

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Seventh Legislature

1915

[supplied from page 1 of volume]

CHAP. 145 of April and the first day of May, nor to smelts taken in Passamaquoddy bay, St. Croix river and Cobscook bay and the coves and inlets tributary to these bays between the first day of September and the first day of October.'

Approved March 22, 1915.

Chapter 145.

An Act to Amend Chapter Two Hundred Six of the Public Laws of Nineteen Hundred Nine, Entitled, "An Act to Consolidate and Revise the Military Laws of the State of Maine," as Amended by Chapters Seven and Eighty-one of the Public Laws of Nineteen Hundred Eleven and as Further Amended by Chapters Three and One Hundred Fifty-one of the Public Laws of Nineteen Hundred Thirteen.

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

Section I. Amend section eight of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, by striking out in the fourth and fifth lines the words "an inspector general with rank of colonel, a judge advocate with rank of lieutenant colonel" and by striking out the word "major" in the seventh line and substituting therefor the word 'captain,' and in the eighth and ninth lines by striking out the word "commander" and the words "except as otherwise provided in this chapter, and except the aides herein provided." Add to the first paragraph the following: "The four aides-de-camp and naval aide may be detailed from the commissioned officers of the active militia of the grade above specified but officers so detailed shall not be relieved thereby from their regular duties in the active militia except when on duty with the commander-in-chief. Provided that nothing in this act shall be construed as terminating the commissions of the aides-de-camp and naval aide now serving on the staff of the commander-in-chief.' So that said section as amended shall read as follows:

Ch. 206, Sec. 8, P. L. 1909, amended.

—stricken out.

—additional.

Governor's staff, of whom composed.

Officers appointed from active militia.

—grade and service.

'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, the senior officer on duty with each of the staff departments, and four aides-de-camp, with the rank of captain, and one naval aide with rank of lieutenant. All officers 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. The four aides-de-camp and naval aide may be detailed from the commissioned officers of the active militia of the grade above specified, but officers so detailed shall not be relieved thereby from their regular duties in the active militia except when on duty with the Commander-in-Chief. Provided that nothing in this act shall be construed as terminating the commissions of the aides-de-camp and naval aide now serving on the staff of the Commander-in-Chief.

—may be detailed from active militia.

—proviso.

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.

Shall be commissioned by and hold office during pleasure of Governor.

Section 2. Amend section twenty of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, by striking out the words "lieutenant colonel" in the second line and substituting therefor the word 'major,' so that said section as amended shall read as follows:

Ch. 206, Sec. 20, P. L., 1909, amended.

'Section 20. The senior officer on duty in the ordnance department shall have the rank of major 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.

Senior officer of ordnance department, 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.

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Inspector of small arms practice, target ranges and shooting galleries as ordered by Governor.

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 office to the Adjutant General on the fifteenth day of December annually.'

—annual report.

Ch. 206, Sec. 21, P. L., 1909, amended.

Section 3. Amend section twenty-one of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out the word "surgeon" in the first line and the words "lieutenant colonel" in the second line and substituting therefor the word 'officer' in the first line and the word 'major' in the second line, so that said section as amended shall read as follows:

Senior officer of medical department, his rank and duties.

'Section 21. The senior officer on duty in the medical department shall have the rank of major and under the direction of the Adjutant General and in the manner prescribed in section twenty-seven, shall purchase and direct the issue of all medical supplies and equipment, certify all bills therefor as correct and transmit them to the Adjutant General. It shall be his duty to make or cause to be made by an officer of the medical department an annual inspection and inventory of the stock of medical supplies on hand at general headquarters, to make a list of the articles and qualities needed to equip the national guard in the manner prescribed by the War Department, and transmit the same to the Adjutant General for authority to supply the same; and he shall make to the Adjutant General a detailed report of transactions of his office and of the condition and quantity of medical supplies on hand, on the fifteenth day of December annually.'

—annual inspection of supplies.

—annual report.

Ch. 206, Sec. 22, P. L., 1909, amended.

Section 4. Amend section twenty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the first and second lines the words "subsistence department" and the words "lieutenant colonel" and substituting therefor the words 'quartermaster corps' and the word 'major,' so that said section as amended shall read as follows:

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'Section 22. The senior officer on duty in the quartermaster corps shall have the rank of major and shall, under the direction of the Adjutant General, purchase and issue in the manner prescribed in section twenty-seven, all subsistence stores and property, certify all bills therefor as correct and transmit them to the Adjutant General; he shall make a detailed report of the transactions of his office to the Adjutant General on the fifteenth day of December annually.'

Senior officer of subsistence department, his rank and duties.

