

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth
Legislature

1917

Chapter 37.

An Act to Provide a Police Commission for the City of Lewiston and to Promote the Efficiency of the Police Department thereof.

Emergency preamble. Whereas, the Chamber of Commerce of the City of Lewiston through its duly authorized committee, and many citizens of said city have urged the enactment of a bill creating a police commission for said city and the reorganization of the police department thereunder, and,

Whereas, it has been urged that said police department as now constituted is inefficient and indifferent to the enforcement of the laws of this state and that the same have been notoriously nullified in said community, and,

Whereas, it is the purpose of said bill to remove said police department from the influence of partisan politics, to place the same with respect to appointments thereto and to continuance in office upon a merit system and to thereby secure a more general enforcement of all laws, and,

Whereas, in the opinion of the legislature such result will make for the public peace and safety of said city and of the state and the need therefor constitutes an emergency within the meaning of the provisions of the constitution of this state, now therefore,

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

Sec. 1. Board of police commissioners created. The police department of the city of Lewiston shall consist of a board of police commissioners of three members, a chief of police, and thirty-one patrolmen, two of whom shall be designated as captains, and a police matron.

Sec. 2. Commission; composition, appointment, tenure, vacancies. Said board of police commissioners shall consist of three resident citizens of Lewiston. The commissioners shall be appointed by the governor with the advice and consent of his council. In the first instance one shall be appointed for six years, one for four years, and one for two years. At the expiration of each of said terms a commissioner shall be appointed for a full term of six years. In case of any vacancy in the commission, the governor shall appoint a member thereto for the balance of said unexpired term. The members of the commission shall be appointed from the two political parties receiving the largest number of votes in the last preceding state election. No more than two of said members shall be from the same political party.

Sec. 3. Qualification. Each member of said board shall qualify after his appointment as aforesaid by being sworn by the city clerk of Lewiston 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 with the city clerk by said justice of the peace.

Sec. 4. Powers and duties of commission. The board of police commissioners hereby created shall have full power and authority, subject to the

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provisions of this act, to organize and establish the police force of the city of Lewiston and to make all rules and regulations for the government, control and efficiency of the same. Said board shall have and exercise all the powers and be charged with all the duties relative to the organization, appointment and control of said police force now conferred or imposed upon the mayor, the municipal officers or the city council of Lewiston, and such other powers as are given them by the terms of this act.

Sec. 5. Organization of commission and of department. When said board of commissioners shall have qualified, they shall meet and elect a chairman and a clerk, and shall forthwith organize and establish the police force as herein authorized. They shall forthwith choose in the manner hereinafter provided, the chief of police, and thirty-one patrolmen, two of whom shall be designated as captains, and said police matron, and all of whom with said board of commissioners, shall constitute the police department of the city of Lewiston.

Sec. 6. Candidates for patrolmen; application, examination, etc. Candidates for appointment as patrolmen shall make application therefor to the police commission upon blanks furnished by it. All such candidates, and all 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 the board of commissioners. The commission, by such qualification tests shall inquire into the physical, mental and moral fitness of each of the applicants for appointment. They shall place upon an eligible list all applicants who shall satisfactorily meet such tests, and every appointment shall be from men upon said eligible list. Each applicant shall remain upon said list for the period of one year from the date of his examination. The physical examination prescribed by the commission shall be conducted by a physician appointed for that purpose by it, and the fee for such physical examination shall be paid by the applicant in advance.

Sec. 7. Eligibility; preference given to former police officers; retirement. Any citizen of Lewiston between the ages of twenty-four and forty 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 board of commissioners, provided further however, that any police officer of the city of Lewiston serving at the time of the passage of this act and any former police officers of said city residents therein who shall have served a full three year term on said force, under the age of sixty-five years, and who shall pass qualification tests required by said commissioners, shall be appointed to said force to the number authorized by this act in preference to any other applicants upon said list of eligibles. Each patrolman shall be appointed to serve until he shall arrive at the age of sixty-five years, when he shall be retired unless previously removed by said commissioners as hereinafter authorized.

Sec. 8. Authority of police officers. All patrolmen, including said captains shall have and exercise within the limits of the city all the common law and statutory powers of constables, except service of civil processes,

and all powers given to police officers by the statutes of the state, the city charter, ordinances, by-laws and regulations of said city, and such special powers as may be conferred upon them by the board of commissioners under the authority of this act.

Sec. 9. Chief of police and captains; how chosen; powers and duties.

The chief of police shall be chosen by the board of commissioners by written ballot for a term of four years from the date of his election, or until his successor shall be elected and qualified. He shall qualify by being sworn by the city clerk of Lewiston or by a justice of the peace, to the faithful discharge of his duties, and in the event that he qualifies before a justice of the peace, a certificate thereof shall be forthwith filed by said justice of the peace with said city clerk. He shall have and exercise all the powers and authority now given to the city marshal by the charter and ordinances of Lewiston, and by the general statutes of the state, and such special power and authority as may from time to time be delegated to him by the board of commissioners. The board of commissioners shall appoint from the patrolmen provided for in this act two captains who shall hold office during good behavior or until retired under the provisions of this act. Said captains shall have such duties and powers as may be delegated to them by the commissioners or by the chief of police under the authority of said commissioners.

Sec. 10. Special patrolmen; inspectors; compensation and appointment.

