

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 26 of chapter 9 of the Revised Statutes of 1944.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1949



PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-fourth Legislature

1949

acknowledgment of purchase, containing all information necessary to a complete understanding of the transaction, including the price and ~~an estimate of the~~ quantity and providing for payment not later than 7 days after receipt of said herring, and all payments shall be made in money or in money equivalent.

~~Provided, however, that a fisherman may enter into, with a purchaser of his herring, any other and different arrangement relative to the method of determining quantity of herring and the time of payment therefor that is mutually satisfactory to both parties.~~

Any person violating the provisions of this section shall be punished by a fine of not less than \$100, nor more than \$500, for each offense.'

Effective August 6, 1949

Chapter 326

AN ACT Relating to the Military Law.

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

Sec. 1. R. S., c. 12, § 8, amended. Section 8 of chapter 12 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 8. Power of governor to organize staff. The governor may create, organize, abolish or reorganize such staff departments as he may deem necessary or appropriate to provide for the national guard or other authorized state military or naval forces, and appoint such staff officers as may be necessary to provide for the operation of such staff departments.'

Sec. 2. R. S., c. 12, § 9, amended. The 1st paragraph of section 9 of chapter 12 of the revised statutes, as amended by section 1 of chapter 253 of the public laws of 1947, is hereby further amended to read as follows:

'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 such aides-de-camp not to exceed 9 in number, one of whom may be a naval ~~aid~~ aide with rank of captain and one of whom may be an air force aide, as may be appointed by the governor. ~~Except as hereinafter provided all~~ All staff officers, except in the medical department and chaplains, must be at the time of their appointment commissioned officers of the Maine national guard, or of the Maine state guard, or

other authorized state military or naval forces, or of the officers' reserve corps of the army or air force of the United States, or on the retired list of the army or air force of the United States and residents of the state of Maine, on the active or retired list of or above the grade of captain but no staff officer shall be appointed from the retired list who shall have had less than 5 years of service in the Maine national guard, or in the officers' reserve corps of the army of the United States, or in the regular army of the United States the last year of which shall be within 5 years immediately preceding the appointment.'

Sec. 3. R. S., c. 12, § 9, amended. The 2nd sentence of the 2nd paragraph of section 9 of chapter 12 of the revised statutes as amended by section 1 of chapter 132 of the public laws of 1945, is hereby further amended to read as follows:

'Honorably discharged officers or enlisted personnel who served in the United States army, air force, navy or marine corps during any foreign war, who are not members of the Maine national guard, or of the Maine state guard, or other authorized state military or naval forces, may be appointed by the governor as aides-de-camp with the rank of colonel.'

Sec. 4. R. S., c. 12, § 10, amended. Section 10 of chapter 12 of the revised statutes is hereby amended to read as follows:

'**Sec. 10. Duties of staff officers.** Officers of all staff departments ~~and corps~~ shall perform the duties required of them by law, and such others, not inconsistent with the laws of the state, as correspond to those which are now or may hereafter be required, of the corresponding staff departments ~~or corps of the regular army by the customs of the service, the orders of the war department, and the laws and regulations of the United States of the national military establishment.~~

Sec. 5. R. S., c. 12, § 11, repealed. Section 11 of chapter 12 of the revised statutes is hereby repealed.

Sec. 6. R. S., c. 12, § 12, amended. Section 12 of chapter 12 of the revised statutes, as amended by chapter 388 of the public laws of 1947, is hereby further amended by striking out the words "regular army" in the 2nd paragraph thereof and "war department" wherever they appear therein and inserting in place thereof the words "national military establishments."

