

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

AT THE

SPECIAL SESSION

November 4-8, 1919

Supplementary to the Acts and Resolves of the Regular Session.

Published by the Secretary of State, in accordance with the Resolves of the
Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

AT THE

Special Session, November 4-8

1919

Supplementary to Public Laws of the Regular Session

[supplied from page 3 of volume]

of investigation shall be paid; attorney general to prosecute or to present available information to state or United States officials. Supreme or superior court justices may compel attendance of witnesses before attorney general; failure to obey summons to be considered contempt of court. The attorney general shall investigate all violations of this act, all contracts, combinations or conspiracies in restraint of trade or commerce and all monopolies, and may require, by summons, the attendance and testimony of witnesses and the production of books and papers before him relating to any such matter under investigation. Such summons shall be served in the same manner as summons for witnesses in criminal cases before said courts and all provisions of law relating thereto shall apply to summonses issued under this act so far as they are applicable. The expense of such investigation shall be paid from the appropriation provided by section seventy-two of chapter eighty-two of the revised statutes.

If, upon investigation, it appears to the attorney general that the laws of this state, including the provisions of this act, have been violated in any respect, he shall forthwith prosecute the guilty parties, or present all available information bearing upon such apparent violation to the proper prosecuting officer of the State of Maine or of the United States.

Any justice of the supreme judicial court or of a superior court may by order, upon application of the attorney general, compel the attendance of witnesses, the production of books and papers, including correspondence, and the giving of testimony, before the attorney general in the same manner and to the same extent as before said courts; and any failure to obey such order may be punished by such court as a contempt thereof.

Sec. 4. Invalidation of any part of act not to invalidate entire act. If any clause, sentence, paragraph or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, no other provision of this act shall be impaired or held invalid in consequence thereof.

Approved November 7, 1919.

Chapter 257.

An Act to Amend Section Fifty-three of Chapter Two Hundred Fifty-nine of the Public Laws of Nineteen Hundred and Seventeen, Relating to Election and Appointment of Commissioned Officers.

Emergency preamble. Whereas, certain changes in the Military Law 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, therefore

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

Sec. 1. 1917, c. 259, § 53; relating to election and appointment of commissioned officers of National Guard, amended. Section fifty-three of

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chapter two hundred fifty-nine of the public laws of nineteen hundred and seventeen is hereby amended by striking out in the tenth line thereof the words "first" and "July", and inserting in place thereof the words 'tenth' and 'January', so that said section as amended shall read as follows:

'Sec. 53. Commissioned officers to be promoted and appointed by governor and elective system to cease on and after January 10th, 1920. 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 the respective regiments or corps; captains and subalterns by the written votes of the members of their respective companies; subject to the age limit prescribed in section two, this act. 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 tenth day of January 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 officer of the regiment or corps, of 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. 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; 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 the manner of conducting such examination, 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.'

Sec. 2. Emergency clause. In view of the emergency cited in the preamble hereof, this act shall take effect when approved.

Approved November 7, 1919.