

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 400

House of Representatives, Feb. 27, 1917.

On motion of Mr. Emerson of Lewiston report was tabled pending accepting and fifteen hundred copies of New Draft ordered printed.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to provide a police commission for the city of Lewiston and to promote the efficiency of the police department thereof.

Whereas, the Chamber of Commerce of the city of Lewiston through its duly authorized committee, and many citizens of said city have urged the enactment of a bill creating a police commission for said city and the reorganization of the police department thereunder, and,

Whereas, it has been urged that said police department as

now constituted is inefficient and indifferent to the enforcement of the laws of this state and that the same have been notoriously nullified in said community, and,

Whereas, it is the purpose of said bill to remove said police department from the influence of partisan politics, to place the same with respect to appointments thereto and to continuance in office upon a merit system and to thereby secure a more general enforcement of all laws, and,

Whereas, in the opinion of the legislature such result will make for the public peace and safety of said city and of the state and the need therefor constitutes an emergency within the meaning of the provisions of the constitution of this state.

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

Section 1. The police department of the city of Lewiston shall consist of a board of police commissioners of three members, a chief of police, and thirty-one patrolmen, two of whom shall be designated as captains, and a police matron.

Sect. 2. Said board of police commissioners shall consist of three resident citizens of Lewiston. The commissioners shall be appointed by the governor with the advice and consent of his council. In the first instance one shall be appointed for six years, one for four years, and one for two years. At the expiration of each of said terms a commissioner shall be appointed for a full term of six years. In case of any vacancy in the commission, the governor shall appoint a member thereto for the balance of said unexpired term. The members of the commission shall be appointed

11 from the two political parties receiving the largest number
12 of votes in the last preceding state election. No more than
13 two of said members shall be from the same political party.

Sect. 3. Each member of said board shall qualify after his
2 appointment as aforesaid by being sworn by the city clerk
3 of Lewiston or by a justice of the peace to the faithful dis-
4 charge of his duties. In the event that a member qualifies
5 before a justice of the peace, a certificate thereof shall be
6 forthwith filed with the city clerk by said justice of the
7 peace.

Sect. 4. The board of police commissioners hereby
2 created shall have full power and authority, subject to the
3 provisions of this Act, to organize and establish the police
4 force of the city of Lewiston and to make all rules and regu-
5 lations for the government, control and efficiency of the
6 same. Said board shall have and exercise all the powers and
7 be charged with all the duties relative to the organization,
8 appointment and control of said police force now conferred
9 or imposed upon the mayor, the municipal officers or the
10 city council of Lewiston, and such other powers as are given
11 them by the terms of this Act.

Sect. 5. When said board of commissioners shall have
2 qualified, they shall meet and elect a chairman and a clerk,
3 and shall forthwith organize and establish the police force as
4 herein authorized. They shall forthwith choose in the man-
5 ner hereinafter provided, the chief of police, and thirty-one
6 patrolmen, two of whom shall be designated as captains, and

7 said police matron, and all of whom with said board of com-
8 missioners, shall constitute the police department of the city
9 of Lewiston.

Section 6. Candidates for appointment as patrolmen shall
2 make applications therefor to the police commission upon
3 blanks furnished by it. All such candidates, and all candi-
4 dates to fill any vacancies occurring in said force, or for any
5 new places on said force occasioned by an increase in the
6 number thereof, shall submit to such qualification tests as
7 may be prescribed by the board of commissioners. The com-
8 mission, by such qualification tests shall inquire into the
9 physical, mental and moral fitness of each of the appli-
10 cants for appointment. They shall place upon an eligible
11 list all applicants who shall satisfactorily meet such tests,
12 and every appointment shall be from men upon said eligible
13 list. Each applicant shall remain upon said list for the
14 period of one year from the date of his examination. The
15 physical examination prescribed by the commission shall be
16 conducted by a physician appointed for that purpose by it,
17 and the fee for such physical examination shall be paid by
18 the applicant in advance.

Sect. 7. Any citizen of Lewiston between the ages of
2 twenty-four and forty shall be eligible to appointment as a
3 patrolman, provided he shall have made written application
4 therefor and shall have satisfactorily passed the qualifica-
5 tion tests prescribed by the board of commissioners, pro-
6 vided further however, that any police officer of the city

7 of Lewiston serving at the time of the passage of this Act
8 and any former police officers of said city residents therein
9 who shall have served a full three year term on said force,
10 under the age of sixty-five years, and who shall pass quali-
11 fication tests required by said commissioners, shall be ap-
12 pointed to said force to the number authorized by this Act
13 in preference to any other applicants upon said list of
14 eligibles. Each patrolman shall be appointed to serve until
15 he shall arrive at the age of sixty-five years, when he shall
16 be retired unless previously removed by said commissioners
17 as hereinafter authorized.

Sect. 8. All patrolmen, including said captains shall have
2 and exercise within the limits of the city all the common law
3 and statutory powers of constables, except service of civil
4 processes, and all powers given to police officers by the stat-
5 utes of the state, the city charter, ordinances, by-laws and
6 regulations of said city, and such special powers as may be
7 conferred upon them by the board of commissioners under
8 the authority of this Act.

Sect. 9. The chief of police shall be chosen by the board
2 of commissioners by written ballot for a term of four years
3 from the date of his election, or until his successor shall be
4 elected and qualified. He shall qualify by being sworn by
5 the city clerk of Lewiston or by a justice of the peace, to the
6 faithful discharge of his duties, and in the event that he
7 qualifies before a justice of the peace, a certificate thereof
8 shall be forthwith filed by said justice of the peace with said

9 city clerk. He shall have and exercise all the powers and
10 authority now given to the city marshal by the charter and
11 ordinances of Lewiston, and by the general statutes of the
12 state, and such special power and authority as may from
13 time to time be delegated to him by the board of commis-
14 sioners. The board of commissioners shall appoint from the
15 patrolmen provided for in this Act two captains who shall
16 hold office during good behavior or until retired under the
17 provisions of this Act. Said captains shall have such duties
18 and powers as may be delegated to them by the commis-
19 sioners or by the chief of police under the authority of said
20 commissioners.