Special patrolmen (with pay) shall be appointed by the chief of police from a list furnished him by the police commission, for a period of from one to thirty days; and such special patrolmen shall receive a salary of two dollars and fifty cents (\$2.50) per day, to be paid by the city treasurer upon approval by the chief of police. Special patrolmen (without pay) may be appointed by the chief of police for a period not more than one year for private duty. The board of commissioners shall have power and authority to appoint from time to time not more than two inspectors at one and the same time, who shall receive a compensation of one hundred dollars (\$100) per month, while so employed, payable by the city treasurer, with such duties as shall be determined by the board of commissioners.

Sec. 11. Police matron; compensation; powers and duties. A police matron shall be appointed by said board of commissioners for a term of two years with such duties and powers as may be delegated by said board of police commissioners. The salary of said police matron shall be five hundred dollars (\$500) per annum payable by the city treasurer.

Sec. 12. Removal of chief of police; vacancy, how filled. The chief of police may be removed by the board of commissioners for cause. 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 said commission or upon written charges being filed with said commission by five or more citizens of Lewiston. In the event of the removal of the chief of police as hereinbefore provided, or in the event of his incapacity through illness or otherwise, to perform the duties of his office, one of the captains to be desig-

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nated by the board of commissioners shall assume the duties of the chief of police until his successor shall have been elected by said commissioners and he shall have qualified as hereinbefore provided.

Sec. 13. Misconduct of patrolmen and captains; proceedings. Patrolmen and captains when guilty of irregular conduct, shall be punished by fine (not to exceed one hundred dollars (\$100)) or by suspension without pay (not to exceed thirty days), for each offense, or by removal, for cause, on complaint of the chief of police to the police commissioners, or upon written complaint signed by any five citizens of Lewiston, or upon charges filed by the commission itself, except that the chief of police may suspend any patrolman for misbehavior or neglect of duty for a period not exceeding one week without preferring charges to the police commissioners, for each offense. In all cases, patrolmen, when notified of such charges, shall be entitled to a copy thereof and to a public hearing at such time and place as the police commissioners shall designate and the findings of the commissioners upon such charges shall be final. When fines shall have been imposed, such fines shall be paid to the city treasurer and the patrolman so fined shall stand suspended, without pay until the order shall be complied with.

Sec. 14. Compensation of commissioners. The police commissioners shall each receive a fee of five dollars (\$5) for each meeting which they attend payable by the city treasurer. They shall assemble at the call of the chairman of the board.

Sec. 15. Compensation of chief of police. The salary of the chief of police shall be fifteen hundred dollars (\$1500) per annum, payable in equal monthly installments by the city treasurer. The chief of police shall be entitled to two weeks vacation each calendar year (with pay) the same to be taken when and as he may desire. While upon such 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. 16. Compensation of captains. Police captains shall receive a salary of twelve hundred dollars (\$1200) per annum, payable in equal monthly installments by the city treasurer and they shall be entitled to a vacation of two weeks each calendar year (with pay), such vacation to be prescribed by the chief of police.

Sec. 17. Compensation of patrolmen. The salary of patrolmen shall be one thousand dollars (\$1000) per year, until he shall have served five years when he shall receive eleven hundred dollars (\$1100) per year, payable in equal weekly installments by the city treasurer. Each patrolman shall be entitled to a vacation of two weeks in each calendar year (with pay) at such time as may be prescribed by the chief of police.

Sec. 18. Other official positions and political activity incompatible. No person holding office authorized by this act shall hold any other public office or take any active part in politics. Any violation shall be considered cause for removal.

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Sec. 19. Fees to be accounted for. All fees paid to the chief of police, captains or any patrolman in their said capacities, shall be accounted for by such officers, and turned into the treasury of the city of Lewiston when received by them.

Sec. 20. Number of patrolmen may be increased. The board of commissioners shall have power, subject to the approval of the municipal officers of said Lewiston, to increase the number of patrolmen provided for in this act. Said patrolmen so created shall be appointed by said commission and shall be subject to all the other provisions of this act.

Sec. 21. Former police department abolished; certain statutes repealed. The city marshal, deputy marshal, captains, policemen and other officers of the police department of the city of Lewiston at the time of the passage of this act, shall continue in office with all the powers and duties with which they are by law vested, until the reorganization of said police department as herein provided shall be perfected and the chief of police and patrolmen herein provided for shall have been appointed. All said officers in said police department existing at the date of the passage of this act are hereby abolished as and of the date of the appointment of said chief of police and patrolmen under this act. Such parts of the charter of the city of Lewiston, of chapter two hundred and ninety-three of the private and special laws of Maine, eighteen hundred and eighty, and all other acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 22. Date when effective. In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved March 8, 1917.

Chapter 38.

An Act to Repeal Chapter Two Hundred Seventy-one of the Private and Special Laws of Nineteen Hundred and Eleven, Relating to Ways and Bridges in Plantation Number 14, Washington County.

Emergency preamble. Whereas it is necessary that the control of the highway and bridges in plantation Number 14, Washington county, be taken from said plantation and transferred to the county commissioners of Washington county early in the spring of nineteen hundred and seventeen, and whereas in the judgment of the legislature these facts render the passage of this act immediately necessary for the preservation of the public peace, health and safety and constitute an emergency within the meaning of the constitution; now therefore,

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

Sec. 1. P. & S. L., 1911, c. 271, repealed. Chapter two hundred seventy-one of the private and special laws of nineteen hundred and eleven, relating to ways and bridges in plantation Number 14, in Washington county be, and hereby is, repealed.