

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES  
OF THE  
SEVENTY-FIFTH LEGISLATURE

OF THE  
STATE OF MAINE.

1911

---

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

---

AUGUSTA  
KENNEBEC JOURNAL PRINT  
1911

---

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth  
Legislature

*1911*

---

benefit association for mutual assistance; as a monument or memorial association; as a society to promote temperance; as a village improvement society; as an association for the promotion of good municipal government; as a yacht club, a lodge of the Knights of Pythias, or for any literary, scientific, musical, charitable, educational, social, military, agricultural, moral, religious or benevolent purpose; they may apply in writing to any justice of the peace in the county, who may issue his warrant, directed to one of said applicants, requiring him to call a meeting thereof at such time and place as the justice may appoint.'

Approved March 22, 1911.

### Chapter 81.

An Act to amend Chapter two hundred and six of the Public Laws of nineteen hundred and nine, entitled An Act to consolidate and revise the Military Laws of the State of Maine.

Whereas, certain changes in the military laws are necessary in order to render more efficient the active militia of the State of Maine; therefore, in the judgment of the legislature, the measure herein proposed is immediately necessary for the preservation of the public peace, health or safety.

Preamble.

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

Section 1. Amend section two of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out in the fifth line thereof the words "biennially in April," and inserting in place thereof the words 'whenever the governor may deem necessary,' and by striking out in the sixteenth line thereof the words "on or before the first day of May of the year when made," and inserting in place thereof the word 'forthwith,' and by striking out in the seventeenth line thereof the words "on or before the tenth day of said May" and inserting in the place thereof the words 'within ten days,' and by striking out in the nineteenth and twentieth lines thereof the words "national guard" and inserting in place thereof the words 'active militia,' so that said section as amended shall read as follows:

Section 2,  
chapter 206,  
public laws  
1909,  
amended.

'Section 2. All male citizens who are more than eighteen and less than forty-five years of age, excepting idiots, lunatics, paupers, vagabonds, habitual drunkards, and persons convicted of infamous crimes, and who are resident in this state,

Enrollment.

## CHAP. 81

shall, whenever the governor may deem necessary, be enrolled by the assessors in the several cities, towns and plantations in which they reside, in such manner and according to such regulations as the governor shall prescribe. On such enrollment and opposite the name of each person who is exempt from duty under section one, or who is serving in the active militia, or who is unable by reason of physical disability to perform military duty, the assessors shall write the word "exempt" and state in each case the cause of exemption. The assessors shall subscribe said list and make oath that the same is true to the best of their knowledge and belief; and shall file the same with the clerk of the city, town or plantation forthwith; and each clerk shall, within ten days, make a certified statement of the total number enrolled, the number marked exempt, the number belonging to the active militia and the number marked disabled, and forward the same to the office of the adjutant general.'

—by whom made, what to contain and when filed.

Section 8, amended.

Section 2. Amend section eight of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out all of said section after the word "appointment" in the fifteenth and sixteenth lines thereof and inserting in place thereof the following:

'All officers of the staff of the commander-in-chief excepting the senior officer on duty in each of the staff departments shall be appointed and commissioned by the governor and shall hold office during his pleasure and until their successors are appointed and qualified,' so that said section as amended shall read as follows:

Staff of the governor.

'Section 8. 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, an inspector general with rank of colonel, a judge advocate, with rank of lieutenant colonel, the senior officer on duty with each of the staff departments, and four aides-de-camp, with the rank of major, and one naval aide with rank of lieutenant commander. All officers, except as otherwise provided in this chapter, and except the aides herein provided, must be at the time of their appointment, commissioned officers in the active militia, on the active or retired list of or above the grade of captain, but no officers shall be appointed from the retired list who shall have had less than eight years of service in the active militia, the last year of which shall have been within ten years immediately preceding the appointment.

—officers appointed from active militia.

—grade and service.

## CHAP. 81

'All officers of the staff of the commander-in-chief excepting the senior officer on duty in each of the staff departments shall be appointed and commissioned by the governor and shall hold office during his pleasure and until their successors are appointed and qualified.'

Appointment  
of staff and  
tenure.

Section 3. Amend section twenty of chapter two hundred and six of the public laws of nineteen hundred and nine by inserting after the word "otherwise" in the twenty-seventh line thereof the words 'whenever ordered by the governor' and by striking out in the twenty-eighth line thereof the word "annual," so that said section as amended shall read as follows:

Section 20,  
amended.

