof, whether any civil officer has forbidden the same or not.’

Sec. 20. R. S., c. 18, § 43, amended. Section 43 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 43. Prizes for efficiency and marksmanship. To encourage general military efficiency among organizations in the national guard **or other authorized state military or naval forces**, the adjutant-general is authorized to offer annually a suitable reward. He may also provide suitable rewards for proficiency in small arms practice and practice with light and heavy guns. All such rewards shall be competed for under such regulations as may be approved by the adjutant-general. Members of any staff, corps, or detachments assigned or attached for duty with any command shall be considered a part of such command for the purpose of the competitions herein authorized.'

Sec. 21. R. S., c. 18, § 44, amended. Section 44 of chapter 18 of the revised statutes is hereby amended to read as follows:

'Sec. 44. Medal for honorable service. Every officer and enlisted man of the Maine national guard **or other authorized state military or naval forces** who has rendered honorable service for 9 years in the national guard **or other authorized state military or naval forces of the state** or federal military service shall receive a service medal therefor and an additional bar or clasp for each additional 3 years' service.'

Sec. 22. R. S., c. 18, § 45, amended. Section 45 of chapter 18 of the revised statutes is hereby amended to read as follows:

'Sec. 45. Medal for perfect attendance. Every officer or enlisted man in the national guard **or other authorized state military or naval forces** who has a perfect record of attendance at every military duty for 1 year shall receive a suitable medal therefor, and a bar or clasp for each additional year of perfect attendance, either continuous or otherwise.'

Sec. 23. R. S., c. 18, § 46, amended. Section 46 of chapter 18 of the revised statutes, as amended by section 2 of chapter 277 of the public laws of 1939, is hereby further amended to read as follows:

'Sec. 46. Pay and allowance. Each officer and enlisted man **of the national guard or other authorized state military or naval forces** ordered by the commander-in-chief or under his authority for duty at encampments, maneuvers, field exercises, small arms competitions, or other special duties or when called forth in aid of the civil authorities, shall, **unless otherwise stated in specific orders relative to said duty**, receive for every day actually on duty, the same pay as officers and enlisted men of the same grade and classification in the regular army, **and no more**, provided, that warrant officers shall be paid \$5 a day and enlisted men of grade I as now or hereafter established for the regular army shall be paid not less than \$2.50 per

day; grade II, \$2.25; grade III, \$2.00; grade IV, \$1.90; grade V, \$1.75; grade VI, \$1.60; grade VII, \$1.50, and provided further that all band musicians shall be paid not less than \$4.00 per day and all specialists shall be paid the same additional compensation as is allowed the corresponding classes of specialists in the regular army; there shall be allowed the necessary transportation and subsistence, but no pay or compensation shall be allowed except as otherwise provided by law when ordered for inspection, muster, small arms practice, drill, parade, review, field service, or practice marches **or other special duties** unless expressly authorized in the order for such duties.

When the national guard, **or other authorized state military or naval forces**, or any portion thereof, shall be called forth in aid of the civil authorities, or assembled in obedience to such calls, as provided for in section 9, all officers and men thereof shall receive the pay set forth in this section.'

Sec. 24. R. S., c. 18, § 50, amended. Section 50 of chapter 18 of the revised statutes is hereby amended to read as follows:

'Sec. 50. Compensation to members disabled in active service. Any member of the national guard ~~or naval militia or other authorized state military or naval forces~~ who shall, when on duty or assembled therefor, in case of riot, tumult, breach of the peace, insurrection, or invasion, or when ever called into active service of the state by order of the governor, or called in aid of the civil authorities, or when participating by order of the governor in any encampment, maneuvers, or field instruction of any part of the regular army at or near any military post or camp or lake or sea-coast defenses of the United States, or when participating by order of the governor in practice marches or camps of instruction, or when assembled for any regular or special drill or other duty under the command of a superior officer, receive any injury, or incur or contract any disability or disease by reason of such duty or assembly, or who shall without wilful negligence on his part receive any wound, injury, or disease incident thereto while performing any lawfully ordered duty which shall incapacitate him from his usual business or occupation, shall receive compensation according to the provisions of chapter 55, and any amendments thereto, as an employee of the state of Maine, and the average weekly wage in such cases shall be taken to be the earning capacity of the injured in the occupation in which he is regularly engaged, and in case of death his dependents, if any, shall be entitled to compensation as provided in said chapter 55, provided, however, that any member of the national guard **or other authorized state military or naval forces** who suffers injury or contracts disease,

not the result of his own misconduct, while in attendance at a camp of instruction authorized by the war department and ordered by the governor of Maine, shall receive the pay provided in section 46, while he remains in a federal pay status in lieu of the compensation provided for in this section.'

