

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 319**

H. P. 1110

House of Representatives, February 9, 1937.

Referred to Committee on Legal Affairs. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Varney of Berwick.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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**AN ACT to Establish a Commission of Public Safety for the City of  
Biddeford.**

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

**Sec. 1. Appointment of commission of public safety for city of Biddeford.** This act shall create a commission of public safety for the city of Biddeford. Such commission shall consist of 3 members, who shall have been residents and legal voters of this state and said city of Biddeford for at least 2 years next prior to the date of their appointment. The chairman of said commission of public safety shall be appointed and commissioned by the governor, with the advice and consent of the council, for a term of 4 years. The other 2 members of said commission of public safety shall be chosen, 1 from the political party polling the highest number of votes for governor at the next preceding state election, and 1 from the political party polling the next highest number of votes for governor at said election, they shall each hold their office for the term of 3 years; each shall be nominated by the city committee of his own political party, and upon due notice thereof, in writing, to the mayor of said Biddeford, he shall forthwith appoint such persons, so nominated, members of said commission of public safety. The members of said commission of public safety shall be sworn before entering upon the duties of their office and shall

hold no state, county or city office, or be candidates therefor at any election, primary election or caucus so long as they shall continue a member of said commission of public safety; 2 members of said commission of public safety shall constitute a quorum. Each member of said commission of public safety shall hold office for his respective term, and until such time as his successor is duly appointed and qualified. Any unexpired term of a member of said commission of public safety caused by death, resignation, or by any other cause, shall be filled for such unexpired term, by appointment in the same manner such member was originally appointed. The chairman of said commission of public safety shall keep a record of all proceedings, issue all notices and attest all such papers and orders as said commission of public safety shall direct.

**Sec. 2. Replace present police commission; powers.** Said commission of public safety of the city of Biddeford shall replace the present police commission and have authority to appoint, establish and organize the police force of said city, including the chief of police, captain of police, and lieutenant of police, and to remove the same for cause, and make all needful rules and regulations for the government, control and efficiency of said police force. All the powers now vested in the present police commission of said city for the government of its police, except as may herein be otherwise provided, are hereby conferred upon and vested in said commission of public safety. Said commission of public safety shall appoint a board of examiners, consisting of 3 members, who shall have been residents and legal voters of said city for at least 2 years next preceding their appointment. Said board of examiners shall be appointed for an indefinite period and consist of a physician, lawyer and layman, and act without compensation. The board of examiners shall hold examinations from time to time as may be designated by said commission of public safety, and shall maintain a list of names of at least 20 citizens of said city, who shall have successfully passed said examinations; said list shall be filed with said commission of public safety, and only successful applicants shall be appointed to said police force, either as regular or reserve officers. Said commission of public safety shall cause public notices of the time and place of said examinations to be posted in 2 or more public places in said city. The purpose of said examinations being to determine the physical, mental and moral qualifications of applicants, in order that an efficient police force may be maintained.

**Sec. 3. Salaries.** The salaries of the members of said commission of public safety shall be voted annually by the municipal officers of said city, and paid quarterly from the treasury thereof, but the salary of any member

shall not be diminished during the term of his appointment, and in no case shall said salaries be less than \$100 annually, except the chairman of said commission of public safety shall receive not less than \$125 annually. Said commission of public safety shall be provided with such rooms as shall be convenient and suitable for the performance of its duties by said city at its expense. The said city shall provide all suitable accommodations for the police of said city as said commission of public safety shall require. All rooms in all buildings and all municipal property used by said police shall be under the control of said commission of public safety. All expenses for the maintenance of said rooms, the pay of the police, and all incidental expenses incurred in the administration of said police force, shall be paid by said city upon requisition of said commission of public safety to the finance committee of said city. The compensation of the police in said city shall not be diminished below the amount paid police for and during the year 1936, without the consent of said commission of public safety.

**Sec. 4. Present force to continue to hold office unless removed; powers of police.** The members of the present police force of said city of Biddeford in office when said commission of public safety is first appointed shall continue to hold their several offices, unless removed by said commission of public safety under its removal powers. The present rules and regulations of the present police commission for the government of police, shall continue in force, unless otherwise ordered by said commission of public safety. All police officers shall have and exercise within the limits of said city, all the common law and statutory powers of constables, except service of civil process, and all the powers given to police officers by the statutes of the state, city charter, ordinances, by-laws and regulations of said city.

