

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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.

1905.

CHAP. 63**Chapter 63.**

An Act to amend Section ten of Chapter fifty-two of the Revised Statutes, relating to the management and operation of Steam Railroads.

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

Section 10,
chapter 52, R.
S., amended.

Section 1. Section ten of chapter fifty-two of the revised statutes is hereby amended by striking out the words "at grade" in the first line of said section, and inserting in place thereof the words 'each other,' so that said section as amended, shall read as follows:

Railroads
crossing each
other shall
be deemed
connecting
roads.

'Section 10. Railroads intersecting or crossing each other, shall be deemed, for all business purposes, connecting roads.'

Section 2. This act shall take effect when approved.

Approved March 15, 1905.

Chapter 64.

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

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

Section 9,
amended.

Section 1. Section nine of said act is hereby amended by adding thereto the following words: 'And whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the government of the United States, or the president is unable, with the other forces at his command, to execute the laws of the union in any part thereof, the president may call out such number of the enrolled militia, or such portion of the National Guard, as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, for a period not exceeding nine months, in any part of the United States. He may specify in his call the period for which such service is required, not exceeding nine months, and the militia so called shall continue to serve during the term so specified, unless sooner discharged by order of the president,' so that said section, as amended, shall read as follows:

Occasions
when
enrolled
militia may

'Section 9. The enrolled militia shall be subject to active duty, only, in case of war, or to prevent or repel invasion, or to suppress insurrection or riot, or to aid civil officers in the execu-

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tion of the law. And whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the government of the United States, or the president is unable, with the other forces at his command to execute the laws of the union in any part thereof, the president may call out such number of the enrolled militia, or such portion of the National Guard, as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, for a period not exceeding nine months, in any part of the United States. He may specify in his call the period for which such service is required, not exceeding nine months, and the militia so called shall continue to serve during the term as specified, unless sooner discharged by order of the president.'

be subject to active service.

--president may call out enrolled militia.

--for a period not to exceed nine months.

Section 2. Section seventeen of said act is hereby amended by striking out all after the word "annually" in the seventeenth line thereof and inserting the following: 'He shall make returns to the secretary of war at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia and also make such report as may from time to time be required by the Secretary of War.' So that said section, as amended, shall read as follows:

Section 17, amended.

'Section 17. The adjutant general shall distribute all orders from the commander-in-chief, attend all public reviews when the commander-in-chief shall review the troops or any part thereof, obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States, prepare and furnish blank forms for the different returns and rolls that may be required and explain how such returns and rolls should be made, distribute all books required to be furnished at the public expense, receive from the several officers in the military force the reports they are required to make, and from such reports he shall make proper abstracts and lay the same, together with a full report of the business of his department, and a statement of the strength, condition and efficiency of the military forces of the state, before the commander-in-chief on or before the thirty-first day of December annually. He shall make returns to the Secretary of War at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia and also make such report as may from time to time be required by the Secretary of War.'

Duties of adjutant general.

--shall make returns to secretary of war.

Section 3. Section twenty-six of said act is hereby amended by striking out the words "an ambulance corps, and," and add-

Section 26, amended.

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National
Guard, of
what it shall
consist.

ing the words 'and a naval reserve,' so that said section, as amended, shall read as follows:

'Section 26. The active militia shall be known and designated as the National Guard of the state of Maine, and on a peace footing shall consist of not more than twenty-four companies of infantry, one battery of light artillery, two troops of cavalry, a signal corps and a naval reserve.'

Section 31,
amended.

Section 4. Section thirty-one of said act is hereby amended by inserting after the word "miles" in the fifth line thereof, the words 'provided, however, that any member of the National Guard, who is otherwise eligible, may be permitted to re-enlist within thirty days after the expiration of the term of his previous enlistment, provided he is less than sixty years of age,' so that said section, as amended, shall read as follows:

What persons
may be
enlisted.

'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; provided, however, that any member of the National Guard, who is otherwise eligible, may be permitted to re-enlist within thirty days after the expiration of the term of his previous enlistment, provided he is less than sixty years of age. 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.'

Sections 35 to
45, inclusive,
amended.

Section 5. Sections thirty-five to forty-five inclusive are hereby amended by striking out the entire sections and substituting others so that said sections, as amended, shall read as follows:

Arrangement
of organiza-
tions of the
National
Guard.

'Section 35. The organizations of the National Guard may be arranged by the commander-in-chief into squadrons, battalions, regiments and brigades, and he may change the arrangement thereof at his pleasure.

Assignment
of organiza-
tions.

'Section 36. Each organization shall be assigned to its respective squadron, battalion or regiment and be numbered or lettered at its formation.

Constitution
of the
several
organiza-
tions.

