

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 177

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*House of Representatives, Feb. 8, 1917.*

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

*W. R. ROIX, Clerk.*

*Presented by Mr. Garcelon of Auburn.*

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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 for a Police Commission and for the Appointment and Terms of Members of the Police Force of the City of Auburn.

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

Section 1. A police commission for the city of Auburn  
2 is hereby established, to consist of three citizens of Auburn,  
3 not more than a majority of whom shall be from the same  
4 political party, and one of whom shall be a competent  
5 physician and surgeon of approved reputation and stand-  
6 ing. One member shall be appointed for three years, one

7 for two years, and one for one year from the first day of  
8 July of the year in which such appointment is made; and  
9 upon the expiration of the term of any member, appoint-  
10 ment shall be made for the term of three years, but in  
11 case of a vacancy created otherwise than by expiration of  
12 the term, appointment shall be made to fill the unexpired  
13 term. The member of the commission who is serving the  
14 last year of his term shall be chairman. All appointments  
15 of commissioners shall be made by the board of mayor  
16 and aldermen of the city of Auburn.

Sect. 2. It shall be the duty of the police commission to  
2 examine all applicants for positions as members of the  
3 police department, to determine their eligibility and quali-  
4 fications; to appoint from those who successfully pass such  
5 examinations a deputy chief of police and all police offi-  
6 cers, and to determine the respective rank of such officers;  
7 to act as a tribunal to hear and determine all charges pre-  
8 ferred against any member of the police department, and  
9 to have power to punish by fine, suspension or removal.

Sect. 3. It shall be the duty of the police commission to  
2 prepare and establish rules for the examination of appli-  
3 cants for the purpose of determining their physical, educa-  
4 tional, mental and moral qualifications, and to provide for  
5 such examinations at stated times or upon due public notice.

Sect. 4. It shall be the duty of the police commission to  
2 prepare and establish rules and orders for the government  
3 and regulation of the police department and to prescribe

4 the duties of its members, which rules and orders shall be  
5 designed to carry into effect the general police powers, by-  
6 laws and ordinances of the city of Auburn and the laws  
7 of the state, and shall supersede the present ordinances of  
8 the city of Auburn specifically relating to the regulation of  
9 the police department.

Sect. 5. It shall be the duty of the police commission to  
2 prepare and establish rules, orders and methods of procedure  
3 for the hearing and determination of all charges of insub-  
4 ordination, misbehavior, improper conduct or physical, men-  
5 tal or moral unfitness of any member of the police depart-  
6 ment.

Sect. 6. Each member of the police commission shall be  
2 entitled to a per diem of five dollars for time actually  
3 spent in the performance of his official duties, to be paid  
4 from the city treasury; provided, however, that for the  
5 physical examination of applicants the medical member  
6 shall not be entitled to compensation from the city, but  
7 shall be entitled to a fee not exceeding three dollars, to be  
8 paid by the applicant.

Sect. 7. The police department of the city of Auburn  
2 shall consist of a chief of police, deputy chief of police  
3 and five regular police officers; provided that the number  
4 of police officers may from time to time be increased or  
5 decreased by the board of mayor and aldermen upon the  
6 recommendation of the police commission.

Sect. 8. The chief of police shall be appointed by the

2 police commission for the term of four years unless sooner  
3 removed under the provisions of section 2 of this act, and  
4 his powers and duties shall be prescribed by said commis-  
5 sion in accordance with the provisions of section 4 of this  
6 act.

Sect. 9. The present members of the police force, includ-  
2 ing the officers whose terms expire March 31, 1917, shall  
3 be eligible to appointment under this act, and if they are  
4 able to pass an examination satisfactory to the police com-  
5 mission, shall be appointed by said commission before the  
6 position so filled by them or made vacant by the expiration  
7 of their terms shall be open to competitive examination and  
8 appointment; and in any case the present deputy marshal  
9 shall become deputy chief of police, and the present officers  
10 shall remain as officers until the expiration of the terms  
11 for which they were appointed before the passage of this  
12 act, unless removed for cause, as provided in the case of  
13 any person appointed under the provisions of this act.

Sect. 10. Each member of the police force shall be ap-  
2 pointed to serve until he shall arrive at the age of sixty  
3 years unless sooner removed as provided by this act. The  
4 deputy chief of police shall be appointed from the mem-  
5 bers of the police force and shall serve in such position  
6 for the term of four years, and at the expiration of such  
7 term, unless reappointed, shall become a regular police  
8 officer.

Sect. 11. The salary of the chief of police, deputy chief

2 of police and police officers shall be the same as now paid  
3 to the persons holding corresponding positions in the pres-  
4 ent police department, and may be increased or decreased  
5 by the board of mayor and aldermen upon the recommenda-  
6 tion and approval of the police commission.

Sect. 12. The members of the police department appointed  
2 under the provisions of this act shall be vested with all the  
3 powers of constables of the city of Auburn.

Sect. 13. In case of temporary public necessity or emer-  
2 gency the police commission may in its discretion appoint,  
3 with or without examination, special police officers for a  
4 period not exceeding thirty days, and such special police  
5 officers during their service shall have all the powers and  
6 be subject to all the regulations of the regular police offi-  
7 cers, in connection with the performance of their duties,  
8 and shall be entitled to receive wages for the time em-  
9 ployed, at the same rate as that paid to the regular police  
10 officers.