'Section 20. The senior officer on duty in the ordnance department shall have the rank of lieutenant colonel and shall from time to time submit to the adjutant general requisitions for all ordnance property, equipment, and accoutrements and all range and target material, which requisitions when approved by the adjutant general, and submitted to and signed by the governor shall if they be for material issued to the state by the ordnance department be forwarded to that department for supply, and if they be for material not so issued, then by direction of the adjutant general and in the manner prescribed in section twenty-seven, 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.

Ordnance de-  
partment,  
senior officer,  
his rank and  
duties.

'He shall, when required or whenever he deems it necessary, report to the adjutant general upon the condition of the ordnance, arms and accoutrements on hand or issued to the national guard; 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.

Report to  
adjutant  
general.

'He shall be the inspector of and shall exercise general supervision over the small-arms practice of the national guard. No target range or shooting gallery for the national guard shall be acquired, constructed, maintained or equipped, except upon his recommendation, unless the governor shall expressly order otherwise. Whenever ordered by the governor it shall be his duty to make or cause to be made by the regimental inspectors of small-arms practice 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

Small arms  
practice.

-inspection  
of target  
ranges and  
shooting gal-  
leries.

—annual re-  
port.

## CHAP. 81

office to the adjutant general on the fifteenth day of December annually.'

Section 38,  
amended.

Section 4. Amend section thirty-eight of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out all of said section and substituting therefor the following:

Medical re-  
serve corps,  
how con-  
stituted.

'Section 38. For the purpose of securing competent medical practitioners to conduct the physical examination of applicants for enlistment and to render medical service to any organization when so ordered by the commander-in-chief the governor is authorized to issue commissions as first lieutenants of the medical reserve corps to such active licensed practitioners of medicine and surgery in this state as shall be favorably recommended by the senior officer of the medical corps, not to exceed one for each company or other organization so situated that the services of an officer of the medical corps cannot be effectively available. Such officers are not entitled to retirement, but the commission so given shall confer upon the holders all the authority, rights and privileges of commissioned officers of like grade in the medical corps of the national guard, except promotions, but only when engaged in active duty in examining recruits or under orders from the commander-in-chief. They shall have rank in said corps according to the date of their commissions therein, and when employed on active duty shall rank next below all officers of like grade in the active militia; provided that any officer of the medical reserve corps who fails to perform his duty as herein prescribed shall forfeit his commission and not be eligible to re-appointment.

—number.

—rank ac-  
cording to  
date of com-  
mission.

'Officers of the medical reserve corps when called into or engaged in active duty shall be subject to all the laws, regulations, and orders for the government of the active militia; and for conducting the physical examination of applicants for enlistment shall be entitled to such compensation as the governor in regulations may prescribe, and for all other services to the pay of first lieutenants of the medical corps.'

—compensa-  
tion.

Section 52,  
amended.

Section 5. Amend section fifty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out in the twelfth, thirteenth, fourteenth, fifteenth and sixteenth lines thereof the words "nor shall it, upon the expiration of his present commission, prevent the re-election or re-appointment of any officer to the office he now holds for the same period of time and under the same conditions as obtained heretofore and up to the passage of this act," so that said section as amended shall read as follows:

## CHAP. 81

'Section 52. No person shall be elected, appointed or commissioned to any of the following grades, who is over the age limit prescribed for each of the several grades, namely: Brigadier general, sixty-four years; colonel and lieutenant colonel, sixty-one years; major, fifty-six years; captain, fifty years; first lieutenant, forty-five years; and second lieutenant, forty years. Any officer who shall, while serving in any of the above grades, reach the age limit prescribed for said grade, shall, if eligible, be retired; otherwise, honorably discharged. This section shall not apply to the adjutant general of the state of Maine, and shall not serve to vacate any commission now in force; nor shall it apply to chaplains of the national guard.'

Age limit prescribed for each grade of the line and staff.

—shall not apply to adjutant general nor chaplains.

Section 6. Amend section fifty-three of chapter two hundred and six of the public laws of nineteen hundred and nine by adding thereto the words, 'This section shall not apply to the adjutant general of the state of Maine,' so that said section as amended shall read as follows:

Section 53, amended.

'Section 53. No officer of the active militia shall be permitted to serve in any of the following grades for a greater period than that prescribed for each of the several grades, namely: Brigadier general, five years; colonel, six years; lieutenant colonel, seven years; major, eight years; captain, nine years; first lieutenant, ten years, and second lieutenant, ten years. But should any officer be re-elected or re-appointed to the office he now holds, the time limit of service in that grade shall be reckoned from the date of the approval or passage of this act. When an officer shall have served the prescribed time in any one grade he shall be placed on the retired list. This section shall not apply to the adjutant general of the state of Maine.'

