

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)

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. 1331

S. P. 475

In Senate, March 21, 1947

Reported by Senator Batchelder of York from the Committee on Legal Affairs and laid on table to be printed under Joint Rules.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Amending the Charter of the City of Lewiston.

Emergency preamble. Whereas, by legislative act the present existing salaries of the various police officials and police officers of the city of Lewiston shall continue in effect only until March 31, 1947; and

Whereas, after March 31, 1947, the salaries of said police officials and police officers shall be reduced to the salary scale in force when chapter 8 of the private and special laws, 1939, became in force, with amendments thereto; and

Whereas, a reduction in salaries in the police department of the city of Lewiston would be detrimental to the efficiency and morale of the said police department; and

Whereas it is recognized that it is vital for the welfare of the state and of the community to maintain the efficiency and morale of the police department; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1939, c. 8, Art. XI, § 1, amended. Section 1 of article XI of chapter 8 of the private and special laws of 1939, as amended by section 1 of chapter 131 of the private and special laws of 1945, is hereby further amended to read as follows:

'Sec. 1. Police department; how constituted. The police department shall consist of a police commission of 3 members, hereinafter in this article referred to as the commission, to be appointed by the mayor, a chief of police, 2 captains of police, 1 captain of detectives, ~~2 inspectors~~ 2 lieutenants of police, 1 police matron, 1 police clerk and such number of patrolmen, not to exceed 1 for each 900 of the population of the city, as the commission shall deem necessary, the entire personnel of which as existing when this charter takes effect shall continue subject to the provisions hereinafter contained. **The commission may appoint such number of patrolmen as they shall deem necessary to act as detectives. The commission may employ such other employees of the department as it shall deem necessary, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure.'**

Sec. 2. P. & S. L., 1939, c. 8, Art. XI, § 5, amended. Section 5 of article XI of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows:

'Sec. 5. Eligibility to force. Any citizen of the city between the ages of ~~21~~ 22 and ~~40~~ 34 shall be eligible to appointment as a patrolman provided he shall have made written application therefor and shall have satisfactorily passed the qualification tests prescribed by the commission.'

Sec. 3. 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, as amended by section 1 of chapter 93 of the private and special laws of 1945, is hereby further 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 and shall not be removed except as provided in section 9. 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 of police, the captain of detectives and ~~inspectors~~ lieutenants of police** shall be appointed by the

commission and shall hold office during good behavior or until retired under the provisions of this charter. Captains of police, the captain of detectives and ~~inspectors~~ lieutenants of police 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. 4. P. & S. L., 1939, c. 8, Art. XI, § 11, amended. Section 11 of article XI of chapter 8 of the private and special laws of 1939, as amended by section 7 of chapter 86 of the private and special laws of 1943, and by section 1 of chapter 64 of the private and special laws of 1945, is hereby further amended to read as follows:

'**Sec. 11. Police matron.** A police matron shall be appointed by the commission and hold such office until retired or removed as provided for by law, and whose duties and powers in general shall be similar to that of a patrolman. She shall be entitled to a vacation of 2 weeks in each calendar year at such time as may be appointed by the chief of police, with pay. The salary of said police matron shall be fixed at ~~\$1,400~~ \$2,200 per annum payable in equal weekly installments by the city treasurer. After having served as police matron or in a similar capacity, when her aggregate term of service shall equal 25 years or who while in the performance of duty in the department has become permanently disabled, upon her petition, she shall be retired and thereupon shall be entitled to a pension equal to $\frac{1}{2}$ of the pay she was receiving at the time of her retirement or permanent disability. Provided, however, that nothing herein shall be construed to deprive the incumbent police matron of the years of service presently accrued as police matron of said department.'