Sec. 25. R. S., c. 18, § 52, amended. Section 52 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 52. Municipalities, power to build or acquire and raise money by taxation. All municipalities in this state are hereby given power and authority to build or acquire by purchase, lease, gift, or otherwise, suitable armories, drill rooms, stables, headquarters offices, and the land necessary therefor and for target ranges for such organizations of the national guard ~~and naval militia~~ **or other authorized state military or naval forces** as may be stationed or located therein, and to provide for the maintenance and repair of the same; and all municipalities are hereby authorized, and it shall be the duty of the officers thereof, to raise money by taxation or otherwise for the purpose of providing suitable armories, drill rooms, stables, headquarters offices, and target ranges for such organizations of the national guard ~~and naval militia~~ **or other authorized state military or naval forces** as may be stationed and located therein, in such manner as is by law provided for the erection and maintenance of all municipal public buildings and improvements.'

Sec. 26. R. S., c. 18, § 53, amended. Section 53 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 53. Exemption from taxation. All armories, drill rooms, offices, stables, headquarters offices, and target ranges, owned by the state or by any municipality, or by any organization of the national guard **or other authorized state military or naval forces**, and such portion of buildings and lands leased by the state or by any municipality, or by an officer or organization of the national guard **or other authorized state military or naval forces**, to be used as an armory, drill room, stable, headquarters office, target range, or for other military purposes, shall be exempt from taxation for all purposes during the period of such ownership or lease and use.'

Sec. 27. R. S., c. 18, § 55, amended. Section 55 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 55. Courts-martial; classification and jurisdiction. Courts-martial in the national guard **or other authorized state military or naval forces** shall be of 3 kinds, namely, general courts-martial, special courts-martial, and

summary courts-martial. They shall be constituted, and have cognizance of the same subjects and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the army of the United States, and the proceedings of courts-martial of the national guard **or other authorized state military or naval forces** shall follow the forms and modes of procedure prescribed for similar courts.'

Sec. 28. R. S., c. 18, § 64, amended. Section 64 of chapter 18 of the revised statutes is hereby amended to read as follows:

'Sec. 64. Applicable to all state military or naval forces. The provisions in regard to courts and boards established by this chapter shall apply, so far as applicable, to the ~~naval militia~~ **national guard, state guard, and all other authorized state military or naval forces.'**

Sec. 29. R. S., c. 18, § 67, amended. Section 67 of chapter 18 of the revised statutes is hereby amended to read as follows:

'Sec. 67. Equipment not to be sold. The clothes, arms, military outfits, and accoutrements furnished by or through the state to any member of the national guard **or other authorized state military or naval forces** shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a member of the military forces of this state or the United States, or duly authorized officer or agent of the state or of the United States, who has possession of any such clothes, arms, military outfits, or accoutrements so furnished and which have been the subject of any such unlawful disposition, shall have any right, title or interest therein; but the same shall be seized and taken wherever found by any officer of the state, civil or military, and shall thereupon be delivered to any commanding officer or other officer authorized to receive the same, who shall make an immediate report to the adjutant-general. The possession of any such clothes, arms, military outfits, or accoutrements by any person not a member of the military forces of the state or of the United States shall be presumptive evidence of such sale, barter, exchange, pledge, loan, or gift.'

Sec. 30. R. S., c. 18, § 68, amended. Section 68 of chapter 18 of the revised statutes is hereby amended to read as follows:

'Sec. 68. Penalty for sale of equipment. Any person who shall sell, or offer for sale, barter, exchange, pledge, loan, or give away, secrete, or retain after demand made by any officer of the state, civil or military, any clothes, arms, military outfits, or accoutrements furnished by or through the state to a member of the national guard **or other authorized state military or naval forces**, or who shall receive by purchase, barter, exchange,

pledge, loan, or gift, any such clothes, arms, military outfits, or accoutrements, shall be guilty of a misdemeanor and punished by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both such fine and imprisonment.'

Sec. 31. R. S., c. 18, § 69, amended. Section 69 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 69. Repair of equipment. The adjutant-general shall, whenever it may be necessary, make arrangements for the repair, cleansing, and renovation of all clothes, arms, military outfits or accoutrements on hand or issued to any organization of the national guard **or other authorized state military or naval forces**; and when the necessity of such repair, cleansing, or renovation is due to the fault or negligence of any member of the national guard **or other authorized state military or naval forces** the cost thereof shall be charged against any pay due or to become due such member or recovered in the same manner as a fine, forfeiture, or penalty, as prescribed by this chapter.'

