

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND McLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
AT THE
SPECIAL SESSION

January 24, 1972

to

March 10, 1972

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 18, 1972

CHAPTER 580

AN ACT Implementing the Reorganization of Department of Military, Civil Defense and Veterans' Services.

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

Sec. 1. R. S., T. 37-A, additional. The Revised Statutes are amended by adding a new Title 37-A, to read as follows:

TITLE 37-A

DEPARTMENT OF

MILITARY, CIVIL DEFENSE AND VETERANS' SERVICES

PART 1

GENERAL PROVISIONS—ORGANIZATION

CHAPTER 1

GENERAL PROVISIONS—ORGANIZATION

§ 1. Department of Military, Civil Defense and Veterans' Services

1. Department; Military Bureau. There is created and established a Department of Military, Civil Defense and Veterans' Services, in this Title called the "department," to coordinate and improve the discharge of State Government's responsibility relating to the military, veterans, civil defense and public safety, to consist of the Adjutant General and the following as heretofore created and established: The military department including the office of the Adjutant General to be named the Military Bureau, the Department of Civil Defense and Public Safety to be named the Bureau of Civil Defense, and the Department of Veterans' Services to be named the Bureau of Veterans' Services.

The Adjutant General shall be the administrative head of the department and also the Director of the Military Bureau. The Adjutant General shall be appointed by the Governor and serve at the pleasure of the Governor. He shall have the grade not to exceed that of Major General. The Adjutant General shall administer the department, subordinate only to the Governor and shall adopt such methods of administration not inconsistent with the law as he may determine necessary to render the department efficient. The Adjutant General is authorized to transfer personnel at his discretion from one bureau to another bureau within the department and is authorized to prepare a budget for the department.

The duly appointed Deputy Adjutant General shall have all the powers and duties of the Adjutant General in the case of the absence of the Adjutant General or his inability to act, or in the case of vacancy in said office, until such vacancy shall have been filled by the Governor, as provided by law.

2. Bureau of Veterans' Services; Bureau of Civil Defense. The Bureau of Veterans' Services and the Bureau of Civil Defense each shall have a director. The Director of the Bureau of Veterans' Services shall be a war veteran and a person qualified by experience, training and a demonstrated interest in veterans' services. Each director shall be appointed by the Adjutant General with the advice and consent of the Governor and Council to serve at the pleasure of the Adjutant General. A bureau director shall not hold any other state office for compensation.

CHAPTER 2

BUREAU OF VETERANS' SERVICES

§ 11. Director and personnel

The Bureau of Veterans' Services, as heretofore established and hereinafter in this chapter called the "bureau," shall be under the supervision of the Director of the Bureau of Veterans' Services, who shall be subordinate only to the Adjutant General, and who hereinafter in this chapter shall be called the "director." The director may employ, subject to the Personnel Law, the necessary assistance to carry out the purposes and provisions of this chapter and make such expenditures on the approval of the Adjutant General as may be necessary to carry out the purposes of this chapter. All employees of the bureau, with the exception of the clerical and other than full-time permanent personnel, shall be war veterans.

§ 12. Rules and regulations

The director is authorized to adopt such reasonable rules and regulations as are necessary to carry out the purposes and provisions of this chapter.

§ 13. Duties of director

The director shall:

1. Claims against United States. Act, upon request, as the agent of any resident of the State having a claim against the United States for a pension, bounty or back pay arising out of or by reason of any war or any federal, military or naval service and prosecute such claims without charge;

2. Cooperation with other agents. Cooperate with all national, state, county, municipal and private agencies in securing to veterans and their dependents the benefits provided by national, state and county laws, municipal ordinances or public and private social agencies;

3. Cooperation with United States agencies. Cooperate with United States governmental agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed, when the state law so permits;

4. Statutory duties. Perform the duties as are set forth under this Title;

5. Records. Establish and maintain a permanent record of all members of the armed services from Maine who served in World War II, the Korean Campaign and the Viet Nam War and any period intervening since December 7, 1941.

§ 14. Files and records confidential

The contents of, and all files, records, reports, papers and documents pertaining to any claim for the benefits under chapters 1 to 3, whether pending or adjudicated, shall be deemed confidential and privileged and no disclosure thereof shall be made without the consent, in writing, of the claimant who has not been adjudicated incompetent, except as follows:

1. Claimant or representative. To said claimant personally, his duly appointed guardian or his duly authorized representative holding a power of appointment approved by the director; and as to matters concerning himself alone, when, in the judgment of the director, such disclosure would not be injurious to the physical or mental health of the claimant;

2. Veterans' organizations. To the representatives of veterans' organizations holding power of appointment from the claimant, recognized by the United States Government, when such representatives have been duly certified as such by the state department of any such veterans' organizations in this State;

3. Courts. In any court in this State which has jurisdiction of the parties to, and subject matter of, an action or proceeding therein pending, as found by said court, when required to be produced by the process of such court, as evidence, in such action or proceeding after a judge thereof shall have ruled the same to be relevant and competent evidence in such action or proceeding according to the laws of this State;

4. Agencies engaged in health and welfare work. To any federal, state, municipal or private agency engaged in health, welfare or rehabilitation work or in child placement, from whom the applicant has requested certain services, when in the judgment of the bureau the release of such information is essential to the proper evaluation of the merits of the application concerned.

§ 15. Land purchase

The Director of the Bureau may acquire by purchase, gift or otherwise from the owners thereof at such price as shall be mutually agreed upon between the director and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions of this chapter for a Veterans' Memorial Cemetery, and obtain from such owners the title in fee simple for the same. Such real estate shall be near the center of population of the State of Maine.

The Director of the Bureau is authorized and empowered, with the consent of the Governor and Council, to take and acquire by eminent domain on behalf of the State of Maine real estate or any interest therein, with or without improvements, for the purpose of carrying into effect the provisions for a Veterans' Memorial Cemetery. The consent of the Governor and Council shall be given according to Title 1, chapter 21. Such real estate or any interest therein shall be not more than 200 acres and shall be near the center of popu-

ation of the State of Maine. When land is so taken by eminent domain, proceedings for such purpose shall be in accordance with Title 35, chapter 263.

§ 16. Monument; buildings, etc.

The director shall purchase and cause to be erected in the center of the Veterans' Memorial Cemetery, to be suited to the topography of the land, a suitable monument with suitable flag poles on which shall be displayed, in accordance with the Flag Code, the National Emblem and the State of Maine flag. The immediate area surrounding the monument shall be prepared and reserved as a suitable place for Memorial Day or other patriotic or memorial observances. The remainder shall be laid out in a wheel-like pattern surrounding the monument, being expanded from the center as required. Suitable buildings may be provided for such purposes as are deemed necessary by the director.

§ 17. Superintendent

A competent and trustworthy superintendent shall be appointed and whatever additional help, equipment and material is necessary for adequate maintenance of the cemetery shall be arranged for by the director. The superintendent of the Maine Veterans' Memorial Cemetery shall be an honorably discharged war veteran or a war veteran who is currently a member of the Armed Forces in a nonactive or reserve status.

§ 18. Grave markers

All grave markers shall be flat type granite as furnished by the Memorial Division, Department of the Army, or flat type granite facsimiles thereof. All boxes used for burial shall be protected with permanent vaults. Stones and vaults shall not be at state expense.

§ 19. Burials

Any person who served on active duty in the United States Armed Forces during any federally recognized period of conflict, including the Korean Campaign and the Viet Nam War, or was eligible for Armed Forces Expeditionary Medal or campaign medal and, who, if discharged, received an honorable discharge, may be buried in this cemetery without charge, if he, while a resident of Maine, entered service or was at the time of his death or of the death of one of his eligible dependents, a resident of Maine. Eligible dependents are: The wife, husband, surviving spouse, unmarried minor child or unmarried adult child who became incapable of self-support before reaching the age of 18 because of mental or physical defects. An eligible dependent of a veteran may be buried in the cemetery if, at the date of the dependent's death, the veteran is eligible for such burial. They may be buried in graves adjacent to the veteran without charge, provided that if the veteran dies first, the survivors specify in writing their intent to be so buried, or if the dependent dies first, the veteran specifies in writing his intent to be buried in the Veteran's Memorial Cemetery. The plots shall be reserved as indicated and a permanent record of all burials shall be kept.

The remains of eligible veterans previously buried in other locations may be reinterred in this cemetery upon request of anyone legally eligible to make such request, provided that no cost shall be borne by the State other than that which would be incurred in an original burial.

§ 20. Regulations

The director shall be authorized to make such regulations as he deems necessary which are not in conflict with this chapter.

§ 21. Interpretation

This chapter shall not be construed as obligating the State beyond the furnishing of a grave site, the opening and closing of the grave and maintenance thereafter in perpetuity of the grave and the cemetery as a whole.

§ 22. Name

The cemetery provided by this chapter shall be known as the Maine Veterans' Memorial Cemetery.

§ 23. Pensions to soldiers, sailors or dependents

Any person who has served in the Army or Navy of the United States in the War of 1861, on the quota of Maine, and any person not on the quota of Maine, who has served in the Army or Navy of the United States in said war, and at time of making application for pension shall have been a resident of the State at least 5 years; any person who has served in the Army or Navy of the United States in the War with Spain, on the quota of Maine, and any person whether or not on the quota of Maine, who has served in the Army or Navy of United States in the War with Spain or the Philippine Insurrection at any time prior to the 4th day of July, 1902, and at time of making application for pension shall have been a resident of the State at least 5 years, and who is unable from his own resources and the United States pension if any, to obtain a livelihood for himself and those dependent upon him, shall be entitled to a pension from the State not exceeding \$12 a month, provided he has been honorably discharged from said service. No such pension shall be paid by this State to persons residing in other states.

§ 24. Pensions to widows, orphans and relatives

The widow during her widowhood, or the son, daughter, parent or sister of any soldier or seaman deceased, who was dependent upon him at the time of his decease, is entitled to the same pension as is provided in section 23 and under similar conditions, provided not more than \$12 a month shall be paid the dependents of any such soldier or seaman. Any son, daughter, parent or sister of any soldier or seaman deceased, who was receiving a pension on July 10th, 1925, shall not be rendered ineligible by reason of anything herein contained.

§ 25. Jurisdiction

The bureau shall determine whether or not any applicant is entitled to a pension under sections 23 and 24.

§ 26. Monthly payments

Pensions granted under sections 23 to 26 shall be paid monthly from the State Treasury.

§ 27. Special legislative pensions

All special legislative pensions granted prior to January 1, 1941, and charged to the appropriation for support of dependent soldiers and sailors shall be paid from the appropriation for special legislative pensions. If investigation by the Department of Health and Welfare reveals that the need for a special pension no longer exists, said department may suspend the same for part or all of the period until the next regular session of the Legislature, and shall promptly notify the person to that effect.