—annual report

Section 5. Amend section twenty-three of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the first and second lines the following words: "The judge advocate shall be appointed by the Governor, with rank of lieutenant colonel," and substituting therefor the following: "The senior officer on duty in the judge advocate general's department shall have the rank of major," so that said section as amended shall read as follows:

Ch. 206, Sec. 23, P. L. 1909, amended.

'Section 23. The senior officer on duty in the judge advocate general's department shall have the rank of major; he shall be an attorney-at-law of the Supreme Judicial court of this State, of at least five years' standing. He shall be, under the direction of the Governor, charged with the supervision of all things relating to the administration of justice in the military forces of the State; he shall diligently scrutinize and examine the proceedings of all courts-martial and courts of inquiry which are submitted to him for review and report thereon to the Adjutant General; he shall when directed act as judge advocate or recorder of any military court or board; he shall be the legal adviser of the military department, and to him may be referred for supervision all contracts, agreements, or other instruments to be drawn or executed in the course of the business thereof. He shall make a detailed report of the transactions of his office to the Adjutant General on the fifteenth day of December annually.'

Senior officer of judge advocate general's department, his qualifications, rank and duties.

—judge advocate of military court.

—annual report.

Section 6. Amend section twenty-five of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the fifteenth, sixteenth and seventeenth lines the following words, "the corresponding departmental office authorized under section eight, shall cease to exist and," so that said section as amended shall read as follows:

Ch. 206, Sec. 25, P. L., 1909, amended.

'Section 25. In time of war, insurrection, invasion or rebellion, or of imminent danger thereof, the Governor may appoint such staff officers and create such chiefs of staff departments as may be necessary to provide for an increased active militia or to fill the vacancies caused by absence in active service, or for both purposes; provided, that appointments in a

Governor may, when necessary, appoint additional staff officers.

CHAP. 145 staff department or corps shall be made from officers of the existing staff departments or corps as promotions so far as such officers are available; provided, also, that promotion in each staff department or corps and appointments to fill vacancies thus created shall be made as hereinafter prescribed. Provided further, that in time of peace, whenever the formations of the active militia shall require it, the Governor may organize such additional staff departments as are thereby made necessary, and whenever such new departments are organized the senior officer on duty with the new staff department shall be ex-officio a member of the Governor's staff.

Staff department or corps appointment shall be by promotion.

Governor may organize additional staff departments in time of peace.

Ch. 206, Sec. 35, P. L. 1909, amended.

Section 7. Amend section thirty-five of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out all of said section after the word "shall" in the sixth line and substituting therefor the following: 'be constituted the same as is now or may hereafter be prescribed or provided by the laws and regulations of the United States for the organized militia,' so that said section as amended shall read as follows:

National guard may constitute a brigade, when.

'Section 35. The regiments and all other military units of the national guard shall, when so ordered by the Governor, constitute a brigade, which shall be commanded by the brigadier general, or, in case of his absence or disability, by the senior line officer of the national guard. The staff of the brigade commander shall be constituted the same as is now or may hereafter be prescribed or provided by the laws and regulations of the United States for the organized militia.'

Staff of brigade commander.

Ch. 206, Sec. 36, P. L., 1909, amended.

Section 8. Amend section thirty-six of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the fourth, fifth and sixth lines the following words: "A subsistence department, one commissary, lieutenant colonel; an ordnance department, one lieutenant colonel and one major" and substituting therefor the following: 'An inspector general's department, one major; a judge advocate general's department, one major; a quartermaster corps, one major, two captains and three sergeants, first class; an ordnance department, one major and one ordnance sergeant.' And by adding the following paragraph: 'Immediately following the date on which this act becomes law all commissions affected thereby will be vacated and the officers serving thereunder will be recommissioned in the new grade and rank,' so that said section as amended shall read as follows:

--stricken out.

--substituting for.

--additional.

Staff departments, officers and rank.

'Section 36. There shall be the following departments consisting of officers of number and rank specified necessary for the maintenance of the staff corps and departments, of the na-

tional guard, namely: an inspector general's department, one major; a judge advocate general's department, one major; a quartermaster corps, one major, two captains and three sergeants, first class; an ordnance department, one major and one ordnance sergeant, and a medical department, organized as prescribed in the following section.

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Immediately following the date on which this act becomes law all commissions affected thereby will be vacated and the officers serving thereunder will be recommissioned in the new grade and rank.

Officers to be recommissioned in new rank.

Section 9. Amend section thirty-seven of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the first line thereof the words "from and after the approval of this act" and all of the second paragraph of said section, so that said section as amended shall read as follows:

Ch. 206, Sec. 37, P. L., 1909 amended.

—stricken out.