Time limit of service in each grade of the line and staff.

—shall not apply to adjutant general.

Section 7. Amend section fifty-four of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out all of said section and substituting therefor the following:

Section 54, amended.

'Section 54. Vacancies occurring in the various grades, excepting the lowest, of the several staff departments and corps shall be filled by promoting and appointing the senior officer in the next lower grade of said department or corps. Vacancies occurring in the lowest grade thereof shall be filled in the following manner:

Vacancies in various grades of staff department and corps.  
—how filled.

'In the medical department appointments shall be made by the governor upon the recommendation of a board of examination consisting of three officers of the medical corps. Such boards of examination shall be convened by general orders from the adjutant general's office, which orders shall indicate the

Appointments in medical department, how made.



**CHAP. 81**

number of vacancies to be filled, and any active licensed practitioner of medicine and surgery in this state and who is physically sound shall be permitted to appear for examination.

Vacancy in ordnance and subsistence department, how filled.

'In the ordnance and subsistence departments any vacancy shall be filled by the appointment thereto of any commissioned officer in the active militia on the active or retired list but if from the active list of at least five years' service, two of which shall have been as a commissioned officer, and if from the retired list, that the last year of service on the active list shall have been within eight years immediately preceding the appointment.

Commanding officers shall appoint their staff.

'Commanding officers of brigades, regiments and separate battalions shall appoint their respective staff officers subject to the provisions of sections forty-seven, forty-eight, fifty-seven and fifty-eight of this act, who shall hold office during the pleasure of the officer making the appointment and until their successors are appointed and qualified, subject at all times to the same laws and regulations as apply to other commissioned officers of the national guard.

Battalion may recommend.

'Battalion staff officers are appointed by the regimental commanders upon recommendation of the battalion commander.'

Section 62, amended.

Section 8. Amend section sixty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out all of said section after the word "duty" in the thirty-second line thereof, so that said section as amended shall read as follows:

Retirement of officers under age limit, or otherwise incapacitated.

'Section 62. Any officer who is sixty-four years old, or who is found incapacitated for service by reason of physical disability under the provisions of section fifty-eight, or who hereafter shall serve in any one grade the time limit as prescribed in section fifty-three, or who shall while serving in any grade reach the age limit prescribed for that grade in section fifty-two and be eligible for retirement due to length of service or other cause specified in this section, shall be withdrawn from the active service and placed on the retired list.

Officer who serves twenty-five years or sixty years old, may be retired.

'Any officer who has served twenty-five years as a commissioned officer in the active militia of this state, or who is sixty years old, may be, by order of the commander-in-chief, withdrawn from the active service and placed on the retired list.

Service which entitles officer to retire with highest rank held by him.

'Any officer who has served as a commissioned officer in the active militia of this state six consecutive years, or as such nine years not necessarily consecutive, or nine years either as an officer or soldier in which shall be counted honest and faithful service in the military or naval service of the United States,

CHAP. 81

or both, provided six years of which have been service as a commissioned officer in the active militia of the state, shall, if he make application, be placed on the retired list with the highest rank held by him during his service.

'Any officer who has served as a commissioned officer in the active militia of this state for a continuous period of fifteen years; honorable service in war to be counted double, may at his own request be placed upon the retired list with one grade higher rank than that held at the time of his retirement.

Service which entitles officer to retire with increased rank.

'Retired officers shall be entitled to wear the uniform of the rank with which they were retired; they shall continue to be borne on the national guard register, shall be subject to military law, and may, in the discretion of the governor, be assigned to active duty.'

Retired officers entitled to wear uniform.

Section 9. Amend section sixty-six of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out in lines four and five the words "except that men may be enlisted as musicians if more than sixteen years of age," so that said section as amended shall read as follows:

Section 66, amended.

'Section 66. Recruits enlisting in the active militia must be able-bodied men, free from disease, of good character and temperate habits, between the ages of eighteen and forty-five years; and in time of peace no person who is not a citizen of the United States and of this state, or who has not made legal declaration of his intention to become a citizen or who cannot speak, read, and write the English language or who does not reside within a town where an organization of the active militia is stationed, or within a radius of twelve miles, shall be enlisted in the active militia; provided that the character and the standard of the physical examination required for enlistment in the national guard shall be as prescribed in the regulations of the war department and the laws of the United States for the government of the organized militia, and provided that no person under the age of twenty-one years, having parent or guardian entitled to his custody shall be enlisted or mustered into the active militia of the state without the written consent of such parent or guardian.