§ 28. Definitions

As used in sections 28 to 37 the following terms shall have the following meanings:

1. Child. The term "child" shall be construed to mean a child under the age of 18, or over age 18 and under age 20 if found by the bureau to be regularly attending school, or over 18 and not attending school if, prior to reaching age 18, the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, and shall include a foster child, a legitimate or legally adopted child of the veteran or a stepchild if a member of the veteran's household either at time of application, or in the event of the veteran's death, at time of death, and who continues a member of the household, or an illegitimate child, provided that the veteran has been judicially ordered or decreed by the court to contribute to the child's support, or has been judicially decreed to be the putative father or has acknowledged under oath in writing that he is the father of such child.

2. Parent. The term "parent" shall mean the father or mother of a veteran with whom the veteran lived during the minority and for whom he would be legally responsible under the laws of the State; or the foster mother or father of a veteran.

3. Veteran. The term "veteran" shall be construed to mean any person who served in Armed Forces of the United States on active duty during World War I, World War II, the Korean Campaign or Viet Nam War, not dishonorably discharged. A veteran of the Viet Nam War shall have served on active duty for a period of more than 180 days, any part of which occurred after August 4, 1964, except if he died in service or was discharged for a service-connected disability after such date.

4. Wife. The term "wife" shall be construed to mean the legally married wife of the veteran, not divorced, or the unremarried widow of the veteran, not previously divorced.

5. World War I and II, Korean Campaign, Viet Nam War. The term "World War I" shall mean that period between April 6, 1917 and November 11, 1918; if service was in Russia the ending date shall be on March 31, 1920. The term "World War II" shall mean that period between December 7, 1941 and December 31, 1946. The term "Korean Campaign" shall mean that period between June 27, 1950 and January 31, 1955. The term "Viet Nam War" shall mean that period between August 5, 1964 and the date on which hostilities are declared ended by either the Congress or proclamation of the President.

§ 29. Eligibility for aid

Aid shall be granted under sections 28 to 37 to the needy wife, child or parent or parents, residing in the State, of a veteran, who if living, is disabled and a resident of the State or who is deceased. Such aid shall not be forfeited by reason of temporary absence from the state. The bureau shall endeavor to give preference to applications in which the death or disability of the veteran is due to service or in which the bureau might presume that death or disability might be due to service. The bureau shall require satisfactory proof as to the disability of a veteran and its effect on his ability to provide for himself and dependents. During the period that such aid is being paid, the recipient thereof shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement and no person receiving such aid under sections 28 to 37 shall be considered a pauper.

§ 30. Eligibility under other laws

Any applicant for or recipient of assistance under sections 28 to 37, who is found eligible to receive public assistance under any state law for which federal funds are available, shall receive assistance under one of the state laws for which federal funds are available. Aid may be granted under said sections until payments can be made under one of the state laws for which federal funds are available.

§ 31. Applications

Application for aid under said sections shall be made to the bureau on forms provided for this purpose by the bureau, and may be made by the dependent of the veteran, or any person who is recognized by the bureau as entitled to act therefor.

§ 32. Amount of aid

The bureau shall determine the character and amount of aid which shall be granted with due regard to the resources of the veteran and his dependents and the necessary expenditures and conditions existing in each case, and which shall be sufficient, when added to all other income and resources available, to provide such dependents with a reasonable subsistence compatible with decency and health. In determining the amount of aid the bureau shall compile and use budgetary standards that reasonably reflect current costs of average standards of living.

§ 33. Administration of funds

The bureau shall administer all funds appropriated for the purpose of said sections. It shall make such rules and regulations with respect to the administration of said sections as it deems advisable.

§ 34. Appeals

Any person who is denied or who is not satisfied with the amount of aid allotted to him by the bureau shall have the right of appeal to the director, who shall provide the appellant with reasonable notice and opportunity for a fair hearing. Said director or a member of the bureau designated and author-

ized by him shall hear all evidence pertinent to the matter at issue and render a decision thereon within a reasonable period after the date of hearing. When the evidence in the case is heard by a person other than the director, the decision shall be rendered in the name of the director.

§ 35. Payments

Aid granted under said sections as approved by the bureau and audited by the State Controller shall be paid by the Treasurer of State, and may, in the discretion of the bureau be paid to any persons whom it may designate for the benefit of such dependents.

§ 36. Fraud

Whoever knowingly shall make a false statement, oral or written, relating to a material fact in support of application for aid under said sections shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months. Whoever, being entitled to the benefits of said sections, fraudulently applies for or receives assistance for a period of time following a termination of his right to receive the same, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

§ 37. Authority to receive federal funds

The bureau shall have authority to accept any federal law now in effect or hereafter enacted which makes federal funds available to the states for:

1. Information concerning rights. The furnishing of information to veterans and their beneficiaries and dependents concerning their rights under laws of the United States and the states relating to veterans' benefits;

2. Application for benefits. Providing assistance in making application for such benefits; and

3. Reemployment; administration. Furnishing information and assistance with respect to reemployment and other matters relating to the readjustment of veterans to civilian life, and to meet such federal requirements with respect to the administration of such funds as are required as conditions precedent to receiving such federal funds.

CHAPTER 3 BUREAU OF CIVIL DEFENSE

§ 51. Short title

This chapter may be cited as the "Maine Civil Defense Act".

§ 52. Policy and purposes

The purpose of this chapter is to create the Bureau of Civil Defense, and to authorize the creation of local organizations for civil defense in the political

subdivisions of the State; to confer upon the Governor and upon the executive heads of governing bodies of the political subdivisions of the State the emergency powers provided; and to provide for the rendering of mutual aid among the political subdivisions of the State and with other states with respect to the carrying out of civil defense functions.

It is further declared to be the purpose of this chapter and the policy of the State that all civil defense functions be coordinated to the maximum extent with the comparable functions of the Federal Government including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources and facilities for dealing with any disaster or catastrophe that may occur.

§ 53. Definitions

As used in this chapter :

1. Civil defense. "Civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy attacks, sabotage or other hostile action, or by fire, flood, earthquake or other natural causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), economic stabilization, emergency transportation, existing or properly assigned functions of plant protection and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for the carrying out of the foregoing functions.

2. Local organization for civil defense. "Local organization for civil defense" shall mean an organization created in accordance with this chapter by state, county or local authority to perform local civil defense functions.

3. Political subdivision. "Political subdivision" includes counties, cities, towns, villages, townships, districts, authorities and other public corporations and entities whether organized and existing under charter or general law.

§ 54. Bureau of Civil Defense

The Bureau of Civil Defense, as heretofore established and hereinafter in this chapter called the "bureau," shall be under the supervision of the Director of the Bureau of Civil Defense, who hereinafter in this chapter shall be called the "director".

The director may employ such technical, clerical, stenographic, administrative and operative assistants and other personnel, subject to the Personnel Law, and make such expenditures on approval of the Adjutant General as may be necessary to carry out the purposes of this chapter.

The director, subject to the direction and control of the Adjutant General, shall be the executive head of the bureau and shall be responsible to the Adjutant General for carrying out the program for civil defense. He shall

coordinate the activities of all organizations for civil defense within the State, and shall maintain liaison with and cooperate with civil defense and public safety agencies and organizations of other states, the Federal Government and foreign countries, and the political subdivisions thereof, and shall have such additional authority, duties and responsibilities as may be prescribed by the Adjutant General.

§ 55. Rules and regulations

The director shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations to carry out this chapter.

Such rules and regulations shall become effective when approved in writing by the Governor and Council and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation, or any act or order of the director in enforcing any such rule or regulation, may appeal by filing in the Superior Court a complaint within 30 days, and the court may affirm or reverse the rule, regulation, act or order of the director and the decision of the court shall be final.

§ 56. Civil Defense Council

A Civil Defense Council, as heretofore established, shall be composed of 5 members. All members shall be appointed by the Governor, with the advice and consent of the Executive Council. They shall serve during the pleasure of the Governor and Executive Council. The Adjutant General shall be a member *ex officio*. The members thereof shall serve without compensation, but, other than state officers, may be reimbursed for their reasonable and necessary expenses incurred in the performance of their duty. The Civil Defense Council shall meet as many times in each calendar year as it deems necessary and at the call of the chairman or the Director of the Bureau of Civil Defense.

The council shall advise the Governor and the director on all matters pertaining to civil defense. The council shall not interfere with any of the operational duties of the director which have been assigned to him by section 54. Nothing herein contained shall be construed to mean that the council cannot advise on such affairs, or that the creation of this council relieves the director of his responsibility for carrying out the civil defense program, pursuant to section 54.

§ 57. Emergency proclamation ; Governor's powers

Whenever any disaster or catastrophe exists or appears imminent arising from attack, sabotage or other hostile action, or by fire, flood, earthquake or other natural causes, the Governor shall, by proclamation, declare the fact and that an emergency exists in any or all sections of the State. If the Governor is temporarily absent from the State or is otherwise unavailable, the next person in the State who would act as Governor if the office of Governor were vacant shall, by proclamation, declare the fact and that an emergency exists in any or all sections of the State. A copy of such proclamation shall be filed with the Secretary of State. The Governor, either directly or through the Adjutant General, shall have general direction and control of the bureau and shall be responsible for the carrying out of this chapter, and in the event

of disaster or catastrophe beyond local control, the Governor may assume direct operational control over all or any part of the civil defense and public safety functions within the State.

In performing his duties under this chapter, the Governor, directly or through the Adjutant General, is authorized and directed to cooperate with all departments and agencies of the Federal Government, with the offices and agencies of other states and foreign countries, and the political subdivisions thereof, and with private agencies in all matters pertaining to the civil defense of the State and of the nation.

In performing his duties under this chapter, the Governor is further authorized and empowered:

1. Orders, rules and regulations. To make, amend and rescind the necessary orders, rules and regulations to carry out this chapter within the limits of the authority conferred upon him and not inconsistent with the rules, regulations and directives of the President of the United States or of any federal department or agency having specifically authorized civil defense functions;
2. Plans and program. To prepare a comprehensive plan and program for the civil defense of this State, such plan and program to be integrated into and coordinated with the civil defense plans of federal agencies and with the plans of other states and foreign countries, and the political subdivisions thereof, to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this State, such plans to be integrated into and coordinated with the civil defense plan and program of this State to the fullest possible extent;
3. Training and public information programs. In accordance with such plan and program for the civil defense of this State, and consistent with the civil defense plans, programs and directives of the Federal Government, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of civil defense organizations in advance of actual disaster or catastrophe, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need;
4. Studies and surveys. To conduct such studies and surveys and to take such inventories of the industries, resources and facilities of this State as may be necessary to ascertain the capabilities of the State for civil defense, and to plan for the most efficient emergency use thereof, including emergency economic controls to insure adequate production and equitable distribution of essential commodities;
5. Mutual aid arrangements. On behalf of this State, to enter into mutual aid arrangements with other states and foreign countries, and the political subdivisions thereof, and to coordinate mutual aid plans between political subdivisions of this State;
6. Delegation of authority. To delegate any authority vested in him under this chapter, and to provide for the subdelegation of any such authority.

