

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIFTH LEGISLATURE

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## Legislative Document

No. 1407

S. P. 456

In Senate, March 12, 1971

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Kellam of Cumberland.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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### AN ACT Providing for Full-time District Attorneys.

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

**Sec. 1. R. S., T. 4, § 173, sub-§ 4, amended.** The first sentence of the 4th paragraph of subsection 4 of section 173 of Title 4 of the Revised Statutes is amended to read as follows:

The county ~~upon approval of the county attorney~~ shall pay the municipality for reasonable expenses incurred by the latter's law enforcement officers for out-of-state travel involving a crime for which the law provides for extradition of the offender.

**Sec. 2 R. S., T. 4, § 856, amended.** The first sentence of section 856 of Title 4 of the Revised Statutes is amended to read as follows:

The prosecution shall be conducted by ~~the county attorney for the county where the rule is returnable a district attorney~~, unless the justice issuing the rule appoints some other suitable counsel to perform said duty.

**Sec. 3. R. S., T. 4, § 905, amended.** Section 905 of Title 4 of the Revised Statutes is amended to read as follows:

#### § 905. Certificates

It shall be the duty of the Secretary of State upon payment of a fee of \$5 to furnish his certificate in respect of any individual as to whether he is or is not recorded as a member of the bar on the said central register except that such certificate shall be furnished without charge to the Attorney General, his deputies and assistants and the ~~county attorneys of the several counties for use in connection with their public duties~~ district attorneys.

**Sec. 4. R. S., T. 5, § 192, amended.** Section 192 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 192. Prosecution of all claims for State**

All civil actions to recover money for the State shall be brought by the Attorney General ~~or by the county attorney or by the district attorney~~ in the name of the State. The Attorney General ~~or such person as he shall delegate~~ shall appear before the departments and tribunals of the United States and the committees of Congress to prosecute all claims of the State against the United States.

**Sec. 5. R. S., T. 5, § 199, amended.** Section 199 of Title 5 of the Revised Statutes, as amended, is further amended to read as follows:

**§ 199. Consultation with, and advice to, district attorneys**

The Attorney General shall consult with and advise the ~~county~~ district attorneys in matters relating to their duties. If in his judgment the public interest so requires, he shall assist them by attending the grand jury in the examination of a case in which the accused is charged with treason or murder, and if in his judgment the public interest so requires, he shall appear for the State in the trial of indictments for treason or murder. He may institute and conduct prosecutions for all offenses against Title 21, and for that purpose attend and present evidence to grand juries and assist them in the examination of witnesses and drawing indictments. He may, in his discretion, act in place of or with the ~~county~~ district attorneys, or any of them, in instituting and conducting prosecutions for crime and is invested, for that purpose, with all the rights, powers and privileges of each and all of them. Any or all of the powers and duties enumerated in this section may, at the discretion of the Attorney General, be delegated to and performed by any deputy attorney general or any assistant attorney general. The authority given under this section shall not be construed to deny or limit the duty and authority of the Attorney General as heretofore authorized, either by statute or under the common law.

**Sec. 6. R. S., T. 5, § 200, repealed and replaced.** Section 200 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 200. District attorneys and assistant district attorneys**

The Governor with the advice and consent of the executive council shall appoint a district attorney for each district court except 2 such attorneys shall be appointed for District Court No. 3 and District Court No. 9 and 4 such attorneys to serve at large. One of which district attorneys shall be appointed by the Governor as chief district attorney.

Only attorneys-at-law admitted to the practice of law in this State shall be so appointed. They shall devote full time to their duties and shall not engage in the private practice of law during their terms of office, nor shall they during such terms be partners or associates of any person in the practice of law.

District attorneys and assistant district attorneys shall act under direction and control of the chief district attorney as attorneys in behalf of the State of

Maine. They shall have state-wide jurisdiction for the discharge of their duties.

Whenever the office of district attorney becomes vacant, except as provided in section 200-D, the Governor shall appoint a successor.

Sec. 7. R. S., T. 5, § 200-A, repealed. Section 200-A of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 58 of the public laws of 1967, is repealed.

