

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing NO. H-245)
109TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "D" to H.P. 346, L.D. 445, Bill, "AN ACT to Extend Collective Bargaining Rights to Deputy Sheriffs."

Amend the Bill in the title by inserting after the word "Bargaining" the words 'and Other

Further amend the Bill by inserting at the beginning of the first line after the enacting clause the underlined abbreviation and figure 'Sec. 1.'

Further amend the Bill by inserting before the Statement of Fact the following:

'Sec. 2. 30 MRSA §951, as amended by PL 1977, c, 650, §4, is further amended to read:

§951. Deputies; appointments and removal

~~The sheriff may appoint, with the approval of the county commissioners or the~~
^{The} county personnel board, ~~if one has been established under subchapter VII,~~ may appoint full-time or part-time deputies, whose special duties shall be to enforce the criminal laws in the county. ~~If the county commissioners or the county personnel board withhold approval of a proposed deputy sheriff, they shall, within 14 days after the sheriff has submitted the name of the proposed deputy sheriff to them, notify the sheriff in writing of the reasons for their disapproval.~~
All deputies shall be appointed without regard to any political affiliation and solely on the basis of professional qualifications

relating to law enforcement duties or potential for acquiring those qualifications. Professional qualifications shall include actual experience in law enforcement duties, training in criminal justice or law enforcement from an accredited college or university or from the Maine Criminal Justice Academy, or knowledge of the duties, activities and responsibilities of a deputy gained from other experience or training. Examinations and standards for appointments for deputies shall be the same as those used for State Police officers.

Deputies shall be originally appointed for a probationary period of not more than 6 months ~~and thereafter may be appointed or reappointed for a term of 3 years.~~ The sheriff may ~~dismiss,~~ suspend or otherwise discipline a deputy during the term of his appointment only for cause; except that the sheriff may lay off or dismiss deputies, with the approval of the county commissioners or county personnel board, to meet the requirements of budget reductions or governmental reorganizations. In every case of ~~dismissal,~~ suspension or other disciplinary action, at the request of the deputy, the ~~county commissioners or~~ county personnel board, ~~if one has been established under subchapter VII,~~ shall investigate the circumstances and fairness of the action, and, if it finds the charges unwarranted, shall order the reinstatement of the deputy to his former position with no loss of pay, rights or benefits resulting from the ~~dismissal,~~ suspension or disciplinary action. Cause for ~~dismissal,~~ suspension or disciplinary action shall be a just, reasonable, appropriate and substantial reason for the action taken that relates to or affects

the ability, performance of duties, authority or actions of the deputy or to the public's rights or interest.

~~The sheriff shall furnish to the county commissioners in each county the names of the deputies appointed by him from time to time, with the residence and post office address of each.~~

A full-time deputy shall not hold any other municipal, county or state office and may reside outside the county during the term of his appointment only with the permission of the sheriff and county commissioners.

Sec. 3. 30 MRSA §1131, ^{first sentence} as enacted by PL 1977, c. 431, §16, is amended to read:

The county commissioners ~~may~~ shall, after a public hearing, establish a County Personnel Board.

Sec. 4. 30 MRSA §1133, sub-§2, as enacted by PL 1977, c. 431, §16, is amended to read:

2. Appointments. To ~~approve~~ make appointments as authorized under section 951 and Title 34, section 901;

Statement of Fact

This amendment requires counties to establish personnel boards which would have sole appointment power over deputy sheriffs. Standards for appointment of deputies would be similar to those for State Police officers.