

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1432**

H. P. 1707

House of Representatives, April 17, 1947

Reported by Mr. Weeks from the Committee on Legal Affairs and printed under Joint Rules.

HARVEY R. PEASE, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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**AN ACT to Amend the Act Providing for the Board of Commissioners of  
Police for the City of Augusta.**

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

**Sec. 1. P. & S. L., 1937, c. 61, § 6, amended.** Section 6 of chapter 61 of the private and special laws of 1937 is hereby amended to read as follows:

**‘Sec. 6. Applications by candidates.** Candidates for appointment as patrolmen shall make application therefor to said board of commissioners of police upon blanks furnished by it. All such candidates to fill any vacancies occurring in said force, or for any new places on said force 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 + year from the date of examination. The physical examination prescribed by said board shall be conducted by the city physician. The physical examination prescribed by~~

said board shall be conducted by the city physician without additional compensation above his salary, and in case of a vacancy in the office of city physician the board may secure the services of any licensed doctor. Should a candidate fail to be appointed as patrolman within 1 year from an examination he shall be required to have another physical examination before further consideration.'

Sec. 2. P. & S. L., 1937, c. 61, § 7, repealed and replaced. Section 7 of chapter 61 of the private and special laws of 1937 is hereby repealed and the following enacted in place thereof:

'Sec. 7. Eligibility; term of service. Any male between the ages of 24 and 40 shall be eligible to appointment as patrolman, provided he shall have made written application therefor and shall have satisfactorily passed the qualification tests prescribed by said board. Each patrolman shall be appointed to serve for a 6-month probationary period during which he may be removed from the department at any time by the board without cause or hearing. Should he be acceptable to the board at the end of said period, he shall be appointed to serve until he shall arrive at the age of 55, when he shall be retired, unless sooner removed by a reduction in the membership of the department by the mayor and city council, or unless removed by said board as hereinafter authorized, or unless he elects, and is found by the board to be physically qualified, to serve for an additional period, but not over the age of 60. A candidate shall be eligible for appointment to the department as chief of police although over the age of 40 and may serve for a period of 20 years in the department, unless sooner removed by a reduction in the membership of the department by the mayor and city council, or unless removed by said board as hereinafter authorized. In the event of a reduction in said force, the board shall have full discretion as to which member or members of the department shall be removed.'

Sec. 3. P. & S. L., 1937, c. 61, § 10, repealed and replaced. Section 10 of chapter 61 of the private and special laws of 1937, as amended by section 2 of chapter 41 of the private and special laws of 1943, is hereby repealed and the following enacted in place thereof:

'Sec. 10. Officers; demotion or removal. The commissioners shall have the power and authority to demote, lay-off, suspend and remove members of the police department for just cause and for reasons specifically given in writing to such member within 24 hours of his demotion, lay-off, suspension or removal, and they shall have the right to fill any vacancy thereby created. In all cases such department member, should he request such in writing from said commissioners, shall be furnished with written speci-

fications of the charges against him, and may request a public hearing, in which event a public hearing shall be granted by said commissioners to be held at such time and place as the commissioners shall designate, and said member shall have the right of representation by counsel, if he desires, at said hearing. Said hearing shall be held upon written charges made by said commissioners or by the mayor of the city, or upon written charges being filed with said commissioners by 50 or more citizens of Augusta. Any such member aggrieved by the decision of the commission shall have a right of appeal, if taken within 20 days thereof, to the superior court in equity for the county of Kennebec at the term thereof next to be held in said county, and the court on hearing shall demote, lay-off, suspend, remove or reinstate him.'

Sec. 4. P. & S. L., 1937, c. 61, § 11, repealed and replaced. Section 11 of chapter 61 of the private and special laws of 1937, as amended by section 2 of chapter 64 of the private and special laws of 1943, is hereby repealed and the following enacted in place thereof:

'Sec. 11. Temporary patrolmen; special police; matron. Temporary patrolmen shall be appointed by the commissioners without the necessity of qualification tests or satisfaction of the age limits set for regular members of the department to fill temporary vacancies or when otherwise needed by the department for a limited time. Special police shall be appointed by the commissioners to be assigned for special duty in the institutions and industries of the city and upon request to protect other persons and property, and shall not be subject to the qualification tests or age limits set for the regular members of the department. The term of office of such special police shall terminate on the 1st day of January of each year unless specifically appointed for a shorter period. The commissioners shall also appoint a matron who shall not be subject to the qualification tests or age limits set for the regular members of the department. Her term of office shall terminate on the 1st day of January of each year and she shall be on call whenever needed. The compensation of the temporary patrolmen and the matron shall be fixed by the city council, and they shall have the powers and duties provided for regular members of the department in section 8 hereof.'

Sec. 5. P. & S. L., 1937, c. 61, § 17, repealed and replaced. Section 17 of chapter 61 of the private and special laws of 1937 is hereby repealed and the following enacted in place thereof:

'Sec. 17. Retirement of members. City of Augusta authorized to pension retired members of police department. The city of Augusta is hereby

authorized to provide for the retirement upon a pension of half pay of all permanent members of its police department who have served in said department for at least 20 years and have attained the age of at least 55 years, and all such members who have been permanently disabled in the performance of duty. Such a pension plan may include, if the city council of the city of Augusta deems it advisable, provision for contribution by members and the establishment of a pension fund by said city. No portion of said pension shall, either before or after its distribution to any pensioned member of said department, be held, seized, taken or levied upon, by virtue of any attachment, injunction, writ, interlocutory, or other order or decree, or any process or proceedings whatever, issued out or by any court, for the payment or satisfaction in whole or part of any debt, damage, claim, demand or judgment against any said member, except orders of support of minor children, separate support of wife or alimony, and no pensioner shall have the legal right to assign his or her pension, or any part thereof.'

Sec. 6. P. & S. L., 1937, c. 61, amended. Chapter 61 of the private and special laws of 1937, as amended by chapters 41 and 64 of the private and special laws of 1943, is hereby further amended by adding at the end thereof, another section to be designated section 20, to read as follows:

'Sec. 20. The board of police commissioners shall make an annual report with recommendations, if desired, to the mayor and city council on or before the first day of January of each year and at such other time or times as said board may deem desirable.'