

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 59

In Senate, Feb. 7, 1923.

Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Morneau of Androsscoggin.

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 1917, Relating to a Police Commissioner 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
2 private and special laws of nineteen hundred and seventeen
3 is hereby amended by striking out all of said section after
4 the words "Sec. 1" and substituting therefor the following:
5 *Police commissioner created.* The police department of the
6 city of Lewiston shall consist of one commissioner, two
7 captains, two lieutenants, two sergeants, twenty-five patrol-

8 men and one police matron,' so that said section as amended
9 shall read as follows:

'Sect. 1. *Police commissioner created.* The police de-
2 partment of the city of Lewiston shall consist of one com-
3 missioner, two captains, two lieutenants, two sergeants,
4 twenty-five patrolmen and one police matron.'

Sect. 2. Section two of chapter thirty-seven of the private
2 and special laws of nineteen hundred and seventeen is
3 hereby amended by striking out all of said section after
4 the words "Sec. 2" and substituting therefor the following:
5 '*Commissioner; election, tenure.* Said police commissioner
6 shall be elected by the legally qualified voters of the city of
7 Lewiston, at the annual municipal election held on the first
8 Monday of March. Any resident citizen of Lewiston may
9 be a candidate. Nominations for place on the ballots to be
10 used at the municipal election shall be made by nomination
11 papers signed in the aggregate for each candidate by quali-
12 fied voters of Lewiston in number not less than nine hun-
13 dred nor more than one thousand. Each voter signing a
14 nomination paper shall make his signature in person and
15 add to it his place of residence. Each voter may subscribe
16 his name to one nomination paper and no more. One of
17 the signers to each such separate paper, or the person
18 circulating the same, shall make oath thereon, or by certifi-
19 cate of oath annexed thereto, that he believes the signatures
20 are genuine. Such nomination papers shall be filed with
21 the city clerk not less than ten days before the annual

22 municipal election and not more than forty days before
23 said election. With such nomination papers there shall
24 also be filed the consent in writing of the persons so pro-
25 posed thereby as candidates. When such nomination papers
26 are filed they shall be examined by the city clerk in the
27 presence of the board of registration of voters of the city of
28 Lewiston and the names of the legal voters signed thereto
29 shall be verified and certified by the city clerk. The names
30 of the candidates whose nomination papers have been thus
31 filed and certified shall be printed in alphabetical order on
32 the ballots to be used in each ward in said municipal election.
33 A square shall be printed after the name of each candidate
34 and the voters shall signify their choice by placing a cross
35 in the square opposite to the name of the candidate to be
36 voted for. A plurality vote shall elect. The police com-
37 missioner shall serve for a term of four years from the
38 first day of April following said municipal election,' so that
39 said section as amended shall read as follows:

'Sect. 2. *Commissioner; election, tenure.* Said police
2 commissioner shall be elected by the legally qualified voters
3 of the city of Lewiston, at the annual municipal election
4 held on the first Monday of March. Any resident citizen
5 of Lewiston may be a candidate. Nominations for place
6 on the ballots to be used at the municipal election shall be
7 made by nomination papers signed in the aggregate for
8 each candidate by qualified voters of Lewiston in number
9 not less than nine hundred nor more than one thousand.

10 Each voter signing a nomination paper shall make his signa-
11 ture in person and add to it his place of residence. Each
12 voter may subscribe his name to one nomination paper and
13 no more. One of the signers to each such separate paper,
14 or the person circulating the same, shall make oath thereon,
15 or by certificate of oath annexed thereto, that he believes
16 the signatures are genuine. Such nomination papers shall
17 be filed with the city clerk not less than ten days before
18 the annual municipal election and not more than forty days
19 before said election. With such nomination papers there
20 shall also be filed the consent in writing of the persons so
21 proposed as candidates. When such nomination papers are
22 filed they shall be examined by the city clerk in the presence
23 of the board of registration of voters of the city of Lewis-
24 ton and the names of the legal voters signed thereto shall
25 be verified and certified by the city clerk. The names of
26 the candidates whose nomination papers have been thus
27 filed and certified shall be printed in alphabetical order on
28 the ballots to be used in each ward in said municipal elec-
29 tion. A square shall be printed after the name of each
30 candidate and the voters shall signify their choice by placing
31 a cross in the square opposite to the name of the candidate
32 to be voted for. A plurality vote shall elect. The police
33 commissioner shall serve for a term of four years from
34 the first day of April following said municipal election.'

