

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT
DECEMBER 30, 1944

VOLUME I



By the Authority of the Legislature

AUGUSTA
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IV. After each session of the legislature to prepare a report inserting in their proper places in the revised statutes public laws enacted since the last revision of the statutes and to file this report with the secretary of state, and after each subsequent session of the legislature to prepare and file a report supplementing the report theretofore so filed so that such reports and supplements thereto shall form the basis of the next revision of the statutes;

V. After each session of the legislature to prepare a report to the legislature recommending legislation that will keep the statutes continuously revised and to file this report with the secretary of the senate on or before January 1st immediately preceding each biennial session of the legislature;

VI. To perform the duties previously required to be performed by the secretary of state as provided in the resolves of the legislature approved June 28, 1820, March 18, 1840, and March 16, 1842;

VII. To perform such other duties of a legal nature or connected with the revision of statutes as the governor or the legislature, or either branch thereof may direct.

See revision of inland fisheries and game laws, § 109-A (P. L. 1943).

Sec. 3. Salary; employees. 1931, c. 210, § 3; c. 216, Art. II. 1937, c. 221. The revisor of statutes shall receive such annual salary as shall be set by the governor and council. He may employ such assistants and employees as may be necessary, subject to the provisions of the personnel law.

CHAPTER 11.

EXECUTIVE DEPARTMENT.

- Sections 1- 4 Governor and Council.
Sections 5- 8 Tenure of Office and Qualification of Officers.
Sections 9-10 Insurrection and Invasion.
Section 11 Arbor Day.
Sections 12-13 Insurance on Public Buildings.
Sections 14-15 Acceptance of Federal Grants and Other Gifts.

Governor and Council

See 1931, c. 216, Art. I, § 1.

Sec. 1. Official residence of governor; office hours; private secretary; salary. R. S. c. 2, § 59; c. 125, § 1. The governor shall have his official residence at Augusta during his term of office, and shall keep his office at the state house open, either personally or by his private secretary, for the transaction of the business of the state during 4 business days of each week.

The private secretary of the governor shall devote his entire time to the duties of his office.

The governor shall receive an annual salary of \$5,000.

Sec. 2. Governor's expense account provided for. 1943, c. 187. The "governor's expense account", as heretofore established, shall be credited with such amounts as are appropriated by the legislature therefor. This appropriation shall be available for expenditure by the governor at his discretion. This account shall not be subject to audit, except as to total amount to be paid.

Sec. 3. The executive council. R. S. c. 125, § 2. Each member of the executive council shall receive the same compensation and travel as a representative to the legislature, for services as a councilor during the session of the council commencing in January and closing immediately after the adjournment of the legislature. For services at other sessions of the council, each member thereof shall receive \$20 for each session, and actual expenses; for authorized services on committees when the council is not in session, each councilor shall receive \$5 a day and actual expenses.

Sec. 4. Orders of governor's council to expire at end of its term. 1939, c. 318, §§ 1, 2. Any order issued by the governor and council, except orders relating to the appointment of officers and employees of the state authorized by law, or fixing their compensation, and orders authorizing contracts which may not be wholly performed during the term of the council passing such orders, shall cease to be of any effect or validity at the end of the biennium for which the council passing the order was elected.

Tenure of Office and Qualification of Officers

Sec. 5. Tenure of office. R. S. c. 2, § 54. 1937, c. 161. All civil officers, appointed by the governor and council, whose tenure of office is not fixed by law or limited by the constitution, otherwise than during the pleasure of the governor and council, except ministers of the gospel appointed to solemnize marriages and persons appointed to qualify civil officers, shall hold their respective offices for 4 years and no longer, unless reappointed, and shall be subject to removal at any time within said term by the governor and council. All such officers so appointed and all state employees shall be citizens of the United States of America.

See 1943, c. 300, § 3, re employment of aliens for duration of war with Germany and Japan; *72 Me. 558, 564; 110 Me. 296; 119 Me. 285.