Sec. 7. R. S., c. 12, § 12, amended. The 6th paragraph of section 12 of chapter 12 of the revised statutes is hereby amended to read as follows:

'He shall, under the direction of the governor, prepare ~~and submit to the state purchasing agent~~ requisitions for, and make ~~purchases and issues of,~~ such military property as is necessary to equip the organizations of the na-

tional guard or other state military or naval forces according to the standard that is now or may be hereafter prescribed by the laws and regulations of the United States ~~except such purchases and issues as are hereinafter required to be made by the United States property and disbursing officer or senior officers on duty in the other staff departments~~; he shall approve ~~the bills of all purchases by whomsoever made~~ and all issues; but no such property shall be issued, or otherwise disposed of, to persons or organizations other than those of the national guard or other state military or naval forces ~~and portions of the unorganized militia called into active service.~~'

Sec. 8. R. S., c. 12, § 13, amended. Section 13 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 13. **Property and disbursing officer.** The governor shall designate, subject to the approval of the secretary of ~~war~~ the army, an officer of the national guard or other authorized state military or naval forces who shall be regarded as property and disbursing officer for the United States. The property and disbursing officer shall give a bond to the United States, the amount thereof to be determined by the secretary of ~~war~~ the army, for the faithful performance of his duties and for the safe-keeping and proper disposition of federal property and funds entrusted to his care, and the costs and expenses incurred by entering into such bond shall be paid out of the military fund.'

Sec. 9. R. S., c. 12, §§ 14, 19, 20, 21, 22, 23, repealed. Sections 14, 19, 20, 21, 22 and 23 of chapter 12 of the revised statutes are hereby repealed.

Sec. 10. R. S., c. 12, § 24, amended. Section 24 of chapter 12 of the revised statutes is hereby amended by adding at the end thereof the following sentence:

'The judge advocate shall be the legal adviser of the commission.'

Sec. 11. R. S., c. 12, § 31, amended. Section 31 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 31. **Composition of national guard.** The national guard shall consist of regularly enlisted ~~militia~~ personnel between the ages of ~~18~~ 17 and 45 years, and warrant officers and commissioned officers between the ages of 21 and 64 years, organized, armed and equipped as provided by national guard regulations and recognized by the ~~war~~ department national military establishment as national guard. ~~Provided, however, that soldiers and sailors who have previously served honestly and faithfully in the United States army, marine corps, organized militia, or the national guard, or sailors of the United States navy or naval reserve may serve in the Maine national guard after reaching the age of 45 years and may continue to serve until 64 years of age.~~'

Sec. 12. R. S., c. 12, § 32, amended. Section 32 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 32. Flag to be carried by national guard. The flag of the state to be carried by the ~~regiments of the~~ Maine national guard ~~of Maine~~ shall be the same as the flag described in section 25 of chapter 1, with the addition of ~~a scroll~~ a scroll in red ~~one above and one below~~ the coat of arms of the state; ~~in the upper scroll the official designation of the regiment, and in the lower scroll bearing the inscription, Maine National Guard State of Maine.'~~

Sec. 13. R. S., c. 12, § 34, amended. Section 34 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 34. New organizations. When authorized by the ~~war department~~ national military establishment, new organizations may be raised on petition to the governor, or by his order; and when the minimum number of persons required by law has been enlisted and notice thereof given to the governor, he shall order an inspection to be made by an officer of the national guard, and if it is found that the conditions contemplated by law for federal recognition can be met by the new organization, the governor shall appoint commissioned officers therefor and request an inspection to be made by an officer of the ~~regular army~~ national military establishment with a view to federal recognition.'

Sec. 13-A. R. S., c. 12, § 35, amended. The next to the last sentence in section 35 of chapter 12 of the revised statutes as amended by chapter 132 of the public laws of 1945, is hereby further amended to read as follows:

'Provided, however, that all men having an honorable record of prior service in the United States army, air force, navy, marine corps, or in the national guard of the United States may be exempt from compulsory service under the provisions of this section.'

Sec. 14. R. S., c. 12, § 39, amended. Section 39 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 39. Pay and allowances. The pay of ~~officers and petty officers~~ personnel of the naval militia shall be the same as that of ~~officers and non-commissioned officers~~ personnel of the same relative rank in the national guard; ~~and seamen shall receive the pay of privates of infantry.~~ The commanding officer of a battalion shall be allowed a sum not exceeding \$50 per year for the care and responsibility of state and United States property for which he may be accountable; each ~~division~~ company commander shall be allowed a sum not exceeding \$50 per year for the care and responsibility of public property for which he is accountable; the executive officer of a

battalion, each ~~division clerk~~ company yeoman, and the ~~3rd class yeoman~~ storekeeper of each ~~division~~ company shall receive for their services a sum not exceeding \$25 per year.'

