

MAINE STATE LEGISLATURE

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NEW DRAFT OF H. P. 458, L. D. 246.

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. 831

H. P. 1302

House of Representatives, March 24, 1943.

Reported by Majority from Committee on Legal Affairs and laid on the table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

**AN ACT to Create a Board of Fire Commissioners for the Town of
Sanford.**

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

Sec. 1. Organization. The fire department of the town of Sanford shall consist of a chief, 1st assistant chief, 2nd assistant chief, and firemen to the number determined by the representative town government of said town of Sanford.

Sec. 2. Board of fire commissioners. A board of commissioners of fire department consisting of 3 resident citizens of the town of Sanford shall be appointed by the board of selectmen of said town, as soon as may be convenient after this act shall take effect. 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 board of selectmen shall appoint a member thereto for the balance of the unexpired term. The appointments shall be made so that 2 members shall be of the party that cast the majority of votes in said town at the preceding gubernatorial election and 1 member of the party that cast the

next highest number of votes in said town at the preceding gubernatorial election.

Sec. 3. Qualification. Each member of said board shall qualify after his appointment as aforesaid by being sworn by the town clerk of said town, or by a justice of the peace, to the faithful discharge of his duties. In the event that a member qualifies before a justice, a certificate thereof shall be forthwith filed by said justice with said town clerk.

Sec. 4. Appointing power. The board of commissioners of fire department hereby created shall have full power and authority, subject to the provisions of this act, to select and appoint the members of the fire department of said town of Sanford, as hereinafter provided, and shall have full and complete power of administration of said fire department 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 firemen, 1 of whom shall be designated by them as chief of fire department, 1 as 1st assistant chief, and 1 as 2nd assistant chief, all of whom shall constitute the fire department of said town of Sanford.

Sec. 6. Application by candidates. Candidates for appointment as firemen shall make application therefor to said board of commissioners of fire department upon blanks furnished by it. All such candidates to fill any vacancies occurring in said department, or for any new places in said department 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 town physician.

Sec. 7. Eligibility; term of service. Any male voter of the town of Sanford between the ages of 21 and 45 shall be eligible to appointment as a fireman, provided he shall have made written application therefor and shall have satisfactorily passed the qualification tests prescribed by said board. Each fireman 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 representative town government of the town of Sanford, or unless previously removed by said board as hereinafter authorized. In the event of a reduction in said fire department, 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. Officers; powers and duties. The officers of the fire department shall be a chief, 1st assistant chief, and 2nd assistant chief. The chief of fire department shall be qualified by being sworn by the town clerk of Sanford, 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 town clerk. The chief of fire department shall have and exercise all the powers and authority now given to and be subject to all the duties imposed upon the fire chief by the general statutes of the state and by any ordinances which the representative town government of the town of Sanford may hereafter enact. The 1st and 2nd assistant chiefs shall have and exercise all the powers and authority and be subject to all the duties imposed upon them by the general statutes of the state and by any ordinances which the representative town government of the town of Sanford may hereafter enact. 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 board of fire commissioners of said town.

Sec. 9. Officers; demotion or removal. The commissioners may demote any officer of any rank for cause and may promote any member of said department to fill the vacancy thereby created. The chief of fire department, 1st assistant, and 2nd assistant chiefs may be removed by the commissioners for cause. They shall upon request be furnished with a written copy of the charges against them, 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 board of selectmen of said town or upon written charges being filed with said commissioners by 50 or more citizens of the town of Sanford.

Sec. 10. Discipline of firemen. Firemen, when guilty of misconduct, shall be punished by said commissioners by a fine, not to exceed \$25, or by suspension without pay for a period not to exceed 3 months, or by assignment to extra duty without pay, or by removal for cause, on complaint of the board of selectmen, the chief of fire department to said board, or upon written complaint signed by any 50 citizens of said town, or upon charges filed by the board itself, except that the chief of fire department may sus-

pend any fireman for misbehavior or neglect of duty for a period not exceeding 3 months, without pay, without preferring charges to said board. In all cases, 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 town treasurer and the fireman so fined shall stand suspended, without pay, until the order shall have been complied with.

Sec. 11. 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. 12. Compensation. The compensation of the chief of fire department, 1st assistant chief, 2nd assistant chief, and firemen shall be fixed by the representative town government of said town of Sanford.

Sec. 13. Participation in politics prohibited. 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. 14. Present members continued. All members of the fire department of the town of Sanford at the time this act becomes effective shall be continued in office as firemen, but shall not be exempt from the provisions of this act with respect to examination and disqualifying age restrictions applicable to retirement and to the provisions of section 5 of this act relative to the election by said commissioners of the chief of fire department, 1st assistant chief, and 2nd assistant chief.

Sec. 15. Retirement of members. The town of Sanford is hereby authorized to provide for the retirement of all members of its fire department, who shall 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 were the result of an incident of service in said fire department, upon a pension of half pay.

Sec. 16. Repealing clause. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed or amended to conform hereto.

Sec. 17. 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 town of Sanford at any special or annual election of the above mentioned town, which election shall be called for that purpose by an appropriate article inserted in the call for said election. Such election shall be called, advertised and conducted according to the law relating to municipal elections, except insofar as the charter of Sanford may differ, in which case the charter of said Sanford shall prevail in regard to the procedure for such elections. The town clerk of Sanford shall prepare the required ballots for the election, upon which he shall reduce the subject matter of this act to the following question: "Shall 'An Act to Create a Board of Fire Commissioners for the Town of Sanford' be accepted?" and the voters shall indicate by a cross placed 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 said election. The result of the vote in said town shall be declared by the municipal officers of the town and a certificate thereof filed by the clerk with the secretary of state.