

HOUSE No. 3930

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 20, 2023.

The committee on Public Service to whom was referred the joint petition (accompanied by bill, House, No. 2557) of Kate Hogan (by vote of the town) relative to authorizing the appointment of special police officers in the town of Maynard, reports recommending that the accompanying bill (House, No. 3930) ought to pass [Local Approval Received].

For the committee,

KENNETH I. GORDON.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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

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. (a) The police chief of the Town of Maynard may appoint, as the chief
2 considers necessary in the chief’s sole discretion and judgment, police officers who resigned or
3 retired in good standing, with at least twenty (20) years of continuous full-time service for a
4 municipal police department in the Commonwealth, as special police officers to perform police
5 details and any other duties arising from or during the course of police detail work if the special
6 police officer is on detail assignment and an emergency response by the special police officer is
7 required due to the inability of a regular police officer to timely respond to the emergency. No
8 retired police officer shall be appointed under this act unless the officer is retired based on
9 superannuation under chapter 32 of the General Laws. No resigned or retired police officer shall
10 be appointed under this act as a special police officer if the officer has been retired from a
11 municipal police department for more than 4½ years unless the police officer has since
12 maintained employment as an active police officer in the commonwealth. No retired police
13 officer shall be eligible for appointment under this act if the officer has attained the age of 70 and
14 any police officer so appointed shall be terminated upon attaining the age of 70. Prior to

15 appointment under this act and in order to be eligible for such appointment, a resigned or retired
16 police officer shall successfully pass a medical examination by a physician or other certified
17 professional chosen or agreed to by the police chief to determine whether the resigned or retired
18 police officer is capable of performing the essential duties of a special police officer under this
19 act. The cost of the medical examination shall be borne by the resigned or retired police officer.
20 No further deductions shall be made from the regular compensation of any special police officer
21 appointed under this act pursuant to chapter 32 of the General Laws after reaching the age of 65,
22 and upon retirement any special police officers appointed under this act shall receive a
23 superannuation retirement allowance equal to that which he would have been entitled had they
24 retired at age 65.

25 (b) Special police officers appointed under this act shall not be subject to chapter 31,
26 sections 96B and 99A of chapter 41 or chapter 150E of the General Laws.

27 (c) When performing the duties set forth in this section, officers appointed under this act
28 shall have the same power to make arrests and to perform other police functions as do regular
29 police officers of the town of Maynard.

30 (d) Special police officers appointed under this act shall be appointed for a 1-year term
31 subject to renewal at the sole discretion of the chief and shall be subject to suspension or removal
32 by the chief at any time.

33 (e) Special police officers appointed under this act shall be subject to such rules,
34 regulations, policies, procedures and requirements as the chief may impose in the police chief's
35 sole discretion, including, but not limited to, restrictions on the type of detail assignments,
36 requirements regarding medical examinations to determine continuing capability to perform the

37 duties of a special police officer, requirements for training, requirements for firearms licensing
38 and qualifications, requirements for maintaining a medical or liability insurance policy and
39 requirements regarding uniforms and equipment. The chief shall, in the chief's sole discretion,
40 set a schedule of fees associated with the costs of training, medical examinations, equipment and
41 uniforms and any other requirements considered necessary by the chief that shall be paid by the
42 special police officer. Nothing in this act shall establish the right or entitlement of any officer
43 appointed under this act to a specific assignment and all such assignments shall be made by the
44 chief and in the chief's sole discretion.

45 (f) Special police officers appointed under this act shall be sworn in by the police chief of
46 the town of Maynard.

47 (g) Special police officers appointed under this act shall be subject to sections 100 and
48 111F of chapter 41 of the General Laws. The weekly amount payable to a qualified officer under
49 said section 111F of said chapter 41 shall be determined by calculating the weekly average of the
50 total amount earned by the officer as a special police officer working police details during the 52
51 weeks preceding the date of a qualifying incapacity. If a special police officer's appointment
52 under this act occurred less than 52 weeks before the date of qualifying incapacity, the weekly
53 amount payable under said section 111F of said chapter 41 shall be determined by calculating the
54 weekly average of the total amount earned by the officer during the number of weeks served
55 before the date of incapacity. No payments made under said section 111F of said chapter 41 shall
56 exceed, in a calendar year, the limitation on earnings set forth in paragraph (b) of section 91 of
57 chapter 32 of the General Laws. Payments made under said section 111F of said chapter 41 shall
58 terminate in accordance with said section 111F of said chapter 41 or at the conclusion of the term
59 of appointment, whichever first occurs. Special police officers appointed under this act shall not

60 be subject to section 85H or 85H½ of said chapter 32 and shall not be eligible for any benefits
61 pursuant to said sections 85 or 85H½ of said chapter 32.

62 (h) Appointment as a special police officer under this act shall not entitle the appointee to
63 assignment to any detail.

64 (i) If retired, special police officers appointed under this act shall be subject to the
65 limitations on hours worked and on total earnings as provided in paragraph (b) of section 91 of
66 chapter 32 of the General Laws.

67 (j) Pursuant to subsection (e), fees associated with the costs of training, medical
68 examinations, equipment, uniforms and any other requirements considered necessary by the
69 chief of police shall be paid by the special police officer.

70 SECTION 2. The Select Board are hereby authorized to approve amendments which shall
71 be within the scope of the general public objectives of this petition or do or act anything in
72 relation thereto.

73 SECTION 3. This act shall take effect upon its passage.