Sec. 15. R. S., c. 12, § 41, amended. The 1st two sentences of section 41 of chapter 12 of the revised statutes are hereby amended to read as follows:

'Subject to the regulations prescribed by the ~~war department~~ national military establishment all officers shall be appointed and commissioned by the governor. Except as hereinafter provided all vacancies in the state guard and other state military or naval forces 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.'

Sec. 16. R. S., c. 12, § 42, amended. The 1st sentence of section 42 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Any officer who accepts an appointment in the army, air force, 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 shall not be indebted to the state in any manner and provided all of his accounts for money and public property shall be correct.'

Sec. 17. R. S., c. 12, § 42-A, additional. Chapter 12 of the revised statutes is hereby amended by adding thereto a new section numbered 42-A, to read as follows:

'Sec. 42-A. Discharge of enlisted persons. An enlisted person discharged from service in the national guard or other state military or naval forces shall receive a discharge in such form and with such classification as is or shall be prescribed for the national military establishment and discharges may be given prior to the expiration of periods of enlistment under such regulations, not inconsistent with those established by the national

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military establishment for the government of the national guard, as the governor may prescribe.'

Sec. 18. R. S., c. 12, § 46, amended. The 2nd sentence of section 46 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Such notices shall be given orally or by written or printed notice in hand, sent by mail or left at the last and usual place of abode, provided that the posting of the copy of an order in a conspicuous place in the drill or business room of the ~~company~~ unit, at a regular meeting held not less than 4 days before the time fixed in such order for the performance of any duty, shall be sufficient notice thereof ~~to all members of the company present at such meeting~~; and provided that when the days upon which the stated drills provided by law, orders or regulations are to be held have been fixed, no further notice thereof shall be required to the members of the ~~company~~ unit.'

Sec. 19. R. S., c. 12, § 50, amended. The 1st sentence of section 50 of chapter 12 of the revised statutes is hereby amended to read as follows:

'All commissioned officers and warrant officers shall provide themselves with such uniforms, arms and equipment as are required of commissioned officers ~~of the regular army~~ or warrant officers in their respective arms of service in the national military establishment, and the adjutant-general may purchase and issue as state property on memorandum receipt or sell for cash to commissioned officers and warrant officers such articles of arms, uniforms and equipment as he may deem necessary.'

Sec. 20. R. S., c. 12, § 51, amended. Section 51 of chapter 12 of the revised statutes, as amended by section 2 of chapter 253 of the public laws of 1947, is hereby further amended to read as follows:

'Sec. 51. Uniform not to be worn by unauthorized persons. It shall be unlawful for any person not an officer or enlisted man of the United States army, air force, 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, air force, navy, marine corps, or national guard, or any 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, air force, 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 uniforms 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 section, 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~~ national military establishment. Any person who offends against the provisions of this section shall, on conviction, be punished by a fine of not more than \$300, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. Trial justices and municipal courts within their counties shall have original and concurrent jurisdiction with the superior court in all prosecutions for the violations of the provisions of this section.'

Sec. 21. R. S., c. 12, § 58, amended. The 1st paragraph of section 58 of chapter 12 of the revised statutes, as amended by section 3 of chapter 253 of the public laws of 1947 is hereby further amended to read as follows:

'Each officer and enlisted man of the national guard or other authorized state military or naval forces ordered by the commander-in-chief or under his authority for duty at encampments, maneuvers, field exercises, small arms competitions or other special duties or when called forth in aid of the civil authorities, shall, unless otherwise stated in specific orders relative to said duty, receive for every day actually on duty the same pay and allowances as officers, warrant officers and enlisted men of the same arm of service, grade and classification in the ~~regular army~~ national military establishment, and no more, provided that all band musicians shall be paid not less than ~~\$4.00~~ \$6 per day; and there shall be allowed the necessary transportation and subsistence, but no pay or compensation shall be allowed except as otherwise provided by law when ordered for inspection, muster, small arms practice, drill, parade, review, field service or practice marches or other special duties unless expressly authorized in the order for such duties.'

