

STATE OF MAINE
SECRETARY OF STATE

In re: Challenge of Eric Samsom to
Nomination Petition of Kevin Nichols,
Nonparty Candidate for Sheriff,
Androscoggin County

Agency Docket No. SOS-26-003

FINAL DECISION

After review of the Recommended Decision of Presiding Officer Julie Flynn, issued June 8, 2026, and appended hereto, I hereby accept the Recommended Decision and adopt it as the final decision in this matter.

June 10, 2026


Shenna Bellows
Secretary of State

NOTICE OF APPEAL RIGHTS

The challenger or candidate may appeal this decision to the Maine Supreme Judicial Court, sitting as the Law Court, by filing with this Office a Notice of Appeal and a docketing fee of \$175 within 3 business days of the date of this decision, pursuant to 21-A MRSA section 356, subsection 2, paragraph E.

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RECOMMENDED DECISION

On June 3, 2026, a hearing was held under 21-A M.R.S.A. § 356 on a challenge by Eric Samson to the candidate consent form of Kevin Nichols as a nonparty candidate for Androscoggin County Sheriff. For the reasons set forth below, I conclude that Candidate Nichols's nomination petition and consent are invalid.

Procedural History

On May 12, 2026, Eric Samson, a registered voter in Androscoggin County and current Sheriff of Androscoggin County, filed a challenge to the candidate consent form submitted by Kevin Nichols. Mr. Samson alleged that Candidate Nichols was not qualified to hold the office of Sheriff because he did not possess two years of law enforcement and/or corrections supervision employment experience as required by 30-A M.R.S.A. § 371-B(3)(E).

On May 22, 2026, the Department of Secretary of State issued a notice of hearing to Candidate Nichols and Mr. Samson, scheduling an adjudicatory hearing for 9:30 AM on Wednesday, June 3, 2026, in Augusta. In addition, the notice of hearing indicated that I had been designated as the presiding officer for the hearing.

The hearing was held as scheduled on June 3, 2026. At the start of the hearing, the following exhibits were incorporated into the agency record:

- Candidate Nichols's candidate petition (SOS Ex. A);
- Candidate Nichols's candidate consent form and attachments (SOS Ex. B);
- the written challenge filed by Mr. Samson, dated May 12, 2026 (SOS Ex. C);

- the Notice of Hearing emailed to parties on May 22, 2026 (SOS Ex. D).

At hearing, Mr. Samson called the following witnesses:

Lane Feldman, Jail Administrator, Androscoggin County Sheriff's Office;
 Martin Fournier, Communications Director, Androscoggin County Sheriff's Office;
 William Gagne, Chief Deputy, Androscoggin County Sheriff's Office;
 Maurice Drouin, Detective Sergeant, Androscoggin County Sheriff's Office;
 Eric Samson, Challenger and Sheriff of Androscoggin County.

Candidate Nichols called the following witnesses:

Lisa Webster, former Senior Field Training Officer, Androscoggin County Sheriff's Office;
 Nicholas Gagnon, former Mechanic Falls Police Department officer;
 Donald Oliver, Androscoggin County Sheriff's Office.

In addition, the following exhibits were admitted into evidence:

Samson Exhibits

1. Mr. Nichols's Employment File, Androscoggin County Sheriff's Office
2. Mr. Nichols's Maine Criminal Justice Academy Records
3. ACSO Organizational Chart (over objection)
4. Non-Party Consent and Certification filed by Mr. Nichols
5. Letter from Maine Criminal Justice Academy to Mr. Nichols, dated March 13, 2026

Nichols Exhibit

1. Letter from Maine Criminal Justice Academy, enclosing a Maine Criminal Justice Academy manual for "Field Training Officer," together with a one-page excerpt from that manual, titled "Personal Attributes of the FTO." (over objection).

