

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 967

H. P. 689

House of Representatives, January 26, 1961

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Nadeau of Biddeford by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Creating a Civil Service Commission for City of Biddeford.

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

Sec. 1. Appointments. All appointments to the fire department shall be made by the commissioners and confirmed by the city council upon the recommendation of the board of engineers of the fire department from the eligible list hereafter described and in accordance with the civil services rules.

Sec. 2. Definitions. As used in this act: "Commission" shall mean civil service commission; and "chief" shall mean chief of the fire department.

Sec. 3. Qualifications.

1. Any applicant for the appointment of firemen must be a registered voter of the City of Biddeford who has domiciled in the city for at least one year next preceding the date of filing his application. The commission may voice the requirement of being a registered voter whenever in the opinion the need of the service may so require.

2. Good character is an essential qualification for admission to the eligible list.

3. No application for appointment will be accepted from any person habitually using intoxicating liquors or from any person who has been convicted of any crime against the laws of the State or of the United States.

4. The burden of proof of good character shall in all cases be upon the applicant who may be required to furnish evidence in addition to certificates required in his application.

5. The commission may exclude from examination, refuse to certify as eligible or remove from the eligible list upon sufficient evidence of any of the following conditions :

- A. Dismissal of the applicant from public service or his resignation pending charges.
- B. Criminal, infamous, dishonest, immoral or bad conduct or character.
- C. The knowingly making of a materially false statement by any person in the application or in his examination and every connivance by him at any materially false statement made in any accompanying certificates or the commission of or attempt to commit any fraud against service rules during or after examination.

No final action shall be taken by the commission under this rule without giving the person affected an opportunity to be heard.

Sec. 4. Physical examination. Applicants for appointment to the fire department shall not be less than 5 feet 6 inches in height when stripped, weigh not less than 130 pounds when stripped and shall be not less than 21 years of age.

Sec. 5. Application. Applications shall be under oath and on blank forms prescribed herein and shall be accompanied by certifications or other satisfactory evidence as to character, health and physical condition as the commission may require. Applications shall be filed in the office of the city clerk at the municipal building. The city clerk shall forward to the chairman of the commission all applications filed. No applicant will be examined unless the application has been filed together with such physical examination report as the commission may require, at least 10 days prior to the date of any examination for the fire department.

Any person who has taken an examination may make new application for the last examination taken.

The application shall expire at the end of 2 years from the date of the last examination.

Application shall be made in the following form :

**CITY OF BIDDEFORD
CIVIL SERVICE COMMISSION**

Application for Fire Department of Biddeford.

The applicant will answer the following questions in his own handwriting, in ink, date and subscribe the same and return to the city clerk.

- Date of Birth
- Place of Birth
- Birthplace of Father
- Birthplace of Mother
- Citizenship
Native (Answer "yes or no")

If a naturalized citizen, state date of naturalization

Place of naturalization

Name of Court

(File with this application your final naturalization papers, which will be returned to you)

Residence

How long have you been a legal resident of Maine?

Between what dates a resident of Biddeford?

Former residences (Name Cities and Towns)

Home:

Married or single?

How many persons dependent on you? Who?

How many children?

Education:

What schools have you attended?

Language spoken?

Any trade or mechanical training?

Are you a veteran of the World War?

Can you operate an automobile?

What other experience or special qualifications, if any, have you had which in your judgment would be useful in the Fire Department?

Occupation:

Present occupation?

What is the name and address of your present employer?

What other occupations have you been engaged in?

Public Service:

Public offices held in Town, City, State or Nation?

If a present or former member of any fire department state dates of appointments

If you have belonged to any Fire Department, why did you leave?

Personal Habits:

Are you, or have you been, addicted to the use of intoxicating liquors or drugs? If so, to what extent?

Have you ever been convicted of any offense? If so, of what offense and when?

Are you addicted to profane or vulgar language?

Have you a regular physician, and if so, who?

References:

(Give names and addresses of 5 residents of Biddeford not related to you)

Names	Street and Number
.....
.....
.....
.....
.....

visional appointee shall automatically become a regular member of the fire department; provided, however, that during the probationary period, he has not been found guilty of any charges preferred against him by the chief.

