

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 288

S. P. 197

In Senate, January 30, 1941.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Harvey of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT to Provide a Police Commission for the City of Biddeford.

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

Sec. 1. Board of police. The administration of the police department of the city of Biddeford shall be under the jurisdiction of a board of police consisting of 3 citizens of the city of Biddeford who shall constitute a board of police of said city and who shall be sworn before entering upon their office for the faithful performance of their duties by any person authorized to take oaths and a certificate of that fact duly attested by said person filed with the clerk of said board. All nominations shall be made and elections held under the laws which govern the nomination and election of mayor of the city of Biddeford. Within 30 days after the acceptance of this act by the voters of the city of Biddeford, the mayor and city council shall issue warrants for the nomination and election of three members of the board of police, one of whom shall be elected to serve until the 1st day of January of the following year, a second member elected to serve until the 1st day of the second January thereafter and a third member elected to serve until the 1st day of the third January thereafter, and said nominations and election shall be held in the manner provided for the election of mayor at a special election. One member of the board of

police shall annually thereafter be elected for a term of 3 years. Vacancies in said board shall be temporarily filled by the city council and the member so chosen to fill said vacancy shall hold office until the 1st day of January following and at the next municipal election occurring after said vacancy exists some citizen shall be elected to serve during the remainder of the term. The board shall annually elect one of their number chairman and one of their number clerk, who shall be sworn and shall keep a record of all proceedings, issue all notices, and attest all such papers and orders as the board directs.

Sec. 2. Powers, duties, compensation of board. The board of police commissioners hereby created shall have full power and authority to appoint, establish and organize the police department of said city, including the chief and captain, and to remove the same for cause and make all needful rules and regulations for its government, control and efficiency. The city shall provide all suitable accommodations for said department, including rooms necessary for the performance of the duties of the board of police. All rooms in all buildings and all municipal property used by the police department shall be under the control of said board. All the expenses for the maintenance of said rooms and property and all incidental expenses incurred in the administration of said police and all materials and supplies therefor shall be submitted by said board of police, upon its requisition, to the finance committee of said city, who, after approval thereof, shall purchase such necessary materials and supplies as is provided for other departments of said city. The salaries of the members of said board shall be voted annually by the city council, and paid quarterly from the treasury thereof, but the salary of any member of said board shall not be diminished during his term of office. The number of police officers and their compensation shall be determined by the city council.

Sec. 3. Budget estimate, expenditures, report. The board shall annually submit to the finance committee prior to the 2nd Monday of January of each year, an estimate of the proposed expenditures of said department for the ensuing year. The amount of the annual appropriation of the police department shall be the maximum limit of liability of the city for the expenditures of said department. Said board of police shall make a written report of its doings annually to the city council at the close of the fiscal year.

Sec. 4. Qualification of officers. The chief of police, captain, and officers of the department, after their respective appointments, shall be sworn to the faithful performance of the duties of office by any person du'y

authorized to administer oaths, and a certificate of that fact duly attested by said person filed with the clerk of the board of police.

Sec. 5. Duties, powers of police. Said chief of police, captain and officers shall have and exercise within the limits of the city of Biddeford all powers given to, and duties imposed upon, police officers by the statutes of the state, the city charter, ordinances, by laws and regulations of said city, and such special regulations of said board of police for its government, control and efficiency.

Sec. 6. Special officers. The board of police shall have authority to appoint from time to time special police officers for a limited time for special services.

Sec. 7. Fees to be accounted for. The fees of the chief, captain 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 of York to the city of Biddeford, provided, however, that when said percentage exceeds the annual salary or compensation of the chief of police and the captain of police of said city, the excess shall not be paid to said city, but shall be paid into the treasury of the county of York. Police officers may retain for their own use all fees recovered by them in civil cases. Neither the chief of police, captain 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 such cases fines and costs shall be paid to the magistrate issuing the process against such respondent, but fees taxed and allowed to the officers for attendance as witnesses in any criminal case before the appellate court, or before any court held in some town other than the one in which such officer resides, shall be paid to them from the county treasury. The expenses of any such officer necessarily and reasonably incurred and actually disbursed in the service 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. 8. Former police department abolished. The chief of police, captain, policemen and all other officers of the police department of the city of Biddeford 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 have been perfected and the chief of police, captain and all other officers herein provided for shall have been appointed. All offices 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, captain and other officers provided for in this act.

Sec. 9. Constitutionality. If any section, subsection, sentence, clause or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the remaining portions of this act.

Sec. 10. Repealing clause. All prior laws, acts or parts of acts, public, private and special, relative to the subject matter hereof, are hereby repealed.

Sec. 11. Referendum. This act shall be submitted for approval or rejection to the qualified voters of the city of Biddeford at a special election held for the purpose, or at any regular election, held before January 1, 1942 and warrants shall be issued for such election in manner now provided by law for holding municipal elections, notifying and warning the qualified voters of said city to meet in the several ward rooms of said city, there to cast their ballots concerning the acceptance of this act. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the legislature in the year 1941, entitled, 'An Act to Provide a Police Commission for the City of Biddeford', be accepted?" Which question shall be printed on the official ballots and at said election the voters of said city in favor of accepting the act shall vote "Yes" and those opposed shall vote "No". Otherwise said ballots shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of the law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted according to law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the valid ballots cast as aforesaid shall be in favor of accepting the same, then this act shall forthwith take effect as herein provided. So much of this act as authorizes the submission of this act to the voters of Biddeford shall take effect as provided in the constitution but it shall not take further effect unless adopted by said voters as hereinbefore provided.