Prior to the start of testimony, Candidate Nichols raised a question concerning whether Mr. Samson's legal counsel might have a conflict of interest that should preclude her from participating in the hearing. Specifically, Mr. Nichols questioned whether counsel had been appointed to the Androscoggin County Jail Board of Visitors by Mr. Samson. Counsel clarified that while she had served on the Board, she was not nominated by Mr. Samson and, in any event, was not currently serving on that Board. Even absent those clarifications, it was unclear how counsel's service on the Board could amount to a disqualifying conflict of interest in

representing Mr. Samson. I therefore ruled that, to the extent Mr. Nichols was making a motion to disqualify counsel, it was denied.

Also, during the course of the hearing, it came to light that Candidate Nichols made a request for subpoenas that was inadvertently overlooked by the agency and not acted upon. Once the issue came to light, my counsel asked Mr. Nichols if he wished to request a continuance of the hearing to the following week so that the subpoena requests could be reviewed and subpoenas issued if appropriate. Mr. Nichols declined to make such a request, indicating that, while he would have called one additional witness had subpoenas issued (the former chief of the Mechanic Falls police department, Jeffrey Goss), he preferred for the hearing to conclude that day.

Following the close of evidence, each party was permitted to make a closing statement.

Legal Requirements

To qualify for the ballot in a primary election, a candidate must file a candidate consent form that, among other things, contains a sworn statement that the candidate meets the qualifications of the office the candidate seeks. 21-A M.R.S.A. § 355. If, upon a challenge under 21-A M.R.S.A. § 356(2), “any part of the declaration” by the candidate “is found to be false by the Secretary of State, the consent and the primary petition are void.” *Id.* § 355(3). In such challenges, the challenger bears the burden of proof. 21-A M.R.S. § 356(2)(B).

The statute setting forth qualifications for the office of Sheriff includes the following requirements:

3. Minimum qualifications for officers. A person may not be appointed to the office of sheriff, be a candidate for election to the office of sheriff or serve as sheriff of any county in the State unless the candidate meets the following qualifications:

A. The candidate swears to or affirms the Law Enforcement Code of Ethics;

- B. The candidate has never been convicted of a Class C or higher crime;
- C. The candidate applies to the Secretary of State for a criminal background investigation;
- D. The candidate submits written certification from the Maine Criminal Justice Academy that the candidate:
- (1) Is currently certified as a law enforcement officer and has met the basic law enforcement training standards under Title 25, section 2804-C; or
 - (3) Was previously certified as a law enforcement officer and agrees to meet the basic law enforcement training standards under Title 25, section 2804-C within one year of taking office; and
- E. The candidate swears to or affirms that the candidate has at least 2 years of supervisory employment experience in law enforcement or corrections or a combination of both and submits the name, address and telephone number for the relevant employer or employers.

30-A M.R.S.A. § 371-B(3).

Proposed Findings of Fact

Based on the testimony and evidence submitted, I recommend that the Secretary make the following findings of fact:

Mr. Nichols's Employment as a Corrections Officer and Transport Deputy with the Androscoggin County Sheriff's Office.

1. Mr. Nichols was employed as a Transport Deputy and Corrections Officer at the Androscoggin County Jail for the Androscoggin County Sheriff's Office (ACSO) between 1999 and 2006. (Samson Ex. 1 at 11, 18)
2. Mr. Nichols was again employed as a Corrections Officer for the ACSO from 2009 to 2010 (Samson Ex. 1 at 18)
3. Transport Deputy was at the bottom of the chain of command and was not a supervisory position. (Fournier Testimony; Samson Ex. 3)

4. Corrections Officer was at the bottom of the chain of command and was not a supervisory position. (Feldman Testimony; Samson Ex. 3)

5. As a Transport Deputy, Mr. Nichols was responsible for transporting inmates for court appearances and hospital visits, among other things. (Fournier Testimony)

6. While Mr. Nichols served in this position, he held the role of Field Training Officer (FTO) (Feldman Testimony; Webster Testimony)

7. The role of an FTO was to work with newly hired officers to provide guidance and insight and to make sure those officers do not get hurt, hurt others, or violate constitutional rights of others. (Fournier Testimony)

8. FTOs also evaluated trainees and made recommendations about whether trainees should be retained or terminated, or whether they might need additional training, but those recommendations were nonbinding on agency leadership. (Feldman Testimony; Webster Testimony)

