

# 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)

Transmitted by Director of Legislative Research pursuant to joint order.

---

---

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

---

---

**Legislative Document**

**No. 948**

H. P. 832

House of Representatives, February 18, 1953.

Referred to Committee on Legal Affairs. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Fitanides of Saco.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

---

**AN ACT to Provide for the Appointment of a Board of Commissioners for  
the Police and Fire Departments of the City of Saco.**

---

**Emergency preamble.** Whereas, acts passed by the legislature do not become effective until 90 days after adjournment of the legislature; and

Whereas, it is very desirable that the following act be voted upon by the inhabitants of the city of Saco at the annual city election in March, 1953; and

Whereas, it is vitally necessary that the board of commissioners provided for in the following act be appointed as soon as possible; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution 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. Organization.** The police department of the city of Saco shall consist of a city marshal who shall also be the chief of police, and patrolmen to the number determined by the city council of the city of Saco.

The fire department shall consist of a fire chief, permanent firemen and call men to the number determined by the city council of the city of Saco.

**Sec. 2. Board of commissioners for the police and fire departments.** A board of commissioners for the police and fire departments, consisting of 3 resident citizens of the city of Saco, shall be appointed by the city council of said city as soon as may be convenient after this act shall take effect. In the first instance, 1 shall be appointed for 3 years, 1 for 2 years and 1 for 1 year. At the expiration of each of said terms, a commissioner shall be appointed for a full term of 3 years. In case of any vacancy in said board, the city council shall appoint a member thereto for the balance of the unexpired term. The members of the board shall be appointed from the 2 political parties receiving the largest number of votes in the city in the last preceding state election. No more than 2 said members shall be from the same political party.

The city committee, or in the event there is no city committee the official organization, of the minority party shall recommend 3 persons of their party to the city council for appointment to said board. The selection, by the council, shall be made from these recommendations.

**Sec. 3. Qualification.** Each member of said board shall qualify after this appointment as aforesaid by being sworn by the city clerk of said city, or by a justice of the peace, to the faithful discharge of his duties. In the event that a member qualifies before a justice of the peace, a certificate thereof shall be forthwith filed by said justice with said city clerk.

**Sec. 4. Appointing power.** The board of commissioners for the police and fire departments, hereafter created, shall have full power and authority, subject to the provisions of this act, to select and appoint the members of the police and fire departments of said city of Saco, as hereinafter provided, shall have full and complete power of administration of said police and fire departments, and shall have such other powers as are given them by the terms of this act.

**Sec. 5. Procedure.** When said board of commissioners shall have qualified, they shall meet and elect a chairman and clerk of their number and shall forthwith select and appoint, in the manner hereinafter provided, said patrolmen and firemen who, with the chief of police and chief of the fire department, shall constitute the police and fire departments of said city of Saco.

The board of commissioners, at the regular meeting of the city council for the month of February, shall present to the city council a separate bud-

get and appropriation request for the ensuing fiscal year for each department for appropriate action by that body.

**Sec. 6. Applications by candidates.** Candidates for appointment as patrolmen and firemen shall make application therefor to said board of commissioners for the police and fire departments upon blanks furnished by it. All such candidates, and all candidates to fill any vacancies occurring in said departments 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 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 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 such eligible list. Each applicant shall remain upon said list for the period of 1 year from the date of examination. The physical examination prescribed by said board shall be conducted by the city physician.

**Sec. 7. Eligibility; term of service.** Any male voter of Saco, between the ages of 24 and 45, shall be eligible to appointment, provided he shall have made application therefor and shall satisfactorily have passed the qualification tests prescribed by said board. Each patrolman and fireman shall be appointed to serve until he shall arrive at the age of 65, when he shall be retired, unless previously removed by said board as hereinafter provided. In the event of a reduction in said departments, the latest to be appointed thereto shall be first removed, and shall be given preference, if still upon said list, in filling the first vacancy.

**Sec. 8. Powers of patrolmen.** All patrolmen shall have and exercise, within the limits of said city, all the common law and statutory powers of constables, except service of civil process, and all powers given to police officers by the ordinances of said city.

The firemen shall have and exercise, within the limits of said city, such powers as are given to them by the laws of the state of Maine and ordinances of said city.

