

# MAINE STATE LEGISLATURE

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NINETY - SECOND      LEGISLATURE

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Legislative Document

No. 991

H. P. 1340

House of Representatives, March 16, 1945.

Reported by Mr. Southard from Committee on Military Affairs and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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AN ACT Relating to Aides-de-Camp.

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

**Sec. 1. R. S., c. 12, § 9, amended.** The 2nd sentence of the 2nd paragraph of section 9 of chapter 12 of the revised statutes is hereby amended to read as follows:

‘Honorably discharged officers or enlisted ~~men~~ **personnel** 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.’

**Sec. 2. R. S., c. 12, § 35, amended.** Section 35 of chapter 12 of the revised statutes is hereby amended to read as follows:

‘**Sec. 35. National guard organizations, state guard or other authorized state military or naval force may be filled by draft from unorganized militia in time of peace, war or other emergency; men having prior service exempt; penalty for contempt.** If in time of peace, war or other emergency, any company, troop, battery, or detachment of the national guard, state guard or other authorized military or naval force shall have failed by voluntary enlistment to obtain the minimum strength required by the laws of the United States, or of this state, the commanding officer of such company,

troop, battery, or detachment **of the national guard, state guard or other authorized state military or naval force** shall report to the adjutant-general the number of enlisted men required and in addition **thereto** a number equal to the loss expected during the succeeding 3 months, of enlisted men whose terms of active service expire during that period and who have signified their intention of not continuing in active service or reenlisting. The adjutant-general shall, upon receipt of such report, inform the governor of the facts, and the governor shall then draft from the unorganized militia of the town or city where such company, troop, battery, or detachment is located, or from adjacent towns or cities, the number of men required to maintain such minimum strength, and in addition such number as he may deem necessary to allow for possible rejections. Such drafts shall be made by order **of the governor** directed to the selectmen of the town or the mayor of the city where such company, troop, battery, or detachment is located, or to the selectmen of adjacent towns or the mayors of adjacent cities, who shall, within 5 days, transmit to the adjutant-general a list containing the names of all persons in such towns or cities between the ages of 18 and ~~30 who are unmarried,~~ and 45, who are subject by law to military enrolment. The adjutant-general or some officer detailed by him shall prepare slips upon which shall be placed the names of all persons on such list and within 5 days after the receipt of such list, the adjutant-general or some officer detailed by him shall, in the presence of one of the selectmen or some other official of such towns or the mayors or other officials of such cities, place such slips in a box and draw therefrom the number required by said draft. All men whose names are so drawn shall be ordered by the adjutant-general to report to the commanding officer of such company, troop, battery, or detachment at a certain time and place and submit to the necessary physical examination. Such orders shall be in writing and a copy thereof shall be served upon each man so drafted, by a sheriff, other proper officer, or indifferent person, at least 6 days before the time designated for reporting to such commanding officer. From those who have passed such physical examination, a sufficient number of names shall be selected to fill all vacancies existing or expected at the date of draft, the method of selection being the same as hereinbefore provided, except that the adjutant-general shall be represented by the commanding officer of the company, troop, battery, or detachment concerned and the drawing shall be made in the presence of those present subject to draft. All men so selected who do not volunteer to enlist shall thereupon be enrolled as members of the national guard, **state guard or other authorized military or naval force** for a period of one enlistment **or for such time as the governor may direct**. All men so enrolled shall be considered as regularly enlisted and shall be

subject to all **federal and state** laws, regulations, and discipline governing the national guard, **state guard or other authorized state military or naval force**. Any person so drafted, in any order to report, as hereinbefore provided, who, having been personally served with a copy of such order, shall fail to appear at the time and place designated by such order or who shall fail to present to such commanding officer a sworn certificate from a physician in good standing, of physical disability, shall be punished by a fine of not less than \$10, nor more than \$50, for each day he shall fail to appear. The courts of this state shall have jurisdiction of all prosecutions under the provisions of this section. Provided, however, that all men having an honorable record of prior service in the United States army, navy, marine corps, or in the national guard of the United States may be exempt from compulsory service under the provisions of this section. **Provided further, that nothing under the provisions of this section shall be construed as authorizing a change in the status of any person registered under the federal selective service law.**