Sect. 3. Section three of chapter thirty-seven of the
2 private and special laws of nineteen hundred and seventeen

3 is hereby amended by striking out in the first line thereof the
4 words "each member of said board" and substituting there-
5 for the words 'the commissioner' and by striking out in the
6 fourth line thereof the words "a member" and substituting
7 therefor the words 'the commissioner,' so that said section
8 as amended shall read as follows:

'Sect. 3. *Qualification.* The commissioner shall qualify
2 after his appointment as aforesaid by being sworn by the
3 city clerk of Lewiston or by a justice of the peace to the
4 faithful discharge of his duties. In the event that the com-
5 missioner qualifies before a justice of the peace, a certifi-
6 cate thereof shall be forthwith filed with the city clerk by
7 said justice of the peace.'

Sect. 4. Section four of said chapter thirty-seven of the
2 private and special laws of nineteen hundred and seventeen,
3 as amended by section one of chapter seventeen of the
4 private and special laws of nineteen hundred and nineteen,
5 is hereby further amended by striking out in the first line
6 thereof the words "board of police commissioners" and
7 substituting therefor the words 'the commissioner' and by
8 striking out in the fifth line thereof the word "board" and
9 substituting therefor the word 'commissioner,' and by strik-
10 ing out the word "it" in the thirteenth line thereof and
11 substituting therefor the word 'him,' so that said section
12 as amended shall read as follows:

'Sect. 4. *Powers enlarged and provisions made for pay-*
2 *ment of expenses.* The commissioner hereby created shall

3 have full power and authority, subject to the provisions of
4 this act, to organize and establish the police force of the
5 city of Lewiston and to make all rules and regulations for
6 the government, control and efficiency of the same. Said
7 commissioner shall have and exercise all the powers and be
8 charged with all the duties relative to the police force,
9 police department and police property of the city of Lewis-
10 ton conferred upon the mayor, the municipal officers or the
11 city council of Lewiston at the time of the passage of this
12 act, as fully as if the same had been herein particularly
13 enumerated, including all powers and duties relative to the
14 organization, appointment and control of said police force
15 and the equipment and maintenance of said police depart-
16 ment, together with such other powers and duties as are
17 conferred or imposed upon him by the terms of this act. All
18 cost and expenses incurred in connection therewith shall
19 be chargeable to the city of Lewiston and paid by the city
20 treasurer.'

Sect. 5. Section five of chapter thirty-seven of the private
2 and special laws of nineteen hundred and seventeen is here-
3 by amended by striking out all of said section after "Sec. 5"
4 and substituting therefor the following: 'When said com-
5 missioner shall have qualified he shall forthwith organize
6 and establish the police force as herein authorized. He
7 shall forthwith choose two captains, two lieutenants, two
8 sergeants, twenty-five patrolmen and a police matron, all of
9 whom, with said commissioner, shall constitute the police

10 force of the city of Lewiston,' so that said section as amend-
11 ed shall read as follows:

'Said commissioner, upon taking office, shall not remove any
2 captain, the police matron, or police officer serving at the
3 time of the ratification of this act unless for cause and for
4 misconduct as provided in section thirteen of chapter thirty-
5 seven of the private and special laws of 1917.'

Sect. 6. Section six of said chapter thirty-seven of the
2 private and special laws of nineteen hundred and seventeen
3 is hereby amended by striking out in the third line thereof
4 the word "commission" and substituting therefor the word
5 'commissioner' and by striking out in the fourth line thereof
6 the word "it" and substituting therefor the word 'him' and
7 by striking out in the sixth line thereof the words "board of
8 commissioners" and substituting therefor the word 'com-
9 missioner' and by striking out in the seventh line thereof the
10 word "commission" and substituting therefor the word
11 'commissioner' and by striking out the word "they" in the
12 tenth line thereof and substituting therefor the word 'he'
13 and by striking out the word "commission" in the thirteenth
14 line thereof and substituting therefor the word 'commis-
15 sioner' and by striking out the word "it" in the fourteenth
16 line thereof and substituting therefor the word 'him,' so that
17 said section as amended shall read as follows:

