

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 796

H. P. 682

House of Representatives, February 11, 1981

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Prescott of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT Relating to Jail Administration.**

Be it enacted by the People of the State of Maine, as follows:

**34 MRSA § 901**, as amended by PL 1977, c. 650, § 8, is repealed and the following enacted in its place:

**§ 901. Custody of jail and prisoners; jail administrator**

The sheriff has the custody and charge of the jail in his county and of all prisoners therein and may keep it himself, in counties with a prisoner capacity of 29 or less and shall appoint a qualified jail administrator who will serve at the pleasure of the sheriff, in counties with a prisoner capacity of 30 or more who shall, when duly appointed, have custody and charge of the jail and of all prisoners therein. The jail administrator shall report directly to the sheriff and shall appoint, with the approval of the sheriff, all subordinate assistants and employees in accordance with applicable rules, regulations or policies of a county personnel board, if one has been established under Title 30, chapter 1, subchapter VII. Subordinate assistants and employees shall be appointed in the same manner and for the same period and shall be dismissed, suspended or disciplined in the same manner that is provided for deputy sheriffs under Title 30, section 951. The professional qualifications of the jail administrator shall, where applicable, require through a combination of training, experience and education, expertise in correctional management, supervision of both prisoners and staff, legal issues

**pertaining to corrections, training methods and budgetary and fiscal management. The professional qualifications required of all subordinate assistants and employees shall emphasize training or experience in or knowledge of corrections or the ability to obtain such knowledge. The pay of the jail administrator where applicable and all subordinate assistants and employees shall be fixed by the county commissioners or county personnel board and paid by their several counties, except where otherwise provided by law. The jail administrator and his subordinate assistants and employees may be deputy sheriffs.**

**Title 30, section 801, shall apply to sick leave and vacation of the full-time employees of the sheriff's department of each county.**

#### STATEMENT OF FACT

This bill will place the jail administrator on the same status as the chief deputy who serves at the pleasure of the sheriff. Jail administrators, like wardens, are under a great deal of stress and this may effect his performance. A person's stamina in times of stress is difficult to detect at time of employment.

The bill provides the sheriff with the same authority to replace the jail administrator as the statutes does the Department of Mental Health and Corrections to relieve a warden who is not performing satisfactorily.