

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 1135

H. P. 1446

House of Representatives, April 5, 1945.

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

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to Public Safety Commission for Rumford Falls Village Corporation.

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

Sec. 1. Public safety commission created. The police and fire departments of the Rumford Falls Village Corporation shall consist of a public safety commission of three members, a chief of police, such other officers and patrolmen as the commission designates, a chief of the fire department, such other officers, permanent men and call men as the commission shall from time to time designate.

Sec. 2. Commission; composition, appointment, tenure, vacancies. Said commission shall consist of three resident citizens of the Rumford Falls Village Corporation. The commissioners shall be appointed by the assessors of the Rumford Falls Village Corporation. In the first instance, 1 shall be appointed for 6 years, 1 for 4 years, and 1 for 2 years. At the expiration of each of said terms a commissioner shall be appointed for a full term of 6 years. In case of any vacancy in the commission, the assessors of the Rumford Falls Village Corporation shall appoint a member thereto for the balance of said unexpired term.

Sec. 3. Qualification. Each member of said commission shall qualify after his appointment as aforesaid by being sworn by the clerk of the

Rumford Falls Village Corporation or by a justice of the peace to the faithful discharge of his duties. In the event that a member is qualified before a justice of the peace, a certificate thereof shall be forthwith filed with the town clerk by said justice of the peace.

Sec. 4. Powers and duties of commission. The commission hereby created shall have full power and authority, subject to the provisions of this act to organize and establish the police force and fire department of the Rumford Falls Village Corporation and to make all rules and regulations for the government control and efficiency of the same. They shall have the power to increase or decrease the number of persons who may be employed in each department, subject to the rights conferred on the members of the departments by other provisions of this act. Said commission shall have and exercise all the powers and be charged with all the duties relative to organization, appointment and control of said police department and fire department now conferred or imposed upon the assessors of the Rumford Falls Village Corporation and such other powers as are given them by the terms of this act.

Sec. 5. Organization of commission and of department. When members of said commission shall have qualified they shall meet and elect the chairman and a clerk and forthwith organize and establish the police force and fire department as herein authorized.

Sec. 6. Candidates for patrolmen and firemen, application, examination, etc. Candidates for appointment as patrolmen and permanent firemen shall make application therefor to said commission upon blanks furnished by it. All such candidates and all candidates to fill any vacancies occurring in said department, including call men in the fire department, 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 commission. The commission by such qualification tests shall inquire into the physical, mental and moral fitness of each applicant for appointment. They shall place upon an eligible list all successful applicants, and appointments shall be made from men upon such eligible list. Each applicant shall remain upon said list for a period of 1 year from the date of his examination. The physical examination prescribed by the commission shall be conducted by a physician appointed for the purpose by it and the fee for such physical examination shall be paid by the applicant in advance.

Sec. 7. Eligibility; preference given to former police officers and firemen; retirement. All male citizens of the Rumford Falls Village Corpora-

tion between the ages of 21 and 40 who shall have resided for 2 years in the Rumford Falls Village Corporation shall be eligible to appointment in the police or fire department (except that special police officers who serve 10 years as special officers) and before reaching 50 years of age may be appointed to the police force and call firemen who serve 10 years as call firemen and before reaching 50 years of age may be appointed to the fire department providing they are otherwise eligible and provided they shall make written application therefor and shall have satisfactorily passed the qualification test prescribed by said commission. Provided further, that any police officer including the chief of police of the Rumford Falls Village Corporation, any permanent fireman including the chief of the fire department (and any other officers of the department serving at the time of the effective date of this act) shall be appointed and hold the same rating held by him at the time of the effective date of this act without any examination or tests. Each police officer including the chief of police, all permanent firemen including the chief of the fire department and other officers shall be appointed to serve until he has reached the age of 65 years at which time he shall be retired, unless previously removed by said commission as hereinafter authorized or becomes physically or mentally disabled from performing his duties before reaching the age of 65 years. Provided further, however, that any police officer including the chief of police and any permanent man including chief of fire department and other officers may upon petition to the commission and at the discretion of the commission be allowed to remain in office after reaching the retirement age. All those retired on account of permanent disability before reaching the age of 65 years shall also be paid retirement pay as hereinafter provided. Call firemen in the fire department shall be retired on reaching the age of 60 years.