'Section 37. The several organizations of the National Guard shall be constituted the same as is now or may be hereafter prescribed for the regular or volunteer armies of the United States, provided that in time of peace, or until changed by order of the commander-in-chief, the organizations of the National Guard shall be constituted as follows.

Company
of infantry,
composition
of.

'Section 38. A company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six cor-

porals, one cook, two musicians and not less than thirty-five privates.

'Section 39. A battalion of infantry shall consist of one major, one battalion adjutant (first lieutenant), one battalion sergeant major and four companies.

Battalion of
infantry,
composition
of.

'Section 40. A regiment of infantry shall consist of one colonel, one lieutenant colonel, one adjutant, one quartermaster, and one commissary, each with the rank of captain, one surgeon (major), one assistant surgeon (captain), one assistant surgeon (first lieutenant), one chaplain, one sergeant major, one quartermaster sergeant, one commissary sergeant, two color sergeants, a band to consist of one chief musician, one principal musician, one drum major, four sergeants, eight corporals, one cook and ten privates; a hospital corps to consist of one sergeant (first class), three sergeants, six privates (first class), and three privates; and three battalions.

Regiment of
infantry,
composition
of.

'Section 41. A troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, one cook, one farrier, one saddler, one wagoner, two trumpeters and not less than thirty-three privates.

Troop of
cavalry,
composition
of.

'Section 42. A battery of field artillery shall consist of one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster sergeant, one stable sergeant, six sergeants, twelve corporals, one cook, one artificer, two musicians and not less than twenty-eight privates.

Battery of
field artillery
composition
of.

'Section 43. A signal company shall consist of one captain, one first lieutenant, one second lieutenant, two first class sergeants, four sergeants, five corporals, not less than eleven first class privates and eight privates.

Signal
company,
composition
of.

'Section 44. Each colonel of a regiment may enlist and muster a band of musicians, not to exceed twenty-six, to be constituted as provided in section forty of this act; provided, that the members of such band shall furnish their own uniforms and instruments. They may be recommended for discharge by the colonel at his pleasure.

Musicians.

'Section 45. A brigade shall consist of one brigadier general with a staff to be constituted the same as now or may be hereafter provided for the regular or volunteer army of the United States, and not less than two regiments of infantry. At camps of instruction, maneuvers or field exercises, or when called into active service for the state in case of riot, insurrection, tumult or invasion, actual or impending, the commander-in-chief may attach to a brigade such troops of cavalry, batteries of artillery and organizations of special troops, as may appear to him advisable.'

Brigade,
composition
of.

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Section 60,
amended.

Section 6. Section sixty of said act is hereby amended by inserting after the word "service" in the tenth line thereof the following:

'Provided, that an officer having successfully passed an examination before said board and being commissioned in the rank of major shall be exempt from further examination in case of election or appointment to a higher rank;' by striking out the word "enlarge" in the eighteenth line and substituting therefor the word 'extend;' by adding thereto the following: 'Whenever in the opinion of the commander-in-chief the necessity exists, any commissioned officer may be ordered before the board of examination who may inquire into his moral character, general knowledge of military affairs, and fitness for the service. Said board to report its findings to the commander-in-chief for such further action as he may deem advisable.' So that said section as amended, shall read as follows:

Military
board.

'Section 60. The commander-in-chief shall appoint a military board of three officers to inquire 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, provided, that an officer having successfully passed an examination before said board and being commissioned in the rank of major shall be exempt from further examination in case of election or appointment to a higher rank. 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 within thirty days after the election or appointment, unless the commander-in-chief shall for good cause extend 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 reserve, 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 reserve, 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-

--commis-
sion shall
not issue
before
examination.--examina-
tion shall
be made
within 30
days after
election or
appointment.--grade of
examining
boards.

in-chief may detail an officer for the time being. Whenever in the opinion of the commander-in-chief the necessity exists, any commissioned officer may be ordered before the board of examination who may inquire into his moral character, general knowledge of military affairs, and fitness for the service. Said board to report its findings to the commander-in-chief for such further action as he may deem advisable.'

Section 7. Section one hundred and twelve of said act is hereby amended by inserting between the words "witnesses" and "and" in the fourth line thereof, the words 'or to forfeiture of pay and allowance due for military service, or both,' so that said section, as amended, shall read as follows:

Section 112,
amended.

'Section 112. Courts martial may, when no other punishment is fixed by law, sentence an officer or enlisted man convicted by them, to pay a fine of not exceeding two hundred dollars and costs of witnesses, or to forfeiture of pay and allowances due for military services, or both; and all fines and costs imposed by them may be recovered by the adjutant general in an action of debt in the name of the state. They may in addition to the foregoing or any other punishment fixed by law, sentence an officer convicted by them to be cashiered, dishonorably discharged, discharged without honor, discharged, or reprimanded in orders, and if sentenced to be cashiered or dishonorably discharged, the court shall adjudge him disqualified for life or for any term of years according to the aggravation of the offense, for holding any military office. And they may also in addition to the foregoing, or any other punishment fixed by law, sentence any enlisted man convicted by them to be dishonorably discharged, discharged without honor, or discharged, or may adjudge him disqualified for life or for any term of years according to the aggravation of the offense for re-enlistment or for holding any military office.'

