

§224. Maine State Guard

The Governor may organize and maintain within this State in time of peace or war or other emergency, the Maine State Guard, which organization and maintenance of the Maine State Guard shall be consistent with federal regulations prescribing the organization, standard of training, instruction and discipline of state military forces. [PL 1983, c. 460, §3 (NEW).]

1. Composition. When activated, the Maine State Guard must be composed of those persons enlisted, appointed or commissioned from the militia and other able-bodied citizens of the State and such other able-bodied soldiers and sailors who have previously served honorably in the United States Armed Services or the National Guard. A person may not become a member of the Maine State Guard if the person is a member of the National Guard or any component of the United States Armed Forces, active or reserve.

[RR 2019, c. 1, Pt. B, §12 (COR).]

2. Administration; rules. The Governor may from time to time prescribe rules not inconsistent with this section, for the enlistment, designation and location of units, and the organization, administration, equipment, maintenance, training and discipline of the Maine State Guard. The organization may not conflict with the laws of the United States or of this State as applicable to the state military forces, generally. These rules, insofar as the Governor considers practicable and desirable, must conform to existing laws, rules and regulations pertaining to the National Guard. The oath to be taken by officers and enlisted personnel in the Maine State Guard must be substantially the same as that prescribed for officers and enlisted personnel of the National Guard. The words "Maine State Guard" must be substituted where necessary. The term of service of officers or enlisted personnel in the Maine State Guard must be the same as that prescribed for officers and enlisted personnel of the National Guard.

[RR 2019, c. 1, Pt. B, §13 (COR).]

3. Officers; appointment; authority. The Governor, acting by and through the Adjutant General, shall appoint officers for such units and organizations of the Maine State Guard as the Governor may establish in conformance with applicable federal regulations, and these officers shall, subject to removal by the Commander in Chief, exercise the same military authority over their several commands as officers of the National Guard.

[RR 2019, c. 1, Pt. B, §14 (COR).]

4. Pay and allowances. The pay and allowances of members of the Maine State Guard when called to active state service are the same as provided in section 143. When the Maine State Guard is organized for inspection and drill purposes only, no pay is authorized.

[PL 2001, c. 662, §26 (AMD).]

5. Requisitions. For the use of the Maine State Guard, the Governor may requisition from the United States Secretary of the Army arms, ammunition, clothing and equipment that the United States Secretary of the Army in the secretary's discretion, and under regulations determined by the secretary, may issue and may make available to the Maine State Guard the facilities of state armories and their equipment and other state premises and property that are available.

[RR 2019, c. 1, Pt. B, §15 (COR).]

6. 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 may be enlisted in the Maine State Guard as an organization or unit.

[PL 1983, c. 460, §3 (NEW).]

7. Federal service. Nothing in this subsection may be construed as authorizing the Maine State Guard or any part thereof, to be called, ordered or in any manner drafted as a unit into the military

service of the United States. No person may, by reason of the person's enlistment or commission in the Maine State Guard, be exempted from military service under any law of the United States.
[RR 2019, c. 1, Pt. B, §16 (COR).]

8. Disqualifications. No person may be commissioned or enlisted in the Maine State Guard who has been expelled or dishonorably discharged from any military or naval organization of this State, of another state or of the United States, or who has been convicted of a felony in any court of this State, of another state or of the United States.
[PL 1983, c. 460, §3 (NEW).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 2001, c. 662, §26 (AMD). RR 2019, c. 1, Pt. B, §§12-16 (COR).

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