

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 407

H. P. 1070

House of Representatives, February 5, 1935.

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

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 a Board of Police Commissioners in Rumford Falls.

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

Sec. 1. Board of police commissioners created. The police department of the Rumford Falls Village Corporation shall consist of a board of police commissioners of 3 members, a chief of police and 7 patrolmen, one of whom shall be designated as lieutenant.

Sec. 2. Commission; composition, appointment, tenure, vacancies. Said board of police 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 1st instance 1 shall be appointed for 6 years, 1 for 4 years, and 1 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 five commissioners of Rumford Falls Village Corporation.

Sec. 3. Qualification. Each member of said board shall qualify after his appointment as aforesaid by being sworn by the clerk of the Rum-

ford 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 town clerk by said justice of the peace.

Sec. 4. Powers and duties of commission. The board of police commissioners hereby created shall have full power and authority, subject to the provisions of this act, to organize and establish the police force 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 police force 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 police force as herein authorized. They shall forthwith choose in the manner hereinafter provided, the chief of police, and seven patrolmen, one of whom shall be designated as lieutenant, and all of whom with said board of commissioners, shall constitute the police department of the Rumford Falls Village Corporation.

Sec. 6. Candidates for patrolmen; application, examination, etc. Candidates for appointment as patrolmen shall make application therefor to the police commission upon blanks furnished by it. All such candidates, and all candidates to fill any 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 police officers; retire-

ment. Any citizen of the Rumford Falls Village Corporation between the ages of 24 and 40 and who have resided for 2 years in the Rumford Falls Village Corporation, shall be eligible to appointment as a patrolman, provided 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 police officer of the Rumford Falls Village Corporation 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 tests. Any police officer of the Rumford Falls Village Corporation serving as special police officer at the time of the passage of this act shall be appointed and hold the same rating held by them at the passage of this act without any examination or test and shall be appointed as a regular patrolman to the 1st vacancies in the Rumford Falls Village Corporation police department without examination or test if otherwise mentally and physically qualified and not previously removed as provided by this act. Each police officer 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 police commissioners be retired unless previously removed by said commissioners as hereinafter authorized.

Sec. 8. Authority of police officers. All patrolmen, including said lieutenant shall have and exercise within the limits of the Rumford Falls Village Corporation all the common law and statutory powers of constables, except service of civil processes, and all powers given to police officers by the statutes of the state, the ordinances, by-laws and regulations of the Rumford Falls Village Corporation, and such special powers as may be conferred upon them by the board of commissioners under the authority of this act.

Sec. 9. Chief of police; lieutenant; how chosen; powers and duties. The chief of police shall be chosen by the board of commissioners by a written ballot to serve until the 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 or by a justice of the peace, to the faithful discharge of his duties, and in the event that he qualifies before a justice of the peace, a certificate thereof shall be forthwith filed by said justice of the peace with said clerk of the Rumford Falls Village Corporation. He shall have and exercise all the powers and authority now given to the chief of police by the by-laws and ordinances of said Rumford Falls Village Corporation, and by the general statutes of the state, and such

special power and authority as may from time to time be delegated to him by the board of commissioners. The board of commissioners shall appoint from the patrolmen provided for in this act 1 lieutenant who shall hold office during good behavior or until retired under the provisions of this act. Said lieutenant shall have such duties and powers as may be delegated to them by the commissioners or by the chief of police under the authority of said commissioners.

Sec. 10. Special patrolmen; inspectors; compensation and appointment. Special patrolmen (with pay) shall be appointed by the chief of police from a list furnished him by the police commission, for a period of 1 year and such special patrolmen shall receive a salary of \$4.05 per day for each day actually worked to be paid by the treasurer of the Rumford Falls Village Corporation upon approval by the chief of police. Special patrolmen (without pay) may be appointed by the chief of police for a period of not more than 1 year for private duty.

