

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 759

H. P. 1458

House of Representatives, March 14, 1935.

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

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 146—L. D. 48

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

**AN ACT to Provide for the Appointment of a Board of Commissioners of
Police for the Town of Sanford.**

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

Sec. 1. Organization. The police department of the town of Sanford shall consist of a chief of police and patrolmen to the number determined by the voters of the town. In the event that the town of Sanford shall adopt a representative town government, the number of patrolmen shall be determined by the town meeting members.

Sec. 2. Board of police commissioners. A board of commissioners of police, consisting of 3 resident citizens of Sanford, shall be appointed by the board of selectmen of said town, as soon as may be convenient after this act shall take effect. In the first instance, 1 shall be appointed for 3 years, 1 for 2 years, and 1 for 1 year. At the expiration of each of said terms a commissioner shall be appointed for a full term of 3 years. In case of any vacancy in said board the board of selectmen shall appoint a member thereto for the balance of the unexpired term. The members of the board shall be appointed from the 2 political parties receiving the largest number of votes in the town, in the last preceding state election. No more than 2 of said members shall be from the same political party.

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

Sec. 4. Appointing power. The board of commissioners of police hereby created shall have full power and authority, subject to the provisions of this act, to select and appoint the members of the police department of said town of Sanford, as hereinafter provided, shall have full and complete power of administration of said police department, and shall have such other powers as are given them by the terms of this act.

Sec. 5. Procedure. When said board of commissioners shall have qualified they shall meet and elect a chairman and clerk of their number and shall forthwith select and appoint, in the manner hereinafter provided, said patrolmen who, with the chief of police, shall constitute the police department of said town of Sanford.

Sec. 6. Applications by candidates. Candidates for appointment as patrolmen shall make application therefor to said board of commissioners of police 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 said board. The board by such qualification tests shall inquire into the physical, mental, and moral fitness of each of the applicants for appointments. It shall place upon an eligible list all applicants who shall satisfactorily meet such tests, and every appointment shall be from persons upon such eligible list. Each applicant shall remain upon said list for the period of 1 year from the date of examination. The physical examination prescribed by said board shall be conducted by the town physician.

Sec. 7. Eligibility; term of service. Any male voter of Sanford, between the ages of 24 and 45, shall be eligible to appointment, provided he shall have made application therefor and shall satisfactorily have passed the qualification tests prescribed by said board. Each patrolman shall be appointed to serve until he shall arrive at the age of 60, when he shall be retired, unless previously removed by said board as hereinafter provided. In the event of a reduction in said force, the latest to be appointed thereto shall be first removed, and shall be given preference, if still upon said list, in filling the first vacancy.

Sec. 8. Powers of patrolmen. All patrolmen shall have and exercise, within the limits of said town, all the common law and statutory powers of constables, except service of civil process, and all powers given to police officers by the ordinances of said town.

Sec. 9. Chief of police. The chief of police shall be chosen by the board of commissioners for a term of 2 years from the date of his election or until his successor shall be elected and qualified. He shall qualify by being sworn by the town clerk of the town of Sanford or by a justice of the peace, and in the event that he qualifies before a justice of the peace a certificate thereof shall be forthwith filed by said justice with the town clerk. The oath shall be to the faithful performance of his duties. He shall have and exercise all the powers and authority given to him by the statutes of the state and such special powers and authority as may from time to time be delegated to him by the board of police commissioners. The chief of police may be removed by the board of police commissioners for cause. He shall upon request be furnished with a written copy of the charges against him and shall, before action by the commissioners, be given a public hearing. Such hearing may be held upon charges made by said commissioners or upon written charges being filed with said commissioners by 5 or more citizens of Sanford.

Sec. 10. Special patrolmen. Special patrolmen shall be appointed by said commissioners from the eligible list of applicants for patrolmen, when necessary to make such appointments, with the exception of those assigned for special duty in the institutions and industries of the town who shall not have to qualify for the several examinations prescribed by the commissioners. The special officers shall have the same authority as vested in the members of the regular force of patrolmen.

Sec. 11. Discipline of patrolmen. When guilty of misconduct in line of duty, patrolmen shall be punished by a fine of not more than \$100, or by suspension without pay for a period of not more than 30 days, or by removal for cause, on complaint of the chief of police to said board of commissioners, or upon written complaint signed by 5 citizens of said town, or upon charges filed by the board itself, except that the chief of police may suspend any patrolman for misbehavior or neglect of duty for a period of not exceeding 1 week, without pay, without preferring charges to said board. In all cases, when notified of such charges patrolmen shall be entitled to a copy thereof and to a public hearing thereon, at such time and place as said board shall designate, and the findings of said board upon such charges shall be final. When fines shall have been imposed such

finer shall be paid to the town treasurer, for credit to police department account, and the patrolmen so fined shall stand suspended, without pay, until the order shall be complied with.

Sec. 12. Compensation. The compensation of the chief of police and of the patrolmen shall be fixed by the voters of said town in town meeting. In the event that the town of Sanford shall adopt a representative town government, the compensation of the chief of police and of the patrolmen shall be fixed by the town meeting members.

Sec. 13. Policemen not to participate in politics. No policemen holding an office authorized by this act shall hold any other public office nor take any active part in politics. Any violation of this section shall be considered cause for removal.

Sec. 14. Fees. All fees paid to the chief of police or any patrolman shall be accounted for by said officers and turned over forthwith to the treasurer of said town, for credit to police department account.

Sec. 15. Present officers continued. The chief of police and patrolmen of the police department of the town of Sanford at the time of the taking effect of this act shall continue in office with all the powers and duties with which they are by law vested, until the selection and appointment of said chief of police and patrolmen as herein provided, and the tenure of office of said officers shall terminate as and of the date of said selection and appointment.

Sec. 16. Limit on age restriction. Any patrolman serving on the police force of the town at the time of the taking effect of this act shall be exempt from the qualifying age restriction of this act.