Sec. 8. R. S., T. 5, §§ 200-B - 200-H, additional. Title 5 of the Revised Statutes is amended by adding sections 200-B to 200-H to read as follows:

§ 200-B. Term of office; salary

District attorneys shall have terms of office of 7 years. A district attorney shall receive compensation at the same rate as district court judges. The chief district attorney shall receive compensation at the same rate as the Chief Judge of the District Court.

§ 200-C. Compensation upon retirement

Any district attorney who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 70 years, and after having served as a district attorney or assistant district attorney, or combination of both, for at least 7 consecutive years, shall receive annually during the remainder of his life, an amount equal to  $\frac{3}{4}$  of the currently effective annual salary of a district attorney, to be paid in the same manner as the salaries of those offices are paid.

Such district attorneys shall terminate their service before their 71st birthday. Any district attorney who continues to serve until or after the birthday applicable to the termination of his service shall waive his right to the compensation mentioned and shall make no claim therefor at the termination of his service. The right of a district attorney drawing such compensation to continue to receive it shall cease immediately, if he acts as attorney or counsel or in any action or legal proceeding in which the State is an adverse party or has any interest adverse to the person or persons in whose behalf he acts.

If a district attorney dies in office, his widow upon reaching the age of 60 and as long as she remains unmarried, shall annually be entitled to  $\frac{3}{8}$  of his salary at the time of his death.

Any district attorney who prior to his retirement age is unable, by reason of failing health, to perform his duties as such district attorney, may, upon petition to or by order of the Governor, be retired prior to his retirement age. When so retired he shall receive the same benefits as he would have received had he retired at full retirement age. Such retirement shall terminate his service.

If a district attorney dies having terminated his service and having become entitled to the compensation as provided in this section, his widow, having reached the age of 60 and as long as she remains unmarried, shall annually be entitled to  $\frac{1}{2}$  the retirement compensation such district attorney received.

#### § 200-D Military or naval service; substitutes

Whenever a district attorney enlists, or is ordered or drafted into the military or naval service of the United States, he shall not be deemed to have resigned from or abandoned his office. He shall be regarded as on leave of absence without pay from his office. The Governor shall appoint a substitute to fill said office during the term of such service for a period not longer than the remaining period of the term of the district attorney. During said period the Treasurer of State shall pay to the substitute district attorney or assistant district attorney a salary at the same rate of pay of the district attorney.

The amount so paid shall be deducted from the salary of the absent district attorney. The substitute appointed to fill the temporary vacancy shall have the title of district attorney or assistant district attorney as appropriate and shall possess all the rights and powers and be subject to all the duties and obligations of the district attorney for whom he is substituting.

#### § 200-E. Duties

The duties of the district attorneys shall include, but not be limited to, attending to the criminal business at the District, Superior and Supreme Judicial Courts.

#### § 200-F. Collections

District attorneys shall enforce the collection and payment to the county treasurer of all fines, forfeitures and costs.

#### § 200-G. Application

Sections 201 and 205 shall apply to district attorneys.

#### § 200-H. Dismissal

The Governor, with the advice and consent of the executive council, may dismiss a district attorney.

Sec. 9. R. S., T. 5, § 202, amended. Section 202 of Title 5 of the Revised Statutes is amended to read as follows:

#### § 202. Employment of detectives

The Attorney General may, by himself or through the several ~~county attorneys~~ district attorneys or other officers of the State, employ such detectives or other persons, offer rewards or use other means that he may deem advisable for the detection, arrest and apprehension of persons who commit crime in this State.

Sec. 10. R. S., T. 5, § 203, amended. The 2nd sentence of section 203 of Title 5 of the Revised Statutes is amended to read as follows:

The Attorney General shall, at the request of any state department, make or cause to be made, investigations in behalf of such department and he shall prosecute any case to such extent as may seem advisable ~~with all the rights, powers and privileges of county attorneys.~~

**Sec. 11. R. S., T. 5, § 204, amended.** Section 204 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 204. Biennial reports**

The Attorney General shall, biennially, on the first day of December, make a report to the Governor and Council of the amount and kind of official business done by him and by the several ~~county district~~ attorneys during the 2 years preceding, stating the number of persons prosecuted, their alleged offenses, the results and the punishments awarded, with any useful suggestions.

