



# Maine Sheriffs' Association

*"One Team, One Mission"*

Sheriff Kevin Joyce, President

Sheriff Troy Morton, 1<sup>st</sup> Vice-President, Sheriff William King, 2<sup>nd</sup> Vice-President – Sheriff Barry Curtis, Secretary –  
Sheriff Todd Brackett, Treasurer – Sheriff Joel Merry, Immediate Past President –  
Sheriff Timothy Carroll, Executive Board Member-at-Large - Mary-Anne LaMarre, Executive Director

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March 18, 2019

## **LD 453 – An Act To Ensure the Integrity and Accountability of Persons Who Are Elected To Public Office**

Good afternoon, Senator Claxton, Representative Martin, and distinguished members of the Joint Standing Committee on State and Local Government. My name is Scott Nichols. I am the Sheriff of Franklin County and I'm here on behalf of the Maine Sheriffs Association.

The Maine Sheriffs voted unanimously to oppose LD 453 – An Act To Ensure the Integrity and Accountability of Persons Who Are Elected To Public Office

While many of you heard testimony earlier in this session regarding the qualifications of sheriff, today I would like to address the current statute that addresses removing a sheriff from office. Title 30-A, § 441 states, "Whenever the county commissioners find that the sheriff is not faithfully or efficiently performing any duty imposed by this chapter or that the sheriff is improperly exercising or acting outside the sheriff's authority, the commissioners may file a complaint with the Governor describing in detail the facts of those actions or omissions and requesting the Governor to remove the sheriff from office and appoint another sheriff in that office for the remainder of the term."

Additionally, Title 25, Chapter 341 offers not one but two additional levels of accountability. The Board of Trustees at the Maine Criminal Justice Academy is comprised the highest level of professionals in the state, including members of the Governor's cabinet, the Attorney General's office, and high-level law enforcement stakeholders, all serve as gubernatorial appointees. They are charged with many duties and responsibilities including, § 2803-A, 3, "Certification of criminal justice executives. To certify and set standards for certification of criminal justice executives. As used in this subsection, "criminal justice executives" means police chiefs, sheriffs and the persons directly below the police chiefs or sheriffs in line of command;"

Further, in this same § 2803-A, 15., "Revocation or suspension of certification. To take disciplinary action concerning the certificate issued by the board, including but not limited to suspension or revocation;" This committee has scrutinized the qualifications for sheriff earlier in this session. You know that to hold the office of sheriff, you must be certified in either law enforcement or corrections. The Maine Criminal Justice Academy trustees are statutorily authorized to suspend or revoke a sheriff's mandated certification.

Maine Sheriffs are held accountable to their positions by their county commissioners and the members of the MCJA Board of Trustees, including the Commissioner of Corrections, the

Commissioner of Public Safety, and the State of Maine Attorney General. While we appreciate the intent of this legislation, we feel that the measures so carefully crafted to hold sheriffs accountable are sufficient and unmatched. To add another layer of accountability would essentially be saying that those I've identified as trustees are not qualified to revoke a sheriff's certification. We disagree, and we urge members of this committee to unanimously oppose LD 453.

I appreciate your time and consideration and please feel free to ask me any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Nichols", written in a cursive style.

Franklin County Sheriff Scott Nichols  
o/b/o Maine Sheriffs Association