

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

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PUBLIC LAWS
OF THE
STATE OF MAINE.
1901.

CHAP. 167Lien, how
enforced.

Section 3. The lien mentioned in section one may be preserved and enforced in the same manner as liens for the erecting, altering, moving or repairing buildings or appurtenances.

Approved March 6, 1901.

Chapter 167.

An Act to amend Chapter two hundred and sixty six of the Public Laws of eighteen hundred and ninety-three, as amended by Chapter one hundred and twenty-eight of the Public Laws of eighteen hundred and ninety-nine, relating to the Militia.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 30
chapter 128,
laws of 1899,
amended.

Section 1. Section thirty of said act is hereby amended by inserting after the word "adjutant-general" in the eighth line thereof, the words 'When a soldier re-enlists and is mustered into the service within thirty days from the expiration of his previous term, his service shall be considered as unbroken and continuous, and re-enlistments and musters shall be dated as of the day of such expiration. When the term of service of any enlisted man terminates during a period of furlough and while he is serving in the United States army, should he re-enlist in the national guard within thirty days of his muster out of the United States army, his service shall be considered as continuous, and shall in like manner commence on the day of such expiration, and re-enlistments and musters shall be so dated,' and by inserting after the word "enlistments" in the same line thereof, the words 'or re-enlistments,' so that said section, as amended, shall read as follows:

Enlistments,
term of.

'Section 30. All enlistments in the national guard shall be for three years, and shall be made by signing such enlistment book as may be prescribed by the commander-in-chief. An attested copy of the enlistment book, shall at the organization of each company, be made by the clerk and forwarded, together with duplicates of all enlistment papers, forthwith to the adjutant-general. When a soldier re-enlists and is mustered into the service within thirty days from the expiration of his previous term, his service shall be considered as unbroken and continuous, and re-enlistments and musters shall be dated as of the day of such expiration. When the term of service of any enlisted man terminates during a period of furlough and while he is serving in the United States army, should he re-enlist in the national guard within thirty days of his muster out of the

—attested
copy of
enlistment
book shall be
sent adjutant
general.—what ser-
vice shall be
considered
continuous.

United States army, his service shall be considered as continuous, and shall in like manner commence on the day of such expiration, and re-enlistments and musters shall be so dated. When new enlistments or re-enlistments are made in any organization, the commanding officer shall forward duplicate enlistment papers to the adjutant-general.'

Section 2. Section thirty-one of said act is hereby amended by striking out, after the word "or" in the fifth line thereof, the words "in an adjoining town," and inserting in place thereof the words 'within a radius of seven miles,' so that said section, as amended, shall read as follows:

Section 31 amended.

'Section 31. No enlistment shall be allowed in the national guard of other than able bodied citizens of this state, between the ages of sixteen and forty years, residing in the town where the armory of the organization in which they enlist is situated, or within a radius of seven miles. In time of peace, no minor shall be enlisted in the national guard without the written consent of his parent or guardian, which shall appear on the enlistment paper.'

Who may be members of National Guard.

Section 3. Section thirty-five of said act is hereby amended by inserting after the word "privates" in the sixth line thereof the words 'one of whom shall be a pharmacist, a nurse, or a person capable in the judgment of the examining surgeon of serving in one or both capacities. He shall be liable to detail for service at hospital when such details are ordered, and shall receive the pay of a sergeant,' so that said section, as amended, shall read as follows:

Section 35 amended.

'Section 35. Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two musicians, and not less than thirty-two nor more than ninety-two privates, one of whom shall be a pharmacist, a nurse, or a person capable in the judgment of the examining surgeon of serving in one or both capacities. He shall be liable to detail for service at hospital when such details are ordered, and shall receive the pay of a sergeant.'

Number of officers and men to company of infantry.

