



# 132nd MAINE LEGISLATURE

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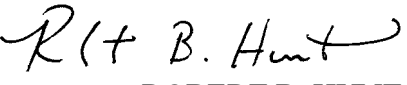
H.P. 1159

House of Representatives, April 22, 2025

### **An Act Regarding County Law Enforcement Administration and Rural Law Enforcement**

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

  
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14          **Sec. 2. 30-A MRSA §371-B, sub-§2**, as repealed and replaced by PL 1997, c. 562,  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~~ 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**

**1. Expenses allowed.** County commissioners shall provide to the sheriff serving the county sufficient funds for all office expenses, clerk hire and travel, including, but not limited to, funds for:

A. Consultation and services of experts and independent legal advisors;

### B. Recruitment and training of law enforcement personnel;

C. Training, membership fees for organizations and educational materials that may aid the sheriff and sheriff's office personnel in law enforcement administration; and

#### D. Strategic planning and budget preparation.

**2. Office space.** The county commissioners shall provide to the sheriff serving the county office space suitable for the performance of the duties of office, including sufficient private area for research, conferences and meetings with and for deputies, witnesses, complainants and citizens. If office space is not available on county property, the county commissioners shall provide sufficient funds to the sheriff for the rental of suitable quarters at locations convenient to the jail and courthouses within the county.

**Sec. 6. 30-A MRSA §459**, 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 repealed.

## SUMMARY

This bill does the following.

1. It requires a board of county commissioners or a personnel board to give deference and the rebuttable presumptions of fairness and professional necessity to a sheriff's decision to not reappoint a deputy or to dismiss, suspend or otherwise discipline a deputy or subordinate employee.

2. It stipulates that if the county committee of a political party submits one or more recommendations to fill a vacancy in the sheriff's office to the Governor, the acting sheriff must be included for consideration for appointment.

3. It stipulates that if the office of sheriff becomes vacant because of death, resignation or otherwise, the chief deputy becomes the acting sheriff.

4. It provides to the sheriff serving the county sufficient funds for all office expenses, clerk hire and travel.

5. It clarifies that a 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.

6. It repeals the provision of law allowing a county to undertake administrative, management and supporting functions required to implement the law enforcement functions authorized by law.