

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 375

S.P. 163

In Senate, February 10, 2021

An Act To Create Greater Accountability in the Office of County Sheriff

Received by the Secretary of the Senate on February 8, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.
Cosponsored by Representative EVANGELOS of Friendship and
Senators: BALDACCI of Penobscot, CYRWAY of Kennebec, DAVIS of Piscataquis.

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

2 **Sec. 1. 30-A MRSA §441**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106
3 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the
4 following enacted in its place:

5 **§441. Removal of sheriff**

6 **1. Complaint by county commissioners.** Whenever the county commissioners find
7 that the sheriff is not faithfully or efficiently performing any duty imposed by this chapter
8 or that the sheriff is improperly exercising or acting outside the sheriff's authority, such as
9 gross deviation in ethical behavior or engaging in criminal conduct, the commissioners may
10 file a complaint with the Governor describing in detail the facts of those actions or
11 omissions and requesting that the Governor remove the sheriff from office and appoint
12 another sheriff in that office for the remainder of the term.

13 **2. Requirements of complaint; filing.** The complaint filed under subsection 1 must
14 name the accused sheriff, state the charges against the sheriff and be signed by a majority
15 of the county commissioners. The complaint must be filed with the Superior Court of the
16 county in which the sheriff serves, and notice must be given to the sheriff.

17 **3. Court procedures.** Upon receipt of the complaint, the Superior Court shall
18 schedule a hearing in which the county commissioners shall present their case to the court
19 supported by one or more affidavits and any other evidence. The sheriff may rebut the
20 allegations and provide one or more affidavits and other evidence in defense against the
21 complaint. If the court finds sufficient cause, the court shall forward the matter to the
22 Governor for review and may place the sheriff on administrative leave with pay. If the
23 court determines the matter requires more investigation, the court may refer the matter to
24 the Attorney General with instructions to report back to the court or to forward the results
25 of the investigation to the Governor.

26 **SUMMARY**

27 This bill creates procedures for a majority of the county commissioners of a county to
28 file a complaint with the Superior Court in the county to remove the sheriff for improper,
29 unethical or criminal behavior. After a hearing in which evidence may be presented by
30 both sides, if the court finds cause, the court is required to forward the matter to the
31 Governor for consideration of removal of the sheriff from office and may place the sheriff
32 on administrative leave with pay. If the court determines the matter requires more
33 investigation, the court may refer the matter to the Attorney General with instructions to
34 report back to the court or to forward the results of the investigation to the Governor.