Section 4. Section forty of said act is hereby amended by inserting after the word "surgeon" in the fourth line thereof, the words 'one adjutant and one quartermaster, each;' by striking out after the word "surgeon" in the fifth line, the words "one adjutant, one quartermaster and one inspector of rifle practice" and inserting in place thereof the words 'one commissary of subsistence and three battalion adjutants;' by striking out after the word "and" in the tenth line the words "one color bearer who shall be a sergeant" and inserting in place thereof

Section 40 amended.

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the words 'two color bearers who shall be sergeants, and three battalion sergeant-majors who shall be senior to and have the pay of a first sergeant; by striking out after the word "and" in the same line the words "not less than," by inserting after the word "companies" in the same line the words 'organized into three battalions of four companies each,' and by striking out the last paragraph, beginning with the words "provided, that," and ending with the words "each battalion," so that said section, as amended, shall read as follows:

Number in a
regiment.

'Section 40. To each regiment of infantry there shall be one colonel, one lieutenant-colonel, three majors, and a staff to consist of one surgeon with the rank of major, one assistant surgeon, one adjutant and one quartermaster, each with the rank of captain, one assistant surgeon, one commissary of subsistence and three battalion adjutants, each with the rank of first lieutenant, and one chaplain; a non-commissioned staff to consist of one sergeant-major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one trumpeter, and two color bearers who shall be sergeants, and three battalion sergeant-majors who shall be senior to and have the pay of a first sergeant; and twelve companies, organized into three battalions of four companies each.'

Section 60
amended.

Section 5. Section sixty of said act is hereby amended by inserting after the word "filled" in the twenty-third line thereof, the words 'In case said office shall be of the medical staff or naval reserves, then, for the former, there shall be added to and become a member of the board, the surgeon-general, and for the latter, an officer of the naval reserves, other than the person to be so examined,' so that said section, as amended, shall read as follows:

Before being
commissioned every
person
elected or
appointed
shall pass
examination.

'Section 60. The commander-in-chief shall appoint a military board of three officers to enquire into the qualifications of all persons elected or appointed to any office below the grade of brigadier general and claiming a commission under this act, except upon the staff of the commander-in-chief, and no commission shall issue until the person so elected or appointed shall have passed a satisfactory examination before such board, as to his moral character, his general knowledge of military affairs proportionate to the office to be held, and his fitness for the service. If he fails to appear before the board when notified or is adjudged unqualified, a new election shall be ordered or appointment made; and no person who has failed to pass such examination shall be eligible to election or appointment to an office of equal or higher grade in the national guard, for the period of one year thereafter. Such examination shall be made

—any person
failing to pass
shall not be
eligible for
one year.

within thirty days after the election or appointment, unless the commander-in-chief shall for good cause enlarge the time. At least two members of said board shall be of a grade equal or superior to that of the office to be filled. In case said office shall be of the medical staff or naval reserves, then, for the former, there shall be added to and become a member of the board, the surgeon-general, and for the latter, an officer of the naval reserves, other than the person to be so examined. In case of the absence of any member of the board, or of disability to sit by reason of rank, or if for other cause the board is not of the required number, the commander-in-chief may, detail an officer for the time being.'

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—when examination shall be made.

—how vacancy may be filled.

Section 6. Section seventy-three of said act is hereby amended by inserting after the word "dollars" at the end of said section, the words 'and in case any officer or enlisted man of the national guard, carried on the pay-rolls of the organization of which he is a member, at any encampment or other duty, or on any special expense account for any duty, performed, 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 officer accountable for the property or certifying the pay-roll or expense account, shall record under column of "remarks" the number and kind of articles so lost or destroyed, and in column headed "deductions" on pay-roll, or under "deductions" in expense account, the amount of money value of property so lost or destroyed, and the paymaster general shall retain out of the pay of such officer or enlisted man 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 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 militia fund, and such portion as may be for United States property shall be turned in to the United States treasury, to be credited to the state on its property returns,' so that said section, as amended, shall read as follows:

Section 73 amended.

