

# MAINE STATE LEGISLATURE

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(New Title)  
New draft of H. P. 1323, L. D. 1523  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1614**

H. P. 1487

House of Representatives, May 18, 1981

Reported by Representative Ridley from the Committee on Local and County Government. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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**AN ACT to Require the County Commissioners to Oversee the Hiring and Dismissal of County Employees.**

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

**Sec. 1.** 18-A MRSA § 1-506, first sentence, as enacted by PL 1979, c. 540, § 1, is amended to read:

Any register of probate in this State may appoint a deputy register of probate for the county, ~~with the approval of the county commissioners~~ subject to the requirements of Title 30, section 64-A.

**Sec. 2.** 30 MRSA § 64-A is enacted to read:

**§ 64-A. Employment and dismissal of county employees**

**1. Employment.** All county officers or department heads shall submit to the county commissioners or the County Personnel Board, if one has been established under subchapter VII, the name of any person the county officer or department head proposes to employ or the names of more than one person from which the county commissioners or personnel board are to select a person for employment. The county commissioners or the County Personnel Board may approve the employment of the person or select a person for employment or, if approval is withheld or a selection is not made, shall, within 14 days after the name or names have been submitted, notify the county officer or department head of the reasons for their disapproval or failure to make a selection.

2. **Qualifications.** All county employees shall be appointed without regard to any political affiliation and solely on the basis of professional qualifications relating to the work to be performed or potential for acquiring those qualifications.

3. **Dismissal, suspension, discipline.** A county officer or department head may dismiss, suspend or otherwise discipline an employee in his department only for cause, except that county employees may be laid off or dismissed, with the approval of the county commissioners or personnel board, to meet the requirements of budget reductions or governmental reorganization. In every case of dismissal, suspension or other disciplinary action, at the request of the employee, the county commissioners or personnel board shall investigate the circumstances and fairness of the action and, if they find the charges unwarranted, shall order the reinstatement of the employee 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 employee or the public's rights or interests.

4. **Application to county commissioners' employees.** Subsections 1 and 3 do not apply to county employees directly employed by the county commissioners, unless a County Personnel Board has been established under subchapter VII.

Sec. 3. 30 MRSA § 651, first sentence is amended to read:

The treasurers of the several counties may appoint deputy treasurers, ~~with the approval of the county commissioners~~ subject to the requirements of section 64-A, for their respective counties.

Sec. 4. 30 MRSA § 951, as last amended by PL 1977, c. 650, § 4, is repealed and the following enacted in its place:

**§ 951. Deputies; appointments and removal**

The sheriff may appoint, subject to the requirements of section 64-A, full-time or part-time deputies, whose special duties shall be to enforce the criminal laws in the county. Professional qualifications for deputies 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.

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 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. 5. 30 MRSA § 1131, 2nd sentence, as enacted by PL 1977, c. 431, § 16, is amended to read:**

The County Personnel Board shall have the duties and powers set forth in section ~~951~~ **64-A** and this subchapter ~~and Title 34, section 901~~

**Sec. 6. 30 MRSA § 1133, sub-§ 2, as enacted by PL 1977, c. 431, § 16, is amended to read:**

**2. Appointments.** To approve appointments as authorized under section ~~951~~ **64-A** and ~~Title 34, section 901~~

**Sec. 7. 30 MRSA § 1133, sub-§ 3, as enacted by PL 1977, c. 431, § 16, is amended to read:**

**3. Dismissals, suspensions or disciplinary actions.** To investigate and make orders in cases of dismissal, suspension or other disciplinary action as authorized under section ~~951~~ **64-A** and ~~Title 34, section 901~~

**Sec. 8. 33 MRSA § 605, first sentence, as repealed and replaced by PL 1977, c. 67, § 9, is amended to read:**

Each register may appoint a deputy register of deeds ~~with the approval of the county commissioners~~ **subject to the requirements of Title 30, section 64-A**; the deputy register shall be sworn.

**Sec. 9. 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; jailer**

The sheriff has the custody and charge of the jail in his county and of all prisoners therein and shall keep it himself, or by his deputy as jailer, master or keeper. The jailer, master or keeper shall appoint, subject to the requirements of Title 30, section 64-A, all subordinate assistants and employees. Subordinate assistants and employees shall be appointed for the same period that is provided for deputy sheriffs under Title 30, section 951. The professional qualifications required of them shall emphasize training or experience in or knowledge of corrections. The pay of the jailer, master or keeper and all subordinate assistants and employees shall be fixed by the county commissioners and paid by their several counties, except when otherwise provided by law. The jailer and his subordinate assistants and employees may be deputy sheriffs.

**STATEMENT OF FACT**

This new draft involves the county commissioners or personnel board in overseeing the appointment and discipline or dismissal of all county employees,

including deputy county officers. County employees directly employed by the county commissioners will not be covered by these provisions for review, unless a County Personnel Board has been established. Current law provides for this oversight of the employment of sheriff's deputies and jail employees. The new draft takes the language from the sheriff's statutes describing the county commissioner or personnel board's review of appointments and discipline or dismissals and places it in a general section covering all county employees.