Enlistment of recruits. —character, habits and age. —must be citizen or have declared intention to become such.

—residence.

—minors must obtain consent of parent or guardian.

'No person not of the age specified above, no insane or intoxicated person, no deserter from the military or naval service of the United States or of this or any other state, and no person who has been convicted of a felony shall be enlisted in the active militia.

Persons barred from enlisting.

'Hereafter all enlistments in the active militia shall be for a term of not less than three years, and no person shall again

Term of enlistment.

CHAP. 81

—re-enlistment when dishonorably discharged.

be enlisted whose service during the last enlistment in the active militia was not honest and faithful, or who has been dishonorably discharged or discharged without honor from any military or naval organization of the state or of the United States, unless he produces the written consent to such enlistment of the commanding officer of the organization in which he last served or from which he was dishonorably discharged or discharged without honor and unless such enlistment be approved by the adjutant general.

Discharged by reason of disbandment and for physical disability.

‘Men who have been discharged by reason of disbandment may be enlisted and shall then receive credit for the period served at the time of disbandment; and a man discharged for physical disability shall if such disability cease and he again enlists, receive credit for the period served prior to such discharge.

Musicians.

‘Chief and principal musicians, musicians, and privates of the hospital corps may be enlisted as such.’

Section 75, amended.

Section 10. Amend section seventy-five of chapter two hundred and six of the public laws of nineteen hundred and nine by inserting after the word “regiment” in the third line thereof the words ‘or corps,’ so that said section as amended shall read as follows:

Colonels may be ordered to inspect companies.

‘Section 75. 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, of the lieutenant colonel, and each major 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.

—Inspector general shall make inspection.

In addition to the inspections provided for in this section, the inspector general shall make the inspection prescribed in section nineteen of this chapter; 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 equipments of the active militia.’

—inspection by medical officer.

Section 84, amended.

Section 11. Amend section eighty-four of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out all of said section and substituting the following in place thereof:

Compensation for attendance at drills.

‘Section 84. Whenever in his opinion the state of the military fund and the appropriation to defray the current expenses of the naval reserve will warrant the expenditure the commander-in-chief is authorized to allow officers and enlisted men of the active militia reasonable compensation for attendance at

CHAP. 81

drills under such regulations as he shall prescribe, such regulations to be prepared for his consideration by a special board consisting of the adjutant general, the commanding officer of the coast artillery corps, the commanding officer of the second infantry and the commanding officer of the ship's company, naval reserve.'

Section 12. Amend section eighty-six of chapter two hundred and six of the public laws of nineteen hundred and nine by inserting after the word "commander" in the ninth line thereof the words 'or other officer who in the opinion of the adjutant general is entitled to such remuneration,' so that said section as amended shall read as follows:

'Section 86. In addition to all other pay and allowances herein provided, there shall be allowed, subject to such regulations as the commander-in-chief may prescribe, to an adjutant general on the staff of a brigade commander, to a regimental adjutant, to the senior officer of the medical department, to the senior officer of the ordnance department, each, a sum not exceeding one hundred dollars per annum. To the senior officer of the subsistence department, not exceeding fifty dollars per annum. To each company commander or other officer who in the opinion of the adjutant general is entitled to such remuneration, for care and responsibility of military property, not exceeding fifty dollars per annum; to each company clerk, and to each company quartermaster sergeant, not exceeding twenty-five dollars per annum.

'To all officers ordered to make inspection or other journeys necessary in the military service, there shall be allowed all actual and necessary expenses incident to the performance of said service, including such incidental expenditures as are allowed by law and regulations to officers of the regular army when inspecting the organized militia.

'Whenever deemed necessary, the adjutant general may authorize the computation of rations for enlisted men, which shall be at the rates fixed by the regulations of the United States in force at the time.

'The adjutant general whenever necessary, and in such manner as he may deem best, shall provide suitable mounts for all officers and enlisted men required to perform mounted duty. He shall also approve all other just and reasonable claims, payments, and expenditures, legally made in behalf of the military service of the state.'

Section 13. Amend section eighty-seven of chapter two hundred and six of the public laws of nineteen hundred and nine by adding thereto the following:

Section 86,  
amended.

Additional  
pay and al-  
lowances not  
exceeding  
\$100.

