



Maine Sheriffs' Association

"One Team, One Mission"

Sheriff Troy Morton, President

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April 26, 2021

L.D. 375 – An Act To Create Greater Accountability in the Office of County Sheriff

Senator Baldacci, Representative Matlack, and esteemed members of the Joint Standing Committee on State and Local Government,

My name is Troy Morton. I am the Sheriff of Penobscot County and President of the Maine Sheriffs' Association. Maine Sheriffs worked closely with the sponsor of LD 375, Senator Lisa Kiem, and we supported this bill's original language. Maine sheriffs believe in accountability and transparency. We had hoped L.D. 375 would illustrate our beliefs. It is with great disappointment that, as amended, we can no longer support this bill.

Maine sheriffs did not make this decision lightly. As a non-profit Association, we invested funds into seeking legal counsel pertaining to the amendment to ensure we addressed this amendment appropriately. Our counsel provided the following findings:

"The amendment in its current form, appears inconsistent with the Maine Constitution in at least two critical respects. As amended, section 441(1) authorizes county commissioners to file a complaint for reasons beyond what the Constitution defines as case for removal, e.g. "not faithfully or efficiently performing any duty imposed . . . by law." Any county commissioners' complaint that may be filed, in the future, which relies on the expanded language, e.g. "or that the sheriff is improperly exercising or acting outside the sheriff's authority, such as gross deviation ethical behavior or engaging in criminal conduct" is inherently suspect. In other words, the amendment creates something of a red herring: it expands the reasons why county commissioners may file a complaint with a Governor, but not the reasons why a Governor might actually act on the complaint and/or remove a sheriff from office.

In addition, the language creating a mechanism for an immediate suspension of a sheriff impermissibly expands the available processes for the punishment and/or removal of sheriffs, beyond that which the Constitution contemplates. I would also point out that these amendments create a legal quagmire of sorts: the Maine Constitution does not limit who may file a complaint, with the Governor, asking for the removal of a sheriff from office to just county commissioners. Section 441 seems to assume that county commissioners are the exclusive

authority, but there is nothing to support this assumption. Therefore, expanding the statutory reasons why and processes how a sheriff is subject to removal from office, without corresponding amendment of the Maine Constitution, really subjects sheriffs to a potential minefield of complaints.”

Due to counsel’s findings, we can no longer support L.D. 375, however, we endeavor to participate in any future discussions toward this end.

I appreciate the sponsor’s continued efforts, and the distinguished members of this committee for their time and consideration. I am happy to answer any questions you may have.

Sincerely,

Sheriff Troy Morton
President, Maine Sheriffs’ Association