Sec. 22. R. S., c. 12, § 59, amended. The 4th paragraph of section 59 of chapter 12 of the revised statutes is hereby amended to read as follows:

'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.'

Sec. 23. R. S., c. 12, § 61, amended. Section 61 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 61. Compensation to members disabled in active service. Any member of the national guard or other authorized state military or naval forces 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 or air force at or near any military post or camp or lake or seacoast 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 26, and any amendments thereto, as an employee of this state, 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 chapter 26, provided, however, that any member of the national guard or other authorized state military or naval forces 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~~ national military establishment and ordered by the governor, shall receive the pay provided in section 58, while he remains in a federal pay status in lieu of the compensation provided for in this section.'

Sec. 24. R. S., c. 12, §§ 62-A, 62-B, 62-C, additional. Chapter 12 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 62-A, 62-B and 62-C, to read as follows:

'Sec. 62-A. General courts-martial. General courts-martial may be convened by order of the governor and shall have the power to impose fines not exceeding \$200, to sentence, to forfeiture of pay and allowances, to reprimand, to order dismissal, dishonorable discharge or bad-conduct discharge from the service, to order reduction of noncommissioned officers to the ranks, or any 2 or more such punishments may be combined in the sentence imposed by such courts.

Sec. 62-B. Special courts-martial. The commanding officer of a post, camp, station or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or corresponding unit of ground or air forces, and the commanding officer of any other detached command or group of detached units placed under a single commander for this purpose 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. Such courts-martial shall

have power to impose fines not exceeding \$100; to sentence to reduction of noncommissioned officers to the ranks; to forfeiture of 6 months' pay and allowances; or any 2 or more of such punishments may be combined in the sentence imposed by such courts.

Sec. 62-C. Summary courts-martial. The commanding officer of a post, camp or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or corresponding unit of ground or air forces, or other detachment may appoint summary courts-martial; but such courts-martial may in any case be appointed by superior authority when by the latter deemed desirable; provided, that when but 1 officer is present with a command he shall be the summary courts-martial of that command and shall hear and determine cases brought before him. Such courts-martial shall have power to impose fines not exceeding \$25 for any single offense; to sentence to forfeiture of 1 month's pay and allowances and to sentence to reduction of noncommissioned officers to the ranks; or any 2 or more of such punishments may be combined in the sentence imposed by such court.'

Sec. 25. R. S., c. 12, § 64, amended. Section 64 of chapter 12 of the revised statutes is hereby amended by adding thereto a new paragraph, to read as follows:

'All processes, warrants and sentences of courts-martial shall be executed by civil officers in this state the same as like precepts of the superior court are executed in the state, and all such processes, warrants or sentences, when issued by any courts-martial, shall extend to any part of the state.'

Sec. 26. R. S., c. 12, § 66, repealed and replaced. Section 66 of chapter 12 of the revised statutes is hereby repealed and the following enacted in place thereof:

'**Sec. 66. Confinement in lieu of fine; approval of sentence.** All courts-martial of the national guard or other authorized state military or naval forces, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed; provided that such sentence of confinement shall not exceed 1 day for each dollar of fine and costs authorized.

No sentence of a court-martial shall be carried into execution until approved by the officer ordering the court or by the officer commanding at the time the sentence is presented for approval.

No sentence of dismissal, dishonorable discharge, or bad-conduct discharge shall be executed until approved by the governor.'

Sec. 27. R. S., c. 12, § 67, amended. Section 67 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 67. **Confinement; payment of fines.** When the sentence of a court-martial adjudges a fine and costs against any person, and such ~~sentence has been approved as provided by section 62~~ fine and costs have not been fully paid within 10 days after approval thereof, 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 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 1 day for any fine not exceeding \$1, and one additional day for every dollar above that sum, and one additional day for each dollar of cost. The costs of arrest and commitment in all court-martial proceedings shall be the same as is prescribed in the 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.

