

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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.

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE
1929

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fourth Legislature

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certificate shall be filed with the superintending school committee and there kept as a record and shall be available to inspection at all reasonable times.

Sec. 4. Failure to file or false certificate. If such teacher or janitor fails to file such certificate, as aforesaid, or files one which is false, the salary or compensation which he would receive shall not be paid for the period of such failure.

Sec. 5. Inconsistent acts repealed. All acts, parts of acts, inconsistent herewith are hereby repealed.

Approved April 9, 1929.

Chapter 282.

An Act Amending the Military Law.

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

Sec. 1. P. L., 1923, c. 174, sec. 9; relating to purposes and procedure, amended. The first paragraph of section nine of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by adding after the word "called" in the fourteenth line thereof the words 'or drafted,' so that said paragraph, as amended, shall read as follows:

'Sec. 9. Active service, national guard; organizations called or drafted. In case of insurrection, invasion, tumult, riot, mob, or body of men acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or of imminent danger thereof, or in the event of public disaster resulting from flood, conflagration, or tempests, the governor shall have the power to order into the active service of the state any part of the national guard that he may deem proper. And whenever the national guard of this state or a part thereof is called forth under the constitution and laws of the United States, the governor shall, unless the order for the call specifies otherwise, order out for service the national guard or such part thereof as may be required; and if the number available be insufficient he shall order out the unorganized militia or such part as may be necessary. The designation of organizations called or drafted into the service of the United States shall not, during such service, be given to new organizations.'

Sec. 2. P. L., 1923, c. 174, sec. 15; P. L., 1925, c. 90; relating to adjutant general, further amended. Section fifteen of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, as amended by chapter ninety of the public laws of nineteen hundred and

twenty-five, is hereby further amended by striking out the first paragraph thereof and inserting the following paragraph, so that said paragraph, as amended, shall read as follows:

Sec. 15. Rank, powers and duties of adjutant general. The adjutant general of the state shall have the rank of brigadier general, shall be appointed by the governor, and shall be ex-officio, chief of staff, quartermaster general and paymaster general of the state. For the purpose of establishing the relation between the war department and the various staff departments of the state, he shall be the chief of said departments; and the requisitions, purchases, and issues to be made by the senior officer on duty in certain of said departments, as hereinafter prescribed, shall be made by them pursuant and in obedience to his directions and instructions.'

Sec. 3. P. L., 1923, c. 174, sec. 17; relating to inspector general, amended. Section seventeen of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by striking out all of said section and inserting in place thereof the following:

Sec. 17. State inspector. The governor, on the recommendation of the adjutant general shall designate an officer as state inspector. Whenever ordered by the governor, the state inspector shall make an inspection and a detailed report upon the armories, property, books, records, financial condition and general efficiency of the organizations of the national guard, and shall perform such other duties as the adjutant general may direct or the law require, and he shall submit to the adjutant general a report of the transactions of his office by the fifteenth of June annually.'

Sec. 4. P. L., 1923, c. 174, sec. 18; relating to ordnance officer, amended. Section eighteen of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by striking out the first paragraph of said section and inserting in place thereof the following:

Sec. 18. State ordnance officer. The governor, on the recommendation of the adjutant general, shall designate an officer from the active, retired or reserve list who shall be the state ordnance officer, the salary to be fixed by the governor and council. The state ordnance officer shall, from time to time, submit to the adjutant general requisitions for ordnance property, equipment and accoutrements and range and target material; which requisitions, when approved by the adjutant general and submitted to and signed by the United States property and disbursing officer, shall, if they be for material issued to the state by the ordnance department, be forwarded to that department for supply. If they be for material not so

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issued, then by direction of the adjutant general and in the manner prescribed in section twenty-six, the 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.'

