

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

H.P. 1159 - L.D. 1741

An Act Regarding Vacancies in the Office of Sheriff

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

Sec. 1. 30-A MRSA §371-B, sub-§2, as repealed and replaced by PL 1997, c. 562, Pt. D, §6 and affected by §11, is amended to read:

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

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

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

Sec. 3. 30-A MRSA §385, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Chief deputy's powers. If the office of sheriff becomes vacant because of death, resignation or otherwise, the chief deputy ~~shall have~~ has and may exercise the same rights and powers and ~~be~~ is subject to the same duties and liabilities as a sheriff until the vacancy

in the office of sheriff is filled as provided in the Constitution of Maine and the new sheriff has qualified under law.