'Section 37. The medical department of the national guard shall consist of medical corps, a medical reserve corps and the hospital corps. The medical corps shall consist of the officers necessary for the staff department, for service with the regiments, separate battalions and artillery corps of the national guard, and for the organization of such ambulance companies, field hospitals, and supply depots, as may be authorized or required as the proper complement for the national guard by the orders of the War Department, of the laws and regulations of the United States governing the organized militia; and such officers shall have the same titles as those of corresponding grades in the United States army, and shall be of the same grades and numbers as are authorized or prescribed by the laws and regulations of the United States for service with the corresponding organizations of the regular army, or as authorized or prescribed by the said laws and regulations or orders of the War Department for the government of the organized militia.

Medical department.

Medical corps.

All promotions in the medical corps to fill vacancies in the several grades created or caused by this act, or hereafter occurring, shall be made according to seniority and no person shall receive an appointment as first lieutenant in the medical corps unless he shall have been examined and approved by a medical board of the national guard as hereinafter prescribed.'

Promotions by seniority.

—medical examination.

Section 10. Amend section forty-five of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out all of said section after the word "for" in the eighth line and substituting therefor the following: 'each division commander shall be allowed a sum not exceeding fifty dollars per

Ch. 206, Sec. 45, P. L., amended.

CHAP. 145 annum for the care and responsibility of public property for which he is accountable; the executive officer of the ship's company, each division clerk and the third class yeomen of each division shall receive for their services a sum not exceeding twenty-five dollars per annum,' so that said section as amended shall read as follows:

Pay and allowances of the naval reserve.

'Section 45. The pay of officers and petty officers of the naval reserve shall be the same as that of officers and non-commissioned officers of the same relative rank in the national guard; and seamen shall receive the pay of privates of infantry. The commanding officer of the ship's company shall be allowed a sum not exceeding fifty dollars per annum for the care and responsibility of such state and United States property as he may be accountable for; each division commander shall be allowed a sum not exceeding fifty dollars per annum for the care and responsibility of public property for which he is accountable; the executive officer of the ship's company, each division clerk and the third class yeomen of each division shall receive for their services a sum not exceeding twenty-five dollars per annum.'

Ch. 206, Sec. 50, P. L., 1909, amended.

—stricken out.

Section 11. Amend section fifty of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the eighth and ninth lines thereof the words "provided that any officer now in active service and holding a commission in the active militia shall be eligible to re-election," and in the tenth line the word "also," so that said section as amended shall read as follows:

Election and promotion of line officers.

—by written vote, subject to age limit.

—proviso.

'Section 50. General, field, and company officers, of the line, shall be elected as follows: Brigadier generals by the written votes of the field officers of their respective brigades; field officers by the written votes of the captains and subalterns of their respective regiments or corps; captains and subalterns by the written votes or the members of their respective companies; subject to the age limit prescribed in section fifty-two: Provided that if section one, article seven of the constitution of the State shall be hereafter amended in such manner as to permit the Legislature to prescribe the mode of selecting officers for the grades herein specified, then, on and after the first day of July next succeeding the adoption of such amendment, the said officer shall be promoted and appointed by the Governor as follows and the elective system prescribed in this chapter shall cease to exist, otherwise to remain in full force and effect: Vacancies in the grade of brigadier general shall be filled by promoting the senior colonel; vacancies in the field grades of a regiment or corps by promoting the senior

—elective system to cease.

Senior officers shall be promoted.

officer of the regiment or corps, or the next lower grade; vacancies in the grade of captain or lieutenant by promoting the senior officer of the company, of the next lower grade. Subject in each case to examination as provided in section fifty-eight. Vacancies in the grade of second lieutenant shall be filled in the following manner: All enlisted men of the company, and any battalion and regimental non-commissioned staff officer who was appointed from said company, shall if physically sound be eligible for appointment, and shall be permitted to appear before an examining board, for a physical and a competitive practical and theoretical examination; and the enlisted men whom the board considers, after the competitive examination, to be the best qualified shall be appointed to fill the vacancy. The Governor shall prescribe regulations as to the scope and manner of conducting such examinations, and if no such enlisted man appears or if none satisfactorily passes said examination, then the Governor shall fill the vacancy by making an appointment from the enlisted men of the organization in which the vacancy occurred.'

Section 12. Amend section fifty-two of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, by striking out all after the words "brigadier general" in the fourth line thereof and substituting the following: 'colonel and lieutenant colonel, sixty-one years; major and captain, fifty-six years; first lieutenant, fifty years; second lieutenant, forty-five years. This section shall not apply to the Adjutant General of the State of Maine nor shall it apply to chaplains of the national guard,' so that said section as amended shall read as follows:

'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, colonel and lieutenant colonel, sixty-one years; major and captain, fifty-six years; first lieutenant, fifty years; second lieutenant, forty-five years. This section shall not apply to the Adjutant General of the State of Maine nor shall it apply to chaplains of the national guard.'