9. The role of FTO had no formal qualifications, did not come with an increase in pay, and did not give the FTO disciplinary or other formal supervisory authority over the trainees. (Feldman Testimony)

10. The role of FTO was on top of the officer's regular duties, and in the Transport Division officers would cycle through the role of FTO to prevent burnout. (Fournier Testimony)

11. The role of FTO would typically constitute 10% or less of the FTO's job responsibilities. (Feldman Testimony; Gagne Testimony)

12. Mr. Nichols also served in the role of Unit Manager at the Androscoggin County Jail. (Feldman Testimony)

13. The role of Unit Manager was not a promotion, did not involve additional pay, was not a formal position or post, and was not a supervisory role over other employees.

(Feldman Testimony; Samson Testimony)

14. The Unit Manager was assigned to a specific floor of the Jail, and was expected to help peers, serve as a support, and report what was happening on the floor that day to supervisors. (Feldman Testimony)

15. The Unit Manager position was meant to free up jail supervisors to attend to other tasks. (Samson Testimony; Olivier Testimony)

16. The Unit Manager could sometimes serve as an acting supervisor when one of the regular supervisors was on vacation or other leave, but such instances were rare. (Feldman Testimony)

17. Unless the Unit Manager was serving as an acting supervisor due to an absence, they could not order staff to take actions. (Samson Testimony; Olivier Testimony)

18. A Unit Manager would be expected to exercise independent judgment to manage an emergency situation until a sergeant or corporal could take charge. (Webster Testimony)

19. The Unit Manager did not set the “Plan of the Day” establishing operational plans for the jail on each given day. (Feldman Testimony)

20. The Unit Manager role was discontinued within a year because management determined that it was not effective. (Feldman Testimony)

Mr. Nichols's Employment as a Detective with the ACSO

21. Mr. Nichols was employed as a Detective at the ACSO from 2012 to 2015.
(Samson Ex. 1 at 5, 9)

22. Mr. Nichols's move to the position of Detective was a lateral transfer from the position of Patrol Officer, not a promotion. (Samson Testimony)

23. The role of Detective was to oversee major investigations and present the results to the District Attorney for potential prosecution. (Gagne Testimony)

24. Detective was at the bottom of the chain of command and was not a supervisory position. (Gagne Testimony; Samson Ex. 3).

25. In the course of conducting an investigation, detectives can ask patrol officers to perform tasks to assist with the investigation but have no authority to discipline those officers. (Gagne Testimony)

26. If a detective concluded that a patrol officer had committed misconduct during an investigation, the detective would be expected to report that misconduct to a supervisor for potential discipline. (Gagne Testimony)

27. Patrol officers are supervised by a Patrol Sergeant, who issues those officers' performance evaluations. (Gagne Testimony)

28. Mr. Nichols received special training in defensive tactics that qualified him to provide training to others at the ACSO. While that qualification could result in him notifying agency leadership that an employee had not satisfied training standards, it would be up to agency leadership to determine what action if any to take in response. (Samson Testimony)

29. Mr. Nichols resigned from the ACSO on July 15, 2015 (Samson Ex. 1 at 1).

30. Mr. Nichols voluntarily surrendered his certificate of eligibility to serve as a law enforcement officer on November 2, 2015, as part of a consent agreement with the Maine Criminal Justice Academy, and that certificate has not since been reinstated. (Samson Ex. 5)

Mr. Nichols's Employment with the Mechanic Falls Police Department

31. Mr. Nichols worked as a patrol officer for the Mechanic Falls Police Department, between 2006 and 2009 (Samson Ex. 1 at 4, 11)

32. Mr. Nichols served as an FTO while employed at the Mechanic Falls Police Department. (Gagnon Testimony)

33. Because Mechanic Falls was a small department, sometimes there was no official supervisor on duty. In such cases, full-time officers would oversee any reserve officers on duty and any full-time pre-academy officers. (Gagnon Testimony)

