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Judiciary Committee
Government Oversight Committee

Testimony of Senator Lisa Keim before the Joint Standing Committee on State and Local Government

LD 375, “An Act To Create Greater Accountability in the Office of County Sheriff”

March 8, 2021

Good morning Senator Baldacci, Representative Matlack and members of the Joint Standing Committee on State and Local Government. I am Lisa Keim, and I proud to represent the citizens of Senate District 18, which includes Northern Oxford County and two communities in Androscoggin County. I am here today to introduce LD 375, “An Act To Create Greater Accountability in the Office of County Sheriff.”

It is past time that Maine have a system of greater accountability for the important and powerful position of county sheriff. As a county’s leading law enforcement officer and the people’s chosen protector, a county sheriff holds a position of high esteem. This position is also one of significant centralized power in one person, with equal potential for abuse.

Last session, I submitted much the same legislation as this, in response to actions of the former Oxford County Sheriff, much of which took place in 2017, and has since become well documented by the Bangor Daily News. The article is linked in my testimony.
<https://bangordailynews.com/2020/11/30/mainefocus/a-maine-sheriff-resigned-after-sexting-his-officers-the-full-story-is-even-darker/>

Now that the details of that particular case, and others that are equally troubling, have been brought to light, I believe it is imperative to create a process of increased oversight, specifically enabling some course of action that will allow a sheriff to be placed on leave while an investigation into any alleged wrongdoing may be undertaken.

For instance, in the Oxford County case, **while** being investigated the sheriff remained active for more than 40 days, during which time records were destroyed. Though there was strong indication of egregious behavior, with no method of temporary suspension, the sheriff was fully in charge of law enforcement throughout Oxford County, until he himself resigned.

In current procedure, set by the Maine Constitution, a county sheriff may be removed from office: “Whenever the Governor upon complaint, due notice and hearing shall find

that a sheriff is not faithfully or efficiently performing any duty imposed upon the sheriff by law, the Governor may remove such sheriff from office and appoint another sheriff to serve for the remainder of the term for which such removed sheriff was elected.” Article IX, Section 10, Constitution of the State of Maine.

The issue here, is the lack of any intermediary steps when situations arise requiring investigation *prior to* removal. This bill seeks to create that procedure, allowing for a majority of the county commissioners to file a complaint against the sheriff for improper, unethical or criminal behavior, with the Superior Court. And that after a hearing, if the court finds cause, the court may place the sheriff on administrative leave, and forward the matter to the Governor for consideration of removal of the sheriff from office.

In closing, there are a several considerations I would bring to the committee’s attention:

First, it is important to note that, unlike last session, the Sheriff’s Association is in support of this bill and crafted this version. This bill inserts the courts into the removal process, which, I believe, adds an important layer of protection against political influence.

When the Oxford County commissioners brought the sheriff issue to the Governor and Attorney General, there was no assistance from either. I am pleased to allow the committee work through any issues and modify the process as you see best, considering who should be responsible to undertake an investigation and determine administrative leave.

The language of the bill notes that administrative leave is “with pay”. If indeed a sheriff is found to be at fault, should the county be forced to pay salary?

Since a Sheriff is a constitutional office, any additional oversight must be considered in light of the language of the Maine Constitution. I know this will be a serious consideration for this bill.

As the committee considers the pros and cons of a process of administrative leave for Sheriffs, I would urge remembrance that this Constitutionally created office is important to the balance of powers, and it is imperative that the office, and any oversight mechanism, be safeguarded from political manipulations. As an elected official, a sheriff is ultimately accountable to the people.

Thank you for your consideration of this important issue. I am happy to answer any questions you may have.