Section 13. Amend section fifty-four of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, by striking out in the fifteenth line thereof the words "the ordnance and subsistence departments," and substituting therefor the words 'all other staff departments and corps,' so that said section as amended shall read as follows:

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—vacancies in grade of second lieutenant shall be filled by competitive examination.

Governor shall regulate conducting of examinations.

—appointment may be made if necessary.

Ch. 206, Sec. 52, P. L., 1909, amended.

—substitutions made.

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

—shall not apply.

Ch. 206, Sec. 54, P. L., 1909, as amended by Ch. 81, P. L., 1911, further amended.

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Vacancies
in various
grades of
staff depart-
ment and
corps.

—how filled.

Appoint-
ments in
medical de-
partment,
how made.

Vacancies
in other
staff depart-
ments, how
filled.

Command-
ing officers
shall ap-
point their
staff.

Battalion
command-
er may
recomend.

Ch. 206, Sec.
60, P. L. 1909,
amended.

Honorable
discharge of
officers.

—proviso.

'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 grades thereof shall be filled in the following manner:

In the medical department appointments shall be made by the Governor upon the recommendation of the 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 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.

In all other staff departments and corps 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 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 staff officers are appointed by the regimental commanders upon the recommendation of the battalion commander.'

Section 14. Amend section sixty of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the first line thereof the word "limit" and in the second line the word "fifty-two" and substituting therefor the word 'sixty-two'; so that said section as amended shall read as follows:

'Section 60. Any officer who shall reach the age prescribed in section sixty-two, or who shall fail in a second examination as prescribed in section fifty-eight, or who shall be rendered surplus by reduction or disbandment of his organization in any manner provided for in this chapter, or who accepts an appointment in the army, navy or marine corps of the United States, if in each case he is ineligible for retirement, or who

tenders his resignation and the same having been accepted, shall receive an honorable discharge, provided he shall not be under arrest or returned to a military court for any deficiency or delinquency and provided he be not indebted to the State in any manner, and that all his accounts for money and public property be correct.'

Section 15. Amend section sixty-two of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, by striking out in the fifth, sixth and seventh lines thereof the words "or who shall while serving in any grade reach the age limit prescribed for that grade in section fifty-two," so that said section as amended shall read as follows:

'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, and be eligible for retirement due to length of service or other cause specified in this section shall be withdrawn from active service and placed on the retired list.

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.

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, 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.

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.'

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Ch. 206, Sec. 62, P. L., 1909, as amended by Ch. 81, P. L. 1911, further amended.

Retirement of officers found incapacitated for service.

Officer who has served twenty-five years may be placed on retired list.

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

—may retire with increased rank.

Retired officer entitled to wear uniform.

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Ch. 206 P. L. 1909, amended

Kinds of discharges and how made.

Honorable discharge.

Discharge without honor, how made.

—no trial.

—disqualified.

—imprisonment.

—specially ordered

Dishonorable discharge. —sentence.

—felony.

Application for dishonorable discharge, how acted upon.

Ch. 206, Sec. 85, P. L., 1909, amended.

—additional.

Section 16. Amend chapter two hundred six of the Public Laws of nineteen hundred nine by striking out all of section seventy-two and substituting therefor the following:

‘Section 72. No enlisted man shall be discharged from the service without a discharge in writing signed by the regimental or corps commander and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the Commander-in-Chief or Adjutant General, upon personal application, by sentence of a general or special court-martial or military commission on certificate of disability by direction of the Adjutant General, and in compliance with an order of a court of competent jurisdiction, or a judge or justice thereof, on a writ of habeas corpus.

Discharges shall be of the following kinds:

1. Honorable discharge, which shall be given to every soldier whose service has been honest and faithful, his conduct having been such as to warrant his re-enlistment.

2. Discharge which shall be given to a soldier:

(a) Without trial, on account of fraudulent enlistment.

(b) Without trial, on account of having become disqualified for service, physically or in character, through his own misconduct.

(c) On account of imprisonment under sentence of a civil court.

(d) Where discharge without honor is specially ordered by the Commander-in-Chief for any other reason.

3. Dishonorable discharge, which may be given to a soldier.

(a) Sentence to be so discharged by a court-martial or military commission.

(b) Convicted of felony.

(c) Whose commanding officer makes application to the Adjutant General for his discharge for the good of the service, stating briefly the misconduct relied upon as a ground for the discharge; if the Adjutant General, after investigation in which the soldier complained of shall be given a full and fair hearing, concur in the application, he may issue his order for dishonorable discharge.’

