

§403. Persons subject to the Code

1. Active member. All members of the state military forces are subject to the Maine Code of Military Justice at all times except when in federal service pursuant to United States Code, Title 10.

A. This code applies to members of the state military forces serving out-of-state and while going to and returning from service out-of-state to the same extent as a person serving within the State. [PL 1987, c. 263, §2 (NEW).]

B. Offenses committed outside the State may be tried and punished either inside or outside the State subject to section 418. [PL 1987, c. 263, §2 (NEW).]
[PL 2001, c. 662, §42 (AMD).]

2. Fraudulent discharge. All persons discharged from the military forces subsequently charged with having fraudulently obtained the discharge are subject to trial by court-martial on that charge and after apprehension are subject to this Code while in the custody of the military forces for the trial. Upon conviction on that charge, they are subject to trial by court-martial for all offenses under this Code committed prior to the fraudulent discharge. [RR 2009, c. 2, §115 (COR).]

3. Deserters. Persons who have deserted from the military forces shall not be relieved from amenability to the jurisdiction of this Code by virtue of a separation from any subsequent period of service. [PL 1983, c. 460, §3 (NEW).]

4. Activation. The Governor may order to active state service any member or former member of the state military forces for purposes of asserting jurisdiction in connection with prosecuting an offense alleged to have occurred while the person was in active state service. [PL 1983, c. 594, §19 (NEW).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1983, c. 594, §19 (NEW). PL 1987, c. 263, §2 (AMD). PL 2001, c. 662, §42 (AMD). RR 2009, c. 2, §115 (COR).

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