

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 464

In House of Representatives, March 26, 1923.

Minority report of Committee on Legal Affairs, on motion of Mr. Martin of Augusta, five hundred copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-THREE

AN ACT to Amend Chapter Thirty-seven of the Private and Special Laws of Nineteen Hundred Seventeen, Relating to a Police Commission for the City of Lewiston.

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

Section 1. Section one of chapter thirty-seven of the private and special laws of nineteen hundred seventeen is hereby amended by striking out the words "thirty-one patrolmen" in the third line thereof and substituting therefor the words 'such number of patrolmen as said board of police commissioners shall deem necessary,' so that said section as amended shall read as follows:

'Section 1. *Board of police commissioners created.* The

2 police department of the city of Lewiston shall consist of
3 a board of police commissioners of three members, a chief
4 of police, and such number of patrolmen as said board of
5 commissioners shall deem necessary, two of whom shall be
6 designated as captains, and a police matron.'

Sect. 2. Section two of said chapter thirty-seven is here-
2 by amended by striking out all of said section after the first
3 sentence thereof, and substituting in place thereof the words,
4 'The commissioners shall be appointed by the mayor of
5 Lewiston. It shall not be necessary for such appointments
6 to be confirmed by the city council. Two of said commis-
7 sioners shall be members of the political party polling the
8 largest vote in the city of Lewiston at the last preceding
9 election held on the second Monday of September, and one
10 shall be a member of the political party polling the next
11 largest number of votes at said election. In the first in-
12 stance, at the first meeting of the city council following the
13 inauguration of the city council which shall occur first after
14 the time when this act shall go into effect, the mayor shall
15 appoint one commissioner for a term of six years, one for
16 a term of four years, and one for a term of two years. At
17 the expiration of each of said terms, a commissioner shall
18 be appointed by the mayor for a full term of six years.
19 In case of any vacancy in the commission, the mayor shall
20 appoint a member thereto for the balance of the unexpired
21 term,' so that said section as amended shall read as follows:

'Sect. 2. *Commission. Composition. Election. Tenure.*

2 *Vacancies.* Said board of police commissioners shall con-
3 sist of three resident citizens of Lewiston. The commis-
4 sioners shall be appointed by the mayor of Lewiston. It
5 shall not be necessary for such appointments to be con-
6 firmed by the city council. Two of said commissioners shall
7 be members of the political party polling the largest vote
8 in the city of Lewiston at the last preceding election held
9 on the second Monday of September, and one shall be a
10 member of the political party polling the next largest num-
11 ber of votes at said election. In the first instance, at the
12 first meeting of the city council following the inauguration
13 of the city council which shall occur first after the time
14 when this act shall go into effect, the mayor shall appoint
15 one commissioner for a term of six years, one for a term
16 of four years, and one for a term of two years. At the
17 expiration of each of said terms, a commissioner shall be
18 appointed by the mayor for a full term of six years. In
19 case of any vacancy in the commission, the mayor shall
20 appoint a member thereto for the balance of the unexpired
21 term.'

Sect. 3. Section five of said chapter thirty-seven is here-
2 by amended by striking out the words "thirty-one patrol-
3 men" and substituting therefor the words 'such number of
4 patrolmen as said board shall deem necessary,' so that said
5 section as amended shall read as follows:

'Sect. 5. *Organization of commission and of department.*
2 When said board of commissioners shall have qualified, they

3 shall meet and elect a chairman and a clerk, and shall forth-
4 with organize and establish the police force as herein au-
5 thorized. They shall forthwith choose in the manner here-
6 inafter provided, the chief of police, and such number of
7 patrolmen as said board shall deem necessary, two of whom
8 shall be designated as captains, and said police matron, and
9 all of whom with said board of commissioners, shall con-
10 stitute the police department of the city of Lewiston.'

Sect. 4. Section ten of chapter thirty-seven of the pri-
2 vate and special laws of nineteen hundred seventeen as
3 amended by section two of chapter seventeen of the private
4 and special laws of nineteen hundred and nineteen, as further
5 amended by section three of chapter one hundred and twen-
6 ty-four of the private and special laws of the special session
7 of nineteen hundred and nineteen, as further amended by
8 section two of chapter ninety-five of the private and special
9 laws of nineteen hundred twenty-one, is hereby amended by
10 striking out the words and figures "four dollars (\$4.00) per
11 day" in the fourth line thereof and substituting therefor
12 the words 'such sum per day as the board shall determine,'
13 and by striking out in the tenth line the words and figures
14 "one hundred and fifty dollars (\$150) per month" and sub-
15 stituting therefor the words 'such sum per month as the
16 board shall determine,' and by adding to said section ten
17 the following words, 'the chief of police, the police captains,
18 and patrolmen shall receive such salary as the board shall
19 determine,' so that said section as amended shall read as
20 follows:

‘Sect. 10. *Compensation.* Special patrolmen (with pay) shall be appointed by the chief of police from a list furnished him by the police commission, for a period of from one to thirty days; and such special patrolmen shall receive a salary of such sum per day as the board shall determine, to be paid by the city treasurer upon approval by the chief of police. Special patrolmen (without pay) may be appointed by the chief of police for a period not more than one year for private duty. The board of commissioners shall have power and authority to appoint from time to time not more than two inspectors at one and the same time, who shall receive a compensation of such sum per month as the board shall determine, while so employed, payable weekly, by the city treasurer, with such duties as shall be determined by the board of commissioners. The chief of police, the police captains, and patrolmen shall receive such salary as the board shall determine.’