Whenever the Governor is satisfied that an emergency no longer exists, he shall terminate the proclamation by another proclamation affecting the sec-

tions of the State covered by the original proclamation, or any part thereof. Said proclamation shall be published in such newspapers of the State and posted in such places as the Governor, or the person acting in that capacity, deems appropriate.

§ 58. Eminent domain and compensation

When the Governor has issued a proclamation as provided for in section 57 and when thereafter in his judgment for the better protection and welfare of this State or its inhabitants, the situation so requires as a matter of public necessity or convenience, he may take possession of any property, real or personal, located within this State for public uses in furtherance of this chapter.

If real estate is seized under this section, a declaration of the property seized, containing a full and complete description, shall be filed with the register of deeds in and for the county in which the seizure is located and a copy of said declaration furnished the owner.

If personal property is seized under this section, there shall be entered upon a docket containing a permanent record, a description of such personal property and its condition when seized, and there shall be furnished to the owner of such seized property a true copy of the docket recording.

The Governor shall, with the approval of the Executive Council, award reasonable compensation to the owners of the property which he may take under this section and for its use and for any injury thereto or destruction thereof caused by such use.

Any owner of property of which possession has been taken under this section to whom no award has been made or who is dissatisfied with the amount awarded him as compensation may bring an action in the Superior Court in the county in which he lives or has a usual place of business or in the County of Kennebec to have the amount to which he is entitled by way of damages determined. The plaintiff may bring such action within 6 years after the date when possession of the property was taken under this section, except that if the owner of the property is in the military service of the United States at any time during which he should otherwise have brought his action, he may bring the same within 6 years after his discharge from the said military service. The plaintiff and the State shall severally have the right to have such damages assessed by a jury.

In the event, by reason of the death of the owner of property seized under this section, he is unable to bring or to continue the action provided for, the action may be brought or continued by his executor or administrator, as the case may be.

§ 59. Local organization for defense

Each political subdivision of this State is authorized to establish and shall establish a local organization for civil defense in accordance with the state civil defense plan and program. Each local organization for civil defense shall have a director, who shall be appointed by the executive officer or governing body of the political subdivision, and who shall have direct responsibility for the organization, administration and operation of such local organization for

civil defense, subject to the direction and control of such executive officer or governing body.

Political subdivisions may accept the services of the State Personnel Board and adopt the regulations thereof for the purpose of qualifying federal administrative funds. The State Personnel Board may enter into agreements with political subdivisions of the State for the purpose of furnishing merit system coverage for civil defense employees, or employees of other agencies and departments assigned full time to civil defense duties. The State Personnel Board may charge for such services rendered, the fee to be consistent with the cost of coverage per state employee multiplied by the number of local employees covered. Fees thus received shall be credited to the General Fund. Any director so appointed may be removed by the appointing body for incompetence, misconduct, neglect of duty, disloyalty or subversive activity. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to section 60. Counties shall have concurrent responsibility for civil defense in the unorganized territories within the respective counties.

Duly appointed law enforcement officers of local, state and sheriffs organizations are empowered to enforce any of the provisions of this chapter or any rules or regulations promulgated thereunder in times of an emergency or during authorized alerts, including partial or full mobilization necessary to carry out section 57. It shall be unlawful for any individual to fail or refuse to comply with any just or reasonable order relative to the above from any such duly appointed law enforcement officer. Such failure to comply with such order shall constitute a misdemeanor.

Duly appointed civil defense law enforcement officers of local, state and sheriffs organizations shall have power to make arrests of persons found in violation of any provisions of this chapter or any rules and regulations promulgated thereunder in times of emergency necessary to carry out section 57.

§ 60. Mutual aid arrangements

The director of each local organization for civil defense shall, in collaboration with other public and private agencies within this State, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with such mutual aid arrangements, and for this purpose political subdivisions are authorized to enter into such mutual aid arrangements.

Each political subdivision, when geographical locations make mutual aid arrangements desirable, may, subject to the approval of the state director, enter into mutual aid arrangements with civil defense aid and assistance in case of disaster or catastrophe too great to be dealt with unassisted.

§ 61. Immunity

Neither the State nor any political subdivision thereof, nor other agencies, including the voluntary and uncompensated grantor of a permit for the use of his premises as a civil defense shelter, engaged in any civil defense activities, while complying with or attempting to comply with this chapter or any other rule or regulation promulgated pursuant to this chapter, shall be liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this chapter, or under the Workmen's Compensation Law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any Act of Congress.

§ 62. Appropriations and acceptance of aid; authority of state director

Each political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for civil defense. In making such appropriations, such political subdivision shall specify the amounts and purposes for which the moneys so provided may be used by the local organizations for civil defense.

Whenever the Federal Government or any agency or officer thereof or any person, firm or corporation shall offer to the State or to any political subdivision thereof, services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, the State, acting through the Governor, or such political subdivision, acting through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials or funds on behalf of the State or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

The state director, for purposes of civil defense, and subject to the approval of the Governor, may convey equipment, supplies, materials or funds by way of sale, lease or grant to any political subdivision of the State, such conveyance to be subject to the terms of the offer and the rules and regulations, if any, imposed by the State.

§ 63. Utilization of existing services and facilities

In carrying out this chapter, the Governor and the executive officers or governing bodies of the political subdivisions of the State are directed and shall utilize the services and facilities of existing departments, offices and agencies of the State and all the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed and shall cooperate with and extend such services and facilities to the Governor and to the civil defense organizations of this State upon request.

§ 64. Political activity prohibited

No organization for civil defense established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

§ 65. Civil defense personnel

No person shall be employed or associated in any capacity in any civil defense organization established under this chapter who advocates or has advocated a change in the constitutional form of the Government of the United States or in this State or the overthrow of any Government of the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows :

“I , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Maine, against all enemies, foreign and domestic ; that I will bear true faith and allegiance to the same ; that I take this obligation freely, without any mental reservation or purpose of evasion ; and that I will well and faithfully discharge the duties of the office which I am about to enter.”

§ 66. Inconsistent laws suspended

Except as otherwise provided all existing laws, rules and regulations inconsistent with this chapter or of any order, rule or regulation issued under the authority of this chapter shall be suspended during the period of time and to the extent that such inconsistency exists.

§ 67. Aid in emergency ; penalty

In the event of disaster or catastrophe as provided in section 57, the Governor shall have the power and authority to utilize any available property and enlist the aid of any person to assist in the effort to control, put out or end the disaster or catastrophe, or aid in the caring for the safety of persons. Any person who thus refuses without reasonable cause shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both. The State shall be liable for any damage to any property utilized under this chapter.

§ 68. Right of way ; penalty ; jurisdiction

Men and equipment required to respond to emergency calls under this chapter shall have the right of way over all public ways and roads and the Governor is granted the right to close or restrict traffic on all roads in any area.

Whoever shall fail to give the right of way to men, vehicles and equipment required to respond to emergency calls under this chapter, or whoever shall

enter upon roads which have been closed to traffic under this chapter, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both. The District Court shall have jurisdiction of all such offenses.

§ 69. Enforcement

It shall be the duty of every organization for civil defense established pursuant to this chapter and of the officers thereof to execute and enforce such orders, rules and regulations as may be made by the Governor under authority of this chapter. Each such organization shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under his authority.

§ 70. Penalty

Every officer of a political subdivision of this State who, having administrative responsibilities under this chapter, willfully violates any of the provisions of this chapter shall be punished by a fine of \$20.

§ 71. Appropriations and authorization of expenditures

The Governor, with the advice and consent of the Council, is authorized and empowered, whenever an emergency has been declared as provided in section 57 to transfer to the "Emergency Civil Defense," as heretofore established, any state moneys in the General Fund of the State, including unexpended appropriation balances of any state department or agency allotted or otherwise. The Governor is authorized to expend the moneys in the said fund for the purpose of carrying out this chapter.

CHAPTER 4

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

§ 91. Purpose—Article I

The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster from enemy attack or other cause, natural or otherwise, including sabotage and subversive acts and direct attacks by bombs, shellfire and atomic, radiological, chemical and bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective states, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the states that are parties hereto. The directors of civil defense of all party states shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

§ 92. Standards; rules and regulations—Article II

It shall be the duty of each party state to formulate civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

1. Insignia. Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;
2. Blackouts. Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;
3. Warnings. Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;
4. Screening of lights. The effective screening or extinguishing of all lights and lighting devices and appliances;
5. Suspension of utilities. Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;
6. Materials and equipment. All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state;
7. Traffic. The conduct of civilians and the movement and cessation of movement of pedestrian and vehicular traffic, prior, during and subsequent to drills or attacks;
8. Public meetings. The safety of public meetings or gatherings; and
9. Support units. Mobile support units.

§ 93. Request for mutual aid—Article III

Any party state requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof. It is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall extend to the civil defense forces of any other party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, privileges and immunities as if they were performing their duties in the state in which normally employed or rendering services, civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the state receiving assistance.

§ 94. Special skills—Article IV

Whenever any person holds a license, certificate or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical or other skills such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate or other permit as if issued in the state in which aid is rendered.

§ 95. Liability—Article V

No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

§ 96. Supplementary agreements—Article VI

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among 2 or more states may differ from that appropriate among other states party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or states. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

§ 97. Compensation and death benefits—Article VII

Each party state shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

§ 98. Reimbursement—Article VIII

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests. Any aiding party state may assume in whole or in part such loss, damage, expense or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost. Any 2 or more party states may enter into supplementary agreements establishing a different allocation of costs as among those states. The United States Government may relieve the party state receiving aid from any liability and reimburse the party state supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

§ 99. Evacuation—Article IX

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party states and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party state of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster, the party state of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

§ 100. Availability of compact—Article X

This compact shall be available to any state, territory or possession of the United States and the District of Columbia. The term "state" may include any neighboring foreign country or province or state thereof.

§ 101. Participation of federal agency—Article XI

The committee established pursuant to Article I of this compact may request the civil defense agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

§ 102. Entry into force—Article XII

This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by Congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the civil defense agency and other appropriate agencies of the United States Government.

§ 103. Withdrawal—Article XIII

This compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governors of all other party states.

