

# MAINE STATE LEGISLATURE

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L.D. 374

Date: 2/5/24

(Filing No. S-496)

**JUDICIARY**

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**STATE OF MAINE**

**SENATE**

**132ND LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 166, L.D. 374, "An Act to Provide Comparable Compensation and Benefits for Deputy and Assistant District Attorneys, Assistant Attorneys General and Public Defenders"

Amend the bill by striking out the title and substituting the following:

**'Resolve, to Establish the Commission to Make Recommendations for Equity in the Compensation of Prosecutors and Public Defenders in the State'**

Amend the bill by striking out everything after the title and inserting the following:

**'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and**

**Whereas, prosecutors and public defenders fill vital roles in the State's criminal justice system, ensuring not only public safety within our communities but also the preservation of the fundamental rights of the accused; and**

**Whereas, in recent years, the State has invested in developing a public defender system to address the constitutional crisis created by the limited availability of counsel to represent indigent defendants in criminal proceedings in the State; and**

**Whereas, it is essential to ensure equity in the compensation and benefits afforded to assistant district attorneys, assistant attorneys general and assistant public defenders to address and prevent recruitment and retention difficulties that exacerbate delays in the criminal justice system; and**

**Whereas, this legislation establishes a commission tasked with studying the compensation packages and benefits of prosecutors and public defenders and developing recommendations to ensure equity in compensation and benefits; and**

**Whereas, the study must be initiated before the 90-day period expires so that sufficient time is available for a thorough study of these issues and the preparation of a report for submission to the next Legislature; and**

**COMMITTEE AMENDMENT**

1           **Whereas**, in the judgment of the Legislature, these facts create an emergency within  
2 the meaning of the Constitution of Maine and require the following legislation as  
3 immediately necessary for the preservation of the public peace, health and safety; now,  
4 therefore, be it

5           **Sec. 1. Commission established. Resolved:** That the Commission to Make  
6 Recommendations for Equity in the Compensation of Prosecutors and Public Defenders in  
7 the State, referred to in this resolve as "the commission," is established.

8           **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule  
9 353, the commission consists of 11 members appointed or designated as follows:

10           1. Two members of the Senate appointed by the President of the Senate, including one  
11 member of the party holding the largest number of seats in the Legislature and one member  
12 of the party holding the 2nd largest number of seats in the Legislature;

13           2. Two members of the House of Representatives appointed by the Speaker of the  
14 House of Representatives, including one member of the party holding the largest number  
15 of seats in the Legislature and one member of the party holding the 2nd largest number of  
16 seats in the Legislature;

17           3. One member who is a representative of the Maine Prosecutors' Association,  
18 appointed by the President of the Senate;

19           4. One member who is employed by a law school in the State and who has experience  
20 in career placement for law students, appointed by the President of the Senate;

21           5. One member who is a licensed attorney whose legal practice includes work as  
22 assigned counsel for the Maine Commission on Public Defense Services, appointed by the  
23 Speaker of the House of Representatives;

24           6. Two members from the Office of the Attorney General, at least one of whom has  
25 expertise in the compensation and benefits provided to assistant attorneys general and  
26 deputy attorneys general, designated by the Attorney General; and

27           7. Two members who are employees of or who provide services to the Maine  
28 Commission on Public Defense Services, at least one of whom has expertise in the  
29 compensation and benefits provided to assistant district attorneys, deputy district attorneys  
30 and district public defenders, designated by the executive director of the Maine  
31 Commission on Public Defense Services.

32           **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair  
33 and the first-named House of Representatives member is the House chair of the  
34 commission. The Speaker of the House and the President of the Senate shall confer to  
35 ensure that one chair is a member of the party holding the largest number of seats in the  
36 Legislature and the other chair is a member of the party holding the 2nd largest number of  
37 seats in the Legislature.

38           **Sec. 4. Appointments; convening of commission. Resolved:** That all  
39 appointments must be made no later than 30 days following the effective date of this  
40 resolve. The appointing authorities shall notify the Executive Director of the Legislative  
41 Council once all appointments have been completed. After appointment of all members,  
42 the chairs shall call and convene the first meeting of the commission. If 30 days or more  
43 after the effective date of this resolve a majority of but not all appointments have been

1 made, the chairs may request authority and the Legislative Council may grant authority for  
2 the commission to meet and conduct its business.

3 **Sec. 5. Duties. Resolved:** That the commission shall gather and examine  
4 information regarding the compensation packages and benefits available to both new and  
5 experienced attorneys who serve as prosecutors in the Office of the Attorney General,  
6 prosecutors in district attorneys' offices across the State and public defenders employed by  
7 the Maine Commission on Public Defense Services. The commission shall further examine  
8 other benefits available to prosecutors and public defenders that may assist with  
9 recruitment and retention of qualified individuals for these positions, including eligibility  
10 for loan forgiveness, collective bargaining and other employment benefits.

11 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide  
12 necessary staffing services to the commission, except that Legislative Council staff support  
13 is not authorized when the Legislature is in regular or special session.

14 **Sec. 7. Report. Resolved:** That, no later than November 4, 2026, the commission  
15 shall submit a report to the Joint Standing Committee on Judiciary that includes the  
16 commission's findings and recommendations, including any suggested legislation, for  
17 ensuring equity in the compensation and benefits of prosecutors and public defenders in  
18 the State. The joint standing committee of the Legislature having jurisdiction over judiciary  
19 matters is authorized to report out legislation related to the report to the 133rd Legislature  
20 in 2027.

21 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
22 takes effect when approved.'

23 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
24 number to read consecutively.

25 **SUMMARY**

26 This amendment replaces the bill with a resolve. The amendment establishes the  
27 Commission to Make Recommendations for Equity in the Compensation of Prosecutors  
28 and Public Defenders in the State. The amendment directs the commission to examine the  
29 compensation and benefits packages available to prosecutors within the Office of the  
30 Attorney General and district attorneys' offices across the State and to public defenders  
31 employed by the Maine Commission on Public Defense Services. It directs the commission  
32 to submit a report by November 4, 2026 to the Joint Standing Committee on Judiciary that  
33 includes the commission's findings and recommendations, including any suggested  
34 legislation, for ensuring equity in the compensation and benefits of prosecutors and public  
35 defenders in the State. The joint standing committee of the Legislature having jurisdiction  
36 over judiciary matters is authorized to report out legislation related to the report to the 133rd  
37 Legislature in 2027.

38 The amendment also adds an emergency preamble and emergency clause.

39 **FISCAL NOTE REQUIRED**

40 (See attached)



# 132nd MAINE LEGISLATURE

LD 374

LR 367(02)

**An Act to Provide Comparable Compensation and Benefits for Deputy and Assistant District Attorneys, Assistant Attorneys General and Public Defenders**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-496)**  
**Committee: Judiciary**  
**Fiscal Note Required: Yes**

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## Fiscal Note

### Legislative Cost/Study

#### Legislative Cost/Study

The general operating expenses of this study are projected to be \$1,400 in fiscal year 2025-26 and \$1,650 in fiscal year 2026-27. The Legislature's budget for the 2026-2027 biennium includes \$7,253 in fiscal year 2025-26 and \$17,696 in fiscal year 2026-27 for the costs of legislative studies, as well as \$41,338 of balances carried over from prior fiscal years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

#### Fiscal Detail and Notes

Any additional costs to the Office of the Attorney General and the Commission on Public Defense to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.