

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 208

S. P. 246

In Senate, January 30, 1935.

Referred to Committee on Judiciary and 500 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Burkett of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

**AN ACT Relative to the Tenure of Office and Removal of Chiefs and Chief
Engineers of Fire Departments.**

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

Sec. 1. Tenure of office of fire chiefs and chief engineers of fire departments; removal from office. The chief of the fire department of every city or town which shall accept this act by vote of the city council or of the voters in town meeting, shall, notwithstanding any inconsistent provisions of a city charter or a town charter, hold his office continuously during good behavior unless incapacitated through permanent physical or mental disability from performing the duties of said office; provided, that in every such city the official having the power of appointment, with the consent of the confirming board, if any, and in every such town, the selectmen, may for just cause, and for reasons specifically assigned by said official or selectmen, remove such chief, first giving him a copy of such reasons and allowing him a reasonable time to answer them in writing and at his request, appointing a time and place for hearing thereon which shall be held before such official and confirming board, if any, or the selectmen, not earlier than 10 days after furnishing of said copy. At such hearing the chief may be represented by council and may produce witnesses.

Sec. 2. Appeal. The person removed in accordance with this act shall have the right of appeal to the superior court. After such notices as the court deems necessary, it shall review such action, hear the witnesses, and shall affirm the decision of the official or selectmen, unless it shall appear that it was made without proper cause or in bad faith, in which case said decision shall be reversed and the petitioner be reinstated in his office without loss of compensation. The decision of the court shall be final, and conclusive upon the parties. A copy of the reasons, notice and answer, and of the order or removal, shall be filed with the city, or town clerk.

Sec. 3. Approval. This act shall not be effective in any city or town until the same has been accepted by majority vote of the city council, or of the voters in town meeting.

Sec. 4. Inconsistent acts repealed. All acts or parts of acts inconsistent with this act are hereby repealed, or amended to conform herewith.