§ 104. Construction and separability of provisions—Article XIV

This compact shall be construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

§ 105. Approval of compact

The Governor is authorized to approve the Interstate Civil Defense and Disaster Compact and after approving the same shall cause it to be filed with the Secretary of State. The Secretary of State shall cause certified or exemplified copies thereof to be forwarded and deposited with all interested governmental agencies as required by Public Law 920, 81st Congress, or with other states, governments or political subdivisions thereof as may be necessary or desirable under statutes of this State.

CHAPTER 6

SABOTAGE PREVENTION

§ 161. Short title

This chapter may be cited as the "Sabotage Prevention Act."

§ 162. Relations to other statutes

All acts and parts of acts inconsistent with this chapter are suspended in their application to any proceedings under this chapter. If conduct prohibited by this chapter is made unlawful by another or other laws, the offender may be convicted for the violation of this chapter or of such other law or laws.

§ 163. Rights of labor unaffected

Nothing in this chapter shall be construed to impair, curtail or destroy the lawful rights of employees and their representatives to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, to strike, to picket and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

§ 164. Definitions

As used in this chapter:

1. Highway. "Highway" includes any private or public street, way or other place used for travel to or from property.

2. Highway commissioners. "Highway commissioners" means any individual, board or other body having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.

3. Public utility. "Public utility" includes any pipe line, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.

§ 165. Intentional injury or interference with property

Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or with preparations and plans for civil defense, or with the execution thereof under chapter 3 shall be punished by imprisonment for not more than 10 years or by a fine of not more than \$10,000, or by both. If such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or with preparations and plans for civil defense, or with the execution thereof under chapter 3, the minimum punishment shall be imprisonment for not less than one year.

§ 166. Intentional defective workmanship

Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or with preparations and plans for civil defense, or with the execution thereof under chapter 3, or that such article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be punished by imprisonment for not more than 10 years or by a fine of not more than \$10,000, or by both. If such person so acts or so fails to act with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or with preparations and plans for civil defense, or with the execution thereof under chapter 3, the minimum punishment shall be imprisonment for not less than one year.

§ 167. Attempts

Whoever attempts to commit any of the crimes defined by this chapter shall be liable to $\frac{1}{2}$ the punishment prescribed for the completed crime. In addition to the acts which constitute an attempt to commit a crime under the law of this State, the solicitation or incitement of another to commit any of the crimes defined by this chapter not followed by the commission of the crime, the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime, or the entry, with or without permission, of a building, enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime.

§ 168. Conspirators

If 2 or more persons conspire to commit any crime defined by this chapter, each of such persons is guilty of conspiracy and subject to the same punish-

ment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted under this section that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

§ 169. Witnesses' privileges

No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court, magistrate, referee or grand jury upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any of the provisions of this chapter or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the State may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced, shall be received against him, upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

§ 170. Unlawful entry on property

Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or with preparations and plans for civil defense, or with the execution thereof under chapter 3, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock or railway entrance and every 100 feet of water front a sign reading "No Entry Without Permission." Whoever without permission of such owner shall willfully enter upon premises so posted shall be punished by a fine of not more than \$50 or by imprisonment for not more than 10 days, or by both.

§ 171. Questioning and detaining suspected persons

Any peace officer or any person employed as watchman, guard or in a supervisory capacity on premises posted as provided in section 170 may stop any person found on any premises to which entry without permission is forbidden by section 170 and may detain him for the purpose of demanding, and may demand, of him his name, address and business in such place. If said peace officer or employee has reason to believe from the answers of the person so interrogated that such person has no right to be in such place, said peace officer shall forthwith release such person or he may arrest such person without a warrant on the charge of violating section 170. Said employee shall

forthwith release such person or turn him over to a peace officer, who may arrest him without a warrant on the charge of violating section 170.

§ 172. Closing and restricting use of highway; penalty

Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or with preparations and plans for civil defense, or with the execution thereof under chapter 3, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which such property abuts, may petition the highway commissioners of any city, town or county to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof.

Upon receipt of such petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, town or county in which such property is located, such notice to be at least 7 days prior to the date set for hearing. If after hearing the highway commissioners determine that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel, or reasonably restrict the use of and travel upon one or more of said highways or parts thereof. The highway commissioners may issue written permits to travel over the highways so closed or restricted to responsible and reputable persons for such term, under such conditions and in such form as said commissioners may prescribe. Appropriate notices in letters at least 3 inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. The highway commissioners may at any time revoke or modify any order so made.

Whoever violates any order made under this section shall be punished by a fine of not more than \$50 or by imprisonment for not more than 10 days, or by both.

CHAPTER 8

THE MILITARY BUREAU

§ 201. Call of militia to suppress insurrection

When an insurrection exists to obstruct the course of justice or the due execution of the laws, the Governor is empowered to detach and call into actual service such part of the militia as in his opinion is adequate to suppress the same.

§ 202. Armed vessels to protect the coast

When the Governor and Council deem it necessary to protect the coast of the State from invasion, they may procure, equip, officer and man, such

armed vessels as they think expedient, to cruise along the coast of the State for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed.

§ 203. Fresh pursuit by forces of other states

Any military forces or organization, unit or detachment thereof of another state who are in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this State until the military or police forces of this State or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons and are authorized to arrest or capture such persons within this State while in fresh pursuit. Any such person who shall be captured or arrested by the military forces of such other state while in this State shall without unnecessary delay be surrendered to the military or police forces of this State to be dealt with according to law. This section shall not be construed so as to make unlawful any arrest in this State which would otherwise be lawful.

§ 204. Registration during war; proclamations; hotel manager's duty

Whenever a state of war shall exist or shall be imminent between the United States of America and any foreign country, the Governor may by proclamation direct and require every subject or citizen of such foreign country within this State to appear within 24 hours after such proclamation or within 24 hours after his arrival in this State whichever is later before such public authorities as the Governor may in such proclamation direct, and then and there such subject or citizen of such foreign country shall personally register his name, residence, business, length of stay and such information as the Governor may from time to time in such proclamation prescribe. The person in control, whether owner, lessee, manager or proprietor, of each hotel, inn, boardinghouse, rooming house, building and private residence shall within 24 hours after such proclamation notify such public authorities of the presence therein of every such subject or citizen of such foreign country, and shall each day thereafter notify such public authorities of the arrival thereat and departure therefrom of every such subject or citizen. A failure to comply with all requirements of any such proclamation or to do or perform any of the acts herein provided shall be a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

§ 205. Definitions

Wherever in this title the following quoted words appear, they shall have the meaning set out below:

1. Military purposes. "Military purposes" shall mean any purpose that will aid in facilitating the preparation for or conduct of war whether for defense or offense or whether on land, sea or in the air.
2. Enlisted personnel. "Enlisted man" or "enlisted men" shall mean enlisted personnel, male or female.

§ 206. Commander in Chief

The Governor is the constitutional Commander in Chief of the militia, except of such portions as may be at times in the federal service of the United States.

§ 207. Active service in National Guard or state military or naval forces

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 or in aid of any civil authority the National Guard or other authorized state military or naval forces or any part thereof that he may deem proper. Whenever the National Guard of this State or a part thereof is ordered into federal service under the Constitution and laws of the United States, the Governor shall, unless the order specifies otherwise, order out for service the National Guard or other authorized state military or naval forces 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 ordered into the service of the United States shall not, during such service, be given to new organizations.

In case of a sudden and unexpected 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 the State or the United States, or of imminent danger thereof, a Justice of the Supreme Judicial Court or of the Superior Court or the sheriff of a county may call for aid upon a commanding officer of the National Guard or other authorized state military or naval forces, and such call shall be in writing. The commanding officer upon whom the call is made shall order out in aid of the civil authorities the military or naval force or any part thereof under his command, and shall make an immediate report of the case to the Adjutant General and to his immediate commanding officer. He shall receive only general directions from the civil authority requesting the aid, and shall remain strictly responsible to his military superior for the manner in which the troops shall be used to accomplish the desired end.

In the event of an emergency so imminent as to require immediate action the senior officer of a command may, upon request in writing of the mayor of a city or the selectmen of a town, order out for the defense or protection of the community the forces under his command, or any part thereof, and immediately report his action and the circumstances of the case to the Adjutant General and to his immediate commanding officer.

§ 208. Activation of unorganized militia

Whenever it shall be necessary to call into active State service the unorganized militia, or any part thereof, the Governor shall direct his order to the chief municipal officer of any municipality, who, upon receipt of the same, shall proceed to draft by lot as many of the unorganized militia or accept as many volunteers as are required by the Governor, and shall forthwith forward to the Adjutant General a list of the persons so drafted or accepted as volunteers.

§ 209. Unorganized militia mustered into service

Whenever any portion of the unorganized militia is called forth under the Constitution and laws of the United States or of the State of Maine, the members thereof shall be immediately mustered into the service for such period as the call may prescribe. Whenever any portion of such unorganized militia shall be ordered into the service of the State they shall be mustered into the service for such period as the Governor may direct. Such unorganized militia when so ordered into active service shall have, as far as practicable, the same system of organization, equipment, training and discipline as are or may thereafter be prescribed for the National Guard or other authorized state military or naval forces. The Governor shall have the power to appoint the officers for any new organizations formed out of said unorganized militia.

§ 210. Proclamation of state of insurrection

Whenever any portion of the National Guard or other authorized state military or naval forces is employed in aid of the civil authority, the Governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county or municipality in which the troops are serving or any specified portion thereof to be in a state of insurrection.

§ 211. Civil or criminal liability; defense

No member of the militia ordered into the active service of the State shall be liable civilly or criminally for any act done, or caused, ordered or directed to be done, by him in furtherance of and while in the performance of his military duty. When an action or proceeding of any nature shall be commenced in any court by any person against any officer or enlisted man of the militia for any act so done, or caused, ordered or directed to be done, all the expenses of the defense of such proceeding or action, civil or criminal, including fees of witnesses for the defense, defendant's court costs, and all costs for transcripts of records and abstract thereof on appeal, shall be paid by the State, out of the Military Fund. It shall be the duty of the Attorney General, either personally or by one or more assistants, to defend such officer or soldier. Where the action or proceeding is criminal, the Adjutant General shall designate a judge advocate of the National Guard or other authorized state military or naval forces to conduct the defense of such member, or if the services of a judge advocate be not available, then he shall select some other competent attorney to conduct such defense, and the judge advocate or other attorney so selected shall receive and be paid out of the Military Fund a reasonable compensation for his professional services. In any such action or proceeding the defendant may require the person instituting or prosecuting the same to file security for payment of costs that may be awarded the defendant, which costs, if recovered in action, the costs whereof have been paid out of the Military Fund, shall be paid into the State Treasury for the benefit of the Military Fund. The defendant may, in every such action or proceeding, make a general denial and give the special matter in evidence.

§ 212. Power of the 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.

