



132nd MAINE LEGISLATURE

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Legislative Document

No. 1741

H.P. 1159

House of Representatives, April 22, 2025

An Act Regarding County Law Enforcement Administration and Rural Law Enforcement

Reference to the Committee on State and Local Government suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.

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

2 **Sec. 1. 30-A MRSA §356** is enacted to read:

3 **§356. Employment and discipline by sheriff**

4 A board of county commissioners or a personnel board shall give deference and the
5 rebuttable presumptions of fairness and professional necessity to the decision of a sheriff
6 to not reappoint a deputy or to dismiss, suspend or otherwise discipline a deputy or
7 subordinate employee, subject to the applicable procedures and standards under section
8 501 and any applicable collective bargaining agreement. If a board of county
9 commissioners or a personnel board receives sufficient evidence to overcome the rebuttable
10 presumptions of fairness or professional necessity, the sheriff or the sheriff's designee must
11 be afforded an opportunity to be heard on the evidence before any action is taken to alter
12 or overturn a sheriff's decision to not reappoint a deputy or to dismiss, suspend or otherwise
13 discipline a deputy or subordinate employee.

14 **Sec. 2. 30-A MRSA §371-B, sub-§2**, as repealed and replaced by PL 1997, c. 562,
15 Pt. D, §6 and affected by §11, is amended to read:

16 **2. Filling vacancies.** Vacancies in the office of sheriff caused by death, resignation,
17 removal from the county, permanent incapacity or any other reason must be filled as
18 provided in the Constitution of Maine. In the case of a vacancy in the term of a sheriff who
19 was nominated by primary election before the general election, the sheriff appointed by the
20 Governor to fill the vacancy until a successor is chosen at election must be enrolled in the
21 same political party as the sheriff whose term is vacant. In making the appointment, the
22 Governor shall choose from any recommendations submitted to the Governor by the county
23 committee of the political party from which the appointment is made. If the county
24 committee submits one or more recommendations to the Governor, the acting sheriff
25 pursuant to section 385, subsection 1 must be included for consideration for appointment.

26 **Sec. 3. 30-A MRSA §381, sub-§3, ¶A**, as enacted by PL 1987, c. 737, Pt. A, §2
27 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
28 further amended to read:

29 A. The ~~failure decision~~ decision of a sheriff to not reappoint a deputy, except for appointment
30 at the end of the probationary period, is subject to the procedures and standards for
31 dismissal of an applicable collective bargaining agreement.

32 **Sec. 4. 30-A MRSA §385, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and
33 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
34 amended to read:

35 **1. Chief deputy's powers.** If the office of sheriff becomes vacant because of death,
36 resignation or otherwise, the chief deputy ~~shall have~~ becomes the acting sheriff and has and
37 may exercise the same rights and powers and ~~be is~~ subject to the same duties and liabilities
38 as a sheriff until the vacancy in the office of sheriff is filled as provided in the Constitution
39 of Maine ~~and the new sheriff has qualified under law.~~

40 **Sec. 5. 30-A MRSA §407** is enacted to read:

41 **§407. County law enforcement operations**