Section 17. Amend section eighty-five of chapter two hundred six of the Public Laws of nineteen hundred nine by adding after the word “pay” in the fourth line thereof the following words, ‘All officers of staff departments and corps, five dollars,’ so that said section as amended shall read as follows:

Section 85. Each officer and enlisted man ordered for duty by the Commander-in-Chief, or under his authority, shall receive for every day actually on duty, the following pay: All officers of staff departments and corps, five dollars; brigadier general, six dollars; colonel, five dollars; lieutenant colonel, four dollars and fifty cents; major, four dollars; captain, three dollars and fifty cents; first lieutenant, three dollars; second lieutenant, two dollars and fifty cents; first class sergeant, hospital corps, regimental sergeant major, quartermaster sergeant, commissary sergeant and first sergeant, two dollars; battalion sergeant major, one dollar and ninety cents; color sergeant, one dollar and eighty-five cents; company quartermaster sergeant, sergeant, cook, one dollar and seventy-five cents; corporal, one dollar and fifty cents; first class private, hospital corps, one dollar and forty cents; private, hospital corps, one dollar and thirty cents; private, one dollar and twenty-five cents; members of the band, three dollars; and in addition thereto, there shall be allowed the necessary transportation and subsistence: Provided that no pay or compensation shall be allowed when ordered for inspection or muster, small arms practice, drill, parade, review, field service, or practice marches, unless expressly authorized in the order for such duties, and provided further, that when ordered for encampments, maneuvers, field exercise, or small arms' competitions, or when called forth in aid of the civil authority, commissioned officers of whatsoever grade, shall receive the pay proper of officers of the same grade in the regular army, and enlisted men shall receive the pay set forth in this section.

Should the active militia, or any part of it, be ordered on duty for more than ten days, officers and men shall receive the same pay and allowances as the regular troops of the United States, but if when ordered the length of service is not given, they shall be paid for the first ten days as specified in this section, and after ten days, shall receive the same pay and allowances as the regular troops of the United States.

When the active militia, or any portion thereof, shall be called forth in aid of the civil authority, or assembled in obedience to such calls, as provided for in sections seventy-seven and seventy-eight, all officers and men thereof shall receive the pay set forth in this section; and such compensation and the necessary expenses incurred in quartering, caring for, transporting, and subsisting the troops as well as the expense incurred for pay, care and subsistence of officers and enlisted men temporarily disabled in the line of duty, while on such duty, shall be paid by the county where such service is rendered.

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Duty pay of each officer and enlisted man.
 Staff and corps officers, \$5.
 Brigadier general, \$6.
 Colonel, \$5.
 Lieutenant, \$4.50.
 Major, \$3.50.
 Captain, \$3.50.
 First lieutenant, \$3.
 Second lieutenant, \$2.50.
 Sergeants, from \$2 to \$1.75.
 Corporal, \$1.50.
 privates, \$1.40 to \$1.25.
 Band, \$3.00.

Transportation and subsistence expenses allowed.

—proviso.

—compensation of officers, same as regular army, when.

Compensation for active service after ten days.

County shall pay for active militia service rendered therein.

CHAP. 145

Certificates of indebtedness issued by county treasurer.

—certificate to bear interest and payable January 1.

Certificates shall be sold at public or private sale.

Public officer, neglecting duty, shall forfeit costs of proceedings in such amount as may be fixed by the court.

Ch. 206, Sec. 86, P. L., 1909, as amended by Ch. 81, P. L., 1911, further amended.

Additional pay and allowances not exceeding \$100.

Quartermaster corps, \$50.

Company commander, \$50.

Company clerk and quartermaster sergeant, \$25.

The treasurer of such county shall, upon presentation to him of vouchers and pay rolls for such expenses and compensation, certified by the commanding officer of the organization or corps on duty in aid of the civil authority in such county or counties, and approved by the Adjutant General, forthwith execute in behalf of and in the name of such county a certificate or certificates of indebtedness for the money required to pay such vouchers and pay rolls; such certificates shall bear interest at the rate of not to exceed six per centum per annum, and shall be made payable on the first day of January following the expiration of two months from their issue, and the amount thereof shall be raised in the next tax budget of said county succeeding their issue, and applied to the payment of such certificates. Said county treasurer shall sell such certificates at public and private sale, and apply the proceeds thereof to the payment of such expenses and compensation. Any county treasurer or public officer who shall neglect or refuse to perform any of the duties required by this section, shall be personally charged with the costs and all necessary disbursements of any action or proceeding brought to compel such performance, together with a reasonable additional allowance to the plaintiff or relator in such action or proceeding, to be fixed by the court.'