§ 213. Staff

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 grade not to exceed that of major general; the senior officer on duty with each of the staff departments; and such aides-de-camp not to exceed 11 in number, one of whom may be a naval aide with rank of captain and one of whom may be an air force aide, as may be appointed by the Governor. No person shall be appointed as Adjutant General or assistant adjutant general unless he holds or has held a commission of at least field grade or equivalent in the organized militia of the State, of the Armed Forces of the United States, or of a reserve component thereof, and shall have served not less than 5 years in one or more of such services and shall meet the criteria for federal recognition in the grade to which appointed as are prescribed by the regulations governing the National Guard of the United States. All other 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 as a reserved commissioned officer of the Armed Forces 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.

Aides-de-camp, except as otherwise provided, may be detailed by the Commander in Chief from commissioned officers of the Maine National Guard, or of the Maine State Guard, or other authorized state military or naval forces, of the grades above specified, but officers so detailed shall not be relieved thereby from their regular duties except when on duty with the Commander in Chief. 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. The aides-de-camp authorized by chapters 8 to 27 shall be appointed by the Governor and, except those detailed from the active list shall be commissioned by him and shall serve only during the term of the Governor making the appointment. The Governor may detail additional aides from the officers of the Maine National Guard or of the Maine State Guard, or other authorized state military or naval force, for temporary duty, subject to this section.

Officers of all staff departments 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 of the national military establishment.

§ 214. Adjutant General; assistant

The Adjutant General of the State shall be the Director of the Military Bureau and shall be ex officio, chief of staff for the State. For the purpose

of establishing the relation between the national military establishments 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 prescribed, shall be made by them pursuant and in obedience to his directions and instructions.

He shall control the military bureau subordinate only to the Governor, and may adopt such methods of administration, not inconsistent with the laws, regulations and customs of the service of the national military establishment, so far as the same may be applicable, as he may deem necessary to render the bureau efficient.

He shall superintend the preparation of all returns, reports, plans and estimates required of the State by the national military establishment. On or before the 30th day of June of each year, he shall make a report to the Governor of the strength and condition of the militia and of the business transactions of the bureau, including a detailed statement of expenditure for all military purposes.

He shall be responsible for the care, preservation and repair of all military property belonging or issued to the State for the arming and equipping of the militia. He shall dispose of all military property of the State found unserviceable after a proper inspection, account for the proceeds and deposit the same into the State Treasury, to the credit of the Military Fund.

He shall keep a just and true account of all expenses necessarily incurred, including pay, transportation and subsistence of officers and enlisted men of the National Guard or of any other authorized state military or naval forces, and of all military property. He shall render annually to the Governor a statement in detail showing the disposition of all clothing, ordnance, arms, ammunition and other military property on hand and issued.

He may sell for cash to officers of the National Guard or other authorized state military or naval forces, for their official use, and to organizations of the National Guard or other authorized state military or naval forces, any military or naval property which is the property of the State. He shall, with his annual report, render to the Governor a true account of the sales so made, and shall deposit the proceeds of the same in the State Treasury to the credit of the Military Fund.

The Adjutant General may appoint, subject to the approval of the Governor, an assistant adjutant general for the Army National Guard and an assistant adjutant general for the Air National Guard, who may each hold the grade of brigadier general, to serve at his will and pleasure. The qualifications for these appointments shall be the same as those prescribed by the Adjutant General in section 213. Each assistant adjutant general shall be responsible for the general supervision of training and administration of the affairs of the Army National Guard and the Air National Guard respectively, and such other duties as are prescribed by the Adjutant General. The Adjutant General shall appoint one of the assistant adjutants general to serve as deputy adjutant general and such deputy, regardless of rank, shall have all the powers and duties of the Adjutant General in the case of the absence of the Adjutant General or his inability to act, or in the case of vacancy in said office until such vacancy shall have been filled by the Commander in Chief, as provided by law.

§ 215. Property and fiscal officer

The Governor shall designate, subject to the approval of the Secretary of the Army and the Secretary of the Air Force, a qualified commissioned officer of the National Guard of the State to be the United States property and fiscal officer.

The status of the property and fiscal officer will be that of a reserve commissioned officer of the Army or Air Force, as appropriate, on extended active duty and detailed with the National Guard Bureau for administrative purposes.

The property and fiscal officer shall give a bond to the United States, the amount thereof to be determined by the Secretary of the Army and the Secretary of the Air Force, for the faithful performance of his duties and for the safekeeping and proper disposition of federal property and funds entrusted to his care.

§ 216. Conflicts of interest

No officer authorized to make purchases or sales of military property shall be concerned, directly or indirectly, in the purchase or sale of any such property, except for and on account of the State; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business of his office, other than what is allowed by law.

§ 217. Inspection of property purchased

All property purchased under the authority granted shall be inspected by an officer designated for that purpose by the Adjutant General, and no payment shall be made therefor until it shall appear by the certificate of the inspecting officer that the property is of the kind and quality specified in the contract of purchase.

§ 218. Indebtedness contracted without authorization

No officer or enlisted man shall contract or presume to authorize the contracting of, any indebtedness on behalf of the State, unless especially authorized to do so or by the express order of the Adjutant General. Any person in the military service who shall violate this section shall be dishonorably discharged and suffer such other punishment as a court-martial may direct.

§ 219. Military Defense Commission

The State Military Defense Commission, as heretofore established, shall consist of 8 members. The Governor and Adjutant General and their successors shall be ex officio members during their respective terms of office. The Governor for the time being shall be the chairman. The other 6 members who shall be citizens of the State shall be appointed by the Governor, as follows: 2 for a term of 3 years annually. In the case of any vacancy caused by death, resignation or otherwise, the Governor shall appoint a citizen for the unexpired term. It shall be the duty of the commission to exercise general supervision and control over all armories, drill rooms, headquarters offices, stables and state owned or controlled realty used for military purposes, 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. The commission 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 220. The commission is authorized where towns or municipalities have been relieved from compliance with this section 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. The commission is further authorized and directed to cooperate with the Federal Government or municipalities in establishing and coordinating national defense in this State, especially in the providing of equipment, training, facilities, suitable quarters for troops and supplies, and buildings and lands for military purposes, including construction and expansion of armories and other facilities for joint use by the National Guard and another reserve component or other reserve components of the Armed Forces of the United States. The commission may acquire real property by right of eminent domain in the manner prescribed by law for the taking of land for highway purposes, and both real and personal property by purchase, gift or otherwise, for the purpose of construction or maintenance of armories, airports, shipyards and other military facilities, including the building or improvement and maintenance of railroads or roads necessary for the more efficient use of such facilities, for military purposes and the procuring of equipment and supplies for military purposes. The members of the commission shall be reimbursed for their actual expenses incurred in the performance of their duties. The judge advocate shall be the legal adviser of the commission.

§ 220. Armories; offices; duty of municipal officers to provide

The municipal officers shall provide and maintain for each unit of the National Guard, or other state military or naval forces located within the limits of their municipality, armories and other necessary buildings, the suitability of which shall be determined by the State Military Defense Commission.

After consulting with the municipal officers, the State Military Defense Commission shall fix a reasonable compensation, subject to the approval of the Governor, to be paid as rent to the municipality providing and maintaining the buildings. This compensation shall be paid by the State out of the appropriation for armory rental. The buildings shall be used exclusively for military purposes, unless otherwise authorized by the general regulations prescribed by the State Military Defense Commission, or by special authority of the chairman of the commission after written application by the municipal officers, and may be jointly used by the National Guard and another reserve component or other reserve components of the Armed Forces of the United States.

The Governor may accept, in the name of the State, donations of real estate and personal property to be used for military purposes by the National

Guard, or other state military or naval forces, upon such conditions as the donors may prescribe. The Governor may prescribe further regulations pertaining to property so donated. The State Military Defense Commission may approve for payment from the appropriation for armory rentals necessary sums for the maintenance and operation of the property.

Whenever the Military Fund is sufficient the State Military Defense Commission may, with the approval of the Governor, erect armories and other necessary buildings upon land donated to the State for that purpose.

When a city or town constructs armories and other necessary buildings for the use of the National Guard or other state military or naval forces, the State shall reimburse the city or town for $\frac{1}{2}$ of each installment as it becomes due the contractor where the following conditions are observed:

1. Recorded deed. The city or town shall deposit with the Treasurer of State a recorded deed conveying to the State clear title to all the real estate involved.
2. Certification that installment due. The State Military Defense Commission shall certify in writing to the Treasurer of State that an installment is due.
3. State contribution. The state contribution shall not exceed a total of \$50,000 to each city or town.
4. Number of projects biennially. Not more than 3 such armory projects shall be erected biennially.

The municipal officers shall provide target ranges for units of the National Guard, or other state military or naval forces, located within the limits of their municipality, except where ranges are provided from the funds appropriated for the purpose by the Federal Government. The municipal officers shall maintain the target ranges in good condition regardless of the method by which they were obtained. The suitability of target ranges shall be determined by the senior officer in the Ordnance Department of the National Guard, or other state military or naval force, and approved by the Adjutant General. The target ranges shall be open for the use of members of the National Guard, or other state military or naval forces, at all times, subject to the approval of the Adjutant General.

The legislative body of a municipality may raise money for purchasing, leasing, constructing and maintaining, or may accept by gift or otherwise, real estate and personal property to be used for armories, other necessary buildings, and target ranges for units of the National Guard, or other state military and naval forces, located in the municipality.

To carry out this section there shall be a biennial appropriation known as the Military Fund, from which payment is to be made by the Treasurer of State upon vouchers issued by the State Military Defense Commission to the State Controller.

Any municipal officer who fails to take effective measures for providing and maintaining suitable armories, other necessary buildings, and target ranges as prescribed by this section, or who uses the buildings without authority, or who abuses the authority granted is guilty of a misdemeanor. He shall be prosecuted by complaint or indictment before a court of competent jurisdiction and upon conviction shall be punished by a fine of not less than \$100 nor more than \$400, or by imprisonment for not less than 3 months nor more than 6 months, or by both. Any fine imposed by the authority of this section shall be paid into the State Treasury and credited to the Military Fund.

All real estate and personal property owned or leased by the State, by any municipality, or by any organization of the state military or naval forces, and used for military purposes is exempt from all taxation during the period of such ownership or lease and use.

CHAPTER 9

MILITIA

§ 251. Composition

The militia of the State of Maine shall consist of all able-bodied male citizens of the State and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than 18 years of age and, except as otherwise provided, not more than 45 years of age, and such females as may be enlisted, appointed or commissioned therein. Said militia shall be divided into these classes: The National Guard, the naval militia, other organized militia units and the unorganized militia.

§ 252. Exemption from military duty

The Vice-President of the United States; the officers, judicial and executive, of the Government of the United States and of the several states and territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from militia service, if the conscientious holding of such belief by such person shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant.