Sect. 5. Section eleven of chapter thirty-seven of the private and special laws of nineteen hundred seventeen, as amended by section three of chapter seventeen of the private and special laws of nineteen hundred nineteen, as further amended by section three of chapter ninety-five of the private and special laws of nineteen hundred twenty-one, is hereby amended by striking out the words and figures “one thousand dollars (\$1000) per annum” in the fourth line thereof, and substituting therefor the words ‘such salary as shall be determined by the board,’ so that said section, as amended, shall read as follows:

'Sect. 11. *Police matron; compensation; powers and duties.* A police matron shall be appointed by said board of 2 commissioners for a term of two years with such duties 3 and powers as may be delegated by said board of police 4 commissioners. The salary of said police matron shall be 5 such salary as shall be determined by the board, payable 6 by the city treasurer.'

Sect. 6. Section fifteen of said chapter thirty-seven of 2 the private and special laws of nineteen hundred seventeen, 3 as amended by section five of chapter seventeen of the pri- 4 vate and special laws of nineteen hundred nineteen, and 5 section sixteen of said chapter thirty-seven, as amended 6 by section six of the private and special laws of nineteen 7 hundred nineteen, and section seventeen of said chapter 8 thirty-seven, as amended by section seven of the private 9 and special laws of nineteen hundred and nineteen, and fur- 10 ther amended by section four of chapter one hundred twen- 11 ty-four of the private and special laws of the special ses- 12 sion of nineteen hundred and nineteen, are hereby repealed.

Sect. 7. Section nineteen of chapter seventeen of the pri- 2 vate and special laws of nineteen hundred nineteen is here- 3 by amended by striking out the words in the second line 4 thereof, "from cases in the Lewiston municipal court," so 5 that said section, as amended, shall read as follows:

'Sect. 19. *Fees to be accounted for.* All fees paid to the 2 chief of police, captains or any patrolman in their said ca- 3 pacities, shall be accounted for by such officers, and turned

4 into the treasury of the city of Lewiston when received by
5 them.'

Sect. 8. Section twenty of chapter thirty-seven of the pri-
2 vate and special laws of nineteen hundred seventeen is here-
3 by repealed.

Sect. 9. Said commissioners, upon taking office, shall not
2 remove any member of the police force, including the police
3 matron, serving at the time when this act takes effect, un-
4 less for cause and for misconduct as provided in section
5 thirteen of chapter thirty-seven of the private and special
6 laws of nineteen hundred seventeen, and all said members
7 of the police force, including the police matron, shall re-
8 main in office until removed or disqualified for cause or
9 misconduct.

Sect. 10. *Referendum provision.* This act shall be sub-
2 mitted for approval or rejection to the qualified voters of
3 the city of Lewiston at an election to be held the second
4 Monday in September in the year nineteen hundred twenty-
5 three, and warrant shall be issued for such election in the
6 manner now provided by law for the holding of municipal
7 elections, notifying and warning the qualified voters of such
8 city to meet in the several ward meetings of the said city,
9 there to cast their ballot for the approval or rejection of this
10 act. The question proposed on said ballots shall be sub-
11 stantially in the following form:

"Shall an act passed by the legislature in the year nineteen
2 hundred twenty-three, approved (insert date), entitled 'An

3 Act relating to the police commission of Lewiston, requir-
4 ing said commission to be appointed by the mayor of Lew-
5 iston,' be accepted?"

Otherwise said ballots shall be in form provided by law
2 when a constitutional amendment is submitted to the vote
3 of the people. The provisions of law relating to the prepa-
4 ration of voting lists for municipal elections shall apply to
5 such election and said election shall in all other respects
6 be conducted as municipal elections in said city are now
7 conducted by law, and the results thereof shall be deter-
8 mined in the manner now provided by law, for the deter-
9 mination of the election of mayor. If a majority of the
10 ballots deposited as aforesaid shall reject, this act shall not
11 go into effect, but if a majority of the electors voting at
12 said ward meetings shall approve, then this act shall take
13 effect as herein provided.

Sect. 11. *When act shall take effect, if approved by people.*

2 So much of this act as authorizes the submission of the
3 acceptance of this act to the electors of the city of Lewiston
4 shall take effect as provided in the constitution of the state,
5 but it shall not take further effect unless accepted by the
6 electors of the city of Lewiston as hereinbefore provided.
7 If accepted by the electors of the city, then this act shall
8 take effect at the expiration of the term of the present city
9 council of the city of Lewiston.