

MAINE STATE LEGISLATURE

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NEW DRAFT

E I G H T Y - T H I R D L E G I S L A T U R E

House Document

No. 372

H. P. 1103 House of Representatives, Mar. 10, 1927.

Reported by Mr. Sargent from Committee on Legal Affairs
and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

S T A T E O F M A I N E

I N T H E Y E A R O F O U R L O R D O N E T H O U S A N D N I N E
H U N D R E D A N D T W E N T Y - S E V E N

A N A C T R e l a t i n g t o P e n s i o n i n g M e m b e r s o f t h e P o l i c e D e -
p a r t m e n t o f t h e C i t y o f B r e w e r .

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

Section 1. A pension of an amount which shall equal
2 one half his regular pay as a member of the police depart-
3 ment of the city of Brewer at the time when he shall become
4 entitled to receive said pension, shall be paid by the city of
5 Brewer to any of the following members of the police de-
6 partment of said city.

I. To any member of said department who shall be cer-
2 tified in writing to the city council of said city, by a majority
3 of a board of at least three disinterested physicians ap-
4 pointed by the mayor with the approval of the board of

5 aldermen, as being permanently incapacitated, either men-
6 tally or physically, by injuries sustained by said member,
7 but through not fault of his, in the actual performance of
8 duty, for further performance of duty as such member.

II. To any member of said department who shall have
2 performed faithful service therein as such member for a
3 period of not less than twenty years, and if in the judgment
4 of the city council of said city said member is incapacitated
5 for further useful service in said department.

Sect. 2. To the widow of any member of said depart-
2 ment, so long as she shall remain single, except as herein-
3 after provided, who through no fault of his, and while in
4 the actual performance of his duty as such member, shall
5 receive injuries causing his death, said city of Brewer shall
6 pay a weekly pension of an amount which shall equal one-
7 half his regular pay as a member of said police department
8 at the time of his death. Said payment of said pension to
9 said widow in no event to be made for a period of time in
10 excess of four hundred weeks.

Sect. 3. The pension provided for in sub-section I of sec-
2 tion one of this act shall be paid to any such member of
3 said police department only so long as said member shall
4 actually remain and be permanently incapacitated for further
5 performance of duty as such member. If at any time a
6 board of not less than three disinterested physicians appoint-
7 ed by the mayor with the approval of the board of alder-
8 men, after due notice to said member and hearing, shall

9 determine that any such member then receiving said pension
10 is capable of performing regular duty as such member, then
11 the payment of said pension shall cease, and the said mem-
12 ber shall be restored to duty and actual service in said
13 department.

Sect. 4. For the purposes of this act the city marshal or
2 chief of police or said city is hereby declared to be a mem-
3 ber of the police department and entitled to the benefits
4 of the provisions of this act.

Sect. 5. The city of Brewer is hereby authorized to ap-
2 propriate money to provide for the payment of the pensions
3 authorized by this act. Money received as pension under
4 this act shall be in lieu of all other damages provided by
5 law, and there shall be deducted from any compensation to
6 which said member or his widow may be entitled under the
7 provisions of the workmen's compensation act the amount
8 of pension to which said member or his widow may be
9 entitled under this act, as is provided in sub-section II of
10 section one of the workmen's compensation act, as amended.

Sect. 6. This act shall take effect ninety days after the
2 final adjournment of the legislature, so far as necessary to
3 empower the calling and holding of the election authorized in
4 section seven of this act.

Sect. 7. Except as provided in section six of this act, this
2 act shall take effect when and if accepted by a majority
3 vote of the legal voters of the city of Brewer voting upon
4 the question at the regular municipal election of the city

5 of Brewer to be held on the twelfth day of December 1927.
6 The city clerk shall reduce the subject matter of this act
7 to the following question. "Shall the act relating to pen-
8 sioning members of the police department of the city of
9 Brewer be accepted?" The voters shall indicate by a cross
10 placed against the word "Yes" or "No" whether or not they
11 favor the acceptance of said act. Those in favor shall vote
12 "Yes." Those opposed shall vote "No." If it appears that
13 the number of votes given in favor of acceptance thereof
14 shall equal or exceed a majority of all votes cast in said
15 election upon said question, the municipal officers shall forth-
16 with make proclamation of the fact, and thereupon the city
17 clerk shall file due certificate thereof with the secretary of
18 state and the act shall take effect.