34. The official supervisors at the Mechanic Falls Police Department were the Chief of Police and either a sergeant or a lieutenant. Patrol officers such as Mr. Nichols served under these supervisors. (Gagnon Testimony)

35. Mr. Nichols did not provide any information concerning his employment with the Mechanic Falls Police Department on his candidate consent form and attachments. (SOS Ex. B)

Legal Analysis

I. Samson met his burden to establish that Candidate Nichols lacks the required supervisory employment experience.

To qualify as a candidate for the office of Sheriff, a candidate must, among other requirements, “swear[] to or affirm[] that the candidate has at least 2 years of supervisory employment experience in law enforcement or corrections or a combination of both and submit[] the name, address and telephone number for the relevant employer or employers.” 21-A M.R.S.A. § 371-B.

The evidence at hearing established that Mr. Nicholas held positions, such as Detective and Transport Deputy, in which he oversaw matters like criminal investigations and the transportation of inmates. The evidence at hearing also established Mr. Nichols had an

uncompensated role as a Unit Manager for a period of less than a year in which he had responsibilities on a floor of the Androscoggin County Jail that required him to exercise independent judgment. And, finally, the evidence at hearing established that Mr. Nichols served as an FTO, in which he did engage in some oversight of newly hired officers, specifically by assessing those trainees' performance and issuing formal recommendations to agency leadership concerning whether the trainees should be terminated, assigned additional training, or kept on as full time staff. The legal question before me is whether any of these responsibilities amount to "supervisory employment experience in law enforcement or corrections" within the meaning of the statute. 21-A M.R.S.A. § 371-B(3)(E).

The Secretary of State's recent decision in another challenge to a sheriff candidacy provides a partial answer to this question. In the hearing held in *In re: Challenge of Brian Pellerin and Heidi Sampson to Nomination Petition of David G. Corbett* (Apr. 3, 2026),¹ the candidate made similar arguments to those of Mr. Nichols that experience supervising "particular situations, such as the transfer of a prisoner," was sufficient to satisfy the statutory qualification. *Id.* at 6 n.1. The Presiding Officer in that matter was not persuaded, observing:

A sheriff is responsible for managing an entire law enforcement agency with many employees. The qualification is plainly meant to ensure that individuals assuming the office of Sheriff have some pre-existing experience in managing personnel.

Id. Under this reasoning, which was adopted by the Secretary in her final decision, Mr. Nichols's arguments that his positions required supervision of criminal investigations, transport of inmates, a floor of the Androscoggin County Jail, or teaching a specialized training course are not "supervisory employment experience." While these tasks may be "supervisory" in some

¹ Available at <https://www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/Final%20Decision%20York%20County%20Sheriff%20challenge.pdf>

sense of the word , they do not involve formal supervision specifically of *personnel*, as the statute requires.

Candidate Nichols’s work as an FTO, however, presents a somewhat closer question. Credible testimony made clear that Mr. Nichols’s responsibilities as an FTO included assessing the performance of other employees and making recommendations about whether they should be retained, terminated, or required to undergo additional training. Testimony by the supervisor of the FTO program, Lisa Webster, made clear that she took Mr. Nichols’s recommendations very seriously, and would follow them in most if not all cases.

But while the FTO’s role is closer to that of a typical supervisor of personnel, I ultimately conclude it is insufficient to place Mr. Nichols within the category of having “supervisory employment experience.”

The text of the statute—specifically the use of the term “employment” between “supervisory” and “experience” indicates that the Legislature meant to require the candidate to have been formally employed in a position that required supervision of subordinate employees as part of the position’s responsibilities. In construing the statute, “[a]ll words in a statute are to be given meaning, and no words are to be treated as surplusage if they can be reasonably construed.” *Waterman v. Wheeler*, 2025 ME 96, ¶ 4, 347 A.3d 1028 (quoting *Cent. Me. Power Co. v. Devereux Marine, Inc.*, 2013 ME 37, ¶ 8, 68 A.3d 1262). If the Legislature wished to allow candidates to qualify by demonstrating that they engaged in supervisory tasks while employed in a non-supervisory position, it would have simply required the candidate to have “supervisory experience,” rather than “supervisory *employment* experience.” 30-A M.R.S.A. § 371-B(3)(E) (emphasis added). Giving meaning to “employment” requires me to evaluate

whether Mr. Nichol's *positions* were supervisory in nature, not whether he exercised some de facto oversight over employees during his career.