'Sect. 6. *Candidates for patrolmen; application, exami-
2 nation, etc.* Candidates for appointment as patrolmen shall
3 make application therefor to the police commissioner upon

4 blanks furnished by him. All such candidates, and all
5 candidates to fill any vacancies occurring in said force, or
6 for any new places on said force occasioned by an increase
7 in the number thereof, shall submit to such qualification
8 tests as may be prescribed by the commissioner. The com-
9 missioner, by such qualification tests shall inquire into the
10 physical, mental and moral fitness of each of the applicants
11 for appointment. He shall place upon an eligible list all
12 applicants who shall satisfactorily meet such tests, and every
13 appointment shall be from men upon said eligible list. Each
14 applicant shall remain upon said list for the period of one
15 year from the date of his examination. The physical ex-
16 amination prescribed by the commissioner shall be con-
17 ducted by a physician appointed for that purpose by him,
18 and the fee for such physical examination shall be paid by
19 the applicant in advance.'

Sect. 7. Section seven of said chapter thirty-seven of the
2 private and special laws of nineteen hundred and seventeen
3 is hereby amended by striking out in the fourth line thereof
4 the words "board of commissioners" and substituting there-
5 for the word 'commissioner' and by striking out the word
6 "commissioners" in the ninth line thereof and substituting
7 the word 'commissioner' and by striking out the word "com-
8 missioners" in the thirteenth line thereof and substituting
9 the word 'commissioner,' so that said section as amended
10 shall read as follows:

'Sect. 7. *Eligibility; preference given to former police*

2 *officers; retirement.* Any citizen of Lewiston between the
3 ages of twenty-four and forty shall be eligible to appoint-
4 ment as a patrolman, provided he shall have made written
5 application therefor and shall have satisfactorily passed the
6 qualification tests prescribed by the commissioner, provided
7 further however, that any police officer of the city of
8 Lewiston serving at the time of the passage of this act and
9 any former police officers of said city residents therein who
10 shall have served a full three year term on said force, under
11 the age of sixty-five years, and who shall pass qualification
12 tests required by said commissioner, shall be appointed to
13 said force to the number authorized by this act in prefer-
14 ence to any other applicants upon said list of eligibles. Each
15 patrolman shall be appointed to serve until he shall arrive
16 at the age of sixty-five years, when he shall be retired unless
17 previously removed by said commissioner as hereinafter
18 authorized.'

Sect. 8. Section eight of said chapter thirty-seven of the
2 private and special laws of nineteen hundred and seventeen,
3 as amended by section one of chapter ninety-five of the
4 private and special laws of nineteen hundred and twenty-
5 one, is hereby further amended by striking out in the first
6 line thereof, as amended, the words "chief of police, in-
7 spectors" and substituting therefor the words 'captains,
8 lieutenants, sergeants' and by striking out in the second line
9 thereof the words "including said captains" and by striking
10 out in the seventh line thereof the words "board of commis-

11 sioners” and substituting therefor the word ‘commissioner,’
12 so that said section as amended shall read as follows:

‘Sect. 8. *Authority of police officers.* The captains,
2 lieutenants, sergeants, police matron and all patrolmen shall
3 have and exercise within the limits of the city all the
4 common law and statutory powers of constables, except ser-
5 vice of civil processes, and all powers given to police officers
6 by the statutes of the state, the city charter, ordinances, by-
7 laws and regulations of the said city, and such special
8 powers as may be conferred upon them by the commissioner
9 under the authority of this act.’

Sect. 9. Section nine of said chapter thirty-seven of the
2 private and special laws of nineteen hundred and seventeen
3 is hereby repealed.