—subsistence  
department  
\$50.

—company  
commander  
\$50.

—company  
clerk and  
quartermaster  
sergeant \$25.

Traveling  
expenses.

Rations for  
enlisted men.

Mounts  
provided by  
adjutant  
general.

Section 87,  
amended.

CHAP. 81

'And provided further that whenever the governor shall deem it necessary he may draw his warrant on the state treasurer in favor of the paymaster general for such sums from the military fund or the appropriation for the support of the naval reserve as may be required to meet immediate payments for current expenditures, such funds to be accounted for separately on a monthly account current to be filed with the state auditor and any unused balance to be covered into the state treasury whenever directed by the governor,' so that said section as amended shall read as follows:

Payment of  
military  
accounts.

'Section 87. All military accounts, unless otherwise specially provided by law, shall be approved by the person authorized to contract the same and transmitted to the adjutant general for his examination and approval. They shall then be presented to the governor and council, and if found correct shall be certified to the paymaster general for payment, and a warrant shall be drawn for the amount thereof on the state treasurer in favor of the paymaster general; accounts so allowed shall be paid by him to the persons to whom they are severally due, or to their order; provided that no payment whatever shall be made or allowed except for duty actually performed or services actually rendered; and provided that no payment of any sum authorized by this chapter shall be made to any person until there shall have been first deducted therefrom all amounts due by him to the state on any military account whatsoever; and provided further that whenever the governor shall deem it necessary he may draw his warrant on the state treasurer in favor of the paymaster general for such sums from the military fund or the appropriation for the support of the naval reserve as may be required to meet immediate payments for current expenditures, such funds to be accounted for separately on a monthly account current to be filed with the state auditor and any unused balance to be covered into the state treasury whenever directed by the governor.'

—certified to  
paymaster  
general.

—proviso.

—sums due  
state shall be  
deducted.

—governor  
may draw  
warrant for  
current  
expenditures.

Section 90,  
amended.

Section 14. Amend section ninety of chapter two hundred and six of the public laws of nineteen hundred and nine by adding thereto the following:

'Provided further that when he shall deem it necessary for the proper care of military property the adjutant general is authorized to lease any building or buildings or storage room, but no such lease shall be made without the approval of the governor,' so that said section as amended shall read as follows:

## CHAP. 81

'Section 90. It shall be the duty of municipal officers to provide and maintain for each company of the active militia located within the limits of their respective towns a suitable drill-room, offices, and armory, or place of deposit of all military equipment, and for the headquarters of each separate battalion, corps, regiment, and brigade established within said municipal limits suitable headquarters offices; and the suitability for the necessary military purposes, of such drill-rooms, armories and headquarters offices, shall be determined by the armory commission. A reasonable compensation to be fixed by the armory commission, after hearing and consulting with the responsible municipal officers, not to exceed three hundred dollars per annum for each company, other organization, band or separate headquarters shall be allowed as rent for such suitable building or buildings to the municipality providing and maintaining them, and paid by the state out of the military fund. Provided further that when he shall deem it necessary for the proper care of military property the adjutant general is authorized to lease any building or buildings or storage room, but no such lease shall be made without the approval of the governor.'

Armories provided and maintained by municipal officers.

—compensation fixed by commission, not exceeding \$300 annually.

—adjutant general may lease building.

Section 15. Amend section ninety-two of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out in the fourth line thereof the words "one hundred and seven" and substituting therefor the word 'ninety,' and by striking out in the seventh line thereof the words "one hundred and eight" and substituting therefor the words 'ninety-one,' so that said section as amended shall read as follows:

Section 92, amended.

'Section 92. Any municipal officer who fails, refuses, or neglects to take effective measures for providing and maintaining such suitable drill-rooms, offices, armories, or headquarters as prescribed in section ninety, and any municipal officer who fails, refuses, or neglects to take effective measures for providing and maintaining a suitable target range as prescribed in section ninety-one, shall be guilty of a misdemeanor, prosecuted by complaint or indictment before a court of competent jurisdiction, and upon conviction shall be fined not less than one hundred dollars nor more than four hundred dollars, or imprisoned for not less than three months nor more than six months, or shall suffer both such fine and imprisonment, which fine shall be paid into the state treasury and credited to the military fund.'

Penalty when any municipal officer fails or refuses to perform duty prescribed.

Section 16. Section ninety-five of chapter two hundred and six of the public laws of nineteen hundred and nine is amended

Section 95, amended.