In conducting this analysis, the organization chart admitted as Samson Exhibit 3 is illuminating. In all three of the positions Mr. Nichols held, he was at the bottom of the chain of command. In each position, Mr. Nichols had multiple levels of supervisory positions above him and no subordinate positions below him. This chart was corroborated by multiple witnesses who confirmed that the positions of Corrections Officer, Transport Deputy, and Detective, did not come with the responsibility of supervising subordinate employees. Moreover, the testimony also confirmed that the FTO roles that Mr. Nichols held were not distinct positions but merely added responsibilities within Mr. Nichols's existing positions. These assignments required him to observe and evaluate his newer peer employees but did not promote him into a position in which those peer employees became his subordinates. Mr. Nichols never became, for example a "Senior Admission/Release Corporal" (the immediate supervisor of the transport deputies) or an "Assistant Shift Supervisor" (the immediate supervisor of the corrections officers). *See* Samson Ex. 3. He also was never promoted to a supervisory rank such as Sergeant, Corporal, or Lieutenant, that would have given him command authority over lower ranking personnel.

My interpretation of "supervisory employment experience" as requiring the candidate to have held a position requiring formal oversight of subordinate employees creates an objective test that allows for consistent and uniform application across candidacies. If candidates who never held such formal supervisory positions could nevertheless seek to meet the statutory qualifications simply by pointing to informal leadership roles within the agency, there would be a greater risk of uneven and inconsistent enforcement, as qualification would turn to a much greater degree on subjective judgment of factfinders in challenge proceedings. A test that

focuses on the nature of the positions held, rather than the actual job conduct of the candidate, will thus provide clarity to both prospective candidates and voters who might be considering challenges to a candidacy.

Even if the statute permitted me to ignore the non-supervisory nature of Mr. Nichols's positions at the ACSO and consider whether Mr. Nichols's specific conduct within those positions was "supervisory" in nature, I would still conclude that Mr. Nichols did not have two years of supervisory experience. The testimony at hearing made clear that Mr. Nichols's FTO role was, while influential as a practical matter, ultimately advisory in nature. Mr. Nichols's own witnesses readily conceded that Mr. Nichols, acting as an FTO, could not terminate employees or require them to undertake additional training. All he could do is make recommendations to the FTO supervisor and her superiors. While those recommendations may have been accepted in "9 out of 10" or even "10 out of 10" instances, as Ms. Webster testified, that does not change the fact that they were recommendations only. Similarly, while Mr. Nichols may have been able to request in his FTO and other roles that other employees take certain actions, the testimony was clear that he had no power to enforce compliance beyond asking the employees' actual supervisors to take employment action against them.

In support of his claim that his FTO role made his employment "supervisory employment," Mr. Nichols points to an excerpt from a FTO manual provided to him by the Training Coordinator from the Maine Criminal Justice Academy. On the one-page excerpt of the manual Mr. Nichols offered into evidence, the manual states that "[t]he FTO must be both supervisor and instructor." Nichols Ex. 1. As an initial matter, I note that there is some doubt that this FTO manual applied to Mr. Nichols's time as an FTO. The transmitting letter from the MJCA specifically states that the coordinator could not confirm that the manual was the same

one that Mr. Nichols was provided when he attended FTO training in 2002. *Id.* Moreover, Mr. Gagne testified at hearing that the ACSO had developed their own training materials and had not adopted the Maine Criminal Justice Academy training manual. And the fact that Mr. Nichols only offered a single page of the manual into evidence raises some concern that it may be cherry-picked, and that other portions of the manual may be less supportive of Mr. Nichols's claims. Thus, while I overruled Mr. Samson's objection to admitting the record under the relaxed evidentiary standard applicable to this proceeding, *see* 5 M.R.S.A. § 9057(2), I conclude it is entitled to little weight.

