

HOUSE No. 4224

The Commonwealth of Massachusetts

PRESENTED BY:

Leonard Mirra

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the appointment of special police officers in the town of Merrimac.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>6/19/2014</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>6/19/2014</i>

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By Mr. Mirra of West Newbury, a petition (accompanied by bill, House, No. 4224) of Leonard Mirra and Kathleen O'Connor Ives (by vote of the town) that the town of Merrimac be authorized to appoint special police officers in said town. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the appointment of special police officers in the town of Merrimac.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The board of selectmen of the town of Merrimac may, upon
2 recommendation of the chief of police of said town and as the board deems necessary, appoint
3 retired Merrimac police officers as special police officers for the purpose of performing police
4 details or any police duties arising therefrom or during the course of police detail work, whether
5 or not related to such detail work. A special police officer appointed pursuant to this act must
6 have been a regular Merrimac police officer retired based on superannuation. Such special police
7 officer shall not be subject to the maximum age restrictions applied to regular police officers
8 pursuant to chapter 32 of the General Laws; provided, however, that no special police officer
9 shall be eligible to serve as such beyond the age of 70. A special police officer appointed
10 pursuant to this act must pass a medical examination by a physician or other certified
11 professional chosen by the town to determine that he is capable of performing the essential duties
12 of a special police officer, the cost of which shall be borne by the special police officer prior to
13 performing police details.

14 SECTION 2. A special police officer appointed pursuant to this act shall not be subject to
15 chapter 31, section 99A of chapter 41 or chapter 150E of the General Laws.

16 SECTION 3. A special police officer appointed pursuant to this act shall, when
17 performing duties pursuant to section 1, have the same power to make arrests and perform other
18 functions as does a regular police officer in the town of Merrimac.

19 SECTION 4. A special police officer appointed pursuant to this act shall be appointed for
20 an indefinite term, subject to removal by the board of selectmen of the town of Merrimac at any
21 time, with or without cause, with 14 days' written notice. A special police officer appointed
22 pursuant to this act shall not have any entitlement to continued appointment as such special
23 police officer.

24 SECTION 5. A special police officer appointed pursuant to this act shall be subject to the
25 rules, regulations, policies, procedures and requirements of the police department, chief of police
26 and, as applicable, board of selectmen of the town of Merrimac, including restrictions on the type
27 of detail assignment, requirements regarding medical examinations to determine continued
28 capacity to perform the duties of a special police officer, requirements for training, requirements
29 for firearm licensing and qualifications and requirements regarding uniforms and equipment. The
30 cost of all training, uniforms and equipment shall be borne by the special police officer. A
31 special police officer appointed pursuant to this section shall not be subject to section 96B of
32 chapter 41 of the General Laws.

33 SECTION 6. A special police officer appointed pursuant to this act shall be sworn in
34 before the town clerk of the town of Merrimac, who shall keep a record of all such appointments.

35 SECTION 7. A special police officer appointed pursuant to this act shall be subject to
36 sections 100 and 111F of chapter 41 of the General Laws. The amount payable pursuant to said
37 section 111F shall be calculated by averaging the amount earned over the prior 52 weeks as a
38 special police officer working police details, or averaged over such lesser period of time for any
39 officer designated as a special police officer less than 52 weeks before the incapacity. In no
40 event shall payment pursuant to said section 115F exceed, in any calendar year, the limitation on
41 earning contained in subsection (b) of section 91 of chapter 32 of the General Laws. The
42 payment of benefits pursuant to said section 111F shall not terminate when a special police
43 officer reaches the age of 65; provided, however, that in no event shall the payment of such
44 benefits extend to any special police officer beyond the age of 70. A special police officer
45 appointed pursuant to this act shall not be subject to sections 85H or 89E of said chapter 32 or
46 eligible for any benefits pursuant to said sections.

47 SECTION 8. A special police officer appointed pursuant to this act shall be eligible for,
48 but not entitled to, assignment to any detail by the chief of police of the town of Merrimac.

49 SECTION 9. A retired Merrimac police officer serving as a special police officer
50 pursuant to this act shall be subject to the limitation on hours worked and on payments to retired
51 town employees pursuant to subsection (b) of section 91 of chapter 32 of the General Laws.

52 SECTION 10. This act shall take effect upon its passage.