Section 18. Amend section eighty-six of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, by adding after the word "adjutant" in the fifth line thereof the words 'to the senior officer of the inspector general's department,' and by striking out in the eighth line thereof the words "subsistence department," and substituting therefor the words 'quartermaster corps,' 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 inspector general's department, 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 quartermaster corps, 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 expense 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.

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Travel and incidental expenses.

Whenever deemed necessary, the Adjutant General may authorize the commutation of rations for enlisted men, which shall be at the rates fixed by the regulations of the United States in force at the time.

Rations for enlisted men.

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.'

-mounts provided by Adjutant General.

Section 19. Amend section ninety-one of chapter two hundred six of the Public Laws of nineteen hundred nine by adding thereto the words 'including Sundays subject to the approval of the Adjutant General,' so that said section as amended shall read as follows:

Ch. 206, Sec. 91, P. L., 1909, amended. --additional.

'Section 91. It shall be the duty of municipal officers to provide for each company of the active militia located within the limits of their respective towns a suitable target range, except where such range shall be provided out of the military fund appropriated by the Congress of the United States and apportioned to the State for that purpose; and it shall be the duty of such municipal officers to maintain and keep in good repair such target range for the use of the company or companies located within the limits of their municipality, irrespective of the method in which such range may have been obtained. The suitability of such target range for the necessary military purposes shall be as determined by the inspector of small arms practice of the national guard and approved by the Adjutant General. All ranges shall be open for the use of members of the national guard at any time, including Sundays, subject to the approval of the Adjutant General.'

Target range provided and maintained by municipal officers.

--approved by Adjutant General.

--Sunday included.

Section 20. Amend section one hundred of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, by striking out in the tenth line the words "regimental or garrison," and substituting therefor the words 'or special,' so that said section as amended shall read as follows:

Ch. 206, Sec. 100, P. L., 1909, as amended by Ch. 81, P. L., 1911, further amended.

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Court-martial proceedings.

—rights of the accused.

—copy of charge.

—hearing.

—may obtain witnesses.

—counsel.

'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 or special 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.'

Ch. 206, Sec. 104, P. L., 1909, as amended by Ch. 81, P. L., 1911, further amended.

Substituted for last sentence.

Section 21. Amend section one hundred four of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, by striking out all of the last sentence of said section and substituting therefor the following: 'The costs of arrest and commitment in all court-martial proceedings shall be the same as is prescribed in Revised Statutes of this State for such service in the courts of this State and shall be paid by the Adjutant General from the military fund on presentation of all papers or copies of papers showing the service thereon. Such papers and copies to be certified as correct by the judge advocate or summary court,' so that said section as amended shall read as follows:

Warrants of commitment shall be issued, when and by whom.

'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 four, section one hundred 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 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

—directed to sheriff, his duty.

—punishment.

dollar of cost. The costs of arrest and commitment in all court-martial proceedings shall be the same as is prescribed in Revised Statutes of this State for such service in the courts of this State and shall be paid by the Adjutant General from the military fund on presentation of all papers or copies of papers showing the service thereon. Such papers and copies to be certified as correct by the judge advocate or summary court.'

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—costs, how paid.

—papers, certified to.

Section 22. Amend section one hundred seven of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the second line of said section the words "regimental and each garrison" and substituting therefor the word 'special,' so that said section as amended shall read as follows:

Ch. 206, Sec. 107, P. L. 1909, amended.

'Section 107. Each summary court and the judge advocate of each special court shall, at the end of each month, make a report to the Adjutant General of the cases tried setting forth the offense committed and penalty awarded, which reports may be destroyed when no longer of use.'

Report of trials to Adjutant General.

Section 23. Amend article four of section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by adding after the word "general" in the seventh line the words 'or special,' so that said article as amended shall read as follows:

Ch. 206, Sec. 132, Art. 4, P. L., 1909, amended.

'Article 4. No enlisted man, duly sworn, shall be discharged from service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the Governor, the Adjutant General or by sentence of a general or special court-martial.'

Discharge of enlisted man.

Section 24. Amend article thirty of section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, by striking out in the third and fifth lines the words "regimental" and substituting therefor the word 'special' and by adding in the third line after the word "regiment" the words 'or corps,' so that said article as amended shall read as follows:

Ch. 206, Sec. 132, Art. 30, P. L. 1909, as amended by Ch. 81, P. L. 1911, further amended.

'Article 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of the regiment or corps, who shall summon a special court-martial for the doing of justice to the complainant. Any party may appeal from such special court-martial to a general court-material; but if, upon such second hearing, the appeal be groundless and

Soldier wronged may complain to commanding officer of his regiment.

—appeal.

