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.

Presented by Senator KEIM of Oxford.
Cosponsored by Representative EVANGELOS of Friendship and Senators: BALDACCI of Penobscot, CYRWAY of Kennebec, DAVIS of Piscataquis.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §441, 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 C, §§8 and 10, is repealed and the following enacted in its place:

§441. Removal of sheriff

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

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

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

SUMMARY

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