Sec. 5. P. L., 1923, c. 174, sec. 20; relating to senior officer quartermaster corps, amended. Section twenty of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by striking out all of said section and inserting in place thereof the following:

'**Sec. 20. State quartermaster.** The governor, on the recommendation of the adjutant general, shall designate an officer from the active, retired or reserve list, who shall be the state quartermaster, the salary to be fixed by the governor and council. The state quartermaster shall be the military storekeeper and, under the direction of the adjutant general, he shall purchase and issue in the manner prescribed in section twenty-six such subsistence stores and property as are not issued by the United States, 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 June annually.'

Sec. 6. P. L., 1923, c. 174, sec. 21; relating to judge-advocate, amended. Section twenty-one of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by adding after the word "standing" in the second and third lines thereof the words 'he shall be the legal adviser of the adjutant general, and of the armory commission;' so that said section, as amended, shall read as follows:

'**Sec. 21. State judge-advocate.** The judge-advocate shall be an attorney-at-law of the supreme judicial court of this state, of at least five years' standing; he shall be the legal adviser of the adjutant general, and of the armory commission; 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 June annually.'

Sec. 7. P. L., 1923, c. 174, sec. 22; relating to attorney general of state

legal adviser, amended by striking out entirely. Section twenty-two of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by striking out section twenty-two entirely.

Sec. 8. P. L., 1923, c. 174, sec. 37; relating to appointments of commissioned officers, amended. Section thirty-seven of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by inserting after the words "adjutant general" in the sixteenth line thereof the following: 'Vacancies in the grade of second lieutenant shall be filled in the following manner: first, upon the recommendation of the commanding officer of the regiment, corps or other separate battalion, from enlisted men of the unit, commissioned in the officers' reserve corps or from enlisted men of the unit holding state certificates of eligibility for commissions as second lieutenants; second, if no such personnel holding reserve commissions or certificates of eligibility is available and recommended for promotion in the unit;' so that said section, as amended, shall read as follows:

'Sec. 37. Commissioned officers appointed by governor; vacancies filled. Subject to the regulations prescribed by the war department all officers shall be appointed and commissioned by the governor. Except as hereinafter provided all vacancies shall be filled as follows: Vacancies in the grade of colonel or lieutenant-colonel of a regiment or corps shall be filled by promoting the senior officer of the regiment or corps of the next lower grade; vacancies in the grade of major in a regiment, corps or separate battalion shall be filled by promoting the senior officer of the next lower grade in the organization in which the vacancy occurs; vacancies in the grade of captain or lieutenant shall be filled by promoting the senior officer of the next lower grade in the organization in which the vacancy occurs; when it appears to the governor to be for the best interest of the service that vacancies be otherwise filled, such vacancies, if they be within a regiment, corps or other separate organization, shall be filled by the governor upon the recommendation of the commanding officer of such organization, or upon the recommendation of the adjutant general. Vacancies in the grade of second lieutenant shall be filled in the following manner: first, upon the recommendation of the commanding officer of the regiment, corps or other separate battalion, from enlisted men of the unit, commissioned in the officers' reserve corps or from enlisted men of the unit holding state certificates of eligibility for commissions as second lieutenants; second, if no such personnel holding reserve commissions or certificates of eligibility is available and recommended for promotion in the unit; all enlisted men of any company and any non-commissioned staff officer shall, if physically sound, be eligible for appointment and shall be permitted to

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appear before an examining board for a physical and competitive practical and theoretical examination. The enlisted man whom the board considers, after the competitive examination, to be best qualified shall be appointed to fill the vacancy. The governor shall prescribe the scope and manner of conducting such examination, and if no enlisted man appears or if none satisfactorily passes said examination, then the governor upon the recommendation of the commanding officer of the regiment, corps or other separate battalion, shall fill the vacancy by making an appointment of any person eligible under the law to hold a commission in the national guard. Every officer duly commissioned shall within ten days accept the same and take the constitutional oath of office; such oath may be taken and subscribed before any officer authorized by law to administer an oath; and in case of neglect or refusal to accept the commission or to take and subscribe the oath within the time mentioned, such commission shall be cancelled by the governor and a new appointment made to fill the vacancy.'

