

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)

(EMERGENCY)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 81

H. P. 58

House of Representatives, January 9, 1963

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Wellman of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Creating a Second Assistant County Attorney for Penobscot County.

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

Whereas, the pressing number and quantity of criminal cases in the Superior Court and many inferior courts of Penobscot County make it impossible for the county attorney of Penobscot County and his one assistant to handle same properly for the protection of the public; and

Whereas, it is vitally necessary to provide for a second assistant county attorney of Penobscot County to safeguard and protect the safety and well-being of the inhabitants of Penobscot County; and

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

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

Sec. 1. R. S., c. 89, § 125, amended. Section 125 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 125. Assistant county attorneys for Penobscot County; duties; term of office. The county attorney of the County of Penobscot may appoint ~~an assistant~~ **2 assistant county attorneys, one to be known as first assistant county attorney and the other to be known as second assistant county attorney, who shall be a resident residents** of the county and duly admitted to the practice of law in this

State, to be approved by a Justice of the Superior Court resident in said county or by the Chief Justice of the Supreme Judicial Court, and who shall hold ~~his office~~ **their offices** during the term of the county attorney by whom ~~he was~~ **they were** appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court. Said ~~assistant~~ **assistants** shall take the oath prescribed for county attorney and assist the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury and in the preparation and trial of criminal causes. ~~He~~ **They** shall, when directed by the county attorney, act as counsel for the State in the trial of complaints before municipal courts and trial justices.'

Sec. 2. R. S., c. 89, § 254, amended. The 11th paragraph of section 254 of chapter 89 of the Revised Statutes, which relates to Penobscot County, as repealed and replaced by section 7 of chapter 372 of the public laws of 1959 and as amended by section 1 of chapter 390 of the public laws of 1961, is further amended by adding after the salary of the assistant county attorney the following:

'second assistant county attorney, \$4,000;'

Sec. 3. Appropriation. There is appropriated from the General Fund to the Personal Services category of the Attorney General the sum of \$9,200 to carry out the purposes of this act, the breakdown of which shall be as follows:

| | 1962-63 | 1963-64 | 1964-65 |
|-------------------|-----------|-----------|-----------|
| ATTORNEY GENERAL | | | |
| Personal Services | (1) 1,200 | (1) 4,000 | (1) 4,000 |

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.