

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE NO. 355

House of Representatives, Feb. 24, 1915.
Ordered returned from Committee for printing.
C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to Provide a Police Commissioner and an Examining
Board for the Appointment and Administration of the Police
Force of Lewiston, Maine.

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

Section 1. The Police Department of the City of Lewis-
2 ton shall consist of one Police Commissioner, an examining
3 board of three, two sergeants and twenty-eight patrolmen.

Sect. 2. Clause 1. The Police Commissioner shall be
2 elected by the duly qualified voters of Lewiston at the reg-
3 ular city election and shall assume office at the same time as
4 the officers of the City Council elected at the same election;
5 and shall hold office for a term of five years or until his
6 successor shall be elected and qualified; except that a spe-
7 cial election for Police Commissioner shall be held at the

8 call of the City Council as soon as feasible after this act shall
9 become a law, and said Commissioner, so elected, shall hold
10 office until his successor shall be elected at the regular City
11 election in the year 1920, and has been duly qualified.

Clause 2. Any citizen of Lewiston, who shall have resided
13 in Lewiston for a period of at least five years, shall be eli-
14 gible to this office. Any citizen who is eligible, shall be con-
15 sidered a nominee provided he submit a petition for such
16 nomination signed by not less than one hundred voters of
17 the City of Lewiston, at least two weeks before the day
18 of election, to the City Clerk. And it shall be held to be
19 unlawful and punishable as a misdemeanor for any citizen
20 to sign more than one nomination paper for Police Com-
21 missioner at any election.

Clause 3. The salary of the Police Commissioner shall be
23 twenty-five hundred dollars (\$2,500) per annum, payable
24 in monthly installments by the treasurer of the City. The
25 Police Commissioner shall be entitled to two weeks vaca-
26 tion each calendar year with pay, the same to be taken as
27 and when he may desire. While upon such vacation, or
28 when incapacitated by illness or absent from his office, the
29 duties of his position shall be assumed by the senior ser-
30 geant.

Clause 4. The Police Commissioner shall be removed by
32 the Governor of the State of Maine, with the concurrence
33 of the Governor's Council, upon written charges being pre-
34 ferred by at least ten citizens of Lewiston, of neglect of duty
35 or incapacity through illness or otherwise. The Police Com-

36 missioner shall be entitled to a public hearing, in such an
37 event, and the finding of the Governor and Council shall be
38 final. If the charges against him shall be sustained and he
39 shall be removed he shall be ineligible for nomination to
40 the office in the future.

Clause 5. In the event of the Police Commissioner being
42 removed (as provided for in Section II, Clause 4), the sen-
43 ior sergeant shall assume the duties of Police Commis-
44 sioner until his successor shall have been elected and quali-
45 fied, as provided in Clause 6 of this section.

Clause 6. Upon the office of Police Commissioner be-
47 coming vacant either through death or removal, a special
48 election shall be held at the call of the City Council within
49 thirty days of said death or removal, as in Section II, Clause
50 1, and a Police Commissioner shall be elected to fill out the
51 unexpired term, except in the event that a regular election
52 shall be due within six months' time of the office becoming
53 vacant. In such an event there shall be no Police Commis-
54 sioner elected, the sergeant in charge remaining in charge
55 until the regular election.

Sect. 3. Clause 1. The Board of Examiners shall consist
2 of three citizens of Lewiston, one of whom shall be a prac-
3 ticing physician. After this act shall become a law the Mayor
4 of Lewiston shall appoint one member of the Board of Ex-
5 aminers to serve until the City Council is elected and as-
6 sumes office in the year 1916, one to serve until the City
7 Council is elected and assumes office in the year 1917, and
8 one to serve until the City Council is elected and assumes

9 office in the year 1918. Beginning with the year 1916, and
10 every year thereafter the Mayor of Lewiston shall appoint
11 a member of the Board of Examiners to serve for three
12 years, at the time the City Council assumes office. No more
13 than two members of the Board shall be members of the
14 same political party. It shall be the duty of the examiners to
15 examine, both physically and from an educational stand-
16 point, each applicant for the position of patrolman.

Clause 2. Educational tests shall be held at the con-
18 venience of the Board upon receiving applications from the
19 candidates (blanks for which shall be furnished), when
20 vacancies shall occur among the patrolmen, or an increase in
21 the number of patrolmen shall be ordered (Section VI,
22 Clause 3). Physical examinations, in such cases shall be
23 by, and at, the convenience of the physician, who is a mem-
24 ber of the Board.

Clause 3. The successful applicants shall, in all cases, be
26 those who have shown through their physical and educa-
27 tional tests, and reputable characters, to be best fitted for
28 the position, and the applicant shall be declared appointed
29 upon the signature of the entire Board of Examiners to his
30 application.

Clause 4. Patrolmen when guilty of irregular conduct,
32 shall be punished by fine (not exceeding \$100) or by sus-
33 pension (not exceeding thirty days) by the Police Com-
34 missioner, but such patrolman shall in all cases have the
35 right of appeal to the Board of Examiners, and in the event
36 of a patrolman availing himself of such right of appeal,

37 he shall have a public hearing before the Board of Examin-
38 ers as judges. If adjudged guilty he shall suffer such punish-
39 ment as has been previously named by the Police Commis-
40 sioner. If adjudged not guilty he shall be reinstated with-
41 out loss of pay. In cases where the patrolman, in the opin-
42 ion of the Police Commissioner, should be removed, he (the
43 Police Commissioner) shall prefer charges against the pa-
44 trolman in question, to the Board of Examiners. The pa-
45 trolman shall have a right to a public hearing if he wishes.
46 If guilty he shall be removed by the Board of Examiners,
47 and shall afterward be ineligible to the office of patrolman.
48 If the charges are not sustained he shall be reinstated to
49 duty without loss of pay. Any patrolman who shall ac-
50 tively engage in partisan political work shall be deemed
51 guilty of irregular conduct within the meaning of this sec-
52 tion.