Sec. 32. R. S., c. 18, § 72, amended. Section 72 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 72. Destruction of equipment; penalty. Any officer, enlisted man, or other person, who shall wilfully or maliciously destroy, injure, or deface any article of military property belonging to the state or United States, or shall use it for other than military purposes, or shall have or retain the same in violation of law or regulations, shall be punished by a fine of not more than \$50. And in case any officer or enlisted man of the national guard **or other authorized state military or naval forces** who has at any time through carelessness or inattention lost, destroyed, or suffered to be lost or destroyed, any state or government property which has been issued for his use, the paymaster-general shall retain out of the pay or allowances or moneys due such officer or enlisted man for any military service whatsoever, an amount of money equal to the value of the property so lost or destroyed, and money so retained shall be credited to the account of such officer of the national guard **or other authorized state military or naval forces** as may be accountable to the state for said property. Such portion of said money as shall be for state property shall be turned in to the treasurer of the state, to be credited to the military fund, and such portion as may be for United States property shall be turned into the United States treasury to be credited to the state on its property returns.'

Sec. 33. R. S., c. 18, § 73, amended. Section 73 of chapter 18 of the

revised statutes is hereby repealed and the following enacted in place thereof :

'Sec. 73. Exemption from arrest. Every person belonging to the national guard or other authorized state military or naval forces shall in all cases, except felony and breach of the peace, be privileged from arrest while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

No person shall be arrested in a civil action, on mesne process, or execution, or on a warrant for taxes, on the day of annual thanksgiving, the 19th day of April, the 30th day of May, the 4th day of July, the 1st Monday of September, Armistice Day, November 11th, or Christmas; and on the day of any military training, inspection, review or election, no officer or soldier required by law to attend the same, shall be arrested on any such processes.'

Sec. 34. R. S., c. 18, § 74, amended. Section 74 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 74. Exemption from jury duty. Every member of the national guard or other authorized state military or naval forces, every retired officer, and every enlisted man holding the certificate of merit shall be exempt from all jury duty; production of a certificate from the claimant's commanding officer showing that the holder is a member of the national guard or other authorized state military or naval forces, or a certificate of retirement, or a certificate of merit, or the sworn statement of the claimant that he is such member, retired officer, or holder of a certificate of merit, shall be prima facie proof that the claimant is entitled to the exemption.'

Sec. 35. R. S., c. 18, § 75, amended. Section 75 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 75. Voluntary service forbidden unless authorized. No organization of the national guard or other authorized state military or naval forces shall perform any voluntary military service except as authorized by this chapter or by the express orders of the governor.'

Sec. 36. R. S., c. 18, § 76, amended. Section 76 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 76. Permission to leave or enter state. No organization of the national guard or other authorized state military or naval forces shall leave the state, and no military organization of another state, unless acting under the authority of the United States, shall enter the state, except in each case by permission of the governor.'

Sec. 37. R. S., c. 18, § 77, amended. Section 77 of chapter 18 of the revised statutes is hereby amended to read as follows:

‘Sec. 77. Other military organizations prohibited; penalty. No body of men, other than the national guard **or other authorized state military or naval forces** and the troops of the United States, shall associate themselves together as a military company or organization, or parade in public with firearms in any city or town of this state; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming, or in any other way supporting, sustaining, or providing drill rooms or armories for any such body of men; but associations wholly composed of soldiers and sailors honorably discharged from the service of the United States and the order known as the Sons of Veterans may parade at any time in public with firearms, having first obtained the written permission of the city or municipal officers of the town or city in which they reside to parade, and students in educational institutions where military science is taught as a prescribed part of the course of instruction, may, with the consent of the governor, drill and parade with firearms in public under the superintendence of their military instructors. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$100, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.’

Sec. 38. R. S., c. 18, § 78, amended. Section 78 of chapter 18 of the revised statutes is hereby amended to read as follows:

‘Sec. 78. Right of way; penalty. The commander of any portion of the national guard **or other authorized state military or naval forces** parading or performing any military duty in any street or highway may require any or all persons in such street or highway to yield the right of way to such national guard **or other authorized state military or naval forces**, provided the carriage of the United States mail, the legitimate functions of the police, and the progress and operations of the hospital ambulances, fire engines, and fire departments, and apparatus of the insurance patrol shall not be interfered with thereby. All others who shall hinder, delay, or obstruct any portion of the national guard **or other authorized state military or naval forces** whenever parading or performing any military duty, or who shall attempt so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.’