Sec. 5. P. & S. L., 1939, c. 8, Art. XI, § 12, amended. Section 12 of article XI of chapter 8 of the private and special laws of 1939, as amended by section 2 of chapter 64 of the private and special laws of 1945, is hereby further amended to read as follows:

'**Sec. 12. Special patrolmen.** Special patrolmen with pay shall be appointed by the chief of police from a list furnished him by the commission, for a period of from 1 to 30 days and such special patrolmen shall receive a salary of ~~\$4~~ \$6 per day, to be paid by the city treasurer upon approval of 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. 6. P. & S. L., 1939, c. 8, Art. XI, § 14, amended. Section 14 of article XI of chapter 8 of the private and special laws of 1939, as amended by section 1 of chapter 98 of the private and special laws of 1941 and by section 3 of chapter 64 of the private and special laws of 1945, is hereby further amended to read as follows:

'Sec. 14. Salary and vacation of chief. The salary of the chief of police shall be ~~\$3,000~~ \$4,200 per annum, payable in equal weekly installments by the city treasurer. He shall be entitled to 2 weeks' vacation each calendar year with pay, to be taken when and as he may desire. While upon vacation, or when incapacitated through illness, or absent from his office on the business of the department, the duties of his position shall be assumed by the senior captain.'

Sec. 7. P. & S. L., 1939, c. 8, Art. XI, § 15, amended. Section 15 of article XI of chapter 8 of the private and special laws of 1939, as amended by section 2 of chapter 45 of the private and special laws of 1941 and by section 4 of chapter 64 of the private and special laws of 1945, is hereby further amended to read as follows:

'Sec. 15. Salary of police officials. ~~Police captains~~ Captains of police and the captain of detectives shall each receive a salary of ~~\$2,470~~ \$3,360 per annum payable in equal weekly installments by the city treasurer. ~~Inspectors~~ Lieutenants of police shall each receive a salary of ~~\$1,800~~ \$3,000 per annum payable in equal weekly installments by the city treasurer. The police clerk shall receive a salary ~~not to exceed of \$1,600~~ \$1,920 per annum payable in equal weekly installments by the city treasurer.'

Sec. 8. P. & S. L., 1939, c. 8, Art. XI, § 16, amended. Section 16 of article XI of chapter 8 of the private and special laws of 1939, as amended by section 5 of chapter 64 of the private and special laws of 1945, is hereby further amended to read as follows:

'Sec. 16. Salary of patrolmen. The salary of each patrolman shall be ~~\$1,600~~ \$2,520 per annum, until he shall have served 3 years when he shall receive ~~\$1,700~~ \$2,640 per annum, ~~except the patrolman who shall act for the department as a radio technician who shall receive \$416 additional per year~~ except the patrolmen who shall act for the department as detectives who shall receive \$100 additional per year, payable in equal weekly installments by the city treasurer. Each patrolman shall be entitled to a vacation of 2 weeks in each calendar year with pay at such time as may be prescribed by the chief of police.'

Sec. 9. P. & S. L., 1939, c. 8, Art. XI, § 17, amended. Section 17 of

article XI of chapter 8 of the private and special laws of 1939, as amended by section 2 of chapter 98 of the private and special laws of 1941, is hereby further amended to read as follows:

'Sec. 17. Certain fees to be accounted for. All fees paid to the chief of police, captains of police, captain of detectives, ~~inspectors~~ lieutenants of police, police matron or any patrolman in their said capacities, from cases in the Lewiston municipal court, and all fees received for serving subpoenas in cases involving criminal procedure in the superior court held in the county of Androscoggin, shall be accounted for by such officers, and turned into the treasury of the city of Lewiston when received by them.'

Sec. 10. P. & S. L., 1941, c. 85, § 4, amended. Section 4 of chapter 85 of the private and special laws of 1941, as amended by section 6 of chapter 64 of the private and special laws of 1945, is hereby repealed and the following enacted in place thereof:

'In view of the emergency cited in the preamble, the salary provisions in this act shall take effect on April 1, 1947 and shall remain in full force and effect.'