

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

TRANSMITTED BY REVISOR OF STATUTES PURSUANT TO
JOINT ORDER

N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 709

H. P. 1222

House of Representatives, February 24, 1943.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Sleeper of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

**AN ACT to Amend the Charter of the City of Rockland by Providing for
the Appointment of a Board of Commissioners of Police and Firemen.**

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

Sec. 1. Board of police and fire commissioners. A board of commissioners of police and firemen, consisting of 3 resident citizens of Rockland shall be appointed by the mayor 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. 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. 2. 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. 3. Appointing power. The board of commissioners of police and firemen 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 and fire department of said city of Rockland, as hereinafter provided, and shall have such other powers as are given them by the terms of this act.

Sec. 4. Organization of police department. The police department of the city of Rockland shall consist of a chief of police, deputy chief of police and patrolmen to the number determined by the mayor and city council of said city.

Sec. 5. Organization of fire department. The fire department of the city of Rockland shall consist of a chief engineer, 2 deputy chief engineers and permanent firemen to the number determined by the mayor and city council of said city. In addition there may be volunteer firemen as now provided in the charter of said city.

Sec. 6. 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 a police department and a fire department for said city of Rockland, as described in sections 4 and 5.

Sec. 7. Applications by candidates. Candidates for appointment as patrolmen or firemen shall make application therefor to said board of commissioners, upon blanks furnished by it. All such 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 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. All officers for both departments shall be chosen from the members of said departments or from the eligible list of the commissioners.

Sec. 8. Eligibility; term of service. Any male voter of Rockland between the ages of 22 and 40 shall be eligible to appointment as a patrolman or fireman, provided he shall have made written application therefor and shall have satisfactorily passed the qualification tests prescribed by said board. Each policeman or fireman shall be appointed for a period of 6 months during which time he shall be on probation. At the end of this period he shall either be confirmed or dismissed. If confirmed he shall be appointed to serve until he shall arrive at the age of 65, when he shall be retired, unless sooner removed by the 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 first removed, and shall be given preference, if still upon said list, in filling the first vacancy.

Sec. 9. Powers and duties. All policemen and firemen shall have and exercise all the duties imposed upon them by the city charter and ordinances of said city of Rockland.

Sec. 10. Officers of police department; powers and duties. The officers of the police department shall be a chief of police and a deputy-chief ranking in the order named. The chief of police shall be qualified by being sworn by the city clerk of Rockland 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 chief of police by the charter and ordinances of Rockland and by the general statutes of the state. The deputy-chief of police shall have and exercise all the powers and authority and be subject to all the duties imposed upon the deputy-chief of police by the charter and ordinances of Rockland and by the general statutes of the state. They shall also have and exercise such special powers and be subject to such special duties as may from time to time be delegated to them by the mayor and city council of said city.

Sec. 11. Officers of fire department; powers and duties. The officers of the fire department shall be a chief engineer and 2 deputy chief engineers ranking in the order named. The chief engineer shall be qualified by being sworn by the city clerk of Rockland or by a justice of the peace to the faithful discharge of his duties. In the event he qualifies before a justice of the peace, a certificate thereof shall be forthwith filed by said justice with said city clerk. The chief engineer shall have and exercise all the powers and authority now given to and be subject to all duties

imposed upon the chief engineer by the charter and ordinances of Rockland and by the general statutes of the state. The deputy chief engineers shall have and exercise all the powers and authority and be subject to all the duties imposed upon the deputy chief engineers by the charter and ordinances of Rockland and by the general statutes of the state. They shall also have and exercise such special powers and be subject to such special duties as may from time to time be delegated to them by the mayor and city council of said city.

Sec. 12. Officers, demotion or removal. The chief of police, chief engineer of the fire department, deputy chief of police, or deputy chief engineers of the fire department, may be removed by the commissioners for cause. Such officer shall upon request be furnished with a written copy of the charge 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 fifty or more citizens of Rockland.

Sec. 13. Special patrolmen and firemen. Special patrolmen or firemen shall be appointed by the commissioners from the eligible list of applications for patrolmen or firemen, with the exception of those assigned for special duty in the institutions and industries of said city (who shall not have to qualify for the several examinations by the board of commissioners.) The special officers and special firemen shall have the same authority as now vested in them under special provisions of the charter of the city of Rockland.

Sec. 14. Discipline of patrolmen, and firemen. Patrolmen or firemen 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 or the chief engineer of the fire department to said board, or upon written complaint signed by any 50 citizens of said city, or upon charges filed by the board itself, except that the chief of police or chief engineer of the fire department may suspend any member of his department 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 or firemen, 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 or

fireman so fined shall stand suspended, without pay, until the order shall be complied with.

Sec. 15. Compensation. The compensation of the officers and men of the police department and fire department shall be fixed by the city council of said city.

Sec. 16. 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. 17. Present members continued. All members and officers of the police department and fire department of the city of Rockland at the time this act becomes effective shall be continued in office as officers and patrolmen and firemen 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 6 of this act.

Sec. 18. Retirement of members. All officers and members of the police and fire departments who have reached the age of 65 or who by reason of infirmity, permanent injuries, or permanent physical incapacity, which is not the result of wilful misconduct on their part, shall be entitled to such pension as the city council may elect to provide. And such pension plan shall become a part of this act and shall have the same force and effect and shall not be changed except by legislative action.

Sec. 19. Effective date; referendum. This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its submission to the legal voters of the city of Rockland at the next general election therein or any special state election or at any special city election, which special election may be called for that purpose by an appropriate article inserted in the warrant for such election or elections in the manner prescribed by law for notifying and calling such elections. For the purposes of such election, the city clerk shall reduce the subject matter to the following question: "Shall 'An Act to amend the Charter of the City of Rockland by Providing for the Appointment of a Board of Commissioners of Police and Firemen' be approved?", and the voters shall indicate by a cross, placed within asquare upon their ballots, over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes of this act immediately upon the acceptance of this act at any above election. The result of the vote shall be declared by the municipal officers and a certificate thereof filed by the city clerk with the secretary of state.