

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 564

H. P. 459

House of Representatives, February 17, 1977

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Improve Prosecution Services.

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

Sec. 1. 15 MRSA § 708, as last amended by PL 1973, c. 567, § 20, is repealed and the following enacted in its place:

§ 708. Preparation of complaints

The clerk shall, in the absence or unavailability of a complaint justice, prosecuting attorney or any of his assistants, prepare and draft complaints upon the request of any law enforcement officer, except that no complaint shall issue to any person who is not a law enforcement officer or for any homicide or Class A, B or C crime, except upon approval of the district attorney or his designee.

The district attorney or his designee shall, whenever practical, prepare all complaints for homicide and Class A, B and C crimes and for all complainants who are not law enforcement officers. No complaint shall be filed nor process issued until such time as the complainant has made oath to the same before the proper official.

Each district attorney shall establish written guidelines for the approval of issuance of complaints pursuant to this section and in those guidelines may extend the above procedure to Class D and E crimes.

Whenever a complaint is not approved for prosecution by the district attorney or his designee, he shall, if requested, inform the complainant, orally or in writing, of the reasons therefor.

Sec. 2. 30 MRSA § 554-A, sub-§ 1, 2nd ¶, as enacted by PL 1975, c. 411, is amended by adding at the end a new sentence to read:

Notwithstanding any other provision of law, any full-time assistant district attorney designated as a deputy district attorney may receive a salary up to 80% of the salary designated for the district attorney.

Sec. 3. 30 MRSA § 554-A, sub-§ 3, as enacted by PL 1973, c. 567, § 19, is repealed and the following enacted in its place:

3. Assistant district attorneys shall be paid salaries set by the district attorney. Salaries for full-time assistants shall not exceed 70% of the salary designated for the district attorney and for part-time assistants the salary shall not exceed 40% of the salary designated for the district attorney. Salaries for assistant district attorneys shall be on an annual basis and shall be paid in the same manner as is provided for the payment of salaries for district attorneys.

Sec. 4. 30 MRSA § 554-A, sub-§§ 4, 5 and 6, as enacted by PL 1973, c. 567, § 19, are repealed and the following enacted in their place:

4. The several district attorneys shall each be allowed sufficient sums to assure an adequate staff of assistants to screen, process and investigate complaints to assist law enforcement agencies, to conduct trials in the District and Superior Courts, to prosecute appeals in the Supreme Judicial Court and to carry out all other duties and responsibilities.

5. For the compensation of assistant district attorneys, the district attorneys shall be allowed annually sums up to the limit as specified in the following schedule:

Prosecutorial District 1	\$ 60,000;
Prosecutorial District 2	90,000;
Prosecutorial District 3	105,000;
Prosecutorial District 4	75,000;
Prosecutorial District 5	90,000;
Prosecutorial District 6	45,000;
Prosecutorial District 7	45,000;
Prosecutorial District 8	45,000.

Sec. 5. 30 MRSA § 555-A is enacted to read:

§ 555-A. District attorney operations

County commissioners shall allow, to the district attorney serving the county, sufficient funds for all office expense, clerk hire and travel, including, but not limited to, funds for consultation and services of experts, rendition of prisoners, training and reference books and treatises which may aid the district attorney and his staff in prosecution of criminal matters.

The county commissioners shall also provide, to the district attorney serving the county, office space suitable for the performance of his duties, including sufficient private area for research, conferences and meetings with officers, witnesses, complainants and citizens and for lack thereof upon county

property shall provide sufficient funds for rental or lease of suitable quarters at locations convenient to courthouses within the county.

Sec. 6. Appropriation. There is appropriated to the Office of the Attorney General the sum of \$555,000 for the payment of district attorney salaries. The breakdown shall be as follows:

1977-78

ATTORNEY GENERAL, DEPARTMENT OF

Personal Services

\$555,000

STATEMENT OF FACT

The present statewide appropriation for assistant district attorneys is \$270,000. Since the enactment of the full-time district attorney system, substantial changes have been made in court schedules, including more frequent Superior Court sessions which require more prosecutorial time. In 2 years of operating under the full-time system demands upon prosecutors have increased greatly. The new criminal code has added to the workload of the prosecutor as has the new traffic code. The turn over rate among assistant prosecutors is such that experienced prosecutors cannot be retained due to inadequate salaries and salary scales which offer them some hope of advancement. At least 6 of the present prosecution offices are operating and maintaining their present level of services with the direct or indirect assistance of federal grants or other outside means.