Sec. 6. Dedimus justices, how appointed. R. S. c. 2, § 55. The governor, with the advice and consent of the council, may appoint in every county persons who shall be designated as dedimus justices, before whom the oath required by the constitution to qualify civil officers may be taken and subscribed. Such persons shall exercise their powers and duties, and shall be commissioned to act within and for every county. This section shall apply to such persons appointed and commissioned prior to the 30th day of June, 1911, and shall validate any acts theretofore or thereafter done by them which would be valid hereunder.

*70 Me. 591.

Sec. 7. Certain officers to take oath before the governor and council; others before member of council or magistrate. R. S. c. 2, § 56. The justices of the supreme judicial court and of the superior court, and all state officials elected by the legislature shall take and subscribe the oath or affirmation required by the constitution, before the governor and council, when in session, and in their recess, before any 2 members of the council; and every other person elected or appointed to any civil office shall take and subscribe the oath before any one member of the council, or before any magistrate commissioned by the governor for that purpose, except when the constitution otherwise provides.

*70 Me. 591-2.

Sec. 8. Officers to qualify within 30 days, or office deemed vacant. R. S. c. 2, § 58. All public officers appointed by the governor and council shall, within 30 days after being commissioned, qualify to perform the duties of their office and the certificate of such qualification shall be filed in the office of the secretary of state. Any such officer who fails to qualify and file a certificate of qualification in the office of the secretary of state within 30 days, as above provided, shall be deemed to have forfeited his appointment and the office may be declared vacant by the governor and council and a new appointment made.

Insurrection and Invasion

Sec. 9. Governor may call out militia to suppress insurrection. R. S. c. 134, § 21. 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.

Sec. 10. Governor and council may employ armed vessels to protect the coast of the state. R. S. c. 134, § 22. 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.

Arbor Day

Sec. 11. Arbor Day. R. S. c. 5, §§ 114, 116. The governor shall annually set apart a day in the spring as Arbor Day, and shall issue a proclamation recommending that it be observed by the people of the state in the planting of trees, shrubs, and vines in the adornment of public and private grounds, places, and ways, and in such other efforts and undertakings as shall be in harmony with the general character of a day so established. Every city and town, although containing less than 1,000 inhabitants, may appropriate money for the purposes of this section.

Insurance on Public Buildings

Sec. 12. Insurance on public buildings and property. R. S. c. 2, § 34. 1931, c. 216. All fire and liability insurance upon public buildings and other property belonging to the state shall be placed thereon by the several heads of departments having said property in charge, subject to the approval of the governor and council, or by the governor and council, and all expense therefor shall be paid from the several appropriations for insurance on said property. The policies for all insurance so placed shall be deposited with the insurance commissioner, and a record thereof kept by the governor and council and said commissioner.

Sec. 13. Insurance money available for replacement. R. S. c. 2, § 35. Whenever any officer or department of the state has taken out fire insurance on property owned by the state, or for which the state is responsible, and the property has been destroyed, the money paid by the insurance companies on the loss shall, with the approval of the governor and council, be made immediately available for the use of such office or department in replacing the destroyed property, or otherwise, as may be needed in the work of the office or department.

Acceptance of Federal Grants and Other Gifts

Sec. 14. State authorized to accept federal grants. 1941, c. 315, § 1. The governor, with the advice and consent of the council, is authorized and empowered to accept for the state any federal funds or any equipment, supplies, or materials apportioned under the provisions of federal law and to do such acts as are necessary for the purpose of carrying out the provisions of such federal law. The governor, with the advice and consent of the council, is further authorized and empowered to authorize and direct departments or agencies of the state, to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the federal act authorizing such granting of federal funds or such equipment, supplies, or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements.

Sec. 15. State authorized to accept gifts. 1941, c. 315, § 2. The governor, with the advice and consent of the council, is hereby authorized to accept in the name of the state any and all gifts, bequests, grants, or conveyances to the state of Maine.

See c. 1, § 24, re leases for taking kelp from submerged lands; c. 32, § 23, sub-§ vi, re acceptance of gifts and bequests for state parks. 1943, c. 353, re post war planning.

CHAPTER 12.

THE MILITARY LAW.

See Const. of Me., Art. VII.

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Commander-in-Chief

Sec. 1. Commander-in-chief. R. S. c. 18, § 7. The governor is the con-