**Sec. 12. R. S., T. 7, § 13, amended.** The first sentence of section 13 of Title 7 of the Revised Statutes is amended to read as follows:

The commissioner shall diligently enforce all provisions of this Title and Title 32, chapter 27 ~~and shall be entitled to and shall receive the assistance of the Attorney General and of the several attorneys.~~

**Sec. 13. R. S., T. 7, § 1703, amended.** The first sentence of section 1703 of Title 7 of the Revised Statutes is repealed as follows:

~~The several county attorneys shall prosecute all violations of chapters 201, 205, 207, 301, 303 and 305 which shall be brought to their notice or knowledge by any person making the complaint under oath~~

**Sec. 14. R. S., T. 7, § 2906, repealed.** Section 2906 of Title 7 of the Revised Statutes is repealed.

**Sec. 15. R. S., T. 8, § 282, repealed.** Section 282 of Title 8 of the Revised Statutes is repealed.

**Sec. 16. R. S., T. 8, § 342, repealed.** Section 342 of Title 8 of the Revised Statutes is repealed.

**Sec. 17. R. S., T. 10, § 3002, repealed.** Section 3002 of Title 10 of the Revised Statutes is repealed.

**Sec. 18. R. S., T. 12, § 2954, amended.** The 2nd and 3rd sentences of section 2954 of Title 12 of the Revised Statutes are amended to read as follows:

Such sheriff or the State Police shall immediately notify the ~~county attorney~~ appropriate district attorney or the Attorney General and the Department of Inland Fisheries and Game. Such sheriff or the State Police and the ~~county attorney~~ appropriate district attorney or the Attorney General shall promptly make an investigation and prosecute any violation.

**Sec. 19. R. S., T. 12, § 3057, repealed.** Section 3057 of Title 12 of the Revised Statutes, as amended by section 37 of chapter 448 of the public laws of 1965, is repealed.

**Sec. 20. R. S., T. 12, § 4501, repealed.** Section 4501 of Title 12 of the Revised Statutes is repealed.

**Sec. 21. R. S., T. 12, § 4507, amended.** The first sentence of section 4507 of Title 12 of the Revised Statutes is amended to read as follows:

In any prosecution for a violation of any provision of chapters 401 to 417, or for a violation of any regulation authorized by chapters 401 to 417, any person, whether a participant or not, when requested by ~~the county attorney~~ the commissioner or ~~the person a district attorney conducting the prosecution~~ may be compelled to testify as a witness against any other person charged with any such violation.

**Sec. 22. R. S., T. 15, § 1256, amended.** The 3rd sentence of section 1256 of Title 15 of the Revised Statutes is amended to read as follows:

Evidence relating to offenses cognizable by the court may be offered to the grand jury by the Attorney General, the ~~county attorney~~ **district attorney**, ~~the assistant county attorney~~ and, at the discretion of the presiding justice, by such other persons as said presiding justice may permit.

**Sec. 23. R. S., T. 15, § 1317, amended.** The first sentence of section 1317 of Title 15 of the Revised Statutes is amended to read as follows:

The Attorney General, ~~County Attorney~~ **district attorney** or foreman of the grand jury shall swear or affirm, in presence of the jury, all witnesses who are to testify before them, and a list thereof, stating the cases in which they testify, shall be returned into the court by the foreman before the jury is discharged and filed and entered on record by the clerk.

**Sec. 24. R. S., T. 15, § 2061, amended.** Section 2061 of Title 15 of the Revised Statutes is amended to read as follows:

**§ 2061. Examination of records of clerks and treasurers by district attorney**

~~County attorneys~~ **District attorneys** shall examine the records and files in the offices of clerks and the certificates and accounts in the offices of treasurers, relating to fines, forfeitures and bills of costs accruing to ~~their~~ **the respective** counties; ascertain, so far as practicable, the cause of any delinquencies in paying over the same; and move the court for all necessary orders and processes to enforce the collection thereof.

