

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 17

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*House of Representatives, Jan. 23, 1917.*

*Referred to Committee on Judiciary and one thousand copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Langley.*

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STATE OF MAINE

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

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AN ACT to Provide a Police Commission for the Appointment  
of the Police Force, and a Chief of Police for the Adminis-  
tration of the Police Force of Lewiston, Maine.

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

Section 1. The police department of the city of Lewiston  
2 shall consist of three police commissioners, a chief of police,  
3 two captains and twenty-nine patrolmen.

Sect. 2. Clause 1. The police commission shall consist  
2 of three resident citizens of Lewiston. One shall be ap-  
3 pointed for three years, one for two years and one for one  
4 year, and one each year thereafter for a term of three years.

5 The commissioners shall be appointed and all vacancies of  
6 the board shall be filled by the governor of the state of  
7 Maine. Members of the commission shall always be from  
8 the two political parties polling the largest number of votes  
9 in the last preceding state election.

Clause 2. It shall be the duty of the police commission to  
2 appoint patrolmen to serve during good behavior, and as  
3 hereinafter provided, after such applicants shall have passed  
4 a satisfactory test both physical and as to other qualifica-  
5 tions as the said police commission shall deem sufficient and  
6 advisable.

Clause 3. Qualification tests shall be held at the con-  
2 venience of the police commission upon receiving application  
3 from the candidates, (blanks for which will be furnished),  
4 when vacancies shall occur among patrolmen or an increase  
5 in the number of patrolmen shall be ordered. Physical ex-  
6 aminations in such cases shall be at the convenience of the  
7 physician appointed for that purpose by the police commis-  
8 sion and the fee for the medical examination shall be paid,  
9 in advance, by the applicant.

Clause 4. The police commissioners shall each receive a  
2 fee of five dollars for each meeting which they shall attend,  
3 payable by the city treasurer. The police commission shall  
4 assemble at the call of the chairman of the board and the  
5 chairman shall be elected by the commissioners annually.

Clause 5. The successful applicants for the position of  
2 patrolman, shall, in all cases, be those who have shown by

3 their physical and qualification tests and reputable charac-  
4 ters to be best fitted for the position.

Clause 6. Patrolmen, when guilty of irregular conduct,  
2 shall be punished by fine (not to exceed one hundred dol-  
3 lars (\$100.00) or by suspension, without pay (not to ex-  
4 ceed thirty days), for each offense, or by removal, on com-  
5 plaint of the chief of police to the police commissioners,  
6 or upon written complaint signed by any five citizens of  
7 Lewiston, except that the chief of police may suspend any  
8 patrolman for misbehavior or neglect of duty for a period  
9 not exceeding one week without preferring charges to the  
10 police commissioners, for each offense. In all cases patrol-  
11 men when notified of such punishment shall be entitled to,  
12 at that time, demand, and receive a public hearing at such  
13 time and place as the police commissioners shall designate  
14 and their findings in such instances shall be final. When  
15 fines shall have been imposed such fines shall be paid to the  
16 city treasurer and the patrolman so fined shall stand sus-  
17 pended, without pay until the order shall be complied with.

Sect. 3. Clause 1. The chief of police shall be elected  
2 by the duly qualified voters of Lewiston at the regular city  
3 election and shall assume office on the same date as the offi-  
4 cers of the city council elected at the same election; and  
5 shall hold office for a term of four years or until his suc-  
6 cessor shall be elected and qualified; except that a special  
7 election for chief of police shall be held at the call of the  
8 city council as soon as feasible after this act shall become

9 a law and said chief of police, so elected, shall hold office  
10 until his successor shall be elected at the regular city elec-  
11 tion in the year 1921 and has been duly qualified.

Clause 2. Any citizen who shall have resided in Lewiston  
2 for a period of, at least, five consecutive years immediately  
3 preceding his candidacy shall be eligible to this office. Any  
4 citizen, who is eligible, shall be considered a nominee pro-  
5 vided he submit a petition for such nomination signed by  
6 not less than one hundred voters, of the city of Lewiston,  
7 at least two weeks before the day of election to the city  
8 clerk. And it shall be held unlawful and punishable as a  
9 misdemeanor for any citizen to sign more than one nomi-  
10 nation paper for the office of chief of police at any election.

Clause 3. The salary of the chief of police shall be fifteen  
2 hundred dollars (\$1500) per annum, payable in equal month-  
3 ly installments by the city treasurer. The chief of police  
4 shall be entitled to two weeks vacation each calendar year  
5 (with pay) the same to be taken when, and as, he may  
6 desire. While upon such vacation or when incapacitated  
7 through illness or absent from his office on the business of  
8 the department the duties of his position shall be assumed  
9 by the senior captain.

Clause 4. The chief of police shall be removed only by  
2 the police commission, by a majority vote, upon written  
3 charges being preferred, by at least five citizens of Lewis-  
4 ton, of neglect of duty or incapacity through illness or other-  
5 wise. The chief of police shall be entitled to a public hear-

6 ing, in such event, and the finding of the police commission  
7 shall be final. If removal shall be the finding, he shall be  
8 ineligible for nomination to the office in the future; and all  
9 parties qualifying for chief of police under this act accept  
10 this office subject to all conditions and limitations herein  
11 set forth.