All fines and forfeiture imposed by courts-martial shall be paid to the officer ordering such courts, or to the officer commanding for the time being, and by said officer within 5 days from the receipt thereof paid to the adjutant-general who shall pay the same into the state treasury, and the same are appropriated for the purposes of this chapter except as otherwise provided for by law.'

Sec. 28. R. S., c. 12, § 68, amended. The 1st sentence of section 68 of chapter 12 of the revised statutes is hereby amended to read as follows:

'The jurisdiction of the courts and boards ~~as heretofore established~~ established under this chapter shall be presumed, and the burden of proof shall rest on any person seeking to oust such courts or boards of jurisdiction in any action or proceeding.'

Sec. 29. R. S., c. 12, § 71, amended. Section 71 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 71. **Applicable to other state military or naval forces.** The provisions hereof in regard to courts and boards established under this chap-

ter shall apply, so far as applicable, to the ~~national guard~~ state guard and all other authorized state military or naval forces.'

Sec. 30. R. S., c. 12, § 72, amended. Section 72 of chapter 12 of the revised statutes, as amended by section 4 of chapter 253 of the public laws of 1947 is hereby further amended to read as follows:

'**Sec. 72. United States army, air force and national guard 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 the provisions of this chapter, be as prescribed in United States army, air force and national guard regulations.'

Sec. 31. R. S., c. 12, § 85, amended. Section 85 of chapter 12 of the revised statutes is hereby amended to read as follows:

'**Sec. 85. Enlistment of minors into the army; penalty.** Whoever in this state enlists or causes to be enlisted into the ~~army~~ armed forces of the United States, a minor under the age of 17 years, knowing him to be such, without the written consent of his parent, master or guardian, ~~and he is removed out of the state within 6 months after his enlistment~~ or persuades him to leave the state with intent thus to enlist him, shall be punished by a fine of not more than \$500, or by imprisonment for less than 1 year.'

Sec. 32. R. S., c. 12, § 87, amended. Section 87 of chapter 12 of the revised statutes is hereby amended to read as follows:

'**Sec. 87. Unauthorized use of badge of certain organizations; penalty.** Whoever wilfully wears the badge, button or other insignia of the Grand Army of the Republic, of the Sons of Union Veterans of the Civil War, of the United Spanish War Veterans, of the Veterans of Foreign Wars, or of the American Legion, or the official discharge button of the army, air force, navy, or marine corps, or of any other military, naval or patriotic organization legally incorporated, or uses or wears the same to obtain aid or assistance thereby within the state, unless he shall be entitled to use or wear the same under the rules and regulations respectively of the Department of

Maine of the Grand Army of the Republic, of the Sons of Union Veterans of the Civil War, of the United Spanish War Veterans, of the Veterans of Foreign Wars, or of the American Legion, or under the regulations of the army, air force, navy, or marine corps, or of any other military, naval or patriotic organization legally incorporated, shall be punished by a fine of not more than \$20, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.'

Sec. 33. R. S., c. 12, § 90, amended. The 1st sentence of section 90 of chapter 12 of the revised statutes is hereby amended to read as follows:

'The governor is authorized to make such rules and regulations as he may deem expedient, but such rules and regulations shall conform to the provisions of this chapter and regulations published by the ~~militia bureau of the war department~~ national military establishment for the government of the national guard of the United States, as nearly as practicable to those governing the United States army, air force and navy, and when promulgated, shall have the same force and effect as the provisions of this chapter.'

Sec. 33-A. R. S., c. 12, § 91, amended. Section 91 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 91. Rules governing militia not in federal service when called out by governor. Whenever any portion of the militia not being in the service of the United States shall be on duty or ordered to assemble for duty by the governor in time of actual war, insurrection, invasion or rebellion, or emergency due to fire, flood or other disaster, the articles of war governing the army and air force of the United States, the articles for the government of the United States navy, and the regulations prescribed for the army, air force and navy of the United States, so far as consistent with this chapter and the regulations issued thereunder, shall be in force and regarded as a part of this chapter until said forces shall duly be relieved from such duty during such state of actual war, insurrection, invasion or rebellion; but no punishment under such rules and articles which shall extend to the taking of life shall in any case be inflicted until the approval by the governor of the sentence inflicting such punishment.'