Clause 5. The Board of Examiners shall receive a fee of
54 five dollars for each period of examination that they attend,
55 and the physician shall receive a fee of five dollars for each
56 individual examination that he makes. The fee for physical
57 examination shall be paid by the applicant. The fees for the
58 educational examinations shall be paid from the City treas-
59 ury.

Sect. 4. Clause 1. Two sergeants shall be appointed by
2 the Police Commissioner from the patrolmen who have been
3 appointed as above. Their duties shall be to have charge of
4 the desk, one during the day and one during the night, and

5 to help carry out the policy of the Police Commissioner, and
6 attend to such detail work as he may direct.

Clause 2. Police Sergeants shall receive a salary of Twelve
8 hundred dollars per annum, payable weekly, by the Treas-
9 urer of the City, and they shall be entitled to a vacation of
10 two weeks each calendar year, with pay; the time of the
11 vacation to be determined by the Police Commissioner.

Clause 3. Police Sergeants shall be subject to the same
13 rules of conduct and punishment and the same rights of ap-
14 peal, as patrolmen.

Sect. 5. Clause 1. Any citizen of Lewiston, between the
2 ages of 24 and 40 years, shall be eligible as applicants for
3 the position of patrolman, with the exception of those acting
4 as patrolmen at the present time, all of whom shall be eligi-
5 ble as applicants for the position of patrolman. And it shall
6 be further understood that all patrolmen serving the City at
7 the time this act shall become a law shall continue to serve
8 it until such time as their appointments shall expire.

Clause 2. All applicants for the position of patrolman, if
10 eligible as in Sec. V, Clause 1, shall be appointed patrolmen
11 if successful in passing the Board of Examiners, as pro-
12 vided in Section 3, Clauses 2 and 3.

Clause 3. The duties of patrolmen shall be prescribed by
14 the Police Commissioner and each patrolman shall be sup-
15 plied with a book of rules relating to his duties, in so far as
16 possible, the same to be prepared by the Police Commis-
17 sioner, and supplied by the City.

Clause 4. The salary of patrolmen shall be Nine hundred

19 dollars per annum until he shall have served five years, when
20 he shall receive Nine hundred and fifty dollars per year
21 until he shall have served ten years, when his salary shall
22 become One thousand dollars per year. This shall be pay-
23 able in weekly installments by the Treasurer of the City.
24 Each patrolman shall be entitled to a vacation of two weeks
25 in each calendar year, the same to be prescribed by the
26 Police Commissioner.

Clause 5. Each patrolman shall be appointed to serve un-
28 til he shall arrive at the age of sixty-five years, when he
29 shall be retired upon half pay, unless previously removed
30 on account of illness or for neglect of duty as provided in
31 Sec. 3, Clause 4.

Clause 6. No official, appointed or elected under this act,
33 excepting the examiners, shall hold any office with pay with-
34 in the gift of the city, county, state or nation, or engage in
35 any other business. No examiner appointed under this act
36 shall hold any office with pay in the gift of the city, county
37 or state.

Sect. 6. Clause 1. Special patrolmen, with pay, shall be
2 appointed by the Police Commissioner from a list furnished
3 and approved by the Board of Examiners, for a period of
4 one or more, and not to exceed thirty days; and such special
5 patrolman shall receive a salary of two dollars and twenty-
6 five cents per day, while on duty, to be paid by the Treas-
7 urer of the City upon the approval of the Police Commis-
8 sioner.

Clause 2. Special patrolmen, without pay, shall be ap-

10 pointed by the Police Commissioner for a period of not more
11 than thirty days, for private duty.

Clause 3. When an increase, or decrease, in the number
13 of patrolmen shall be desirable, the matter shall be deter-
14 mined by the Mayor of the City of Lewiston, the Board
15 of Examiners, and the Police Commissioner sitting in joint
16 session.

Sect. 7. Clause 1. All acts and parts of acts inconsistent
2 with this act, and particularly Chapter 293 of the Private
3 and Special Laws of the State of Maine for 1880, entitled
4 "An Act to Promote Efficiency of the Police Force of the
5 City of Lewiston," are hereby repealed.

Clause 2. This act shall take effect when approved by a
7 majority of the qualified voters of the City of Lewiston in
8 manner as hereinafter provided. A special election, to be
9 held not less than ten nor more than twenty days after this
10 act would take effect in regular course, shall be called by the
11 Municipal officers of the City of Lewiston. At this special
12 election the vote shall be taken by ballot in answer to the
13 question "Shall an act passed by the legislature in the year
14 nineteen hundred and fifteen, entitled 'An Act to provide a
15 Police Commissioner and an Examining Board for the ap-
16 pointment and administration of the Police Force of Lewis-
17 ton, Maine,' be accepted?" which shall be printed on the offi-
18 cial ballot. If a majority of the qualified voters of Lewiston,
19 voting at this election, shall cast their votes in the affirmative,
20 this act shall take effect immediately thereafter.