## CHAP. 81

by adding thereto the words 'for each day actually employed in the transaction of the business of the armory commission military members other than the adjutant general shall receive the pay of their rank as provided in section eighty-five and civilian members shall receive as compensation the sum of five dollars; and all members shall be reimbursed for actual traveling expenses, such accounts to be paid from the military fund in accordance with the provisions of section eighty-seven,' so that said section as amended shall read as follows:

Armory  
commission  
created.

—duties.

'Section 95. The adjutant general, together with two officers of the line of the active militia of or above the grade of captain and two civilians appointed by the governor for a term of four years unless sooner relieved by proper authority and eligible to re-appointment for a like period, shall constitute an armory commission of which the adjutant general shall be the chairman, whose duty it shall be to exercise general supervision and control over all armories, drill-rooms, and headquarters offices, to consult and co-operate with the municipal authorities and to devise effective means of obtaining and maintaining such armories, and to fix, subject to the approval of the governor, the compensation to be allowed to the municipalities as rent for them; they shall have the power, after consulting and hearing the responsible municipal officers, to determine the administrative question of military suitability and adequate maintenance of all armories, drill-rooms, offices, and headquarters offices; and it shall be their duty to notify the responsible municipal officers of all deficiencies in these respects, and should such officers, fail, refuse, or neglect to take effective measures for providing such suitable buildings and their maintenance, the chairman of the commission shall initiate the prosecution prescribed by section ninety-two. For each day actually employed in the transaction of the business of the armory commission military members other than the adjutant general shall receive the pay of their rank as provided in section eighty-five and civilian members shall receive as compensation the sum of five dollars; and all members shall be reimbursed for actual traveling expenses, such accounts to be paid from the military fund in accordance with the provisions of section eighty-seven.'

—compensation.

Section 100,  
amended.

Section 17. Amend section one hundred of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out in the first line thereof the words "In all trials before courts-martial" and substituting therefor the words: 'In all court-martial proceedings the judge advocate or summary court shall have authority to issue in the name

CHAP. 81

of the state an order directing any military person or persons or any sheriff or constable to arrest and produce the accused before the court, and,' so that said section as amended shall read as follows:

'Section 100. In all court-martial proceedings the judge advocate or summary court shall have authority to issue in the name of the state an order directing any military person or persons or any sheriff or constable to arrest and produce the accused before the court, and the accused shall have the right to demand the nature and cause of the accusation against him, and to be presented with a copy of the charges. He shall have the right of being heard by himself or counsel or both; and shall have compulsory process for obtaining witnesses in his favor. The officer ordering a general, regimental or garrison court-martial will, at the request of any prisoner who is to be arraigned, detail as his counsel a suitable officer who shall perform such duties as devolve upon counsel for defendant before civil courts in criminal cases.'

Court-martial proceedings.

—rights of the accused.

—copy of charges.

—hearing.

—obtain witnesses.

—counsel.

Section 18. Amend section one hundred and four of chapter two hundred six of the public laws of nineteen hundred and nine by striking out after the word "person" in the second, third and fourth lines thereof the words "and such fine and costs has not been fully paid within thirty days after the confirmation thereof," and substituting therefor the words, 'and such sentence has been approved as provided in article one hundred and four of section one hundred and thirty-two of this act,' and by adding to said section the following: 'The costs of arrest and commitment in all court-martial proceedings shall be paid by the adjutant general from the military fund on presentation of all papers, showing service thereon, such copies to be certified by the judge advocate or summary court.' So that said section as amended shall read as follows:

Section 104, amended.

'Section 104. When the sentence of a court-martial adjudges a fine and costs against any person, and such sentence has been approved as provided in article one hundred and four of section one hundred and thirty-two of this act, or whenever a person in the military service is ordered confined to await trial or is sentenced to confinement by a court-martial, or whenever any person is ordered into confinement under the eighty-sixth article, at a place or station not provided with a guard-house or military prison, the governor, the court or officer ordering the court, or the officer commanding for the time being, as the case may be, shall issue a warrant of commitment directed to the sheriff of the county in which the court-martial was held, directing him to take the body of the person so convicted and

Warrants of commitment.

—when and by whom issued.

—directed to sheriff.



## CHAP. 81

—duty of  
sheriff.

confine him in the county jail; and it shall be the duty of the sheriff to take the body of the person convicted and confine him in the county jail for the time specified in the sentence, or for one day for any fine not exceeding one dollar, and one additional day for every dollar above that sum, and one additional day for each dollar of cost. The costs of arrest and commitment in all court-martial proceedings shall be paid by the adjutant general from the military fund on presentation of all papers, showing service thereon, such copies to be certified by the judge advocate or summary court.'