In any event, the training manual merely confirms what was also clear from the testimony: the role of FTO involves some degree of oversight of other employees. As Mr. Fournier testified, part of an FTO's responsibility is to make sure that trainees do not get hurt, hurt others, or violate constitutional rights of others. That may be "supervision" in one broad sense of the term. But it is not "supervisory employment." The trainees "supervised" by the FTO are ultimately less-experienced peers of the FTO, not subordinates. The FTO's formal powers are limited to making recommendations about the trainees. For the reasons already discussed that is not "supervisory employment experience" within the meaning of the statute.

II. The Secretary should not consider Mr. Nichols's Mechanic Falls experience and, even if she does, she should still find that the Challenger met his burden.

Mr. Nichols offered the testimony of a former colleague from the Mechanic Falls Police Department to argue that he gained "supervisory employment experience" in that position, even if he did not at the ACSO. Mr. Samson objected to this testimony on grounds that Mr. Nichols did not list the Mechanic Falls Police Department as relevant experience on his Candidate

Consent Form. I reserved judgment on the objection and allowed the testimony on a provisional basis.

The qualification statute requires the candidate to not only swear that they possess the relevant two years of supervisory employment experience, but also “submit[] the name, address and telephone number for the relevant employer or employers” to the Secretary of State. 30-A M.R.S.A. § 371-B(3)(E). The Secretary of State requires that this be done on the candidate consent form, which requires the candidate to swear to the following statement: “I have at least two years of supervisory employment experience in law enforcement or corrections or a combination of both and have submitted the name, address and telephone number for the relevant employer or employers.” SOS Ex. B. The form goes on to instruct: “*Attach a separate sheet providing the name, address and phone number of the employer, or employers, under which you have met this qualification.*” *Id.*

I conclude that under this statutory framework, combined with the Secretary’s authority to specify the form and content of forms that candidates must use, 21-A M.R.S.A. § 21, a candidate may not fail to list a relevant employer on their consent form and then rely on that missing employer to claim in a challenge hearing that they possess the required experience. As Mr. Samson points out, the challenge statute requires me to consider whether “any part of the declaration [submitted by the candidate on the consent form] is . . . false.” 21-A M.R.S.A. § 355(3). Given that the statute expressly requires the declaration to list the “relevant” employer or employers, I interpret the statute as requiring a listing of *all* “relevant” employers on which the candidate is relying in taking the oath that he has the relevant experience. Otherwise, voters wishing to investigate whether the candidate is qualified are deprived of crucial information. I

thus agree with Mr. Samson that the testimony and evidence relating to Mr. Nichols's experience at the Mechanic Falls Police Department should be excluded from consideration.

However, because this is a recommended decision that must be finalized on a very short timeframe, I have also proposed factual findings concerning Mr. Nichols's experience at Mechanic Falls above. These findings establish that, under my interpretation of 30-A M.R.S.A. § 371-B(3)(E) above, that Mr. Nichols's employment at Mechanic Falls was inadequate to establish supervisory employment experience for the same reason as his various positions with the ACSO. The evidence established that Mechanic Falls police department had two supervisory positions: a chief of police and a sergeant or lieutenant. Mr. Nichols served as a patrol officer and thus never served in either of these two supervisory positions.

Conclusion

I conclude that Mr. Samson met his burden under 21-A M.R.S. § 356(2)(B) to provide sufficient evidence to find that Candidate Nichols's candidate consent form was invalid because he lacks the relevant supervisory employment experience required by 30-A M.R.S.A. § 371-B(3)(E). I therefore recommend that the Secretary of State declare that Mr. Nichols's consent and nomination petition are void under 21-A M.R.S.A. § 355(3).

Opportunity to Object

Any party may file an objection to this recommended decision for consideration by the Secretary of State. Objections must be filed by email no later than **Wednesday, June 10, 2026 at 10:00 a.m.**

Dated: June 8, 2026


Julie Flynn
Deputy Secretary of State
Presiding Officer