'Section 73. Any officer, enlisted man or other person, who shall willfully or maliciously destroy, injure or deface any article of military property belonging to the state, 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 not exceeding fifty dollars. And in case any officer or enlisted man of the national guard, carried on the pay-rolls of the organization of which he is a member, at any encampment or other duty,

Penalty for injuring or destroying property.

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or on any special expense account for any duty performed, 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 officer accountable for the property or certifying the pay-roll or expense account, shall record under column of "remarks" the number and kind of articles so lost or destroyed, and in column headed "deductions" on pay-roll, or under "deductions" in expense account, the amount of money value of property so lost or destroyed, and the paymaster general shall retain out of the pay of such officer or enlisted man 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 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 militia fund, and such portion as may be for United States property shall be turned in to the United States treasury to be credited to the state on its property returns.'

—how fine shall be disposed of.

Section 78 amended.

Section 7. Section seventy-eight of said act is hereby amended by inserting after the word "state" in the thirteenth line thereof, the words 'and there may be also allowed and paid by the state for the rent of quarters occupied by each authorized band legally enlisted and mustered into the service, not exceeding one hundred dollars, and said quarters shall always be subject to all provisions of law and regulations which apply to armories,' so that said section, as amended, shall read as follows:

Municipal officers shall provide armories.

'Section 78. Municipal officers shall provide for each company of the national guard located within the limits of their respective towns, subject to the approval of the commander-in-chief or such officer as he may designate, a suitable drill room and armory or place of deposit for the arms, equipments and other property furnished by the state. They shall also provide suitable rooms for the headquarters of each separate battalion, regiment or brigade established within their limits, and a reasonable compensation for the rent thereof, not exceeding one hundred dollars per annum, may be allowed to the town so furnishing, and paid by the state. And there may be also allowed and paid by the state for the rent of quarters occupied by each authorized band legally enlisted and mustered into the service, not exceeding one hundred dollars, and said quarters shall always be subject to all provisions of law and regulations which apply to armories, and such drill rooms, armories, headquarters or other places provided for in this section shall be held for the

—head-quarters.

—may furnish quarters for band.

—said quarters shall be subject to law and the regulations.

exclusive use of the national guard unless otherwise authorized by the commander-in-chief after application in each case by the municipal authorities in writing. If said premises are used contrary to the provisions hereof, there shall be a deduction from the rent of the premises agreed upon, equal to one month's rental for each day of such use.'

Section 8. No provision of this act shall be construed as terminating any commission or enlistment in the national guard, but any such shall continue in force according to the terms thereof, subject to the provisions of this act.

Provision of act shall not be construed as terminating commission or enlistment.

Section 9. This act shall take effect when approved.

Approved March 6, 1901.

Chapter 168.

An Act to authorize Telephone, Telegraph, Electric Light, Heat or Power companies to place their wires under the surface of Public Ways.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. Telegraph, telephone, electric light, heat or power companies chartered by special act of the legislature or organized under the general laws of the state, and all such companies, wherever chartered or organized, engaged in the business of transmitting intelligence, heat, light or power by electricity, are hereby authorized in any city or town to place their wires and cables and all conduits and other structures for conducting and maintaining such wires and cables under the surface of those streets and highways in which such companies are empowered to obtain locations for their poles and wires; subject, however, to the written permit therefor of the municipal officers of such city or town, and subject also to such rules and regulations as to location and construction as such municipal officers may designate in their permit. Proceedings for obtaining permit to place wires and cables under the surface of streets and highways may be had in accordance with the provisions of chapter three hundred and seventy-eight of the public laws of eighteen hundred and eighty-five, relating to the location of posts and wires in public ways.

Telegraph, telephone, light, heat and power corporations authorized to place wires, etc., under surface of streets.

—how permits may be obtained.

Section 2. This act shall take effect when approved.

Approved March 6, 1901.