



125th MAINE LEGISLATURE

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Legislative Document

No. 701

H.P. 531

House of Representatives, February 23, 2011

An Act To Amend Certain Laws Governing County Sheriffs

Received by the Clerk of the House on February 18, 2011. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative DION of Portland.

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

2 **Sec. 1. 30-A MRSA §373, sub-§3** is enacted to read:

3 **3. Salary; procedures.** The board of county commissioners of each county, through
4 the county budget process, shall set the base salary for the county sheriff.

5 A. The salary for the county sheriff must be set prior to the election of a new county
6 sheriff by the board of county commissioners by final budget approval prior to the
7 first date that applicants may file with the Secretary of State for the office of county
8 sheriff.

9 B. The salary of the county sheriff may not be reduced during the sheriff's term other
10 than upon complaint of malfeasance, misfeasance, neglect, gross negligence or failure
11 to maintain certification with the Maine Criminal Justice Academy by the board of
12 county commissioners to the Office of the Governor.

13 C. The county sheriff may be paid at such intervals as determined by the board of
14 county commissioners but may not be paid less than once a month.

15 **Sec. 2. 30-A MRSA §373, sub-§4** is enacted to read:

16 **4. Salary; appeal.** If dissatisfied with the salary set by the board of county
17 commissioners, the county sheriff may appeal to the Superior Court on the grounds that
18 the determination of the board of county commissioners in setting the salary was arbitrary
19 or capricious.

20 **Sec. 3. 30-A MRSA §374**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
21 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
22 amended to read:

23 **§374. County sheriff to be full time**

24 The office of county sheriff is a full-time office in each county. The duties of the
25 county sheriff include law enforcement, jail administration and court services and are
26 incidental and irregular, requiring a nonstandard work schedule.

27 **SUMMARY**

28 This bill describes the procedures that a board of county commissioners must use to
29 determine the salary of the county sheriff. The bill establishes a procedure by which the
30 county sheriff, if dissatisfied with the salary set by the board of county commissioners,
31 may appeal that decision. The bill also describes the duties of the county sheriff.