Section 108,  
amended.

Section 19. Amend section one hundred and eight of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out in the first line thereof the words "of this article" and inserting in the place thereof the words 'in regard to courts and boards established by this act,' so that said section as amended shall read as follows:

Provisions  
apply to  
naval reserve.

'Section 108. The provisions in regard to courts and boards established by this act shall apply, so far as apposite, to the naval reserve.'

Section 114,  
amended.

Section 20. Amend section one hundred and fourteen of chapter two hundred and six of the public laws of nineteen hundred and nine by inserting after the words "arms" in the seventeenth line thereof the word 'uniform,' so that said section as amended shall read as follows:

Uniform of  
active militia.

'Section 114. The uniform, arms, and equipment of the active militia shall be the same as those of the regular army and navy of the United States, except that on articles of uniform and equipment the distinguishing letters "Me." may be substituted for the letters "U. S."; each organization of the national guard and every enlisted man thereof shall be uniformed, armed, and equipped by the state, as is or may hereafter be prescribed or provided by the laws and regulations of the United States for the organized militia, and no member or organization of the active militia, shall adopt, use or wear in the military service of the state any other uniform, arms, or equipment.

—enlisted  
men uni-  
formed and  
equipped by  
the state.

Commissioned  
officers  
uniform and  
equip  
themselves.

'All commissioned officers shall provide themselves with such uniforms, arms, and equipment as are required of commissioned officers of the regular army; and the adjutant general may purchase and issue as state property on memorandum receipt to commissioned officers such articles of arms, uniform, and equipment as he may deem necessary.

—state  
property,  
how issued.

Clothes or  
equipment  
not subject  
to suit.

'The clothes, arms, military outfit, and accoutrements furnished by or through the state to a member of the active militia,

CHAP. 81

and the uniforms, arms, and equipment required of commissioned officers shall not be subject to any suit, distress, execution, or sale, for debt or payment of taxes.'

Section 21. Amend section one hundred and twenty-three of chapter two hundred and six of the public laws of nineteen hundred and nine by inserting after the word "deposit" in the fourth line the words, 'provided, however, that upon order of the governor and council the quartermaster general is authorized to issue to the municipal officers of any city or town field ordnance of obsolete pattern under such regulations as the governor and council may prescribe,' and by inserting after the word "responsible" in the fifteenth line the words 'and the costs and expenses incurred by entering into such bond shall be paid out of the military fund,' so that said section as amended shall read as follows:

Section 123,  
amended.

'Section 123. All property furnished by the state shall remain and continue to be the property of the state, to be used for military purposes only, and when not so in use shall be kept in the armories or designated places of deposit, provided, however, that upon order of the governor and council, the quartermaster general is authorized to issue to the municipal officers of any city or town field ordnance of obsolete pattern under such regulations as the governor and council may prescribe. Every officer receiving public property for military use shall be held responsible for the safe-keeping and the return of the same when called for; he shall account for and make such returns thereof as may be prescribed whenever called upon so to do by the governor or other proper authority, and every such officer shall, when required by the governor, give bond payable to the adjutant general of the state in such sum as he may direct, with good and sufficient sureties, conditioned to account for, safely keep, and return all military property of the state and the United States for which such officer may be accountable and responsible, and the costs and expenses incurred by entering into such bond shall be paid out of the military fund. 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 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 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

Property  
furnished  
by state  
remains state  
property.

—proviso.

—officers  
receiving  
same held  
responsible.

—wilful  
destruction  
of property  
punished.

—lost or  
destroyed  
property  
must be  
accounted for.

CHAP. 81

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 services 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 officers 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.'

—money received for such property credited to militia fund.

Section 132, amended.

Section 22. Amend section one hundred and thirty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out all of the first six lines thereof and substituting therefor the following:

Articles for the government of military forces at all times and in all places.

'Section 132. Except as provided in the preceding section the officers and soldiers of any troops whether active or reserve militia of this state or otherwise, appointed, enlisted, mustered or drafted into the military forces of this state, shall, at all times, and in all places, be governed by the following rules and articles and shall be subject to be tried by courts-martial. The word "officer," as used therein, shall be understood to designate commissioned officers; the word "soldier" shall be understood to include non-commissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial.'

Section 132, amended.