§ 253. Enrollment

All male citizens who are more than 18 and less than 45 years of age, excepting idiots, lunatics, paupers, vagabonds, habitual drunkards and persons convicted of infamous crimes, and who are resident in this State, shall, whenever the Governor may deem necessary, be enrolled by the assessors in the

several municipalities in which they reside, in such manner and according to such regulations as the Governor shall prescribe. On such enrollment and opposite the name of each person who is exempt from duty under section 252, or who is serving in the active militia, or who is unable by reason of physical disability to perform militia duty, the assessors shall write the word "exempt" and state in each case the cause of exemption. The assessors shall subscribe said list and make oath that the same is true to the best of their knowledge and belief; and shall file the same with the clerk of the municipality forthwith; and each clerk shall, within 10 days, make a certified statement of the total number enrolled, the number marked exempt, the number belonging to the active militia and the number marked disabled, and forward the same to the office of the Adjutant General. Any person claiming exemption shall satisfy the enrolling officer or officers of his right thereto and in case of doubt the burden of proof shall be upon the person claiming exemption, and the enrolling officer or officers may require him to submit to examination on oath and may administer such oath.

§ 254. Refusal to give information a misdemeanor

Any person knowingly and willfully refusing information or giving false information to an assessor or other authorized person making the enrollment, respecting the name, age, residence, occupation, military or naval service, physical or mental condition or other proper subject of inquiry, of himself or any person within his knowledge liable to be enrolled, shall for each such concealment, refusal or giving of false information be guilty of a misdemeanor. The officer making the enrollment shall, within 10 days, report all persons violating this section to the Adjutant General.

§ 255. Failure of assessors and clerks to perform duty; Governor may appoint others

Any assessor neglecting or refusing faithfully to perform the duties of enrolling officer as required by law, or making any false entry upon said rolls or committing any other fraud therein, and any clerk neglecting to make and forward the statement required by section 253 shall be guilty of a misdemeanor. Upon the failure of the assessors to make the enrollment of the militia as required by law, the Governor may appoint some person to make it at the expense of the municipality, and the person so appointed shall have all the powers and be subject to the same duties as are prescribed in the case of assessors.

§ 256. Rules 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 chapters 8 to 27 and the regulations issued thereunder, shall be in force and regarded as a part of chapters 8 to 27 until said forces shall duly be relieved from such duty during such state of actual war, insurrection, invasion or rebellion. 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.

CHAPTER 11
NATIONAL GUARD

§ 301. Composition

The National Guard shall consist of regularly enlisted personnel between the ages of 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 national military establishment as National Guard.

§ 302. Flag to be carried

The flag of the State to be carried by the Maine National Guard shall be the same as the flag described in Title I, section 206, with the addition of a scroll in red below the coat of arms of the State bearing the inscription, Maine National Guard.

§ 303. Organization and regulations

The organization of the National Guard of Maine, including enlistments, appointments, promotions, transfers, discharges, equipment, uniforms, reductions and warrants of noncommissioned officers, instruction and training, armament and elimination and disposition of officers, shall be the same as that which is now or may hereafter be prescribed or provided by the laws and regulations of the United States for the National Guard. The Commander in Chief is authorized, and it shall be his duty, to issue and prescribe from time to time such orders and regulations, and to adopt such other means of administration as shall maintain the prescribed standard of organization and armament. It shall be the duty of the Commander in Chief to prescribe such regulations and to adopt such methods of administration for the care, preservation, disposition of and accountability for all military property issued to the National Guard and belonging to the United States; for procuring, disbursing and accounting for all military funds allotted to the State; for arming, equipping and supplying the National Guard; and for arranging for such camps of instruction, field service and rifle practice as shall meet the requirements that are now or may hereafter be prescribed by the laws and regulations of the United States, and such orders, regulations and means adopted shall have the full force and effect of law.

§ 304. New organizations

When authorized by the national military establishment, new organizations may be raised on petition to the Governor, or by his order. 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 national military establishment with a view to federal recognition.

§ 305. National Guard Association

The commissioned officers of the National Guard may organize themselves into an association the name of which shall be "The National Guard Association of the State of Maine." Such association may adopt a constitution and bylaws not repugnant to law, orders or regulations, and alter and amend the same, and may take and hold such real and personal property as may be necessary for the purposes of the association.

CHAPTER 13

NAVAL MILITIA

§ 311. Composition

Such persons as may be enlisted or as may be appointed or commissioned therein shall constitute the Naval Militia of the State of Maine.

§ 312. Organization and administration

The Commander in Chief may organize the forces prescribed in section 311 as he may deem proper. When in his judgment the efficiency of the naval militia will be increased thereby, or whenever public interest may demand it, he may alter, reorganize or disband any or all of the organizations therein. He shall have power at any time to change the organization of the naval militia so as to conform to any organization, or system of drill or instruction which may be adopted for the Navy of the United States, and to increase and decrease for that purpose the number of officers, warrant officers, chief petty officers, petty officers and enlisted men and to change their grades, titles and designations.

The system of administration, drill and instruction of the naval militia shall conform, as nearly as practicable, to that of the Navy of the United States. The discipline and government thereof when not otherwise prescribed shall be according to the laws and regulations now or hereafter governing the National Guard. No part of the naval militia shall be attached to any organization of the National Guard except when especially ordered by the Governor, in which case the senior officer present shall command the whole, unless the Commander in Chief shall direct otherwise.

§ 313. Pay and allowances

The pay of personnel of the naval militia shall be the same as that of personnel of the same relative rank in the National Guard. 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 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 company yeoman and the storekeeper of each company shall receive for their services a sum not exceeding \$25 per year.

§ 314. Authority, privileges and qualifications of officers

Commissioned officers of the naval militia shall have the same authority, rights, privileges and qualifications, grade for grade, as commissioned officers in the National Guard, and, if not otherwise prescribed, shall be appointed in the same manner. The board of examination, in the case of the appointment of an officer of the naval militia, shall consist of at least one commissioned officer of the naval militia, active or retired.

CHAPTER 15

STATE GUARD

§ 351. Authority and name

The Governor is authorized to organize and maintain within this State in time of peace, war or other emergency, under such regulations as the Secretary of the Army of the United States may prescribe for the organization, standard of training, instruction and discipline, such military forces distinct from the National Guard and the organized militia as the Governor, as Commander in Chief, may deem necessary to defend this State and protect its sovereignty. Such forces shall be known as the Maine State Guard and they shall be uniformed at the expense of the State.

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 17 years of age. 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. Youths not less than 16 years of age may be enrolled if written consent thereto is given by parents or guardian.

A person may not become a member of the Maine State Guard if he is a member of the National Guard or other reserve component of the Armed Forces of the United States.

§ 352. Organization; rules and regulations

The Governor is authorized from time to time to prescribe in rules and regulations not inconsistent with this chapter the enlistment, designation and location of units, the organization, administration, equipment, maintenance, training and discipline of such forces. The organization shall not conflict with the laws of the United States. Such rules and regulations, in so far as he deems practicable and desirable, shall conform to existing laws governing and pertaining to the National Guard of the State and the rules and regulations promulgated thereunder.

He shall, subject to the rules and regulations prescribed by the 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.

§ 353. Active service; pay and allowances

All of sections 203, 208, 936 and 938 shall apply to and govern the Maine State Guard.

No pay will be allowed the officers and enlisted men of the Maine State Guard for drill and inspections, but nothing in this section shall be construed as to invalidate the provisions of section 936 which are applicable to the Maine State Guard.

§ 354. Requisitions; armories; other buildings

For the use of such forces, the Governor is authorized to requisition from the Secretary of the Army such arms, ammunition, clothing and equipment as the Secretary of 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.

§ 355. Use out of State

The Maine State Guard shall not be required to serve outside the boundaries of this State except:

Any organization, unit or detachment of such forces, upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this State into another state until they are apprehended or captured by such organization, unit or detachment or until the military or police forces of the other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons; provided such other state shall have given authority by law for such pursuit by such forces of this State. Any such person who shall be apprehended or captured in such other state by an organization, unit or detachment of the forces of this State shall without unnecessary delay be surrendered to the military or police forces of the state in which he is taken or to the United States, but such surrender shall not constitute a waiver by this State of its right to extradite or prosecute such person for any crime committed in this State.

§ 356. Federal service

Nothing in this chapter shall be construed as authorizing such forces, or any part thereof, to be called, ordered or in any manner drafted, as such into the military service of the United States, but no person shall by reason of his enlistment or commission in any such forces be exempted from military service under any law of the United States.

§ 357. Enlistment of civil groups

No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league or other combination of persons or civil group shall be enlisted in such forces as an organization or unit.

§ 358. Disqualifications

No person shall be commissioned or enlisted in such forces who has been expelled or dishonorably discharged from any military or naval organization of this State, or of another state or of the United States, or who has been convicted of a felony in any court of this State, or of another state or of the United States.

§ 359. Oath of office

The oath to be taken by officers commissioned and men enlisted in such forces shall be substantially in the form prescribed for officers and enlisted men of the National Guard, substituting the words "Maine State Guard" where necessary.

§ 360. Period of service

The term of service or enlistment of officers commissioned and men enlisted in such forces shall be that prescribed for officers and enlisted men of the National Guard.

CHAPTER 17

MILITARY PERSONNEL

SUBCHAPTER I

COMMISSIONED OFFICERS

§ 931. Appointments, commissions, vacancies, examinations, oaths

Subject to the regulations prescribed by the Secretary of the Army of the United States or the Air Force, all officers shall be appointed and commissioned by the Governor. Except as otherwise 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. Vacancies in the grade of second lieutenant shall be filled in the following manner: 1st, 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; 2nd, if no such personnel holding reserve commissions or certificate of eligibility is available and recommended

for promotion in the unit, all enlisted men of any company and any noncommissioned staff officer shall, if physically sound, be eligible for appointment and shall be permitted to 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 or other authorized state military or naval forces. Every officer duly commissioned shall within 10 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. 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 canceled by the Governor and a new appointment made to fill the vacancy.

§ 932. Discharge and retirement

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.

Any person who has served as a commissioned officer in the Maine National Guard or other authorized state military or naval forces for a period of not less than 9 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. If at the time of his retirement he shall have served as a commissioned officer in the Maine National Guard or other authorized state military or naval forces or federal military service for a period of 15 years or more, he may be retired with a rank one grade higher than the highest rank held by him during his service. Retired officers shall be entitled to wear the uniform of the rank with which they were retired. Except as provided, no commissioned officer in the National Guard or other authorized state military or naval forces 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.

§ 933. Discharge

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 military establishment for the government of the National Guard, as the Governor may prescribe.

