

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 801

6  
7 S.P. 312

In Senate, February 28, 1985

8 Referred to the Committee on Local and County Government. Sent down  
9 for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Tuttle of York.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Amend the Law Relating to Deputy  
18 Sheriffs, Appointments and Removal.  
19

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

22 30 MRSA, §951, as repealed and replaced by PL  
23 1981, c. 394, §4, is amended to read:

24 §951. Deputies; appointments and removal

25 The sheriff may appoint, subject to the require-  
26 ments of section 64-A, full-time or part-time depu-  
27 ties, whose special duties shall be to enforce the  
28 criminal laws in the county. Professional qualifica-  
29 tions for deputies shall include actual experience in  
30 law enforcement duties, training in criminal justice  
31 or law enforcement from an accredited college or uni-  
32 versity or from the Maine Criminal Justice Academy,  
33 or knowledge of the duties, activities and responsi-  
34 bilities of a deputy gained from other experience or  
35 training. All persons empowered by a county to ser-

1 vice criminal process and to arrest and prosecute of-  
2 fenders of the law, as well as all persons employed  
3 by the county whose duties include the control, cus-  
4 tody and care of individuals detained or sentenced to  
5 county detention or correctional facilities or other  
6 security responsibilities pertaining thereto, shall  
7 be appointed as deputies pursuant to this section.

8       Deputies shall be originally appointed for a pro-  
9 bationary period of not more than 6 months and there-  
10 after may be appointed or reappointed for a term of 3  
11 years, except as otherwise provided in this section  
12 for public employees. A deputy who is or becomes a  
13 public employee, as defined in Title 26, section 962,  
14 shall be appointed or reappointed by the sheriff for  
15 a term of 3 years, provided that the employee is cov-  
16 ered by a collective bargaining agreement or is  
17 represented by an exclusive bargaining agent certi-  
18 fied pursuant to Title 26, section 967, except for  
19 just cause shown for the denial of appointment or re-  
20 appointment. In such a case, the county commissioners  
21 or county personnel board, if one has been estab-  
22 lished under subchapter VII, shall approve appoint-  
23 ment or reappointment, except for just cause shown  
24 for denial of appointment or reappointment, the deci-  
25 sion to be made on or before the expiration date of  
26 the employee's current term of appointment.

27       In the event that the sheriff chooses not to ap-  
28 point or reappoint a public employee as deputy at  
29 least 90 days prior to the expiration date of the  
30 employee's current term of appointment, he shall fur-  
31 nish in writing to the affected employee and the  
32 county commissioners or county personnel board, if  
33 one has been established under subchapter VII, the  
34 name of the employee, the decision not to reappoint  
35 and the reasons alleged as just cause for the denial  
36 of reappointment. The county commissioners or person-  
37 nel board shall approve the denial of appointment or  
38 reappointment only upon a finding of just cause, oth-  
39 erwise, the commissioner or personnel board shall or-  
40 der appointment or reappointment. This decision, to-  
41 gether with the reasons for the decision, shall be  
42 rendered and furnished in writing to the affected em-  
43 ployee at least 60 days prior to the expiration date  
44 of the employee's current term of appointment.

1           The affected employee may challenge the written  
2           decision through the grievance procedure of his col-  
3           lective bargaining agreement and has all rights and  
4           remedies provided by Title 26, chapter 9-A.

5           The sheriff shall furnish to the county commis-  
6           sioners in each county the names of the deputies ap-  
7           pointed by him from time to time, with the residence  
8           and post office address of each.

9           A full-time deputy shall not hold any other mu-  
10          nicipal, county or state office, and may reside out-  
11          side the county during the term of his appointment  
12          only with the permission of the sheriff and county  
13          commissioners.

14    STATEMENT OF FACT

15          The purpose of this bill is to amend the law re-  
16          lating to deputies, appointments and removal.

17    1847011085