Appointment to the call forces of the fire department and appointment to the regular force and such appointees shall head the eligible list from which provisional appointments are made provided that they submit to and pass a re-examination by the commission for physical, mental and moral fitness for appointment as a provisional fireman. Whenever vacancies occur in the regular fire department that are to be filled from the eligible list of the commission, the fact that a person on such eligible list has had service as a substitute fireman shall be considered by the commission in submitting its recommendations to the city council.

Sec. 11. Promotion. Promotion from one grade to another in the fire department shall be based on the years of service in said department as a permanent man. It shall be the duty of the board of engineers to furnish written report covering the qualifications and fitness of applicant.

Sec. 12. Demotion, layoff, reinstatement, suspension and removal. The commission shall have the power and authority to demote, lay off, suspend and remove members of the fire department for cause and upon the presentation of charges and hearing. They shall reinstate any member of the fire department who has been found not guilty of the charges preferred against him after a hearing or by a withdrawal of the charges.

The chief may, for cause, suspend any member of his department; such suspension to be without pay and to continue until the next succeeding meeting of the commission.

The chief shall present charges to the commission at the time of suspension; and hearing on such charges shall be held by the commission at its next meeting after the charges have been presented to it, providing sufficient time to the person suspended to prepare his defense. In the event sufficient time is not given between the presentation of charges and the next meeting of the commission to enable the person suspended to prepare his defense, the commission shall call a session for the hearing on the charge as soon as possible.

All hearings for demotion, lay off, suspension and removal, save suspensions pending a meeting of the commission, shall be on charges presented to the commission in writing. Such charges must specifically state the cause of the complaint.

Any officer or member of the department on trial before the commission may be represented by counsel, if he so desires.

The commission may, in event that it deems any charges made frivolous and without justification, recommend to the city council the payment of reasonable counsel and witness fees, incurred by any member of the fire department in the defense of such frivolous and unjustified charges. The commission may recommend to the city council that the member of the fire department suspended be reimbursed for the wages lost during such time of suspension.

The commission may make its own rules for the conduct of hearing before it.

Sec. 13. Civil Service Commission. There is hereby established a Civil Service Commission to administer these rules, which shall consist of 3 qualified commissioners of the City of Biddeford, who shall be voters and residents thereof, and serve without pay. As soon as this ordinance becomes effective or as soon thereafter as practicable, the chairman of the city council shall appoint the members of the commission, subject to confirmation by the city council, and the term of office shall be for 3 years and until their successors are duly appointed, confirmed and qualified, except that at the first meeting of the commission appointed hereunder, they shall determine by lot which one of them shall serve for one year, which for 2 years and which for a 3-year term, and the terms of office shall expire on the first day of January.

The commission shall elect by majority vote one of its members to serve as chairman, who shall hold that office until his successor is elected and qualified. Vacancies in the commission shall be filled for the unexpired term. Before entering upon their duties, the commissioner shall take the oath of office before the city clerk or other duly qualified official.

Sec. 14. Meetings of the commission. The commission shall, at its first meeting or as soon thereafter as possible, established by vote a regular time and place for holding its regular meetings and shall meet regularly thereon each alternate month; provided, however, that special meetings may be called at any time by the chairman of the commission, and special meetings must be called by the chairman of the commission upon a request from a majority of the members of the commission. Any matters that may properly come before the commission may be acted upon without further notice.

Sec. 15. Amendatory clause. All acts or parts of acts inconsistent herewith are repealed or amended to conform to the provisions of this act.

Sec. 16. Power to subpoena. The commission shall have the power to subpoena witnesses and administer oaths.

Sec. 17. Corporation counsel. The corporation counsel shall act as prosecuting attorney if requested to do so by the commission.

Sec. 18. Expenses. All expenses incident to the operation of the commission shall be paid by the city and be chargeable to the department for which the expense may have been incurred.

Sec. 19. Retirement benefit. Provision is also incorporated to allow the commissioners of the fire department to set up a retirement benefit under a civil service basis, but under no circumstances shall it interfere with the retirement benefits and social security existing at the same time.

Sec. 20. Clothing allowances. Provision for clothing allowances to said department shall be at the discretion of said commission.