Sec. 34. R. S., c. 12, § 92, amended. Section 92 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 92. Articles of war and courts-martial. Except as provided in this chapter, the national guard or other authorized state military or naval forces 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 in force and effect February 1, 1949 as adapted to the use of the national guard by the ~~war department~~,

~~militia bureau national military establishment in the national guard regulations as the same were in effect on August 9, 1933.~~

Sec. 35. R. S., c. 12, § 93, amended. The 1st two paragraphs of section 93 of chapter 12 of the revised statutes are hereby amended to read as follows:

'Whenever any part of the national guard of this state is in active federal service, the governor is authorized to organize and maintain within this state during such period, under such regulations as the secretary of ~~war~~ the army of the United States may prescribe for the organization, standard of training, instruction and discipline, such military forces as the governor, as commander-in-chief, may deem necessary to defend this state and protect its sovereignty.

Such forces shall be composed of officers commissioned or assigned, and such able-bodied male citizens of the state and such other able-bodied men who have or shall have declared their intention to become citizens of the United States as shall volunteer therein, who shall be more than ~~18~~ 17 years of age; provided the restriction as to citizenship shall not apply to soldiers and sailors who have previously served honestly and faithfully in the United States army, air force, navy, marine corps, the organized militia, or the national guard; and provided further, that youths not less than 16 years of age, if written consent thereto is given by parents or guardian, may be enrolled in the state guard or other authorized state military or naval units.'

Sec. 36. R. S., c. 12, § 94, amended. The 2nd paragraph of section 94 of chapter 12 of the revised statutes is hereby amended to read as follows:

'He shall, subject to the rules and regulations prescribed by the ~~war~~ department of the army, appoint officers for such units and organizations of the state guard as he may establish and such officers shall, subject to removal by the commander-in-chief, exercise the same military authority over their several commands as specified by the statutes of Maine for officers of the national guard of the state.'

Sec. 37. R. S., c. 12, § 96, amended. Section 96 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 96. Requisitions; armories; other buildings. For the use of such forces, the governor is authorized to requisition from the secretary of ~~war~~ the army such arms, ammunition, clothing and equipment as the secretary of ~~war~~ the army in his discretion, and under regulations determined by him, is authorized to issue; and to make available to such forces the facilities

of state armories and their equipment and such other state premises and property as may be available.'

Effective August 6, 1949

Chapter 327

AN ACT Relating to Trespass.

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

Sec. 1. R. S., c. 118, § 39-A, additional. Chapter 118 of the revised statutes is hereby amended by adding thereto a new section to be numbered 39-A, to read as follows:

'Sec. 39-A. Trespass on commercial or residential property; penalty. Whoever wilfully enters in and upon any land commercially used, including parking lots, or whoever wilfully enters in and upon residential property, including summer residences and cottages and lands adjacent thereto, after being forbidden to do so by the owner or occupant thereof, either personally or by notice posted conspicuously on the premises, shall be guilty of trespass and shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.'

Sec. 2. R. S., c. 118, § 33, amended. Section 33 of chapter 118 of the revised statutes is hereby amended to read as follows:

'Sec. 33. Malicious damage to trees, fences, gates, signs or produce; penalty. Whoever wilfully and wantonly or maliciously cuts down, destroys or otherwise injures any shrub or tree for ornament or use; breaks, injures or defaces any fence; throws down or opens any gates or bars; knocks down, removes, destroys or defaces signs posted on land or buildings to forbid trespassing; injures, destroys or severs from the land of another any produce thereof or thing attached thereto, such articles not being his own, shall be punished by a fine of not more than \$100 and by imprisonment for less than 1 year.'

Effective August 6, 1949

Chapter 328

AN ACT Relating to Surveys of State Highways.

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

R. S., c. 20, § 6, amended. Section 6 of chapter 20 of the revised statutes is hereby amended to read as follows: