

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 393

S. P. 250

In Senate, February 9, 1937.

Referred to Committee on Legal Affairs. Sent down for concurrence and 1000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Hussey of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Provide for the Appointment of a Board of Commissioners of Police for the City of Augusta.

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

Sec. 1. Organization. The police department of the city of Augusta shall consist of a chief of police, deputy-chief of police, a captain, patrolmen to the number determined by the mayor and city council of said city, and a police matron.

Sec. 2. Board of police commissioners. A board of commissioners of police, consisting of 3 resident citizens of Augusta shall be appointed by the mayor of said city, as soon as convenient may be after this act shall take effect, all of whom shall serve without pay. 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 mayor 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 last preceding city 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 city clerk of said

city, 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 city 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 city of Augusta, as hereinafter provided, 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 own number, and shall forthwith select and appoint in the manner hereinafter provided, said patrolmen, 1 of whom shall be designed by them as deputy-chief of police, and said police matron; all of whom with the chief of police shall constitute the police department of said city of Augusta.

Sec. 6. Applications by candidates. Candidates for appointment as patrolmen and police matron, shall make application therefor to said board of commissioners of police upon blanks furnished by it. All such 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 appointment. It shall place upon an eligible list all applicants who shall satisfactorily meet such tests, and every appointment shall be from persons upon said 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 city physician.

Sec. 7. Eligibility; term of service. Any male voter of Augusta between the ages of 24 and 40 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 said board. Each patrolman shall be appointed to serve until he shall arrive at the age of 65, when he shall be retired, unless previously removed by said board as hereinafter authorized. 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 city, all the common law and statutory powers of constables, except service of civil process, and all powers given to police

officers by the statutes of the state, the charter of said city, and its ordinances, by-laws and regulations.

Sec. 9. Chief of police. The chief of police shall be chosen by the board of commissioners by written ballot for a term of 6 years from the date of his election or until his successor shall be elected and qualified. He shall be qualified by being sworn by the city clerk of Augusta or by a justice of the peace to the faithful discharge of his duties. He shall have and exercise all the powers and authority now given to the city marshal by the charter and ordinances of Augusta 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 chief of police may be removed by the commissioners for cause. He shall upon request be furnished with a written copy of the charges against him, and shall be given public hearing before action by the commissioners. Such hearing shall be held upon charges made by said commissioners or upon written charges being filed with said commissioners by 5 or more citizens of Augusta.

Sec. 10. Special patrolmen. Special patrolmen shall be appointed by the commissioners from the eligible list of applicants for patrolmen, with the exception of those assigned for special duty in the institutions and industries of the city who shall not have to qualify for the several examinations by the board of commissioners. The special officers shall have same authority as now vested in them under present provisions of the charter of the city of Augusta.

Sec. 11. Discipline of patrolmen. Patrolmen when guilty of misconduct, shall be punished by a fine, not to exceed \$100, or by suspension without pay for a period not to exceed 30 days, or by removal for cause, on complaint of the chief of police to said board, or upon written complaint signed by any 5 citizens of said city, 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 not exceeding 1 week, without pay, without preferring charges to said board. In all cases, patrolmen, when notified of such charges, 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 fines shall be paid to the city treasurer and the patrolman so fined shall stand suspended, without pay, until the order shall be complied with.

Sec. 12. Examination of members. The board shall from time to time examine into the mental and physical fitness of any members appointed

under the provisions of this act and may remove any member who has become due to physical or mental impairment of a permanent nature unfitted for further service.

Sec. 13. Police matron. All the provisions of sections 7, 8, 11 and 12 of this act, respecting patrolmen, shall be deemed to include the police matron.

Sec. 14. Compensation. The compensation of the chief of police, deputy-chief of police, captain, patrolmen and police matron shall be fixed by the city council of said city.

Sec. 15. Policemen not to participate in politics. No person holding an office authorized by this act shall hold any other public office or take any active part in politics. Any violation of this section shall be considered cause for removal.

Sec. 16. Fees. All fees paid to the chief of police, deputy-chief of police, captain, any patrolman or the police matron, shall be accounted for by said officers and turned over, forthwith, to the city treasurer of said city.

Sec. 17. Present officers continued. The deputy-chief of police, captain, patrolmen and police matron of the police department of the city of Augusta, at the time of the passage of this act shall be continued in office with all the powers and duties with which they are by law vested and shall be exempt from the provisions of this act with respect to examination and qualifying age restriction.

Sec. 18. Retirement of members. The city of Augusta is hereby authorized to provide for the retirement of all members of its police department who have served in said department for a term of at least 20 years, and who may have been honorably discharged from said department, by reason of having attained the age of 65 years or by reason of permanent injuries or permanent physical incapacity, which is the result of an incident of service in said police department, upon a pension of half pay.

Sec. 19. Inconsistent acts repealed. Such parts of chapter 75 of the private and special laws of 1919, and all other acts, or parts of acts, inconsistent herewith, are hereby repealed.