Sec. 11. Removal of chief of police; vacancy, how filled. The chief of police may be removed by the board of commissioners for cause. He shall upon request, be furnished with a written copy of the charges against him, 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. In the event of the removal of the chief of police as hereinbefore provided, or in the event of his incapacity through illness or otherwise, to perform the duties of his office, the lieutenant designated by the board of commissioners shall assume the duties of the chief of police until his successor shall have been elected by said commissioners and he shall have qualified as hereinbefore provided.

If as the result of a hearing mentioned in this section the chief of police is removed he shall be notified of his removal by the board of police commissioners within 10 days of the date of hearing, provided however, that the chief of police if 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 the charges and with a sheriffs return showing that he has served on the commissioners a notice of his appeal.

Sec. 12. Misconduct of patrolmen and lieutenant; proceedings. Patrolmen and lieutenant when guilty of irregular conduct on complaint of the chief of police to the police commissioners, or upon written complaint signed

by any 5 citizens of the Rumford Falls Village Corporation, or upon charges filed by the commission itself, except that the chief of police may suspend any patrolman for misbehavior or neglect of duty for a period not exceeding 1 week without preferring charges to the police commissioners, for each offense. In all cases, patrolmen, when notified of such charges, shall be entitled to a copy thereof and to a public hearing at such time and place as the police commissioners shall designate and on findings of the commissioners may suspend or remove any patrolman or lieutenant, provided however, that any lieutenant or patrolmen so removed or suspended for a period of longer than 30 days may file an appeal to the superior court of Oxford county at the term next following the date of his removal by filing with the clerk in the county a copy of the charges and a sheriffs return showing that the board of police commissioners have been duly notified of the appeal.

Sec. 13. Compensation of commissioners. The police commissioners shall receive a salary of \$50 a year to be paid by the treasurer of the Rumford Falls Village Corporation. They shall assemble at the call of the chairman of the board.

Sec. 14. Compensation of chief of police. The salary of the chief of police shall be \$40 a week payable weekly by the treasurer of the Rumford Falls Village Corporation. The chief of police shall be entitled to 2 weeks vacation each calendar year (with pay) the same to be taken when and as he may desire. While upon such vacation or when incapacitated through illness or absent from his office on the business of the department, the duties of his position shall be assumed by the lieutenant.

Sec. 15. Compensation of lieutenant. Police lieutenant shall receive a weekly salary of \$34 a week payable weekly by the treasurer of the Rumford Falls Village Corporation. He shall be entitled to a vacation of 2 weeks each calendar year (with pay) such vacation to be prescribed by the chief of police.

Sec. 16. Compensation of patrolmen. The salary of the patrolmen shall be \$30 a week payable weekly by the treasurer of the Rumford Falls Village Corporation. Each patrolman shall be entitled to a vacation of 2 weeks in each calendar year (with pay) at such time as may be prescribed by the chief of police.

Sec. 17. Other official position and political activity incompatible. No police officer holding office authorized by this act shall hold any other

public office or take any active part in politics. Any violation shall be considered cause for removal.

Sec. 18. Fees to be accounted for. All fees paid to the chief of police, lieutenant, or any patrolman in their said capacities, shall be accounted for by such officers, and turned into the treasury of the Rumford Falls Village Corporation when received by them.

Sec. 19. Number of patrolmen may be increased. The board of commissioners shall have power, subject to the approval of the municipal officers of said Rumford Falls Village Corporation, to increase the number of patrolmen provided for in this act. Said patrolmen so created shall be appointed by said commission and shall be subject to all the other provisions of this act.

Sec. 20. Former police department abolished; certain statutes repealed. The lieutenant, policemen and other officers of the police department 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 with which they are by law vested, until the reorganization of said police department as herein provided shall be perfected and the chief of police and patrolmen herein provided for shall have been appointed. All said officers in said police department existing at the date of the passage of this act are hereby abolished as and of the date of the appointment of said chief of police and patrolmen under this act.

Sec. 21. Retirement pay. Every police officer on retirement on account of age or disability received in the line of duty shall receive as retirement pay 50% of his regular weekly salary at the time of retirement same to be paid by the treasurer the Rumford Falls Village Corporation.