**Sec. 9. The fire chief and chief of police.** The fire chief and chief of police shall be chosen by the board of commissioners for a term of 2 years from the date of their election, or until their successors shall be elected and qualified. They shall qualify by being sworn by the city clerk of the city of Saco or by a justice of the peace, and in the event that they qualify before a justice of the peace, a certificate thereof shall be forthwith filed by

said justice with the city clerk. The oath shall be to the faithful performance of their duties. They shall have and exercise all the powers and authority given to them by the statutes of the state and such special powers and authority as may, from time to time, be delegated to them by the board of commissioners for the police and fire departments.

The chief of police or the fire chief may be removed by the board of commissioners for the police and fire departments for just cause. They shall upon request be furnished with a written copy of the charges against them and shall, before action by the board of commissioners, be given a public hearing. Such hearings shall be held upon charges made by said board of commissioners or upon written charges being filed with said board by 5 or more citizens of Saco. The findings by said board upon such charges shall be final.

**Sec. 10. Special patrolmen and call firemen.** Special patrolmen and call firemen shall be appointed by said board of commissioners from the eligible list of applicants for patrolmen and firemen, when necessary to make such appointments, with the exception of those assigned for special duty in the institutions and industries of the city, who shall not have to qualify for the several examinations prescribed by the board of commissioners. The special officers and call firemen shall have the same authority as vested in the members of the regular force of patrolmen and firemen. When found necessary and desirable by the board of commissioners, they shall make such rules and regulations as, in their opinion, are necessary for the appointment of special patrolmen and call firemen, other than from the eligible lists for applicants for regular patrolmen and firemen positions.

**Sec. 11. Discipline.** When guilty of misconduct in line of duty, patrolmen and firemen shall be punished by a fine of not more than \$100, or by suspension without pay for a period of not more than 30 days, or by removal for cause, on complaint of the chief of police or fire chief to said board of commissioners, or upon written complaint signed by 5 citizens of said city, or upon charges filed by the board itself, except that the chief of police or the fire chief may suspend any member of their respective departments for misbehavior or neglect of duty for a period of not exceeding 1 week, without pay, without preferring charges to said board. In all cases, when notified of such charges, patrolmen and firemen shall be entitled to a copy thereof and to be given a public hearing thereon, at such time and place as said board shall designate, and the findings of said board upon such charges shall be final. When fines shall have been imposed, such fines shall be paid to the city treasurer, for credit to the accounts of their

respective departments, and the patrolmen and firemen so fined shall stand suspended, without pay, until the order shall be complied with.

**Sec. 12. Compensation.** The compensation of the chief of police, fire chief, and all members of the respective departments shall be fixed by the city council of said city.

**Sec. 13. Policemen and firemen not to participate in politics.** No policeman or fireman holding an office authorized by this act shall hold any other public office nor take any active part in politics. Any violation of this section shall be considered cause for removal.

**Sec. 14. Fees.** All fees paid to the chief of police, fire chief, patrolmen or firemen shall be accounted for by said officers and turned over forthwith to the treasurer of said city for credit to the accounts of their respective departments.

**Sec. 15. Present officers continued.** The chief of police, patrolmen, special patrolmen, chief of fire department, firemen and call firemen of the city of Saco at the time of the taking effect of this act shall continue in office with all the powers and duties with which they are by law vested, until the selection and appointment of said chief of police, chief of fire department, patrolmen and firemen as herein provided, and the tenure of offices shall terminate as and of the date of said selection and appointment.

**Sec. 16. Limit on age restriction.** Any patrolman or fireman serving in the police force or fire department at the time of the taking effect of this act shall be exempt from the qualifying age restriction of this act.

**Emergency clause; referendum; effective date; certificate to secretary of state.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the city of Saco at the next annual election to be held in March, 1953, or at a special election to be held not later than 4 months after approval of this act. Such election shall be called, advertised and conducted according to the law relating to municipal elections and as provided in the charter of the city of Saco. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the act to provide for the appointment of a board of commissioners for the police and fire departments of the city of Saco, passed by the 96th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all

the purposes hereof immediately upon its acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for governor cast in said city at the next previous gubernatorial election. The result of the vote shall be declared by the municipal officers of the city of Saco and due certificate thereof filed by the city clerk with the secretary of state.