Sect. 10. Section ten of said chapter thirty-seven of the
2 private and special laws of nineteen hundred and seventeen
3 as amended by section two of chapter seventeen of the
4 private and special laws of nineteen hundred and nineteen,
5 as further amended by section three of chapter one hundred
6 and twenty-four of the private and special laws of the
7 special session of nineteen hundred and nineteen, and as
8 further amended by section two of chapter ninety-five of
9 the private and special laws of nineteen hundred and
10 twenty-one, is hereby further amended by striking out in the
11 second line thereof the words “chief of police” and sub-
12 stituting therefor the word ‘commissioner’ and by striking
13 out in the second and third lines thereof the words “police
14 commission” and substituting therefor the words ‘city coun-

15 cil' and by striking out in the fourth line thereof the words
16 and figures "a salary of four dollars (\$4.00) per day" and
17 substituting therefor the words 'such salary as the city
18 council shall determine' and by striking out in the fifth line
19 thereof the words "chief of police" and substituting there-
20 for the word 'commissioner' and by striking out in the sixth
21 line thereof the words "chief of police" and substituting
22 therefor the word 'commissioner' and by striking out the
23 whole of the last sentence in said section, so that said sec-
24 tion ten, as amended, shall read as follows:

'Sect. 10. *Compensation.* Special patrolmen (with pay)
2 shall be appointed by the commissioner from a list furnished
3 him by the city council for a period of from one to thirty
4 days and such special patrolmen shall receive such salary as
5 the city council shall determine, to be paid by the city treas-
6 urer, upon approval by the commissioner. Special patrol-
7 men (without pay) may be appointed by the commissioner
8 for a period not more than one year for private duty.'

Sect. 11. Section eleven of said chapter thirty-seven of
2 the private and special laws of nineteen hundred and seven-
3 teen, as amended by section three of chapter seventeen of
4 the private and special laws of nineteen hundred and nine-
5 teen, as further amended by section three of chapter ninety-
6 five of the private and special laws of nineteen hundred and
7 twenty-one, is hereby repealed.

Sect. 12. Section twelve of said chapter thirty-seven of
2 the private and special laws of nineteen hundred and seven-
3 teen is hereby repealed.

Sect. 13. Section thirteen of said chapter thirty-seven of
2 the private and special laws of nineteen hundred and seven-
3 teen is hereby amended by striking out the first three words
4 thereof, to wit "patrolmen and captains" and substituting
5 therefor the words 'captains, lieutenants, sergeants, patrol-
6 men and the police matron' and by striking out in the fourth
7 and following line thereof the words "on complaint of the
8 chief of police to the police commissioners, or" and by
9 striking out in the seventh line thereof the words "commis-
10 sion itself" and substituting the word 'commissioner' and by
11 striking out in the seventh line thereof the words "chief of
12 police" and substituting therefor the word 'commissioner'
13 and by striking out in the ninth line thereof the words
14 "police commissioners" and substituting therefor the word
15 'commissioner' and by striking out in the twelfth line there-
16 of the words "police commissioners" and substituting there-
17 for the word 'commissioner' and by striking out in the
18 twelfth line thereof the word "commissioners" and substi-
19 tuting therefor the word 'commissioner,' so that said section
20 thirteen as amended shall read as follows:

'Sect. 13. *Misconduct of police officers; proceedings.*
2 Captains, lieutenants, sergeants, patrolmen and the police
3 matron, when guilty of irregular conduct, shall be punished
4 by fine (not to exceed one hundred dollars (\$100) or by
5 suspension without pay (not to exceed thirty days) for
6 each offense, or by removal, for cause, upon written com-
7 plaint signed by any five citizens of Lewiston, or upon

8 charges filed by the commissioner, except that the commis-
9 sioner may suspend any patrolman for misbehavior or neg-
10 lect of duty for a period not exceeding one week without
11 preferring charges for each offence. In all cases patrolmen,
12 when notified of such charges, shall be entitled to a copy
13 thereof and to a public hearing at such time and place as
14 the commissioner shall designate and the findings of the
15 commissioner upon such charges shall be final. When fines
16 shall have been imposed such fines shall be paid to the city
17 treasurer and the patrolman so fined shall stand suspended
18 (without pay) until the order shall be complied with.'

