

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-second Legislature

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bay between the first day of September and first day of October of each year,' so that said chapter, as amended, shall read as follows:

Special exception relating to smelt fishing in Casco bay. 'No smelts shall be taken or fished for in any waters of the state between the first day of April and first day of October of each year except by hook and line. Any one violating any provision of this act shall be punished by a fine of one hundred dollars for each offense. Nothing in this act shall apply to smelts taken in fish weirs or traps maintained and operated for the catching of sardines or herring. And this act shall not apply to smelts taken in Casco bay between the first day of September and first day of October of each year.'

Approved March 28, 1925.

Chapter 90.

An Act to Amend Chapter One Hundred and Seventy-four of the Public Laws of Nineteen Hundred and Twenty-three, Known as the Military Law.

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

Sec. 1. P. L., 1923, c. 174, sec. 15; relating to the rank, powers and duties of the adjutant general, amended. The ninth paragraph of section fifteen of chapter one hundred seventy-four of the public laws of nineteen hundred and twenty-three is stricken out of the military law and there is inserted the following paragraph in place thereof, so that said paragraph, as amended, shall read as follows:

Appointment of an assistant adjutant general, provided for. 'The adjutant general may appoint, subject to the approval of the governor, an officer from the active, retired or reserve list of the national guard as assistant adjutant general, who shall whenever the adjutant general is absent or unable from any cause to perform his duties perform the duties of the adjutant general during such absence or disability.'

Sec. 2. P. L., 1923, c. 174, sec. 38; relating to retirement of officers of the national guard, amended. Section thirty-eight of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three is stricken out of the military law and there is inserted in place thereof the following section:

'Sec. 38. A Commissioned officer who has served nine years may be retired on personal request; an officer having continuous service of fifteen years may be retired with rank one grade higher than highest held, except no rank higher than brigadier general. Any officer who accepts an appointment in the army, navy or marine corps of the United States, 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 of his accounts for money and public property be correct.

'Any officer who shall reach the age of sixty-four years shall be retired.

'Any officer who is found incapacitated for service by reason of physical disability shall be withdrawn from active service and placed on the retired list.

'Any person who has served as a commissioned officer in the Maine national guard for a period of not less than nine years may, upon personal request, be placed upon the retired list. When placed upon the retired list an officer shall be given the highest rank held by him during his term of service, provided, that if at the time of his retirement he shall have served as a commissioned officer in the Maine national guard for a continuous period of fifteen years or more he may be retired with a rank one grade higher than the highest rank held by him during his service, except that in no case shall a rank higher than that of brigadier general be granted an officer under these provisions, upon retirement. Retired officers shall be entitled to wear the uniform of the rank with which they were retired. Except as provided above no commissioned officer in the national guard or naval militia shall be removed from office without his consent, except by sentence of a general court-martial or by an efficiency board, in a manner prescribed by law.'

Sec. 3. P. L., 1923, c. 174, sec. 52; relating to armories, stables and target ranges, amended. The first paragraph of section fifty-two of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three is hereby amended by inserting after the word "company" in the third line thereof the words 'battery, band or detachment,' so that said paragraph, as amended, shall read as follows:

'Sec. 52. Batteries, bands and detachments to be provided with drill rooms, offices, armories, etc. It shall be the duty of the municipal officers to provide and maintain for each platoon or company, battery, band or detachment of the national guard or naval militia located within the limits of their respective towns, suitable drill rooms, offices, armory, stables or place of deposit of all military property, and for the headquarters of each separate battalion, corps, regiment or brigade established within such municipal limits, suitable headquarters offices; and the suitability for the necessary military purposes of such drill rooms, armories, headquarters offices or stables shall be determined by the armory commission. A rea-

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sonable compensation shall be fixed by the armory commission, after hearing and consulting with the responsible municipal officers, for each company, other organization, band or separate headquarters or stables, and shall be allowed as rent for such building or buildings to the municipality providing and maintaining them, and paid by the state out of the appropriation for armory rental. To carry out the provisions of this section there shall be appropriated biennially such sums as are deemed necessary, said sums to be known as the armory fund, payment to be made therefrom by the treasurer of the state upon vouchers manifested by the armory commission to the state auditor, said armories, drill rooms, offices, headquarters offices or stables shall be subject always to the provisions of law and to the regulations prescribed by the proper authorities, and said armories, drill rooms, offices, headquarters offices or stables shall be held for the exclusive use of the national guard unless otherwise authorized by the general regulations for the government of armories prescribed by the armory commission, or by special authority of the chairman of said commission after application in special cases by the municipal authorities in writing. Should any municipal officer use such buildings or stables without authority, or abuse the authority or privilege so granted, they and each of them shall in each case, be guilty of a misdemeanor and shall be punished as prescribed in this section. The governor is authorized to accept in the name of the state donations of lands and buildings to be used for military purposes by the national guard or naval militia under such conditions as the donors may nominate; lands and buildings so donated shall be subject to the rules and regulations prescribed by the governor; and provided further that when any building is turned over to the state for use as an armory or drill shed the armory commission shall be authorized to approve for payment from the appropriation for armory rentals such sums as may be necessary for the upkeep of such building, including repairs, furnishings, light, heat, water and janitor service.'

Sec. 4. P. L., 1923, c. 174, sec. 81; relating to depriving members of the national guard of employment, amended. Section eighty-one of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three is hereby amended by adding thereto the following paragraph:

'All officials and employees of the state of Maine who shall be members of the national guard thereof shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days during which they shall be engaged in field or coast defense training ordered or authorized by the governor of the state of Maine under the provisions of the national defense act,' so that said section eighty-one, as amended, shall read as follows:

'Sec. 81. Employees of the state entitled to leave of absence without

loss of pay. Any person who either by himself or with another, wilfully deprives a member of the national guard or naval militia of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said national guard or naval militia or his employer in respect to his trade, business or employment, because said member of said national guard or naval militia is such member, or dissuades any person from enlisting in the said national guard or naval militia by threat of injury to him in case he shall so enlist, in respect to his employment, trade or business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

'All officials and employees of the state of Maine who shall be members of the national guard thereof shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days during which they shall be engaged in field or coast defense training ordered or authorized by the governor of the state of Maine or under the provisions of the national defense act.'

Approved March 28, 1925.

Chapter 91.

An Act Relating to Abolishment of Grade Crossings.

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

R. S., c. 24, sec. 34; relating to abolishment or alteration of grade crossings, amended. Section thirty-four of chapter twenty-four of the revised statutes is hereby amended by striking out, in the twenty-third, twenty-fourth, twenty-fifth and twenty-sixth lines thereof, the words "The commission shall determine and fix the damages sustained by any person whose land is taken and the special damages which the owner of land adjoining the public way may sustain by reason of any change in the grade of such way" and substituting therefor the following:

The public utilities commission to determine amount of land to be taken and fix damages therefor in altering ways at grade crossings; appeal provided for. 'The commission shall determine how much land may be taken and shall fix the damages sustained by any person whose land is taken and the special damages which the owner of land adjoining the public way may sustain by reason of any change in the grade of such way; appeal from any decision, order or award of the commission may be had as provided in section thirty-six of said chapter twenty-four.'

Approved March 28, 1925.