Sec. 9. P. L., 1923, c. 174, sec. 38; relating to retirement of officers, further amended. Section thirty-eight of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, as amended by section two of chapter ninety of the public laws of nineteen hundred and twenty-five, is hereby further amended by striking out all of the last paragraph of said section and inserting in place thereof the following:

'Sec. 38. Discharge and retirement of officers. 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 or Federal military service for a 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. Whenever the occasion may require, the governor, with their consent, may order to active duty any retired officer, warrant officer or enlisted man and they shall be entitled to pay and emoluments of their grade while performing such service.'

Sec. 10. P. L., 1923, c. 174, sec. 40; relating to United States army regulations, amended. Section forty of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three is hereby amended by striking out the words "now or hereafter" in the twelfth line thereof, so that said section, as amended, shall read as follows:

'Sec. 40. United States army regulations to govern. Matters of military courtesy and discipline; precedence of regiments and corps; details and working parties; special duty; official designation and duties of officers; records; flags, colors and standards; instruction and administration of regiments, battalions and companies; interior economy of companies; rosters, detachments and daily service; honors, courtesies and ceremonies; guards; practical and theoretical instruction; care, accountability and responsibility for public property; surveys of property; staff administration and general duties of the staff corps; military correspondence; orders; muster rolls; return of troops and battle reports; arrest and confinement; and field service shall, in general and so far as practicable and consistent with this chapter, be as prescribed in the regulations for the armies of the United States.'

Sec. 11. P. L., 1923, c. 174, sec. 45; relating to medal for honorable service, amended. Section forty-five of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by adding after the word "man" in the first line thereof the words 'of the Maine national guard,' and by adding after the word "state" in the third line the words 'or Federal military service,' so that said section, as amended, shall read as follows:

'Sec. 45. Service medal. Every officer and enlisted man of the Maine national guard who has rendered honorable service for nine years in the national guard of the state or Federal military service, shall receive a service medal therefor and an additional bar or clasp for each additional three years' service.'

Sec. 12. P. L., 1923, c. 174, sec. 51; relating to claims for disability, amended. Section fifty-one of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by adding the following: 'Provided, however, that any member of the national guard who suffers injury or contracts disease, not the result of his own misconduct, while in attendance at a camp of instruction authorized by the war department and ordered by the governor of Maine, shall receive the pay provided in section forty-seven of this act, while he remains in a Federal pay status in lieu of the compensation provided for in this section,' so that said section, as amended, shall read as follows:

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Sec. 51. Compensation for disability. Any member of the national guard or naval militia who shall, when on duty or assembled therefor, in case of riot, tumult, breach of the peace, insurrection or invasion, or whenever called into active service of the state by order of the governor, or called in aid of the civil authorities, or when participating by order of the governor in any encampment, maneuvers or field instruction of any part of the regular army at or near any military post or camp or lake or sea coast defenses of the United States, or when participating by order of the governor in practice marches or camps of instruction, or when assembled for any regular or special drill or other duty under the command of a superior officer, receive any injury, or incur or contract any disability or disease by reason of such duty or assembly, or who shall without wilful negligence on his part receive any wound, injury or disease incident thereto while performing any lawfully ordered duty which shall incapacitate him from his usual business or occupation, shall receive compensation according to the provisions of chapter two hundred and thirty-eight of the public laws for nineteen hundred and nineteen, and any amendments thereto, as an employee of the state of Maine, and the average weekly wage in such cases shall be taken to be the earning capacity of the injured in the occupation in which he is regularly engaged, and in case of death his dependents, if any, shall be entitled to compensation as provided in said act; provided, however, that any member of the national guard who suffers injury or contracts disease, not the result of his own misconduct, while in attendance at a camp of instruction authorized by the war department and ordered by the governor of Maine, shall receive the pay provided in section forty-seven of this act, while he remains in a Federal pay status in lieu of the compensation provided for in this section.'

