

MAINE STATE LEGISLATURE

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

Legislative Document

No. 509

H. P. 854

House of Representatives, February 5, 1947

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Malenfant of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to the Appointment and Removal of the 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 XI, § 8, repealed and replaced. Section 8 of article XI of chapter 8 of the private and special laws of 1939, as amended by section 1 of chapter 93 of the private and special laws of 1945, is hereby repealed and replaced to read as follows: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. 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 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 P. & S. L., 1939, c. 8, Art XI, § 9, repealed and replaced. Section 9 of article XI of chapter 8 of the private and special laws of 1939, as amended by section 2 of chapter 93 of the private and special laws of 1945, is hereby repealed and replaced to read as follows: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.'

Sec. 3. 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 Lewiston at the next municipal election therein held in 1948 by an appropriate article inserted in the warrant for such election in the manner prescribed by law for notifying and calling such elections. For the purpose of such election, the city clerk shall reduce the subject matter to the following question: "Shall An Act Relating to the Appointment and Removal of the Chief of Police of the City of Lewiston be approved?", and the voters shall indicate by a cross, placed within a square 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 the above election. The result of the vote shall be declared by the municipal officers and certificate thereof filed by the city clerk with the secretary of state.