Sec. 8. Authority of officers. The chief of police, other officers and patrolmen shall have and exercise within the limits of the Rumford Falls Village Corporation all the common law and the statutory powers of constables, except service of civil process, and all powers given to police officers by the statutes of the state, the ordinances, by-laws and regulations of the Rumford Falls Village Corporation and such special powers as may be conferred upon them by the commission under the authority of this act. The chief of the fire department, other officers, permanent men and call men shall have all the powers given to them by the statutes of the state, the ordinances, by-laws and regulations of the Rumford Falls Village Corporation and such special powers as may be conferred upon them by the commission under the authority of this act.

Sec. 9. Chief of department, how chosen, powers and duties. The chief of police and chief of fire department shall be chosen by the commission by a written ballot to serve until retirement age or otherwise retired or removed as provided by this act, but no person who has reached his 40th birthday shall be so appointed (except that if the appointment is made from among the members of the police department or fire department he may be so appointed providing he has not reached his 55th birthday). He shall qualify by being sworn by a clerk of the Rumford Falls Village Corporation or by a justice of the peace to the faithful discharge of his duties and in event that he qualifies before a justice of the peace a certificate thereof shall be forthwith filed with said clerk of Rumford Falls Village Corporation. He shall have and exercise all the powers and authority in his respective department now given to the chief of police and chief of the fire department by the by-laws and ordinances of the said Rumford Falls Village Corporation and by the general statutes of the state and such special powers and authority as may from time to time be delegated to him by the commission.

Sec. 10. Special patrolmen, inspectors; compensation and appointment. Special patrolmen with pay shall be appointed by the commission for a period of 1 year and such special patrolmen shall receive such daily pay as the commission from time to time designates for each day actually worked to be paid by the treasurer of the Rumford Falls Village Corporation upon approval by the chief of police. Special patrolmen, without pay, may be appointed by the chief of police for a period of not more than 1 year for private duty.

Sec. 11. Removal of chief of police and chief of fire department; vacancies, how filled. The chief of police and the chief of the fire department may be removed by the commission for cause. Failure to maintain residence in Rumford Falls Village Corporation shall constitute automatic cause for removal from office. He shall upon request be furnished with a written copy of the charges against him and shall be given a public hearing. Such hearing shall be held upon charges made by said commission or upon written charges being filed with said commission by 5 or more citizens of the Rumford Falls Village Corporation. In the event of the removal of the chief of police as herein provided, or in the event of his incapacity through illness or otherwise, to perform the duties of his office, the officer designated by the commission shall assume the duties of the chief of police until his successor shall be elected by said commission and he shall have qualified as herein provided. In the event of the removal of the chief of the fire department as herein provided or in the event of his

incapacity through illness or otherwise, to perform the duties of his office, the officer designated by the commission shall assume the duties of the chief of the fire department until his successor shall be elected by said commission and he shall have qualified as herein provided. If as the result of the hearing mentioned in this section the chief of police or the chief of the fire department are removed he shall be notified of his removal by the commission within 10 days from the date of hearing provided however that the chief of police or chief of the fire department if removed may enter his appeal to the superior court in equity for the county of Oxford next to be held in said county after the date of his removal by filing with the clerk of courts a copy of the charges against him, a copy of the notice of removal with a sheriff's return showing that he has served on the commission the notice of his appeal, and the court on hearing shall suspend, remove or re-instate him.