**Sec. 5. Shall not appoint larger number of police than is now authorized.** Said commission of public safety shall not appoint any larger number of police officers than the present police commission is now authorized to appoint, except as may be, from time to time, authorized by said city. Said commission of public safety shall have the same authority now vested in the appointing power of appointing, from time to time, special officers for special services.

**Sec. 6. Fees, how taxed.** The fees of the chief of police, captain of police, lieutenant of police and all other police officers of said city in criminal cases prosecuted in the municipal court of the city of Biddeford, including their fees as witnesses, shall be taxed and allowed as in behalf of the sheriffs of the county of York, and 75% of the criminal costs and fees in said municipal court, exclusive of the fees of witnesses other than

police officers, shall be paid annually by the treasurer of said county to the city of Biddeford, provided, however, that when said percentage exceeds the annual salary or compensation of the chief of police, and captain of police of said city, the excess amount shall not be paid to said city, but shall be covered into the treasury of said county of York; police officers may retain for their own use all fees received by them in civil cases. Neither the chief of police, captain of police, lieutenant of police, nor any other police officer of said city shall receive from any respondent in any criminal case any money, fine or costs, but in all cases such fines and costs shall be paid to the judge issuing the precept against such respondent, but fees taxed and allowed to the officers for attendance as witnesses in any criminal cases before the appellate court, or before any court held in some city or town other than the one in which such officers reside, shall be paid to them from the county treasury. The expenses of any such officer necessarily and reasonably incurred and actually disbursed in the services of any criminal precept shall be allowed and paid to him by the treasurer of said county upon his filing an itemized account thereof, under oath, accompanied by proper vouchers thereof.

**Sec. 7. Administration of fire department; powers.** The administration of the fire department of said city of Biddeford shall be under the control and authority of said commission of public safety for the city of Biddeford. All the powers now vested in the city council or any committee, commission or official of said city of Biddeford, for the government of its fire department, except as may herein be otherwise provided, are hereby conferred upon and vested in said commission of public safety. Said commission of public safety shall have authority to appoint, establish and organize the fire department of said city, including the chief engineer, assistant chief engineer, such other officers, regular firemen and call men as may be necessary, and to remove the same for cause, and make all needful rules and regulations for the government, control and efficiency of said fire department.

**Sec. 8. City shall furnish accommodations and pay all expenses.** The said city of Biddeford shall provide all suitable accommodations for the members and equipment of said fire department as said commission of public safety shall require. All rooms in all buildings and all municipal property and equipment used by said fire department shall be under the control of said commission of public safety. All expenses for the maintenance of said rooms, the pay of the members of said fire department, and all incidental expenses incurred in the administration of said fire department shall be paid by said city of Biddeford upon requisition of said

commission of public safety to the finance committee of said city. The compensation of the firemen in said city shall not be diminished below the amount paid firemen of said fire department for and during the year 1936, without the consent of said commission of public safety.

**Sec. 9. Shall not appoint larger number of firemen.** Said commission of public safety shall not appoint any larger number of firemen, regular or call men than the present appointing power is now authorized to appoint, except as may be, from time to time, authorized by said city of Biddeford.

**Sec. 10. Present firemen to continue to hold office unless removed; rules and regulations.** The members of the present fire department of said city of Biddeford in office when this act becomes effective shall continue to hold their several offices, unless removed by said commission of public safety under its removal power. The present rules and regulations for the government of said fire department shall continue in force, unless otherwise ordered by said commission of public safety.

**Sec. 11. Shall report to governor and city council annually.** Said commission of public safety shall make a report, in writing, of its doings, annually, within 15 days after the end of the fiscal year of said city, to the governor of said state, and to the city council of said city. The records of said commission of public safety shall be at all times open to the inspection of the governor of said state, and city council of said city.

**Sec. 12. Inconsistent acts, repealed.** Chapter 625 of the private and special laws of the year 1893 and chapter 235 of the private and special laws of 1911, and chapter 120 of the private and special laws of the year 1927 and all acts and parts of acts, public, private and special, inconsistent with the provisions of this act are hereby repealed.