

HOUSE . . . . . No. 5530

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The Commonwealth of Massachusetts

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EXECUTIVE DEPARTMENT,  
STATE HOUSE, BOSTON, MAY 6, 1970.

*To the Honorable Senate and House of Representatives:*

In accordance with the provisions of Article LVI of the Amendments of the Constitution, I am returning, herewith, House Bill No. 5310 entitled "An Act providing tenure for the present incumbents of the offices of chief of police and sergeant, and the position of patrolman who has served for one year in such position, in the police department of the town of Plainville."

This bill provides that the present members of the police department in the town of Plainville shall have tenure of office if they have served in their office or position for a period of one year.

This bill provides unlimited tenure to the present incumbents of the office of Chief of Police and Sergeant of Police, regardless of the period of time they have served in such positions, and further provides that any patrolman who has held such a position for a period of one year shall also have unlimited tenure.

The bill also provides for removal of these incumbents by the Board of Selectmen 'for just cause and reasons' given them in writing. There is no requirement for a hearing, nor would such proceedings be under the provisions of Civil Service laws and rulings, which provisions are usually written into tenure bills.

In addition, there is no age limit at which the tenure shall terminate. This is in conflict with the provisions of the General Laws which provide that the maximum age for members in Group 4, which includes policemen, shall be the last day of the month in which they attain age 65.

Thus, in order to clarify this legislation as to its intent and to conform with the General Laws, I recommend the bill be amended as follows: —

“By striking out section 1 and substituting in place thereof the following:—

1 “SECTION 1. The tenure of office of the present incumbents  
2 of the offices of chief of police and sergeant, and any patrolman  
3 who has served in such position for a period of one year in the  
4 police force, of the town of Plainville, shall be unlimited until  
5 he attains age sixty-five, unless he is incapacitated by physical  
6 or mental disability from performing his duties or is removed for  
7 just cause by the selectmen in the manner provided by section  
8 forty-three of chapter thirty-one of the General Laws.”

Respectfully submitted,

FRANCIS W. SARGENT.  
*Acting Governor of the Commonwealth.*