

**§342. Prohibited acts; penalties**

**1. Failure of civil officers to perform duties.** A civil officer named in this chapter, who neglects or refuses to obey the provisions of this chapter, is guilty of a Class E crime.

[PL 1983, c. 460, §3 (NEW).]

**2. Other military organizations prohibited.** No group of persons, other than federal or state military forces, may join together as a military organization or parade in public with firearms. Associations of historical military reenactors may parade in public with firearms with authorization of the city or town officials in the municipality in which they wish to parade. Students in educational institutions where military science is taught, as a prescribed part of the course of instruction, may drill and parade with firearms in public under the supervision of their military instructors.

Any person violating this subsection is guilty of a Class E crime.

[PL 2001, c. 662, §35 (AMD).]

**3. Enlistment of minors into the military.** Any person who knowingly enlists, or causes or induces, a person under 18 years of age to enlist into the state military forces without written consent of the parent or guardian of the person under 18 years of age is guilty of a Class E crime.

[RR 2019, c. 1, Pt. B, §20 (COR).]

**4. Obstruction of the right-of-way.** The commander of any part of the state military forces parading or performing any military duty in any street or highway may require any or all persons to yield the right-of-way to the commander's troops, as long as the transport of the United States mail, the legitimate functions, progress and operations of police, ambulances, firefighters and other authorized emergency vehicles are not interfered with by the troops.

Anyone who hinders, delays or obstructs any portion of the state military forces when parading or performing their military duty, or who attempts to do so, is guilty of a Class E crime.

[RR 2019, c. 1, Pt. B, §21 (COR).]

**5. Employment; leave of absence.** It is unlawful for any public or private employer to penalize any member of the National Guard or the Reserves of the United States Armed Forces, with regard to compensation, hiring, tenure, terms, conditions, or privileges of employment or to deny any other incident or advantage of employment due to the employee's membership or participation in the National Guard or the Reserves of the United States Armed Forces.

A. Any person, including an employer described in this subsection, who willfully deprives a member of the National Guard or the Reserves of the United States Armed Forces, of the member's employment, prevents the member's employment, interferes with the member's employment rights as described in this subsection, or otherwise obstructs the member or the member's employer with respect to the member's occupation or business because of the member's membership in the National Guard or the Reserves of the United States Armed Forces, or who dissuades any person from enlisting in, the National Guard or the Reserves of the United States Armed Forces by threat of injury to the member's occupation or business, is guilty of a Class E crime. [PL 2001, c. 662, §36 (AMD).]

B. All officials and employees of the State who are members of the National Guard or the Reserves of the United States Armed Forces must have a leave of absence not to exceed 17 work days each calendar year from their respective duties, without loss of pay or time, when performing military duty and without loss of time or leave for all other military duty, during which the members are so engaged. [PL 2003, c. 583, §7 (AMD).]

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**6. Discrimination against members of the National Guard or Reserves of the United States Armed Forces.** Anyone who discriminates against personnel of the National Guard or the Reserves of the United States Armed Forces must be punished as follows.

A. No association or corporation organized to promote the trade, occupation or business of its members may by a rule or act discriminate against any member of the National Guard or the Reserves of the United States Armed Forces with respect to the member's eligibility for membership in the association or corporation, nor the member's right to retain the member's membership. Whoever aids in enforcing a rule or action against a member of the National Guard or the Reserves of the United States Armed Forces, with intent to discriminate against the member, is guilty of a Class E crime. [PL 2001, c. 662, §37 (AMD).]

B. Whoever without good cause discriminates against any uniformed member of the National Guard or the Reserves of the United States Armed Forces with respect to the enjoyment of any public place of amusement, the use of any public conveyance, access to public lodging or the receipt of other services generally available to the public is guilty of a Class E crime. [PL 2001, c. 662, §37 (AMD).]  
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**7. Interference with members in performance of duties.** Whoever intentionally molests, abuses or interferes with any member of the National Guard or the Reserves of the United States Armed Forces in the performance of the member's duty is guilty of a Class E crime.  
[PL 2001, c. 662, §37 (AMD).]

**8. Unauthorized use of military insignia.**  
[PL 2001, c. 662, §38 (RP).]

#### SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1983, c. 594, §17 (AMD). PL 1987, c. 263, §1 (AMD). PL 2001, c. 662, §§35-38 (AMD). PL 2003, c. 583, §7 (AMD). RR 2019, c. 1, Pt. B, §§20, 21 (COR).

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