Courts
martial,
powers of.

Section 8. Section one hundred and fourteen of said act is hereby amended by striking out the word "and" in the sixth line, and inserting in place thereof the word 'or' so that said section, as amended, shall read as follows:

Section 114,
amended.

'Section 114. The commander-in-chief may, from time to time, appoint military boards of inquiry to consist of one or more officers, not exceeding five, and a recording officer to reduce the proceedings and evidence in writing, whose duty it shall be to examine into any military transaction, or into the qualification, efficiency or propriety of conduct of any officer or soldier, who may be ordered before them for such examination; or for the purpose of settling any military question, or for estab-

Military
boards of
inquiry.

--duty of
board.

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lishing good order and discipline; the members thereof and witnesses examined by them shall be sworn, the board shall report to the commander-in-chief, who may take such action by order or otherwise as he may deem advisable, but if the report is adverse to any officer or soldier, and is approved by the commander-in-chief, he may in his discretion dishonorably discharge, discharge without honor or vacate the commission of such officer, or dishonorably discharge, discharge without honor or discharge such soldier, but the commander-in-chief shall have power to remit or reduce after conviction, all forfeitures and penalties and to grant reprieves, commutations and pardons, or order a rehearing or new trial in any case tried or heard under the provisions of this act.'

Section 115,
amended.

Section 9. Section one hundred and fifteen of said act is hereby amended by inserting between the words "officers" and "reported" in the first line, the words 'and enlisted men,' so that said section, as amended, shall read as follows:

Officers and
men under
inquiry shall
be notified.

'Section 115. Officers and enlisted men reported under the preceding section shall be notified, permitted to cross examine witnesses, and introduce evidence.'

Section 121,
amended.

Section 10. Section one hundred and twenty-one of said act is hereby amended by adding thereto the following: 'The system of discipline and exercises of the National Guard shall conform generally to that of the army of the United States as is now or may hereafter be prescribed by congress, and to all provisions of the laws of the United States, except as otherwise provided, or may be hereafter provided, by the laws of this state,' so that said section, as amended, shall read as follows:

Commander-
in-chief shall
prepare
regulations
for enroll-
ment, etc.,
of the
military
forces of
the state.

'Section 121. The commander-in-chief shall cause to be prepared regulations for the enrollment, government and instruction of the military forces of the state, and to carry into full force and effect the provisions of this act. Such regulations when approved by the commander-in-chief shall be published with the military law of the state together with extracts from the constitution relating thereto and distributed to the commissioned officers of the National Guard and be by them held as the property of the state to be accounted for.

—may make
changes in
regulations.

The commander-in-chief is authorized to make changes in and additions to such regulations from time to time as the service may in his judgment require, but all such regulations, changes and additions shall be in conformity with the laws of this state and of the United States, and when so approved and promulgated shall have the same force and effect as the provisions of this law. Any rules, orders and regulations now in

force shall remain in force until such new regulations are approved and promulgated.

The system of discipline and exercises of the National Guard shall conform generally to that of the army of the United States as is now or may hereafter be prescribed by congress, and to all provisions of the laws of the United States, except as otherwise provided, or may be hereafter provided, by the laws of this state.'

—system of discipline.

Approved March 15, 1905.

Chapter 65.

An Act relating to the Compensation of Trustees, Visiting Committees and the Board of Cattle Commissioners.

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

Section 1. The trustees of the state school for boys, of the Maine industrial school, of the state normal schools, of the insane hospitals and the committee of visitors to such hospitals, of the university of Maine, and the members of the state cattle commission, shall receive from the treasurer of state five dollars per day for their services when employed, and actual traveling expenses.

Compensation of trustees, visiting committees and cattle commissioners.

Section 2. This act shall take effect on the first day of July, one thousand nine hundred and five.

Act shall take effect July 1, 1905.

Approved March 15, 1905.

Chapter 66.

An Act to further regulate the analysis of Food and Agricultural Seeds.

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

Section 1. The director of the Maine Agricultural Experiment Station shall analyze, or cause to be analyzed, samples of agricultural seeds sold or offered for sale under the provisions of chapter thirty-nine of the revised statutes. He shall take in person or by deputy, a sample, not exceeding four ounces in weight, for said analysis, from any lot or package of agricultural seeds which may be in the possession of any grower, importer, agent or dealer in the state.

Director of Maine Agricultural Experiment Station shall analyze.

—shall take samples.

Section 2. There shall be appropriated annually from the state treasury the sum of one thousand dollars in favor of the

Appropriation for.