Sect. 14. Section fourteen of said chapter thirty-seven of
2 the private and special laws of nineteen hundred and seven-
3 teen, as amended by section four of chapter seventeen of
4 the private and special laws of nineteen hundred and nine-
5 teen, is hereby further amended by striking out all of said
6 section and substituting therefor the following: '*Compensa-*
7 *tion of commissioner.* The commissioner shall receive a
8 salary of two thousand one hundred dollars (\$2,100) per
9 year, payable in weekly instalments. He shall not be en-
10 gaged in any other occupation, but shall give his full time
11 to the duties of his office,' so that said section as amended
12 shall read as follows:

'Sect. 14. *Compensation of commissioner.* The commis-
2 sioner shall receive a salary of two thousand five hundred
3 dollars (\$2,500) per year, payable in weekly instalments.
4 He shall not be engaged in any other occupation, but shall
5 give his full time to the duties of his office.'

Sect. 15. Section fifteen of said chapter thirty-seven of
2 the private and special laws of nineteen hundred and seven-
3 teen, as amended by section five of chapter seventeen of
4 the private and special laws of nineteen hundred and nine-
5 teen, and as further amended by section one of chapter one
6 hundred and twenty-four of the private and special laws
7 of the special session of nineteen hundred and nineteen, is
8 hereby repealed. Section sixteen of said chapter thirty-
9 seven of the private and special laws of nineteen hundred
10 and seventeen, as amended by section six of chapter seven-
11 teen of the private and special laws of nineteen hundred
12 and nineteen, and as further amended by section two of
13 chapter one hundred and twenty-four of the private and
14 special laws of the special session of nineteen hundred and
15 nineteen, is hereby repealed. Section seventeen of said
16 chapter thirty-seven of the private and special laws of
17 nineteen hundred and seventeen, as amended by section
18 seven of chapter seventeen of the private and special laws
19 of nineteen hundred and nineteen, is hereby repealed. In lieu
20 thereof the following section is substituted:

‘Sect. 15. *Compensation of police force.* The salaries of
2 the captains, lieutenants, sergeants, patrolmen and police
3 matron shall be determined by the city council of Lewiston
4 annually in the annual appropriation resolve. They shall be
5 payable weekly. All members of the police force shall be
6 entitled to two weeks vacation each calendar year (with
7 pay), the same to be taken at such times as may be deter-
8 mined by the commissioner.’

Sect. 16. Section nineteen of chapter thirty-seven of the
2 private and special laws of nineteen hundred and seventeen
3 as amended by section eight of chapter seventeen of the
4 private and special laws of nineteen hundred and nineteen,
5 is hereby further amended by striking out in the first line
6 thereof the words "chief of police, captains, inspectors"
7 and substituting therefor the words 'captains, lieutenants,
8 sergeants' and by striking out in the second line thereof the
9 words "from cases in the Lewiston Municipal Court," so
10 that said section as amended shall read as follows:

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

Sect. 17. Section twenty of said chapter thirty-seven of
2 the private and special laws of nineteen hundred and seven-
3 teen is hereby amended by striking out in the first line
4 thereof the words "board of commissioners" and substitut-
5 ing therefor the word 'commissioner,' so that said section
6 twenty as amended shall read as follows:

'Sect. 20. *Number of patrolmen may be increased.* The
2 commissioner shall have power, subject to the approval of the
3 municipal officers of said Lewiston, to increase the number
4 of patrolmen provided for in this act. Said patrolmen so
5 created shall be appointed by said commissioner and shall
6 be subject to all the other provisions of this act.'

Sect. 18. *Referendum provision.* This act shall be submitted for approval or rejection to the qualified voters of the city of Lewiston at an election to be held the second Monday in September in the year nineteen hundred and twenty-three, and warrant shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of such city to meet in the several ward meetings of the said city, there to cast their ballot for the approval or rejection of this act. The question proposed on said ballots shall be substantially in the following form:

“Shall an act passed by the legislature in the year nineteen hundred and twenty-three, approved (insert date), entitled ‘An Act relating to the police commission of the city of Lewiston, requiring the commissioner to be elected by the legally qualified voters of Lewiston’ be accepted?”

Otherwise said ballots shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the results thereof shall be determined in the manner now provided by law, for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into effect, but if a majority of the electors voting at said ward meetings shall approve, then this act shall take effect as herein provided.