CHAP. 145 vexatious, the party appealing shall be punished at the discretion of said general court-martial.'

Ch. 206, Sec. 132, Art. 62, P. L., 1909, amended.

Section 25. Amend article sixty-two of section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the fifth line the words "regimental garrison" and substituting therefor the word 'special,' so that said article as amended shall read as follows:

Crimes, disorder and neglects, not otherwise mentioned, how punishable.

'Article 62. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles are to be taken cognizance of by a general, or a special, or summary court martial, according to the nature and degree of the offense, and punished at the discretion of such court.'

Ch. 206, Sec. 132, Art. 72, P. L., 1909, as amended.

Section 26. Amend section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out all of article seventy-two and substituting therefor the following:

Courts-martial of three kinds.

'Article 72. After this act becomes law, courts-martial shall be of three kinds, namely: First, general courts-martial; second, special courts-martial; and third, summary courts-martial.

—general.

General courts-martial may consist of any number of officers from five to thirteen, inclusive.

—special.

Special courts-martial may consist of any number of officers from three to five, inclusive.

—summary.

A summary court-martial shall consist of one officer.'

Ch. 206, Sec. 132, P. L., 1909, amended.

Section 27. Amend section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by adding the following article:

—additional.

'Article 73. The Commander-in-Chief may appoint general courts-martial whenever necessary; and its proceedings and sentence shall be sent directly to the Adjutant General, by whom they shall be laid before the Governor for his approval or orders in the case. When empowered by the Commander-in-Chief, the commanding officer of any district or of any force or body of troops, may appoint general courts-martial whenever necessary; but when any such commander is the accuser or the prosecutor of the person or persons to be tried the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser, or a witness for the prosecution.'

Appointment of general courts-martial by Commander-in-Chief.

Officers not eligible, when.

Ch. 206, Sec. 132, Art. 74, P. L., 1909, amended.

Section 28. Amend section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out all of article seventy-four and substituting therefor the following:

'Article 74. The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command, larger than a company, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.'

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Commanding officers may appoint special courts-martial.

—eligibility of officers to sit.

Section 29. Amend section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out all of article seventy-five and substituting therefor the following:

Ch. 206, Sec. 132, Art. 75, P. L. 1909, amended.

'Article 75. General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by the military law and any other person who by statute or by law of war is subject to trial by military tribunals.'

Powers of general courts-martial.

Section 30. Amend section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by adding the following articles:

Ch. 206, Sec. 132, P. L., 1909, amended.

'Article 76. Special courts-martial shall have the power to try any person subject to military law, except an officer, for any crime or offense not capital made punishable by the military law.

Art. 76. Powers of special Courts-martial.

Special courts-martial shall have concurrent jurisdiction with the summary court in all minor offenses and with the general court-martial in all offenses not capital. The order appointing the court shall designate the person or persons to be tried and the offense or offenses for which they are to be tried.

—concurrent jurisdiction.

Said court-martial shall have power to adjudge punishment not to exceed thirty days' confinement, dishonorable discharge, forfeiture of all pay or allowances, and a fine of fifty dollars and cost of witnesses, or any or all of such confinement, forfeiture and pay.'

—punishments allowed.

'Article 77. Summary courts-martial shall have power to try any soldier for any crime or offense not capital made punishable by the military law: Provided, that non-commissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial.

Art. 77. Powers of summary courts-martial.

Summary courts-martial shall have power to adjudge punishment not to exceed thirty days' confinement, forfeiture of thirty dollars pay or a fine of thirty dollars, or any or all of such confinement, forfeiture of pay and fine, and in addition

Punishments, which may be allowed.

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—proviso.

thereto, in case of non-commissioned officers, reduction to the ranks, and in the case of first-class privates reduction to second-class privates: Provided, that the summary court shall not adjudge confinement, forfeiture or fine in excess of ten days' confinement, forfeiture of ten dollars pay, or a fine of ten dollars, or any or all of such confinement, forfeiture, and fine unless the accused shall before trial consent in writing to trial by said court; but in any case of refusal to so consent the trial may be had either by general or special court-martial, or by summary court, but in case of trial by said summary court without consent, as aforesaid, the court shall not adjudge more than ten days' confinement, forfeiture of ten dollars pay and a fine of ten dollars, or any or all of such confinement, forfeiture and pay.'

—penalty limited.

Art. 78. Appointment of judge advocate.

'Article 78. Officers who may appoint a court-martial, excepting summary courts, shall be competent to appoint a judge advocate for the same.'

Ch. 206, Sec. 132, Art. 80, P. L., 1909, amended.