Section 23. Amend section one hundred thirty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by inserting after article twenty-six the following:

Officer wronged may apply to adjutant general for redress.

'Article 29. Any officer who thinks himself wronged by the commanding officer of his regiment or corps, and, upon due application to such commander, is refused redress, may complain to the adjutant general. The adjutant general shall examine into said complaint and take proper measures for redressing the wrong complained of.'

Soldier wronged may complain to commanding officer of his regiment.

'Article 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of his regiment, who shall summon a regimental court-martial for the doing of justice to the complainant. Any party may appeal from such regimental court-martial to a general court-martial; but if, upon such second hearing, the appeal be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.'

CHAP. 81

Section 24. Amend section one hundred and thirty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by striking out all of article sixty-four.

Section 132, amended.

Section 25. Amend section one hundred and thirty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by inserting after article eighty the following:

Section 132, amended.

'Article 81. Every officer commanding a regiment or corps shall be competent to appoint for his own regiment or corps, courts-martial, consisting of three officers.'

Commanding officer competent to appoint courts-martial.

'Article 82. Every officer commanding a garrison, fort, encampment for field service, or other place, where the troops consist of different corps, shall be competent to appoint, for such garrison or other place, courts-martial consisting of three officers.'

Commanding officer of fort, etc., competent to appoint courts-martial.

Section 26. Amend section one hundred and thirty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by inserting after article one hundred and twelve the following:

Section 132, amended.

'Article 113. Every judge advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original proceedings and sentence of such court to the adjutant general, in whose office they shall be carefully preserved.

Records of proceedings and sentence of court-martial to be forwarded to adjutant general.

'Article 114. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.'

Party tried, entitled to copy of proceedings.

Section 27. Amend section one hundred and thirty-two of chapter two hundred and six of the public laws of nineteen hundred and nine by inserting after article one hundred and twenty-one the following:

Section 132, amended.

'Article 125. In the case of death of any officer while engaged in field service for instruction or otherwise the second officer in command of the troops with which said officer was serving at the time of his death shall immediately secure all his effects then in camp and shall make and transmit to the adjutant general an inventory thereof.

On death of officer inventory of his effects shall be transmitted to adjutant general.

'Article 126. In the case of death of any soldier while engaged in field service for instruction or otherwise the commanding officer of his troop, battery, company or detachment shall immediately secure all his effects then in camp and shall,

On death of soldier inventory of his effects shall be transmitted to adjutant general.

**CHAP. 82**

in the presence of two other officers, make an inventory thereof and transmit the same to the adjutant general.

Duty of officers charged with care of effects of deceased officers or soldiers.

'Article 127. Officers charged with the care of the effects of deceased officers or soldiers shall account for and deliver the same in accordance with such instructions as may be given by the adjutant general. And no officer so charged shall be discharged until he has deposited in the hands of the commanding officer of his regiment or corps all the effects of such deceased officers or soldiers not so accounted for and delivered.'

When this act shall take effect.

Section 28. This act shall take effect when approved.

Approved March 23, 1911.

**Chapter 82.**

An Act to provide for the appointment of a State Sealer of Weights and Measures, and to define his duties.

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

State sealer of weights and measures.

—standards of weights and measures shall be kept at state capital.

Section 1. The state commissioner of agriculture shall be the state sealer of weights and measures. The standards of weights and measures adopted by the state shall be deposited in a suitable room at the state capital, and be by him kept in suitable cases, for the purpose of comparing with standards which by law, are furnished, upon the order and approval of the state sealer, for the use of the several counties, cities and towns.

Shall enforce all laws relating to weights and measures.

—shall adjust and seal weights and measures once in ten years.

Section 2. The state sealer of weights and measures shall enforce the provisions of law requiring county and municipal officers to procure, maintain, prove and seal county and municipal standards as required by law, and all standards purchased after this act shall take effect shall be approved by said state sealer. Beginning July first, nineteen hundred and eleven, he, or his duly authorized agent, shall try, adjust and seal the standard weights, measures and balances of each county, city and town at least once in ten years and shall see that they are kept in good order and condition, and for such purposes he, or his duly authorized agent, may at any time on the request of the county commissioners of any county, the mayor of any city, or the municipal officers of any town, visit such county, city or town, and shall at all times have access to county, city or town standards. He, or his duly authorized agent, may also at all reasonable times inspect and test the weights, measures and balances of any person, firm, association or corporation used or to be used in purchasing from or selling to the

—he may inspect and test weights and measures of any person, firm or association.