Clause 5. In the event of the chief of police being removed  
2 (as provided for in section 3, clause 4,) the senior captain  
3 shall assume the duties of the chief of police until his suc-  
4 cessor shall have been elected and qualified, as provided for  
5 in clause 6 of this section.

Clause 6. Upon the office of chief of police becoming  
2 vacant either through death, or removal, a special election  
3 shall be held at the call of the city council, as in section 3,  
4 clause 1, and a chief of police shall be elected to fill out the  
5 unexpired term except in the event that a regular city elec-  
6 tion shall be due within six months time of the office being  
7 left vacant; when there shall be no special election, the cap-  
8 tain being in charge of the department until the regular city  
9 election when a chief of police shall be elected to fill out  
10 the term.

Clause 7. The chief of police shall qualify in the same  
2 manner as members of the city council.

Sect. 4. Clause 1. Two captains shall be appointed, by  
2 the chief of police, from the patrolmen who have been ap-  
3 pointed as in section 2, clause 4. Their duties shall be to  
4 have charge of the desk one during the day and one during

5 the night, and to help carry out the policy of the chief of  
6 police and attend to such detail work as he shall direct.

Clause 2. Police captains shall receive a salary of twelve  
2 hundred dollars (\$1200) per annum, payable in equal month-  
3 ly installments by the city treasurer and they shall be en-  
4 titled to a vacation of two weeks each calendar year (with  
5 pay), such vacation to be prescribed by the chief of police.

Clause 3. Police captains shall be subject to the same rules  
2 of conduct and punishment as are patrolmen.

Sect. 5. Clause 1. Any resident citizen of Lewiston be-  
2 tween the ages of twenty-four and forty years shall be  
3 eligible for the position of patrolman, with the exception  
4 of those acting as patrolmen at the time this act shall be-  
5 come a law, all of whom shall be eligible to appointment  
6 as patrolmen: and who shall be, in any case, allowed to  
7 serve as patrolmen during such time as may remain of their  
8 term under the law as it existed before the passage of this  
9 act.

Clause 2. All citizens of Lewiston holding the office of  
2 patrolman at the time this act shall become a law and in-  
3 cluding those whose terms of office expire April 1, 1917,  
4 shall be eligible to appointment as patrolmen under this act  
5 provided they comply with the requirements as provided  
6 under section 2, clauses 2 and 3, and if able to satisfactorily  
7 conform thereto, shall be appointed under this act before  
8 the position made vacant by the expiration of their term  
9 of office shall be open to competitive appointment.

Clause 3. The duties of patrolman shall be prescribed by  
2 the chief of police, subject to approval of the police com-  
3 mission, and each patrolman shall be supplied with a book  
4 of rules defining, in so far as possible, his duties the same  
5 to be approved by a justice of the supreme court, provided  
6 by the chief of police and the expense of which shall be  
7 borne by the city.

Clause 4. The salary of patrolmen shall be one thousand  
2 (\$1000) dollars per year, until he shall have served five  
3 years when he shall receive eleven hundred (\$1100) dollars  
4 per year, payable in equal weekly installments by the city  
5 treasurer. Each patrolman shall be entitled to a vacation  
6 of two weeks in each calendar year (with pay) the same  
7 to be prescribed by the chief of police.

Clause 5. Each patrolman shall be appointed to serve un-  
2 til he shall arrive at the age of sixty-five years when he  
3 shall be retired unless previously removed on account of  
4 illness or from neglect of duty as provided in section 2,  
5 clause 6.

Sect. 6. Clause 1. Special patrolmen (with pay) shall  
2 be appointed by the chief of police from a list furnished  
3 him by the police commission, for a period of one to thirty  
4 days; and such special patrolman shall receive a salary of  
5 two dollars and fifty cents (\$2.50) per day, to be paid by  
6 the city treasurer upon approval of the chief of police.

Clause 2. Special patrolmen (without pay) may be ap-  
2 pointed by the chief of police for a period not more than



3 one year for private duty.

Clause 3. When an increase, or decrease, in the number  
2 of patrolmen shall be deemed desirable, the matter shall  
3 be determined by the mayor of the city of Lewiston and  
4 the police commission, upon recommendation of the chief  
5 of police.

Sect. 7. Clause 1. No person holding office authorized  
2 by this act shall hold any other public office or take any  
3 active part in politics. Any violation of this provision by  
4 any officeholder shall "ipso facto" forfeit all his rights to  
5 such office.

Sect. 8. Clause 1. All acts or 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. And if any part  
6 or section of this act be decided by the courts to be uncon-  
7 stitutional or invalid, the same shall not affect the validity  
8 of the act as a whole, or any part thereof, which can be  
9 given effect without the part so decided to be unconstitu-  
10 tional or invalid.

Sect. 9. Clause 1. This act shall become a law by being  
2 approved by a majority of the legally qualified voters of  
2 the city of Lewiston voting at the regular municipal election  
3 of the year 1917 and shall be referred to them on a special  
4 ballot which shall set forth the intent and purpose of this  
5 act.