Section 31. Amend article eighty of section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the eighteenth and nineteenth lines the words "and in the case of non-commissioned officers, reduction to the ranks in addition thereto" and in the thirty-third line the words "garrison, regimental" and substituting therefor the word 'special,' so that said article as amended shall read as follows:

Summary court for trial of enlisted men.

'Article 80. The commanding officer of each camp, station, or other place, regiment or corps, detached battalion, or company, or other detachment in the military forces of this State, shall have power to appoint for such place, command, or station, a summary court to consist of one officer to be designated by him before whom enlisted men who are to be tried, shall be brought to trial within twenty-four hours of the time of the arrest, or as soon thereafter as practicable, except when the accused is to be tried by general court-martial; but such summary court may be appointed and the officer designated by superior authority when by him deemed desirable; and the officer holding the summary court shall have power to administer oaths and to hear and determine such cases, and when satisfied of the guilt of the accused adjudge the punishment to be inflicted, which said punishment shall not exceed ten days' confinement, forfeiture of ten dollars pay, or a fine of ten dollars, or any or all of such confinement, forfeiture of pay and fine; that there shall be a summary court record kept at the headquarters of the proper command in the field, each regiment, or corps, detached battalion, or company at its home station, in

—how appointed.

—powers of.

—punishment.

which, shall be entered a record of all cases heard and determined and the action had thereon; and no sentence adjudged by said summary court shall be executed until it shall have been approved by the officer appointing the court, or by the officer commanding for the time being: Provided, that when but one commissioned officer is present with a command he shall hear and finally determine such cases; and provided further, that non-commissioned officers shall not, if they object thereto, be brought to trial before summary courts without the authority of the officer competent to order their trial by general court-martial but shall in such cases be brought to trial before special or general courts-martial, as the case may be.'

Section 32. Articles eighty-one, eighty-two and eighty-three of section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapter eighty-one of the Public Laws of nineteen hundred eleven, are hereby repealed.

Section 33. Amend article eighty-four of section one hundred thirty-two of chapter two hundred six of the Public Laws of nineteen hundred nine by striking out in the fourth line the words "regimental and garrison courts" and substituting therefor the words 'a special court,' so that said article as amended shall read as follows:

'Article 84. The judge advocate shall administer to each member of the court, before they proceed upon trial, the following oath, or affirmation, which shall also be taken by all members of a special court-martial: "You, A. B., do swear, or affirm, that you will well and truly try and determine according to evidence, the matter now before you, between the State of Maine and the prisoner to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the military forces of this State, and if any doubt should arise not explained by said article, then according to your conscience, the best of your understanding, and the customs of war in like cases, and you do further swear or affirm that you will not divulge the sentence of the court until it shall be published by the proper authority, except to the judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice in due course of law. So help you God.'

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Court record shall be kept.

—proviso.

—non-commissioned officers, how tried.

Ch. 206, Sec. 132, articles 81, 82, 83, P. L., 1909, repealed.

Ch. 206, Sec. 132, Art. 84, P. L., 1909, amended.

Oath of members of court.

CHAP. 146 Section 34. Hereafter in chapter two hundred six of the Public Laws of nineteen hundred nine, as amended by chapters seven and eighty-one of the Public Laws of nineteen hundred eleven, and chapters three and one hundred and fifty-one of the Public Laws of nineteen hundred thirteen, whenever the words "naval reserve" appear the word "reserve" shall be stricken out and the word 'militia' shall be substituted therefor.

Hereafter "naval reserve" shall be construed to mean "naval militia."

Approved March 22, 1915.

Chapter 146.

An Act to Provide for a Closed Time on Bull Moose.

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

Closed time on bull moose till November, 1919.

Section 1. There shall be a closed time on bull moose extending from the date on which this act shall take effect until November first in the year of our Lord nineteen hundred nineteen, during which time it shall be unlawful to hunt, take, catch, kill, destroy or have in possession any bull moose or part thereof.

—penalty for violation.

Section 2. Whoever violates any provision of section one of this act shall pay a fine of not less than one hundred nor more than two hundred dollars and costs for each offense; or be imprisoned not exceeding four months.

—inconsistent acts repealed.

Section 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 22, 1915.

Chapter 147.

An Act to Create a Crop Pest Commission.

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

Members of crop pest commission herein created.

Section 1. A "Crop Pest Commission" consisting of the Governor of the State, the Attorney General of the State, the Commissioner of Agriculture, the Pathologist of the Maine Agricultural Experiment Station, and the Entomologist of the Maine Agricultural Experiment Station is hereby created.

—duties of commission.

Section 2. This commission may direct the Commissioner of Agriculture to make such regulations as are deemed necessary to prevent the introduction into the State of Maine, or the dissemination therein, of any insect, pest or plant disease, seriously injurious to vegetation.