

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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**Legislative Document**

**No. 953**

S.P. 304

March 1, 2007

### **An Act To Provide for Nonpartisan Elections for Sheriffs**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator COURTNEY of York.

Cosponsored by Senator: McCORMICK of Kennebec, Representative: DUPREY of Hampden.

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

2 **Sec. 1. 21-A MRSA §331, sub-§2, ¶B,** as enacted by PL 1985, c. 161, §6, is  
3 amended to read:

4 B. Nominations to fill vacancies under subchapter ~~HH~~ 3; ~~and~~

5 **Sec. 2. 21-A MRSA §331, sub-§2, ¶C,** as enacted by PL 1985, c. 161, §6, is  
6 amended to read:

7 C. Nominations by petition under subchapter ~~H~~ 2; ~~and~~

8 **Sec. 3. 21-A MRSA §331, sub-§2, ¶D** is enacted to read:

9 D. Nominations for sheriff.

10 **Sec. 4. 21-A MRSA §351, sub-§2,** as enacted by PL 1985, c. 161, §6, is amended  
11 to read:

12 **2. Limited to one method.** A person may file as a candidate for any federal, state or  
13 county office either by primary election or nomination petition, except as provided in  
14 ~~subsection~~ subsections 3 and 4, but not by both methods.

15 **Sec. 5. 21-A MRSA §351, sub-§4** is enacted to read:

16 4. Sheriff. A candidate for the office of sheriff must file as a candidate by petition  
17 and may not file as a candidate by primary election. A candidate for sheriff may not file  
18 with a party affiliation.

19 **Sec. 6. 30-A MRSA §371-B, sub-§1,** as repealed and replaced by PL 1997, c.  
20 562, Pt. D, §6 and affected by §11, is amended to read:

21 **1. Manner of election or appointment.** Sheriffs are elected or appointed and hold  
22 their offices according to the Constitution of Maine. Their election must be conducted  
23 and determined as is provided for county commissioners except that a candidate for the  
24 office of sheriff must file as a candidate by petition and may not file as a candidate by  
25 primary election. Sheriffs take office on the first day of January following their election.

26 **Sec. 7. 30-A MRSA §371-B, sub-§2,** as repealed and replaced by PL 1997, c.  
27 562, Pt. D, §6 and affected by §11, is amended to read:

28 **2. Filling vacancies.** Vacancies in the office of sheriff caused by death, resignation,  
29 removal from the county, permanent incapacity or any other reason must be filled as  
30 provided in the Constitution of Maine. ~~In the case of a vacancy in the term of a sheriff~~  
31 ~~who was nominated by primary election before the general election the sheriff appointed~~  
32 ~~by the Governor to fill the vacancy until a successor is chosen at election must be~~  
33 ~~enrolled in the same political party as the sheriff whose term is vacant. In making the~~  
34 ~~appointment, the Governor shall choose from any recommendations submitted to the~~  
35 ~~Governor by the county committee of the political party from which the appointment is~~  
36 ~~made.~~

**SUMMARY**

1

2       This bill allows for sheriffs to be elected on a nonpartisan basis. A candidate for  
3 sheriff would not be allowed to file as a candidate during the primaries.