Sec. 13. P. L., 1923, c. 174, sec. 55; relating to armory commission, amended. Section fifty-five of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by striking out all of said section and inserting in place thereof the following:

Sec. 55. Armory commission; duties defined. The adjutant general, together with four officers of the line of the national guard of or above the grade of captain, detailed by the governor, in addition to their other duties, 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, headquarters offices and stables, to consult and cooperate 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, headquarters offices and stables; and it shall be their duty to notify the responsible 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 fifty-two. The armory commission is authorized where towns or municipalities have been relieved from compliance with the provisions of this act to provide armories, target ranges or stables by reason of any agreement or agreements entered into between such towns or cities and the state of Maine, to hire or lease suitable buildings for drill halls, quarters, headquarters offices or stables as may be necessary to adequately house the national guard. For each day actually employed in the transaction of the business of the armory commission the members other than the adjutant general shall receive as compensation base pay of their grade and all members shall be reimbursed for actual traveling expenses, such accounts to be paid from the armory fund.'

Sec. 14. P. L., 1923, c. 174, sec. 56; relating to courts-martial, amended. Section fifty-six of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by striking out in the seventh and eighth lines thereof the words "as now or shall be hereafter," so that said section, as amended, shall read as follows:

'**Sec. 56. Kinds of courts-martial.** Courts-martial in the national guard shall be of three kinds, namely, general courts-martial, special courts-martial and summary courts-martial. They shall be constituted, and have cognizance of the same subjects and possess like powers, except as to punishment, as similar courts provided for by the laws and regulations governing the army of the United States, and the proceedings of courts-martial of the national guard shall follow the forms and modes of procedure prescribed for similar courts.'

Sec. 15. P. L., 1923, c. 174, sec. 67; relating to uniform not to be worn by unauthorized persons, amended. Section sixty-seven of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by striking out all of said section and inserting in place thereof the following:

'**Sec. 67. Unlawful to wear U. S. uniform unauthorized; penalty.** It shall be unlawful for any person not an officer or enlisted man of the United States army, navy, marine corps, or the national guard of the United States and the state of Maine, to wear the duly prescribed uniform of the United States army, navy, marine corps or national guard, or any

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distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States army, navy, marine corps or national guard; provided, that the foregoing provisions shall not be construed so as to prevent such persons as may be authorized by the laws and regulations of the United States from wearing such uniform as they may be authorized to wear under the above mentioned laws and regulations. Provided further, that the term "distinctive part of the uniform" in this act, shall be construed to mean such parts of the uniform as may be at this time or shall be hereafter designated as "distinctive" by the army regulations of the United States. Any person who offends against the provisions of this act, shall, on conviction, be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.'

Sec. 16. P. L., 1923, c. 174, sec. 90; relating to articles of war and courts-martial, amended. Section ninety of chapter one hundred and seventy-four of the public laws of nineteen hundred and twenty-three, is hereby amended by striking out all of said section and inserting in place thereof the following:

'Sec. 90. Governed by articles of war and courts-martial. Except as provided in the preceding sections the national guard of the state of Maine shall at all times and in all places, and the unorganized militia shall whenever called into service, be governed by the articles of war and manual of courts-martial as adapted to the use of the national guard by the war department, militia bureau, in the national guard regulations, as the same were in effect on March twenty-six, nineteen hundred and twenty-nine.'

Approved April 9, 1929.

Chapter 283.

An Act Relative to Directional Signs Located in the Highway.

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

P. L., 1925, c. 188, sec. 1; P. L., 1927, c. 160; relating to advertising signs on highways, further amended. Section one of chapter one hundred and eighty-eight of the public laws of nineteen hundred and twenty-five, as amended by chapter one hundred and sixty of the public laws of nineteen hundred and twenty-seven, is hereby further amended by striking out the words "twenty inches in length and six inches in width" in the fifteenth line of said section and inserting in place thereof the words 'thirty inches in length and nine inches in width' so that said section, as amended, shall read as follows: