

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. 359

H. P. 1177

House of Representatives, February 4, 1941.

Referred to Committee on Legal Affairs and 750 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Slosberg of Gardiner by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

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

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

Sec. 1. Organization. The police department of the city of Gardiner shall consist of a chief of police and patrolmen to the number determined by the mayor and the city council of said city.

Sec. 2. Board of police commissioners. A board of commissioners of police, consisting of 3 resident citizens of Gardiner shall be appointed by the mayor and confirmed by majority vote of all the aldermen, of said city, as soon as convenient after this act shall take effect, all of whom shall serve without pay. In the first instance, 1 shall be appointed for a term of 3 years, 1 for a term of 2 years, and 1 for a term of 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.

Sec. 3. Qualification. Each member of said board shall qualify after the 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 Gardiner, 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 designated by them as chief of police, all of whom shall constitute the police department of said city of Gardiner.

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 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 Gardiner 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 sooner removed by a reduction in the membership of the department by the mayor and city council or 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 the first removed, and shall be given preference, if still upon said list in filling the first vacancy.

Sec. 8. Powers and duties of patrolmen. All patrolmen shall have and exercise all powers given to and shall perform all duties imposed upon con-

stables within the limits of said city, except service of civil process, and all powers given to and all duties imposed upon police officers by the statutes of the state, the charter of said city, and its ordinances, by-laws and regulations.

Sec. 9. Officers; powers and duties. The officers of the police department shall be a chief of police. The chief of police shall be qualified by being sworn by the city clerk of Gardiner or by a justice of the peace to the faithful discharge of his duties. In the event that he qualifies before a justice of the peace a certificate thereof shall be forthwith filed by said justice with said city clerk. The chief of police shall have and exercise all the powers and authority now given to and be subject to all duties imposed upon the city marshal by the charter and ordinances of Gardiner and by the general statutes of the state. He shall also have and exercise such special powers and be subject to such special duties as may from time to time be delegated to him by the mayor and city council of said city.

Sec. 10. Officers; demotion and removal. The commissioners may demote any officer of any rank for cause without hearing and may promote any member of said department to fill the vacancy thereby created. 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 a public hearing before action by the commissioners. Such hearing shall be held upon charges made by said commissioners or by the mayor of said city or upon written charges being filed with said commissioners by 50 or more citizens of Gardiner.

Sec. 11. 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 Gardiner.

Sec. 12. Discipline of patrolmen. Patrolmen when guilty of misconduct, shall be punished by said commissioners by a fine, not to exceed \$100, or by suspension without pay for a period not to exceed 30 days, or by assignment to extra duty without pay, or by removal for cause, on complaint of the chief of police to said board, or upon written complaint signed by 50 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 cases 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 have been complied with.

Sec. 13. 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. 14. Compensation. The compensation of the chief of police and patrolmen shall be fixed by the city council of said city.

Sec. 15. No participation in politics. No person holding an office authorized by the provisions of this act shall hold any other public office or take any active part in politics. Any violation of the provisions of this section shall be considered cause for removal.

Sec. 16. Present members continued. All members of the police department of the city of Gardiner at the time this act becomes effective shall be continued in office as patrolmen and shall be exempt from the provisions of this act with respect to examination and qualifying age restrictions, subject, however, to the provisions of section 5 of this act relative to the election by said commissioners of the chief of police.

Sec. 17. Retirement of members. The city of Gardiner 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, incurred in the performance of his duties in said police department, upon a pension of half pay.

Sec. 18. Inconsistent acts repealed. All acts or parts of acts, or ordinances or by-laws of the city of Gardiner inconsistent herewith are hereby repealed.

Sec. 19. Effective date. This act shall take effect and be in full force when approved by a majority vote of the inhabitants of said city, qualified to vote in municipal affairs, at the next general election therein, or at a

special state election, or at any prior special city election notified and called by the mayor and aldermen, in the manner prescribed by the laws of this state for notifying and calling town meetings by the selectmen of the several towns. For the purposes of said election, the city clerk shall reduce the subject of this act to the following question: "Shall the act providing a board of commissioners of police for the city of Gardiner be approved" and the voters shall indicate by a cross, placed within a square upon the ballots, over the words, "Yes" or "No" their opinion of the same.