

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 904

H. P. 1843

House of Representatives, April 2, 1935.

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

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 1069—L. D. 405

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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**AN ACT Creating a Public Safety Commission for the Town of Rumford Falls.**

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

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

**Sec. 3. Qualification.** Each member of said board shall qualify after his appointment as aforesaid 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. In the event that a member is 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 commissioners hereby created shall have full power and authority, subject to the provisions of this act to organize and establish the police force and fire department of the Rumford Falls Village Corporation and to make all rules and regulations for the government, control and efficiency of the same. They shall have the power to increase the number of persons who may be employed in each department. 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 department and fire department now conferred on or imposed upon the assessors of the Rumford Falls Village Corporation and such other powers as are given to 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 the chairman and a clerk, and shall forthwith organize and establish the police force and the fire department as herein authorized. They shall forthwith choose in the manner hereinafter provided the chief of police and 7 patrolmen, 1 of whom shall be designated as the lieutenant, all of whom with said board of commissioners shall constitute the police department of the Rumford Falls Village Corporation and they shall further choose in the manner hereinafter provided the chief of the fire department, four permanent men and 2 engineers, all of whom with said board of commissioners shall constitute the fire department of the Rumford Falls Village Corporation except as to call men herein before provided.

**Sec. 6. Candidates for patrolmen and firemen, application, examination, etc.** Candidates for appointment as patrolmen, permanent firemen and engineers shall make application therefor to the board of commissioners upon blanks furnished by it. All such candidates and all candidates to fill any vacancies occurring in said departments or for any new places in said departments 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 applicant for appointment. They shall place upon an eligible list all successful applicants and appointments shall be made from men upon such eligible list. Each applicant shall remain upon said list for a period of 1 year from the date of his examination. The physical examination prescribed by the commissioners 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 and firemen; retirement.** All male citizens 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 patrolmen in the police department, permanent firemen and engineers in the fire department, provided they 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 including the chief of police of the Rumford Falls Village Corporation, the chief of the fire department, the 4 permanent men and the 2 engineers in the 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 tests. Any police officer of the Rumford Falls Village Corporation serving as a special police officer at the time of the passage of this act shall be appointed and hold the same rating held by him at the time of the passage of this act without any examination or tests and shall be appointed as a regular patrolman to the first vacancy in the Rumford Falls Village Corporation police department without examination or tests if otherwise mentally or physically qualified and not previously removed as provided by this act. Each police officer including the chief of police, the chief of the fire department, 4 permanent men and the 2 engineers shall be appointed to serve until he has reached the age of 65 years at which time he may, upon petition to and permission from the board of commissioners, be retired unless previously removed by said commissioners as hereinafter authorized or becomes physically or mentally disabled from performing his duties before reaching the age of 65 years. All those retired on account of permanent disability before reaching the age of 65 years shall also be paid retirement pay as hereinafter provided, except that call men the fire department shall be retired on reaching the age of 60 years.

**Sec. 8. Authority of officers.** The chief of police, lieutenant and patrolmen shall have and exercise within the limits of the Rumford Falls Village

Corporation all the common law and the statutory powers of constable, except service of civil process, 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. The chief of the fire department, permanent men, engineers and call men shall have all the powers given to them by the statutes of the state, the ordinances, by-laws or 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 department, how chosen, powers and duties.** The chief of police and chief of fire department shall be chosen by the board of commissioners by a written ballot to serve until retirement age or otherwise retired or removed as provided by this act. He shall qualify by being sworn by a clerk of the Rumford Falls Village Corporation or by a justice of the peace to the faithful discharge of his duties and in event that he qualifies before a justice of the peace a certificate thereof shall be forthwith filed with said clerk of the Rumford Falls Village Corporation. He shall have and exercise all the powers and authority in his respective department now given to the chief of police and chief of the fire department by the by-laws and ordinances of the said Rumford Falls Village Corporation and by the general statutes of the state and such special powers 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 have such duties and powers as shall be delegated to him by the commissioners or by the chief of police.