Sect. 10. Special patrolmen (with pay) shall be appointed
2 by the chief of police from a list furnished him by the police
3 commissioner, for a period of from one to thirty days; and
4 such special patrolmen shall receive a salary of two dollars
5 and fifty cents (\$2.50) per day, to be paid by the city treas-
6 urer upon approval by the chief of police. Special patrol-
7 men (without pay) may be appointed by the chief of police
8 for a period not more than one year for private duty. The
9 board of commissioners shall have power and authority to
10 appoint from time to time not more than two inspectors at
11 one and the same time, who shall receive a compensation of
12 one hundred dollars (\$100) per month, while so employed,
13 payable by the city treasurer, with such duties as shall be
14 determined by the board of commissioners.

Sect. 11. A police matron shall be appointed by said

2 board of commissioners for a term of two years with such
3 duties and powers as may be delegated by said board of
4 police commissioners. The salary of said police matron
5 shall be five hundred dollars (\$500) per annum payable by
6 the city treasurer .

Sect. 12. The chief of police may be removed by the
2 board of commissioners for cause. He shall upon request,
3 be furnished with a written copy of the charges against him,
4 and shall be given a public hearing before action by the
5 commission. Such hearing shall be held upon charges made
6 by said commission or upon written charges being filed with
7 said commission by five or more citizens of Lewiston. In
8 the event of the removal of the chief of police as herein-
9 before provided, or in the event of his incapacity through
10 illness or otherwise, to perform the duties of his office, one
11 of the captains to be designated by the board of commis-
12 sioners shall assume the duties of the chief of police until his
13 successor shall have been elected by said commissioners and
14 he shall have qualified as hereinbefore provided.

Sect. 13. Patrolmen and captains when guilty of irregular
2 conduct, shall be punished by fine (not to exceed one hun-
3 dred dollars (\$100) or by suspension, without pay (not to
4 exceed thirty days), for each offense, or by removal, for
5 cause, on complaint of the chief of police to the police com-
6 missioners, or upon written complaint signed by any five citizens
7 of Lewiston, or upon charges filed by the commission itself,
8 except that the chief of police may suspend any patrolman

9 for misbehavior or neglect of duty for a period not exceed-
10 ing one week without preferring charges to the police com-
11 missioners, for each offense. In all cases, patrolmen, when
12 notified of such charges, shall be entitled to a copy thereof
13 and to a public hearing at such time and place as the police
14 commissioners shall designate and the findings of the com-
15 missioners upon such charges shall be final. When fines shall
16 have been imposed such fines shall be paid to the city treas-
17 urer and the patrolman so fined shall stand suspended, with-
18 out pay until the order shall be complied with.

Sect. 14. The police commissioners shall each receive a
2 fee of five dollars (\$5) for each meeting which they attend
3 payable by the city treasurer. They shall assemble at the
4 call of the chairman of the board.

Sect. 15. The salary of the chief of police shall be fifteen
2 hundred dollars (\$1500) per annum, payable in equal
3 monthly installments by the city treasurer. The chief of
4 police shall be entitled to two weeks' vacation each calendar
5 year (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.

Sect. 16. Police captains shall receive a salary of twelve
2 hundred dollars (\$1200) per annum, payable in equal
3 monthly installments by the city treasurer and they shall be
4 entitled to a vacation of two weeks each calendar year (with
5 pay), such vacation to be prescribed by the chief of police.

Sect. 17. The salary of patrolmen shall be one thousand
2 dollars (\$1000) per year, until he shall have served five
3 years when he shall receive eleven hundred dollars (\$1100)
4 per year, payable in equal weekly installments by the city
5 treasurer. Each patrolman shall be entitled to a vacation of
6 two weeks in each calendar year (with pay) at such time as
7 may be prescribed by the chief of police.

Sec. 18. No person holding office authorized by this Act
2 shall hold an other public office or take any active part in
3 politics. Any violation shall be considered cause for re-
4 moval.

Sect. 19. All fees paid to the chief of police, captains, or
2 any patrolman in their said capacities, shall be accounted for
3 by such officers, and turned in to the treasury of the city of
4 Lewiston when received by them.

Sect. 20. The board of commissioners shall have power,
2 subject to the approval of the municipal officers of said
3 Lewiston, to increase the number of patrolmen provided for
4 in this Act. Said patrolmen so created shall be appointed by
5 said commission and shall be subject to all the other pro-
6 visions of this Act.

Sect. 21. The city marshal, deputy marshal, captains, po-
2 licemen and other officers of the police department of the
3 city of Lewiston at the time of the passage of this Act shall
4 continue in office with all the powers and duties with which
5 they are by law vested, until the reorganization of said po-
6 lice department as herein provided shall be perfected and the

7 chief of police and patrolmen herein provided for shall have
8 been appointed. All said officers in said police department
9 existing at the date of the passage of this Act are hereby
10 abolished as and of the date of the appointment of said chief
11 of police and patrolmen under this act. Such parts of the
12 charter of the city of Lewiston, of Chapter 293 of the
13 Private and Special Laws of Maine, 1880, and all other Acts
14 or parts of Acts inconsistent herewith are hereby repealed.

Sect. 22. This Act, two-thirds of all the members elected
2 to each House so directing, shall take effect when approved
3 by the governor.