

MAINE STATE LEGISLATURE

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NINETY - SECOND LEGISLATURE

Legislative Document

No. 631

S. P. 253

In Senate, February 8, 1945.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Gould of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to Term of Office of Chief of Police of the City of
Lewiston.

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

Sec. 1. P. & S. L., 1939, c. 8, Art. XI, § 8, amended. Section 8 of Article XI of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows:

'Sec. 8. Terms, powers and duties of superior officers. The chief of police shall be chosen by the commission by written ballot ~~for a term of 4 years from the date of his election, or until his successor shall be elected and qualified provided that the person holding said office when this charter takes effect shall continue therein for the remainder of the term for which he has been chosen to serve at the pleasure of said commission.~~ He shall have and exercise all the powers and authority by him hitherto had and lawfully exercised together with all the powers and authority conferred by the general laws of the state and such special powers and authority as may from time to time be delegated to him by the commission. Captains and inspectors shall be appointed by the commission and shall hold office during good behavior or until retired under the provisions of this charter. Captains and inspectors shall have such duties and powers as may be delegated to them by the commission, or by

the chief of police under the authority of the commission. The police clerk shall hold office during the pleasure of the commission. ~~He, and~~ shall perform such duties as may be prescribed by the chief of police under the authority of the commission.'

Sec. 2. P. & S. L., 1939, c. 8, Art. XI, § 9, amended. Section 9 of Article XI of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows:

'Sec. 9. Removal of chief of police. The chief of police may be removed by the commission for cause **detrimental to the department and shall have the right of appeal.** 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 commission. Such hearing shall be held upon charges made by the commission or upon written charges being filed with the commission by 5 or more citizens of the city. **The term of office for which the incumbent chief was chosen shall be terminated when this act takes effect. Provided, however, that the incumbent chief shall continue in office until the position is filled as provided for in section 8. The incumbent chief shall have the preference of appointment to said position.'**

Sec. 3. P. & S. P., 1939, c. 8, Art. XI, § 26, repealed and replaced. Section 26 of Article XI of chapter 8 of the private and special laws of 1939, as enacted by section 12 of chapter 86 of the private and special laws of 1943, is hereby repealed and replaced to read as follows:

'Sec. 26. Pension provisions for chief of police. The chief of police, after having served 25 years as such, or while in the performance of some duty devolving upon him as a member of the department is permanently disabled, shall be retired upon his petition; whereupon he shall be entitled to a pension equal to $\frac{1}{2}$ of the pay which he received at the time the disability occurred or at the time his application was filed with the commission petitioning for retirement benefits. Nothing herein shall be construed to deprive the incumbent chief of the years of service presently accrued as chief of said department.'