Sec. 39. R. S., c. 18, § 80, amended. Section 80 of chapter 18 of the

revised statutes, as amended by chapter 259 of the public laws of 1931, is hereby further amended to read as follows:

'Sec. 80. Depriving members of employment; penalty; leave of absence from duties. Any person who either by himself or with another, wilfully deprives a member of the national guard ~~or naval militia or other authorized state military or naval forces~~ of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said national guard ~~or naval militia or other authorized state military or naval forces~~ or his employer in respect to his trade, business, or employment, because said member of said national guard ~~or naval militia or other authorized state military or naval forces~~ is such member, or dissuades any person from enlisting in the said national guard ~~or naval militia or other authorized state military or naval forces~~ by threat of injury to him in case he shall so enlist, in respect to his employment, trade, or business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

All officials and employees of the state of Maine who shall be members of the national guard ~~or other authorized state military or naval forces~~ thereof and military and naval reservists shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days during which they shall be engaged in field or coast defense training ordered or authorized by the governor of the state of Maine or under the provisions of the national defense act.'

Sec. 40. R. S., c. 18, § 81, amended. Section 81 of chapter 18 of the revised statutes is hereby amended to read as follows:

'Sec. 81. Discrimination against members; penalty. No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment, or business of the members thereof, shall by any constitution, rule, by-law, resolution, vote or regulation, discriminate against any member of the national guard ~~or naval militia or other authorized state military or naval forces~~ because of such membership, in respect to the eligibility of such member of the national guard ~~or naval militia or other authorized state military or naval forces~~ to membership in such association or corporation, or in respect to his rights to retain said last mentioned membership; and any person who aids in enforcing any such provisions against a member of the said national guard ~~or naval militia or other authorized state military or naval forces~~ with intent to discriminate against him because of such membership, shall be guilty of a

misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.'

Sec. 41. R. S., c. 18, § 82, amended. Section 82 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 82. Molestation of members; penalty. Whoever shall unlawfully molest, insult or abuse any member of the national guard ~~or naval militia~~ **or other authorized state military or naval forces** while in the performance of his duty shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.'

Sec. 42. R. S., c. 18, § 85, amended. Section 85 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 85. Company by-laws. Companies of the national guard ~~or other authorized state military or naval forces~~ may make by-laws, subject to the written approval of the adjutant-general, not repugnant to law, orders, or regulations, and fix a sum to be paid by any member of such company for non-compliance therewith not exceeding \$5. Any member who fails to pay such sums so fixed, within 30 days after notification that the same is due, shall be deemed guilty of conduct to the prejudice of good order and military discipline, and punished by a court-martial accordingly.'

Sec. 43. R. S., c. 18, § 88, amended. Section 88 of chapter 18 of the revised statutes is hereby amended to read as follows :

'Sec. 88. Rules governing militia not in federal service when called out by governor. Whenever any portion of the militia not being in the service of the United States shall be on duty or ordered to assemble for duty by the governor in time of actual war, insurrection, invasion, or rebellion, ~~or emergency due to fire, flood, or other disaster~~, the articles of war governing the army of the United States, the articles for the government of the United States navy, and the regulations prescribed for the army and navy of the United States, so far as consistent with this chapter and the regulations issued thereunder, shall be in force and regarded as a part of this chapter until said forces shall duly be relieved from such duty during such state of actual war, insurrection, invasion, or rebellion; but no punishment under such rules and articles which shall extend to the taking of life, shall in any case be inflicted until the approval by the governor of the sentence inflicting such punishment.'

Sec. 44. R. S., c. 18, § 89, amended. Section 89 of chapter 18 of the revised statutes is hereby amended to read as follows:

'Sec. 89. Articles of war and courts-martial. Except as provided in the preceding sections the national guard **or other authorized state military or naval forces** of the state of Maine shall at all times and in all places, and the unorganized militia shall whenever called into service, be governed by the articles of war and manual of courts-martial as adapted to the use of the national guard by the war department, militia bureau, in the national guard regulations, as the same were in effect on March 26, 1929.'

Sec. 45. 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, and amended by section 1 of chapter 312 of the public laws of 1941, is hereby further 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; 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; **and provided further, that youths not less than 16 years of age, if written consent thereto is given by parents or guardian, may be enrolled in the state guard or other authorized state military or naval units.**

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, and the expense thereof, shall be paid by the state.'

Sec. 46. R. S., c. 5, § 72, amended. Section 72 of chapter 5 of the revised statutes, as amended by chapter 143 of the public laws of 1937 and by chapter 139 of the public laws of 1939, is hereby repealed and the following enacted in place thereof:

'Sec. 72. Armories to be provided by cities and towns; also places for parade; rent to be allowed by state. Municipal officers shall provide for each company of authorized military or naval force within their towns a suitable armory or place of deposit for the arms, equipment and equipage, furnished by the state. They shall also provide a suitable room for the safe-keeping of books, transaction of business, and instruction of officers for each regiment or separate battalion of such military or naval forces located within their towns; and suitable places for their parade, target practice, and drill. A reasonable compensation for rent of such armory, headquarters, or place of deposit, may be allowed from funds appropriated for such purposes to the town or city furnishing such armory, headquarters, or place of deposit.'