§ 934. Draft; exemption for prior service; contempt

If in time of peace, war or other emergency, any company, troop, battery or detachment of the National Guard, State Guard or other authorized military or naval force shall have failed by voluntary enlistment to obtain the minimum strength required by the laws of the United States, or of this State, the commanding officer of such company, troop, battery or detachment of the National Guard, State Guard or other authorized state military or naval force shall report to the Adjutant General the number of enlisted men required and in addition thereto a number equal to the loss expected during the succeeding 3 months, of enlisted men whose terms of active service expire during that period, and who have signified their intention of not continuing in active service or reenlisting. The Adjutant General shall, upon receipt of such report, inform the Governor of the facts, and the Governor shall then draft from the unorganized militia of the town or city where such company, troop, battery or detachment is located, or from adjacent towns or cities, the number of men required to maintain such minimum strength, and in addition, such number as he may deem necessary to allow for possible rejections. Such drafts shall be made by order of the Governor directed to the selectmen of the town or the mayor of the city where such company, troop, battery or detachment is located, or to the selectmen of adjacent towns or the mayors of adjacent cities, who shall, within 5 days, transmit to the Adjutant General a list containing the names of all persons in such towns or cities between the ages of 18 and 45, who are subject by law to military enrollment. The Adjutant General or some officer detailed by him shall prepare slips upon which shall be placed the names of all persons on such list and within 5 days after the receipt of such list, the Adjutant General or some officer detailed by him shall, in the presence of one of the selectmen or some other official of such town or the mayors or other officials of such cities, place such slips in a box and draw therefrom the number required by said draft. All men whose names are so drawn shall be ordered by the Adjutant General to report to the commanding officer of such company, troop, battery or detachment at a certain time and place and submit to the necessary physical examination. Such orders shall be in writing and a copy thereof shall be served upon each man so drafted by a sheriff, other proper officer or indifferent person, at least 6 days before the time designated for reporting to such commanding officer. From those who have passed such physical examination, a sufficient number of names shall be selected to fill all vacancies existing or expected at the date of draft, the method of selection being the same as provided, except that the Adjutant General shall be represented by the commanding officer of the company, troop, battery or detachment concerned and the drawing shall be made in the presence of those present subject to draft. All men so selected who do not volunteer to enlist shall thereupon be enrolled as members of the National Guard, State Guard or other authorized military or naval force for a period of one enlistment or for such time as the Governor may direct. All men so enrolled shall be considered as regularly enlisted and shall be subject to all federal and state laws, regulations and discipline governing the National Guard, State Guard or other authorized state military or naval force. Any person so drafted, in any order to report, as provided, who, having been personally served with a copy of such order, shall fail to appear at the time and place designated by such order or who shall fail to present to such commanding officer a sworn certificate from a physician in good standing, of physical disability, shall be punished by a fine of not less than \$10 nor more than \$50, for each day he shall fail to appear. The courts of this State shall have jurisdiction of all prosecutions under this section. 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 this section. Nothing under this section shall be construed as authorizing a change in the status of any person registered under the Federal Selective Service Law.

§ 935. Civilian cooks

The Commander in Chief may authorize the employment of cooks, to the number fixed in chapters 8 to 27 in organizations in which there are vacancies in enlisted cooks when such organizations are on duty under his orders or are called upon in aid of the civil authorities. The Commander in Chief may authorize the employment and prescribe the number of cooks for all headquarters and organizations for which the enlistment of cooks is not authorized by chapters 8 to 27. Cooks during such employment shall be subject to the laws and regulations for the government of the National Guard and shall receive the same pay as enlisted cooks.

§ 936. Pay and allowance

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 national military establishment, and no more, provided that all band musicians shall be paid not less than \$6 per day and there shall be allowed the necessary transportation, 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.

When the National Guard or other authorized state military or naval forces, or any portion thereof, shall be called forth in aid of the civil authorities, or assembled in obedience to such calls, as provided for in section 207, all officers and men thereof shall receive the pay set forth in this section.

When ordered on special duty, or authorized to go on special duty, officers and enlisted men of the National Guard, State Guard or other authorized state military or naval forces shall receive compensation for their expenses while on such duty at an allowance based on the allowance allowed by the Federal Government to officers and enlisted men of the same grades while traveling on special duty.

§ 937. Special allowance

To all officers ordered to make inspection or other journeys necessary in the military service, there shall be allowed all actual and necessary expenses 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.

Whenever deemed necessary, the Adjutant General may authorize the commutation of rations for enlisted men, which shall be at the rate as prescribed by the Secretary of the Army or Air Force. He shall approve all other just

and reasonable claims, payments and expenditures, legally made in behalf of the military service of the State.

§ 938. Eligibility and amounts

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 willful negligence on his part receive any wound, injury or disease incident thereto while performing any lawfully ordered duty which shall incapacitate him for his usual business or occupation, shall receive compensation according to Title 39, and any amendments thereto, as an employee of this State. 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 Title 39. 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 national military establishment and ordered by the Governor, shall receive the pay provided in section 936, while he remains in a federal pay status in lieu of the compensation provided for in this section.

CHAPTER 19

MERIT AWARDS AND PRIZES

§ 1001. Certificate of merit

When any enlisted man of the National Guard or other authorized state military or naval forces shall have distinguished himself in the service for gallantry or for long and meritorious service in the National Guard or other authorized state military or naval forces for a continuous period of 15 years or for a period of 20 years not necessarily continuous, the Governor may, upon the recommendation of the commanding officer of the regiment or of the senior officer of the organization to which such enlisted man belongs, grant him a certificate of merit. A holder of such certificate shall be borne on the military register of the State for the remainder of his life. Meritorious service in time of actual war, insurrection or rebellion shall count double toward procuring such certificate.

§ 1002. Efficiency and marksmanship

To encourage general military efficiency among organizations in the National Guard or other authorized state military or naval forces, the Adjutant General is authorized to offer annually a suitable reward. He may provide suitable rewards for proficiency in small arms practice and practice with light and heavy guns. All such rewards shall be competed for under such regula-

tions as may be approved by the Adjutant General. Members of any staff, corps or detachments assigned or attached for duty with any command shall be considered a part of such command for the purpose of the competitions.

§ 1003. Honorable service

Every officer and enlisted man of the Maine National Guard or member of other authorized state military or naval forces who has rendered honorable service for a period of 10 years in such military components, to include active federal service, shall be entitled to receive a service medal with ribbon therefor, and an additional service device for each additional 10 years of honorable service.

§ 1004. Perfect attendance

Every officer or enlisted man in the National Guard or other authorized state military or naval forces who has a perfect record of attendance at every required military duty for a period of one year shall receive a suitable certificate for each year of such perfect attendance.

CHAPTER 21

UNIFORMS AND EQUIPMENT

§ 1051. Commissioned officers; exemption from attachment and distress

All commissioned officers and warrant officers shall provide themselves with such uniforms, arms and equipment as are required of commissioned officers 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.

The clothes, arms, military outfit and accoutrements furnished by or through the State to a member of the active militia and the uniforms, arms, and equipment required of commissioned officers and warrant officers shall not be subject to any civil action, distress, execution or sale for debt or payment of taxes.

§ 1052. Uniform forbidden to unauthorized persons

It shall be unlawful for any person not an officer or enlisted man in 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. 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. 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 regula-

tions of the national military establishment. Any person who offends against 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. The District Court shall have original and concurrent jurisdiction with the Superior Court in all prosecutions for the violations of this section.

§ 1053. Equipment not to be sold

The clothes, arms, military outfits and accoutrements furnished by or through the State to any member of the National Guard or other authorized state military or naval forces shall not be sold, bartered, exchanged, pledged, loaned or given away. No person not a member of the military forces of this State or the United States, or duly authorized officer or agent of the State or of the United States, who has possession of any such clothes, arms, military outfits or accoutrements so furnished and which have been the subject of any such unlawful disposition, shall have any right, title or interest therein; but the same shall be seized and taken wherever found by any officer of the state, civil or military, and shall thereupon be delivered to any commanding officer or other officer authorized to receive the same, who shall make an immediate report to the Adjutant General. The possession of any such clothes, arms, military outfits or accoutrements by any person not a member of the military forces of the State or of the United States shall be presumptive evidence of such sale, barter, exchange, pledge, loan or gift.

§ 1054. Sale of equipment; penalty

Any person who shall sell, or offer for sale, barter, exchange, pledge, loan or give away, secrete or retain after demand made by any officer of the State, civil or military, any clothes, arms, military outfits or accoutrements furnished by or through the State to a member of the National Guard or other authorized state military or naval forces, or who shall receive by purchase, barter, exchange, pledge, loan or gift, any such clothes, arms, military outfits or accoutrements, shall be guilty of a misdemeanor and punished by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both.

§ 1055. Repair of equipment

The Adjutant General shall, whenever it may be necessary, make arrangements for the repair, cleansing and renovation of all clothes, arms, military outfits or accoutrements on hand or issued to any organization of the National Guard or other authorized state military or naval forces. When the necessity of such repair, cleansing or renovation is due to the default or negligence of any member of the National Guard or other authorized state military or naval forces, the cost thereof shall be charged against any pay due or to become due such member or recovered in the same maner as a fine, forfeiture or penalty, as prescribed by chapters 8 to 27.

§ 1056. Inspection and condemnation

The inspector general or such other military officer as the Adjutant General may designate shall inspect and condemn public military property which has become unfit for use. No property shall be sold until it has been so inspected and condemned and such condemnation approved by the Adjutant General, and the proceeds of sales of condemned material, stores, supplies or other

public military property of every kind shall be deposited with the Adjutant General, paid into the State Treasury and credited to the Military Fund.

§ 1057. State equipment; obsolete patterns may be issued to municipalities

All property furnished by the State shall remain and continue to be the property of the State, to be used for military purposes only, and when not so in use shall be kept in the armories or designated places of deposit. Upon order of the Governor and Council, the quartermaster general is authorized to issue to the municipal officers of any city or town field ordnance of obsolete pattern under such regulations as the Governor and Council may prescribe. Every officer receiving public property for military use shall be held responsible for the safekeeping and the return of the same when called for. He shall account for and make such returns thereof as may be prescribed whenever called upon to do so by the Governor or other proper authority.

§ 1058. Destruction of equipment

Any officer, enlisted man or other person, who shall willfully or maliciously destroy, injure or deface any article of military property belonging to the State or United States, or shall use it for other than military purposes, or shall have or retain the same in violation of law or regulations, shall be punished by a fine of not more than \$50. In case any officer or enlisted man of the National Guard or other authorized state military or naval forces who has at any time through carelessness or inattention lost, destroyed or suffered to be lost or destroyed, any state or government property which has been issued for his use, the paymaster general shall retain out of the pay or allowances or moneys due such officer or enlisted man for any military services whatsoever, an amount of money equal to the value of the property so lost or destroyed, and money so retained shall be credited to the account of such officer of the National Guard or other authorized state military or naval forces as may be accountable to the State for said property. Such portion of said money as shall be for state property shall be turned in to the Treasurer of State, to be credited to the Military Fund, and such portion as may be for United States property shall be turned into the United States treasury to be credited to the State on its property returns.

