

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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H. P. No. 609

H. D. No. 139

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House of Representatives, Feb. 13, 1925.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent up for Concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Martin of Augusta.

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STATE OF MAINE

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

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AN ACT to Provide for the Appointment of a Board of Commissioners of Police for the City of Augusta.

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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 Augusta shall consist of a marshal, deputy-marshal, patrolmen to the number determined by the mayor and city council of said city, and a police matron.

Sect. 2. A board of commissioners of police, consisting of three resident citizens of Augusta shall be appointed by the mayor of said city, as soon as conveniently may be after this act shall take effect, all of whom shall serve without pay. In the first instance one shall be appointed for six years, one for four years, and one for two years. At the

7 expiration of each of said terms a commissioner shall be  
8 appointed for a full term of six years. In case of any va-  
9 cancy in said board, the mayor shall appoint a member there-  
10 to for the balance of the unexpired term. The members of  
11 the board shall be appointed from the two political parties  
12 receiving the largest number of votes in the last preceding  
13 state election. No more than two of said members shall be  
14 from the same political party.

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

Sect. 4. The board of commissioners of police hereby  
2 created shall have full power and authority, subject to the  
3 provisions of this act, to select and appoint the members  
4 of the police department of said city of Augusta, as here-  
5 inafter provided, with the exception of the marshal and  
6 deputy-marshal, and shall have such other powers as are  
7 given 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 clerk,  
3 and shall forthwith select and appoint in the manner here-  
4 inafter provided, said patrolmen, one of whom shall be  
5 designated by the mayor as deputy-marshal, and said police

6 matron; all of whom with the marshal shall constitute the  
7 police department of said city of Augusta.

Sect. 6. Candidates for appointment as patrolmen and  
2 police matron, shall make application therefor to said board  
3 of commissioners of police upon blanks furnished by it.  
4 All such candidates and all candidates to fill any vacancies  
5 occurring in said force, or for any new places on said force  
6 occasioned by an increase in the number thereof, shall sub-  
7 mit to such qualification tests as may be prescribed by said  
8 board. The board by such qualification tests shall inquire  
9 into the physical, mental and moral fitness of each of the  
10 applicants for appointment. It shall place upon an eligible  
11 list all applicants who shall satisfactorily meet such tests,  
12 and every appointment shall be from persons upon said  
13 eligible list. Each applicant shall remain upon said list for  
14 the period of one year from the date of examination. The  
15 physical examination prescribed by said board shall be con-  
16 ducted by the city physician.

Sect. 7. Any citizen of Augusta between the ages of  
2 twenty-four and forty-five shall be eligible to appointment  
3 as a patrolman, provided he shall have made written appli-  
4 cation therefor and shall have satisfactorily passed the  
5 qualification tests prescribed by said board. Each patrol-  
6 man shall be appointed to serve until he shall arrive at the  
7 age of sixty-five years, when he shall be retired, unless  
8 previously removed by said board as hereinafter author-  
9 ized. In the event of a reduction in said force, the latest

10 appointee thereto, shall be first removed, and given prefer-  
11 ence, if still upon said list, in filling the first vacancy.

Sect. 8. All patrolmen shall have and exercise within the  
2 limits of said city, all the common law and statutory powers  
3 of constables, except service of civil process, and all powers  
4 given to police officers by the statutes of the state, the char-  
5 ter of said city, and its ordinances, by-laws and regulations.

Sect. 9. The marshal shall be appointed by the mayor  
2 under the present provisions of the charter of said city.  
3 He shall have and exercise all the powers and authority  
4 now given to the city marshal by said charter and ordi-  
5 nances, and by the general statutes of the state, and such  
6 special power and authority as may from time to time be  
7 delegated to him by the mayor.

Sect. 10. Special patrolmen shall be appointed by the  
2 mayor under the present provisions of the charter of said  
3 city, and in accordance with the ordinances thereof.

Sect. 11. Patrolmen when guilty of misconduct, shall be  
2 punished by a fine, not to exceed one hundred dollars, or  
3 by suspension without pay for a period not to exceed thirty  
4 days, or by removal for cause, on complaint of the mar-  
5 shal to said board, or upon written complaint signed by  
6 any five citizens of said city, or upon charges filed by the  
7 board itself, except that the marshal may suspend any  
8 patrolman for misbehavior or neglect of duty for a period  
9 not exceeding one week without preferring charges to said  
10 board. In all cases, patrolmen, when notified of such

11 charges, shall be entitled to a copy thereof and to a public  
12 hearing thereon, at such time and place as said board shall  
13 designate and the findings of said board upon such charges  
14 shall be final. When fines shall have been imposed, such  
15 fines shall be paid to the city treasurer and the patrolman  
16 so fined shall stand suspended, without pay, until the order  
17 shall be complied with.

Sect. 12. All the provisions of sections seven, eight and  
2 eleven of this act, respecting patrolmen, shall be deemed  
3 to include the police matron.

Sect. 13. The compensation of the marshal, deputy-mar-  
2 shal, patrolmen and police matron shall be fixed by the city  
3 council of said city.

Sect. 14. No person holding an office authorized by this  
2 act shall hold any other public office or take any active part  
3 in politics. Any violation of this section shall be consid-  
4 ered cause for removal.

Sect. 15. All fees paid to the marshal, deputy-marshal,  
2 any patrolman or the police matron, shall be accounted for  
3 by said officers and turned over, forthwith, to the city treas-  
4 urer of said city.

Sect. 16. The deputy-marshal, patrolmen and police  
2 matron of the police department of the city of Augusta,  
3 at the time of the passage of this act, shall continue in  
4 office with all the powers and duties with which they are  
5 by law vested, until the selection and appointment of said  
6 patrolmen and police matron as herein provided. The ten-

7 ure of office of all said officers at the time of the passage  
8 of this act shall terminate as and of the date of said selec-  
9 tion and appointment. Such parts of chapter seventy-five  
10 of the private and special laws of nineteen hundred and  
11 nineteen and all other acts or parts of acts inconsistent  
12 herewith are hereby repealed.

Sect. 17. This act shall not take effect until it has been  
2 adopted by the legal voters of the city of Augusta, at the  
3 next general election therein, or at a special election called  
4 for that purpose.