Sec. 12. Misconduct of officers and patrolmen in the police department, officers and permanent men in fire department; proceedings. Officers and patrolmen in the police department, officers and permanent men in the fire department when guilty of irregular conduct on complaint of the chief of their respective departments to the commission and upon a written complaint signed by any 5 citizens of the Rumford Falls Village Corporation or upon charges filed by the commission itself except that of the chief of the respective departments may suspend any person in their departments for misbehavior or neglect of duty for a period not exceeding 1 week without preferring charges to the commission, for each offense. In all cases patrolmen and officers in the police department, officers and permanent men in the fire department when notified of said charges shall be entitled to a copy thereof and to a public hearing at such time and place as the commission shall designate and on findings of the commission may suspend or remove any officer or patrolman of the police department, or any officer or permanent man of the fire department provided however that any officer, patrolman or fireman so removed or suspended for a period longer than 30 days may file an appeal to the superior court for the county of Oxford next to be held in said county after the date of his removal by filing with the clerk of courts a copy of the charges and the notice of removal, or suspension with a sheriff's return showing that he has served on the commissioners a notice of his appeal, and the court on hearing shall suspend, remove or reinstate him. Failure of any member of police or fire department to maintain residence in Rumford Falls Village Corporation shall constitute automatic cause for removal.

Sec. 13. Compensation of commissioners. The commissioners shall re-

ceive a salary of \$75 a year to be paid by the treasurer of the Rumford Falls Village Corporation. They shall assemble at the call of the chairman of the commission.

Sec. 14. Compensation. The salaries of chief of police, other officers and patrolmen and special officers of the police department, the chief of the fire department, other officers, permanent men and call men shall be such amounts as shall be allotted to them by the commission and shall be payable weekly to them by the treasurer of the Rumford Falls Village Corporation except that the call firemen shall be paid monthly. The chief of police and the chief of the fire department shall be entitled to 2 weeks vacation in each calendar year (with pay) the same to be taken when and as he may desire. The other officers and patrolmen in the police department and the permanent men and other officers in the fire department shall be entitled to a vacation of 2 weeks in each calendar year (with pay) such vacation to be prescribed by the chief of the respective departments.

Sec. 15. Other official positions and political activities incompatible. No persons holding office authorized by this act shall hold any other public office or take any active part in politics. Any violation shall be considered cause for removal. Failure of any commissioner to maintain residence in the Rumford Falls Village Corporation shall constitute cause for his removal from office by the board of assessors of the Village Corporation.

Sec. 16. Fees to be accounted for. All fees paid to the chief of police, other officers, or any patrolman in their said capacities, shall be accounted for by such officers, and turned into the treasury of the Rumford Falls Village Corporation when received by them.

Sec. 17. Former department abolished; certain statutes repealed. The chief of police, other officers and patrolmen of the police department, the chief of the fire department, permanent men and engineers of the fire department of the Rumford Falls Village Corporation at the time of the effective date of this act shall continue in their respective office with all the powers and duties which they are by law vested, until the re-organization of the respective departments as herein provided shall be protected and the chief of police, other officers and patrolmen of the police department, the chief, permanent men and engineers of the fire department shall have been appointed under this act. All of said offices in said departments existing on the effective date of this act are hereby abolished as and of the date of appointment of the chief, other officers and patrolmen of the police department, the chief, permanent men, engineers and call men of the

fire department. Provided further, that when the lieutenant in police department and engineers in fire department are retired or removed as provided for in this act that such positions do not have to be filled but can be abandoned or replaced with other offices as provided in the act.

Sec. 18. Retirement pay. Every police officer except special patrolmen in the police department, the chief, permanent men and engineers in the fire department on retirement on account of age or permanent disability received in the line of duty shall receive weekly as retirement pay 50% of his regularly weekly salary at the time of retirement, the same to be paid by the treasurer of the Rumford Falls Village Corporation except the retirement pay to the engineers shall be paid semi-annually provided further that no person shall be entitled to retirement pay for any cause whatsoever unless and until he has served at least 1 year in his department.

Sec. 19. Repealing clause. Chapter 71 of the private and special laws of 1935, insofar as said act is inconsistent herewith, is hereby repealed.