CHAPTER 25

MISCELLANEOUS PROVISIONS

§ 1101. Enlistment of minors into the Army

Whoever in this State enlists or causes to be enlisted into the 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, 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 one year.

§ 1102. Voluntary service forbidden unless authorized

No organization of the National Guard or other authorized state military or naval forces shall perform any voluntary military service except as authorized by chapters 8 to 27 or by the express orders of the Governor.

§ 1103. Notices for duty

Notices for duty at encampments, maneuvers and field instruction shall be given at least 10 days prior thereto, and for other duty at such time as the officer issuing the order shall prescribe. 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. The posting of the copy of an order in a conspicuous place in the drill or business room of the 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. 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 unit.

§ 1104. Special inspection

The Commander in Chief may in his discretion at such times and under such regulations as he may prescribe order each colonel commanding a regiment or corps, or, in case of his disability or when designated by him, the lieutenant colonel, and each officer commanding a battalion, to parade, inspect and report upon the general military efficiency of the several companies under his command at least once each year. The Commander in Chief may, whenever he deems it necessary, order an inspection by a medical officer of the officers and men, armories, clothes and equipment of the National Guard or other authorized state military or naval forces.

§ 1105. Closing of liquor and ammunition stores

Whenever any part of the National Guard or other authorized state military or naval forces is on active state service, pursuant to the order of the Governor or call of civil authority, to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the selling, bartering, lending or giving away any of said articles so long as any of the troops remain on duty in such places or in the vicinity thereof, whether any civil officer has forbidden the same or not.

§ 1106. Permission to leave or enter State

No organization of the National Guard or other authorized state military or naval forces shall leave the State, and no military organization of another state, unless acting under the authority of the United States, shall enter the State, except in each case by permission of the Governor.

§ 1107. Other military organizations prohibited

No body of men, other than the National Guard or other authorized state military or naval forces and the troops of the United States, shall associate themselves together as a military company or organization or parade in public with firearms in any city or town of this State; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming, or in any other way supporting, sustaining or providing drill rooms or armories for any such body of men. Associations wholly composed of soldiers and sailors honorably discharged from the service of the United States and the order known as the Sons of Veterans may parade at any time in public with firearms, having first obtained the written permission of the city or municipal

officers of the town or city in which they reside to parade, and students in educational institutions where military science is taught as a prescribed part of the course of instruction, may, with the consent of the Governor, drill and parade with firearms in public under the superintendence of their military instructors. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both.

§ 1108. Right of way

The commander of any portion of the National Guard or other authorized state military or naval forces parading or performing any military duty in any street or highway may require any or all persons in such street or highway to yield the right of way to such National Guard or other authorized state military or naval forces, provided the carriage of the United States mail, the legitimate functions of the police, and the progress and operations of the hospital ambulances, fire engines and fire departments, and apparatus of the insurance patrol shall not be interfered with thereby. All others who shall hinder, delay or obstruct any portion of the National Guard or other authorized state military or naval forces whenever parading or performing any military duty, or who shall attempt to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

§ 1109. Bounds and limits of camps

Every commanding officer, when on duty as such, may fix necessary bounds and limits to his camp or parade, not including a road so as to prevent passing. Whoever intrudes within the limits of the parade, camp or armory, after being forbidden, or resists a sentinel who attempts to put him or keep him out of such limits, or in any manner interrupts or molests the orderly discharge of duty by those under arms, or disturbs, hinders or prevents the passage of troops going to or returning from any duty, may, at the discretion of the commanding officer, be confined under guard not exceeding 24 hours. Such authority of an officer commanding a camp may be extended by order of the Commander in Chief to a distance not exceeding $\frac{1}{2}$ mile around such camp. The owner or owners of the external space within such distance of the camp, and their agents or servants, shall not be hindered or prevented from entering upon such space for the purpose of using, occupying and improving the same in the same manner in which they used, occupied and improved the same at the time when the camp was established. The commanding officer of any camp or armory may prohibit the introduction or sale of, or dealing in, wine or any intoxicating liquor within the limits or extended limits of the camp or within the armory, and he may abate as common nuisances all such sales and introductions.

§ 1110. Depriving members of employment; leave of absence from duties

Any person who either by himself or with another, willfully deprives a member of the National Guard or other authorized state military or naval forces of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said National Guard or other authorized state military or naval forces or his employer in respect to his trade, business or employment, because said member of said National Guard or other authorized state military or naval forces is such member, or dis-

suades any person from enlisting in the said National Guard or other authorized state military or naval forces 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 of not more than \$500 or by imprisonment for not more than 6 months, or by both.

All officials and employees of this State who shall be members of the National Guard or other authorized state military or naval forces thereof and army, air force, marine, coast guard and naval reservists 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, naval, air, or coast defense training ordered or authorized by the Governor or under the National Defense Act or Armed Forces Reserve Act of 1952.

§ 1111. Discrimination against members

No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment or business of the members thereof, shall by any constitution, rule, bylaw, resolution, vote or regulation discriminate against any member of the National Guard or other authorized state military or naval forces because of such membership, in respect to the eligibility of such member of the National Guard or other authorized state military or naval forces to membership in such association or corporation, or in respect to his rights to retain said last mentioned membership. Any person who aids in enforcing any such provisions against a member of the said National Guard or other authorized state military or naval forces with intent to discriminate against him because of such membership shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

§ 1112. Discrimination in public places

Whoever makes any distinction, discrimination or restriction against any soldier or sailor duly enlisted in the service of the United States or of the State relative to admission to, or treatment in, a theatre, skating rink or other public place of amusement, or in any public conveyance or public meeting, or in an inn or hotel, or other public place kept for gain or hire, while wearing the uniform of said United States or of said State, except for good cause, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months.

§ 1113. Molestation of members

Whoever shall unlawfully molest, insult or abuse any member of the National Guard or other authorized state military or naval forces while in the performance of his duty shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

§ 1114. Prosecution of offenses before civil courts

Offenses against chapters 8 to 27, except when they are purely military and committed by a person subject to military jurisdiction, may, unless a different remedy is specially provided, be prosecuted by complaint or indictment

before a court of competent criminal jurisdiction. All fines and forfeitures collected under chapters 8 to 27, the disposition whereof is not otherwise specially provided for, shall be paid into the State Treasury and credited to the Military Fund.

§ 1115. Neglect of civil officers to perform duties imposed on them

Civil officers named in chapters 8 to 27, neglecting or refusing to obey their provisions, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

§ 1116. Exemption from arrest

Every person belonging to the National Guard or other authorized state military or naval forces shall in all cases, except felony and breach of the peace, be privileged from arrest while going to, remaining at or returning from any place at which he may be required to attend for military duty.

No person shall be arrested in a civil action, or mesne process, or execution, or on a warrant for taxes, on the day of annual Thanksgiving, Patriot's Day, the 3rd Monday in April, Memorial Day, the last Monday in May, the 4th day of July, Labor Day, the first Monday of September, Veterans Day, the 4th Monday in October or Christmas. On the day of any military training, inspection, review or election, no officer or soldier required by law to attend the same shall be arrested on any such processes.

§ 1117. Exemption from jury duty

Every member of the National Guard or other authorized state military or naval forces, every retired officer and every enlisted man holding the certificate of merit shall be exempt from all jury duty. Production of a certificate from the claimant's commanding officer showing that the holder is a member of the National Guard or other authorized state military or naval forces, or a certificate of retirement, or a certificate of merit, or the sworn statement of the claimant that he is such member, retired officer or holder of a certificate of merit shall be prima facie proof that the claimant is entitled to the exemption.

§ 1118. Military accounts

All military accounts, unless otherwise specially provided by law, shall be approved by the person authorized to contract the same and transmitted to the Adjutant General for his examination and approval. They shall then be presented to the State Controller.

For the current expenses of the National Guard, State Guard and other authorized state military or naval force, there shall be appropriated biennially such sums as may be necessary for the proper administration of the military law, which shall be designated as the "Military Fund."

§ 1119. Unauthorized use of certain badges

Whoever willfully 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.

§ 1120. Sale or purchase of military decorations prohibited

It shall be unlawful for any person to expose for sale, offer for sale, sell, pawn or pledge, or for any person to buy, purchase or loan money on any military badge, button, decoration or other insignia issued under the regulations of the Army, Air Force, Navy or Marine Corps of the United States or the National Guard. Whoever violates this section shall be punished by a fine of not more than \$20 or by imprisonment for not more than 30 days, or by both.

Sec. 2. Repealing clause. The following chapters of Title 25 of the Revised Statutes are repealed:

Chapters 1, 3, 61, 63, 65, 121, 123, 125, 127, 129, 131, 133, 135 and 139.

Sec. 3. Allocation. The Revised Statutes, Title 25, chapter 141 is allocated to be Revised Statutes, Title 37-A, chapter 27.

Sec. 4. R. S., T. 37, cc. 1-3, repealed. Chapters 1, 2 and 3 of Title 37 of the Revised Statutes are repealed.

Sec. 5. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new structure by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

Sec. 6. Appropriations. There is appropriated to be deducted from the departments and accounts as follows:

1972-73

| | |
|-------------------|-----------|
| Adjutant General | |
| Military Fund | |
| Personal Services | (\$4,900) |

| | |
|---------------------------------|------------|
| Veterans' Services | |
| War Veterans' Services | |
| All Other | (\$2,814) |
| Civil Defense and Public Safety | |
| Administration | |
| All Other | (\$6,500) |
| Total appropriations — deducted | (\$14,214) |

Sec. 7. **Effective date.** This Act shall become effective on July 1, 1972.

Effective July 1, 1972

CHAPTER 581

AN ACT Authorizing the Supreme Judicial Court to Provide for Juries of 8 Jurors in Civil Cases.

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

Sec. 1. R. S., T. 14, § 1204, amended. Section 1204 of Title 14 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph to read as follows:

The Supreme Judicial Court may by rule provide for the trial of civil actions only by juries of 8 jurors.

Sec. 2. R. S., T. 14, § 1354, amended. Section 1354 of Title 14 of the Revised Statutes, as enacted by chapter 310 of the public laws of 1969, is amended by adding at the end a new paragraph to read as follows:

If the Supreme Judicial Court has by rule provided for the trial of civil actions by juries of 8 jurors, then 6 jurors may agree on a verdict and return it into court as the verdict of the jury, and the trial judge shall so instruct the jury.

Effective June 9, 1972

CHAPTER 582

AN ACT Relating to the Regulation of Private Detectives.

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

Sec. 1. R. S., T. 32, c. 55-A, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 55-A to read as follows: