

MAINE STATE LEGISLATURE

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NINETY - NINTH LEGISLATURE

Legislative Document

No. 1268

H. P. 899

House of Representatives, March 17, 1959

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

HARVEY R. PEASE, Clerk

Presented by Mr. Plante of Old Orchard Beach.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Providing for Civil Service for the Old Orchard Beach Police Department.

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

Sec. 1. P. & S. L., 1953, c. 179, § 2, amended. Section 2 of chapter 179 of the private and special laws of 1953 is amended to read as follows:

'Sec. 2. Powers and duties of commission. The commission shall supervise and control the selection for appointment and promotion, lay-off, reinstatement, suspension and removal of the members of the fire department and chief of the fire department; and the members of the police department and the chief of police. The commission shall examine all applicants for appointment as chief of the fire department and firemen, chief of police and all regular and special police officers, and a list of eligible candidates shall be made and furnished to each department and the names shall be listed in the order of rating given to each eligible candidate by the commission. The commission is empowered to adopt and promulgate reasonable standards establishing preferences based upon years of continuous service in the department, and these preferences may be considered with regard to the appointments to be made as provided in section 3.'

Sec. 2. P. & S. L., 1953, c. 179, § 3, amended. Section 3 of chapter 179 of the private and special laws of 1953 is amended to read as follows:

'Sec. 3. Appointment of fire chief and chief of police. All appointments to the office of chief of the fire department shall be made by elevating the assistant chief to this office, provided he has completed 10 years or more of satisfactory service as a regular in the department. Appointments to assistant chief shall

be made by the commission from an eligibility list made up after examination of applicants. Appointments to the office of chief of the fire department shall be during good behavior and may terminate when the appointee shall have attained his 65th birthday.

All appointments to the office of chief of police shall be made by the commission from among the top 3 of the eligibility list made up after a written examination of applicants. The office of chief of police shall terminate when appointee shall have attained his 65th birthday.'

Sec. 3. P. & S. L., 1953, c. 179, § 4, amended. The first sentence of section 4 of chapter 179 of the private and special laws of 1953 is amended to read as follows:

'All appointments to the fire department and the police department, except the chief and the assistant chief of the fire department and the chief of the police department, shall be made by the ~~chief of the department~~ chiefs of the respective departments, subject to the approval of the commission, from the ~~eligible list~~ eligibility lists prepared by the civil service commission, and all appointments shall terminate when appointee shall have attained his 65th birthday.'

Sec. 4. P. & S. L., 1953, c. 179, § 4, amended. The 4th sentence of section 4 of chapter 179 of the private and special laws of 1953 is amended to read as follows:

'All appointments as regular members of the fire department and police department shall be made from those who have been so examined.'

Sec. 5. P. & S. L., 1953, c. 179, § 6, amended. Section 6 of chapter 179 of the private and special laws of 1953 is amended to read as follows:

'Sec. 6. Promotions. Promotion from one grade to another in the fire department, except assistant chief, shall be made by the chief of the department, subject to the provisions of section 4, but no person shall be eligible for promotion until he shall have served at least 12 months in the lower grade.

Promotion to sergeant in the police department shall be made by the chief of police, subject to the provisions of section 4, but no person shall be eligible for promotion until he has served 12 months as a regular patrolman.'

Sec. 6. P. & S. L., 1953, c. 179, § 7, amended. The 3rd sentence of section 7 of chapter 179 of the private and special laws of 1953 is amended to read as follows:

'The demotion, suspension or removal of the chief or assistant chief of the fire department and the chief of the police department shall be by the commission.'

Sec. 7. P. & S. L., 1953, c. 179, § 8, amended. Section 8 of chapter 179 of the private and special laws of 1953 is amended by adding at the end a new paragraph to read as follows:

'The chief of police may make appointments of private police for duty at selected establishments upon application of owner of same without reference to the civil service list. These private police will be under the direct jurisdiction and supervision of the chief of police. These appointments shall have no civil service status.'

Sec. 8. P. & S. L., 1953, c. 179, § 15, amended. Section 15 of chapter 179 of the private and special laws of 1953 is amended by adding at the end a new paragraph to read as follows:

'All regular members of the police department at the time this amendment becomes effective shall not be exempt from the provisions of this act with respect to examination and qualifying age restrictions.'

Sec. 9. P. & S. L., 1953, c. 179, § 16, amended. Section 16 of chapter 179 of the private and special laws of 1953 is amended to read as follows:

'Sec. 16. Order of dismissal. In the event of a reduction of the fire department or the police department, the latest to be appointed shall be the first to be removed, and shall be given ~~preference~~ **precedence**, if still ~~upon~~ **on** the ~~eligible~~ **eligibility** list, in filling the first vacancy.'

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the qualified voters of the Town of Old Orchard Beach at a special election to be held not later than 60 days after the effective date of this act. Said meeting shall be called, advertised and conducted according to the law relating to municipal elections, a proper article being inserted in the call for said meeting. The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall 'An Act Providing for Civil Service for the Old Orchard Beach Police Department,' passed by the 99th Legislature, be accepted?" 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 by a majority of the legal voters voting at said meeting; provided the total number of votes cast for and against the acceptance of this act at said meeting equaled or exceeded 20% of the total vote for all candidates for Governor cast in said town at the next preceding gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Town of Old Orchard Beach and due certificate thereof shall be filed by the town clerk with the Secretary of State.