

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 701

H.P. 531

House of Representatives, February 23, 2011

An Act To Amend Certain Laws Governing County Sheriffs

Received by the Clerk of the House on February 18, 2011. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative DION of Portland.

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

Sec. 1. 30-A MRSA §373, sub-§3 is enacted to read:

3. Salary; procedures. The board of county commissioners of each county, through the county budget process, shall set the base salary for the county sheriff.

A. The salary for the county sheriff must be set prior to the election of a new county sheriff by the board of county commissioners by final budget approval prior to the first date that applicants may file with the Secretary of State for the office of county sheriff.

B. The salary of the county sheriff may not be reduced during the sheriff's term other than upon complaint of malfeasance, misfeasance, neglect, gross negligence or failure to maintain certification with the Maine Criminal Justice Academy by the board of county commissioners to the Office of the Governor.

C. The county sheriff may be paid at such intervals as determined by the board of county commissioners but may not be paid less than once a month.

Sec. 2. 30-A MRSA §373, sub-§4 is enacted to read:

4. Salary; appeal. If dissatisfied with the salary set by the board of county commissioners, the county sheriff may appeal to the Superior Court on the grounds that the determination of the board of county commissioners in setting the salary was arbitrary or capricious.

Sec. 3. 30-A MRSA §374, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§374. County sheriff to be full time

The office of county sheriff is a full-time office in each county. The duties of the county sheriff include law enforcement, jail administration and court services and are incidental and irregular, requiring a nonstandard work schedule.

SUMMARY

This bill describes the procedures that a board of county commissioners must use to determine the salary of the county sheriff. The bill establishes a procedure by which the county sheriff, if dissatisfied with the salary set by the board of county commissioners, may appeal that decision. The bill also describes the duties of the county sheriff.