**Sec. 10. Special patrolmen, inspectors; compensation and appointment.** Special patrolmen (with pay) shall be appointed by the chief of police from a list furnished by 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 and fire department; vacancies, how filled.** The chief of police and the chief of the fire department 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 herein 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 be elected by said commissioners and he shall have qualified as herein provided. In the event of the removal of the chief of the fire department as herein provided or in the event of his incapacity through illness or otherwise, to perform the duties of his office, the first engineer shall assume the duties of the chief of the fire department until his successor shall be elected by said commissioners and he shall have qualified as herein provided.

If as the result of the hearing mentioned in this section the chief of police or the chief of the fire department are removed he shall be notified of his removal by the board of commissioners within 10 days from the date of hearing provided however that the chief of police or chief of the fire department 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 against him, a copy of the notice of removal with a sheriff's return showing that he has served on the commissioners the notice of his appeal, and the court on hearing shall suspend, remove or re-instate him.

**Sec. 12. Misconduct of patrolmen in police department, engineers and permanent men in fire department; proceedings.** Patrolmen and lieutenants in the police department, engineers and permanent men in the fire department when guilty of irregular conduct on complaint of the chief of their respective departments to the board of commissioners and upon a written complaint signed by any 5 citizens of the Rumford Falls Village Corporation or upon charges filed by the commission itself except that of the chief of the respective departments may suspend any person in their departments for misbehavior or neglect of duty for a period not exceeding 1 week without preferring charges to the board of commissioners, for each offense. In all cases patrolmen, lieutenant, engineers and permanent firemen when notified of said charges shall be entitled to a copy thereof and to a public hearing at such time and place as the board of commissioners shall designate and on findings of the commissioners may suspend or remove any patrolmen, lieutenant, engineers or permanent men provided

however that any patrolmen, lieutenant, engineers or permanent men so removed or suspended for a period longer than 30 days may file an appeal to the superior court 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 the notice of removal, or suspension with a sheriff's return showing that he has served on the commissioners a notice of his appeal. And the court on hearing shall suspend, remove or reinstate him.

**Sec. 13. Compensation of commissioners.** The commissioners shall receive a salary of \$75 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.** The salary of the chief of police, lieutenant, patrolmen, also the salary of the chief of the fire department, the 4 permanent men and the 2 engineers and call men shall be such amount as shall be allotted to them by the board of commissioners and shall be payable weekly to them by the treasurer of the Rumford Falls Village Corporation except that the call men, engineers of the fire department and the special patrolmen shall be paid monthly. The chief of police and the chief of the fire department shall be entitled to 2 weeks vacation in each calendar year (with pay) the same to be taken when and as he may desire. The lieutenant and patrolmen in the police department and the permanent men in the fire department shall be entitled to a vacation of 2 weeks in each calendar year (with pay) such vacation to be prescribed by the chief of the respective departments.

**Sec. 15. Other official positions and political activities incompatible.** No persons 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. 16. 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. 17. Former department abolished; certain statutes repealed.** The chief of police, lieutenant and patrolmen of the police department, the chief of the fire department, permanent men and engineers of the fire

department of the Rumford Falls Village Corporation at the time of the passage of this act shall continue in their respective office with all the powers and duties which they are by law vested, until the re-organization of the respective departments as herein provided shall be protected and the chief of police, lieutenant and patrolmen of the police department, the chief, permanent men and engineers of the fire department shall have been appointed under this act. All of said offices in said departments existing at the date of the passage of this act are hereby abolished as and of the date of appointment of the chief, lieutenant and patrolmen of the police department, the chief, permanent men, engineers and call men of the fire department.

**Sec. 18. Retirement pay.** Every police officer except special patrolmen in the police department, the chief, permanent men and engineers in the fire department on retirement on account of age or permanent disability received in the line of duty shall receive as retirement pay 50% of his regular weekly salary at the time of retirement, the same to be paid by the treasurer of the Rumford Falls Village Corporation except the retirement pay to the engineers shall be paid semi-annually provided further that no person shall be entitled to retirement pay for any cause whatsoever unless and until he has served at least 1 year in his department.