

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 405

H. P. 1069

House of Representatives, February 5, 1935.

Referred to Committee on Legal Affairs and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Burgess of Rumford by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Creating the Board of Fire Commissioners of Rumford Falls.

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

Sec. 1. Board of fire commissioners created. The fire department of the Rumford Falls Village Corporation shall consist of a board of fire commissioners of 3 members, a chief of the fire department, 4 permanent men and 2 engineers and such call men as the chief of the fire department with the engineers shall designate from time to time.

Sec. 2. Commission; composition, appointment, tenure, vacancies. Said board of fire commissioners shall consist of 3 resident citizens of the Rumford Falls Village Corporation. The commissioners shall be appointed by the assessors of the Rumford Falls Village Corporation. In the first instance one shall be appointed for 6 years, one for 4 years, and one for 2 years. At the expiration of each of said terms a commissioner shall be appointed for a full term of 6 years. In case of any vacancy in the commission, the assessors of the Rumford Falls Village Corporation shall appoint a member thereto for the balance of said unexpired term. The said assessors shall appoint the same 3 persons as members of the board of police commissioners of the Rumford Falls Village Corporation.

Sec. 3. Qualification. Each member of said board shall qualify after his appointment as aforesaid by being sworn by the town clerk of the Rumford Falls Village Corporation or by a justice of the peace to the faithful discharge of his duties. In the event that a member qualified before a justice of the peace, a certificate thereof shall be forthwith filed with the town clerk by said justice of the peace.

Sec. 4. Powers and duties of commission. The board of fire commissioners hereby created shall have full power and authority, subject to the provisions of this act, to organize and establish the fire department of the Rumford Falls Village Corporation and to make all rules and regulations for the government, control and efficiency of the same. Said board shall have and exercise all the powers and be charged with all the duties relative to the organization, appointment and control of said fire department now conferred or imposed upon the assessors, of the Rumford Falls Village Corporation, and such other powers as are given them by the terms of this act.

Sec. 5. Organization of commission and of department. When said board of commissioners shall have qualified, they shall meet and elect a chairman and a clerk, and shall forthwith organize and establish the Rumford Falls Village fire department as herein authorized. They shall forthwith choose in the manner hereinafter provided, the chief of said fire department, 4 permanent men and 2 engineers and such call men as may be designated as hereinbefore authorized shall constitute the fire department of the Rumford Falls Village Corporation.

Sec. 6. Candidates for appointment; application, examination, etc. Candidates for appointment as members of the Rumford Falls Village Corporation, fire department, except call men, shall make application therefor to the fire commission upon blanks furnished by it. All such candidates, and all candidates to fill vacancies occurring in said force or for any new places on said force occasioned by an increase in the number thereof, shall submit to such qualification tests as may be prescribed by the board of commissioners. The commission, by such qualification tests shall inquire into the physical, mental and moral fitness of each of the applicants for appointment. They shall place upon an eligible list all applicants who shall satisfactorily meet such tests, and every appointment shall be from men upon said eligible list. Each applicant shall remain upon said list for the period of 1 year from the date of his examination. The physical examination prescribed by the commission shall be conducted by a physician

appointed for the purpose by it, and the fee for such physical examination shall be paid by the applicant in advance.

Sec. 7. Eligibility; preference given to former firemen; retirement. Any citizen of the Rumford Falls Village Corporation between the age of 21 and 40 and shall have resided in the Rumford Falls Village Corporation for a period of 2 years prior to his application shall be eligible to an appointment as a fireman, providing he shall have made written application therefor and shall have satisfactorily passed the qualification tests prescribed by the board of commissioners. Provided further however, that any fireman of the Rumford Falls Village Corporation fire department serving at the time of the passage of this act shall be appointed and hold the same rating held by them at the time of the passage of this act without any examination or test. The chief of the fire department and the 4 permanent firemen shall be appointed to serve until he has arrived at the age of 65 years at which time he may on petition to and permission from the board of fire commissioners be retired unless previously removed by said commissioners as hereinafter authorized, but all call firemen shall on reaching the age of 60 years be automatically retired.

Sec. 8. Chief of the fire department; how chosen; powers and duties. The chief of the fire department shall be chosen by the board of commissioners by written ballot to serve until retirement age or otherwise removed as provided by this act. He shall qualify by being sworn by the clerk of the Rumford Falls Village Corporation to the faithful discharge of his duties. He shall have and exercise all the powers and authority now given to him by the by-laws and ordinances of said Rumford Falls Village Corporation and by the general statutes of the state, and such special powers as may from time to time be delegated to him by the board of commissioners.

Sec. 9. Removal of chief of the fire department; all other firemen. The chief of the fire department and permanent firemen may be removed by the board of commissioners for cause. They shall upon request be furnished a written copy of the charges against them and shall be given a public hearing. Such hearing shall be held upon charges made by said commission or upon written charges being filed with said commission by 5 or more citizens of the Rumford Falls Village Corporation. If as the result of a hearing mentioned in this section the chief of the fire department or any permanent firemen is removed he shall be notified of his removal by the board of the fire commissioners within 10 days of the date of hearing provided, further however, that any person so removed may enter his

appeal to the superior court in equity for the county of Oxford next to be held in said county after the date of his removal by filing with the clerk of courts a copy of said charges with a sheriffs return showing that he has served on the commissioners a notice of his appeal.

Sec. 10. Misconduct of permanent fireman and call men. Permanent fireman and call men when guilty of irregular conduct, misbehavior and neglect of duty may be suspended by the chief of the fire department for a period not longer than 2 weeks.

Sec. 11. Compensation of commissioners. The fire commissioners shall receive a salary of \$25 a year to be paid by the Rumford Falls Village Corporation and they shall assemble at the call of the chairman of the board.

Sec. 12. Compensation to the chief of the fire department; permanent firemen and call men. The salary of the chief of the fire department, permanent firemen and call men shall be such amount as shall be voted to them by the voters of the Rumford Falls Village Corporation at their annual meeting which shall be paid to them in equal weekly installments by the treasurer of the Rumford Falls Village Corporation.

Sec. 13. Number of firemen may be increased. The board of commissioners shall have power subject to the approval of the assessors of the Rumford Falls Village Corporation to increase the number of firemen both permanent and call men as provided for under this act and shall be appointed by said commission and shall be subject to all the other provisions of this act.

Sec. 14. Former fire department abolished; certain statutes repealed. The chief of the fire department and permanent firemen, engineers and call men of the Rumford Falls Village Corporation at the time of the passage of this act, shall continue in office with all the powers and duties which they are by law vested, until the reorganization of said fire department as herein provided shall be perfected and the chief of the fire department, permanent firemen, engineers and call men herein provided for shall have been appointed, all officers and members of said fire department existing at the date of the passage of this act are hereby abolished as and of the date of the appointment of the chief of the fire department, permanent firemen, engineers and call men under this act.

Sec. 15. Retirement pay. The chief of the fire department and per-

manent firemen, retiring on account of age or disability received in line of duty shall receive as retirement pay 50% of his weekly salary at the time of retirement, the same to be paid by the treasurer of the Rumford Falls Village Corporation.