**Sec. 25. R. S., T. 15, § 2062, amended.** The first sentence of section 2062 of Title 15 of the Revised Statutes is amended to read as follows:

When it appears that any sheriff or other officer is not discharged of any fine, forfeiture or bill of costs committed to him to collect, the ~~county attorney~~ **district attorney** shall cause him to be summoned and brought before the court that imposed such fine, forfeiture or bill of costs to show a proper discharge or the cause for not collecting same and paying it over.

**Sec. 26. R. S., T. 15, § 2161, amended.** Section 2161 of Title 15 of the Revised Statutes, as amended, is further amended to read as follows:

**§ 2161. Notice to Attorney General of all petitions for pardon or commutation**

On all petitions to the Governor for pardon or commutation of sentences, written notice thereof shall be given to the Attorney General ~~and the county attorney for the county where the case was tried~~ at least 4 weeks before the time of the hearing thereon ~~and 4 weeks' notice in some newspaper having its~~

~~principal place of business in said county.~~ Notice shall be given in some newspaper having its principal place of business in the county where the case was tried. If the crime for which said pardon is asked or for which commutation of sentence is sought is punishable by imprisonment in the State Prison, the Attorney General ~~or the County Attorney for the county where the case was tried~~ shall, upon the request of the Governor and Council, attend the meeting of the Governor and Council or the Probation and Parole Board at which the petition is to be heard ~~and the Governor and Council shall allow said county attorney his necessary expenses for such attendance and a reasonable compensation for said county attorney's services to be paid from the State Treasury out of the appropriation for costs in criminal prosecutions.~~ The Governor and Council may require the judge and prosecuting officer who tried the case to furnish them or the Probation and Parole Board a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting pardon or commutation.

Sec. 27. R. S., T. 17, § 2741, amended. The 2nd sentence of section 2741 of Title 17 of the Revised Statutes is amended to read as follows:

The Superior Court shall have jurisdiction, upon information filed by the ~~county attorney~~ Attorney General or district attorney or upon complaint filed by not less than 7 legal voters of ~~his~~ the county setting forth any of the facts contained herein, to restrain, enjoin or abate the same, and an injunction for such purpose may be issued by said court.

Sec. 28. R. S., T. 17, § 2901, amended. The last sentence of section 2901 of Title 17 of the Revised Statutes is amended to read as follows:

This section shall not apply to the Attorney General, to any medical examiner, ~~county attorney, state attorney~~ district attorney, police officer, sheriff or physician while in the performance of their professional or official duties.

Sec. 29. R. S., T. 17, § 3003, amended. Section 3003 of Title 17 of the Revised Statutes is amended to read as follows:

#### § 3003. Presumption of perjury committed before court

When a witness or party, legally sworn and examined or making affidavit in any proceeding in a court of record, testifies in such a manner as to raise a reasonable presumption that he is guilty of perjury therein, the court may immediately order him committed to prison, or take his recognizance with sureties for his appearance to answer to a charge of perjury; and may bind over any witnesses present to appear at the proper court to prove such charge, order the detention so long as necessary of any papers or documents produced and deemed necessary in the prosecution of such charge, and cause notice of such proceedings to be given to the ~~state's district attorney for the same county.~~

Sec. 30. R. S., T. 17, § 3204, amended. The first sentence of the 6th paragraph of section 3204 of Title 17 of the Revised Statutes is amended to read as follows:



In addition to any criminal penalties provided in this section, the Attorney General, ~~county attorney~~ **district attorney** or any resident of a municipality in which a violation is claimed to have occurred may file a complaint with the Superior Court to enjoin any violation of this section.

**Sec. 31. R. S., T. 17, § 3463, amended.** The last sentence of section 3463 of Title 17 of the Revised Statutes is repealed as follows:

~~County attorneys shall prosecute all complaints under this section in all the courts in their respective counties.~~

**Sec. 32. R. S., T. 17, § 3957, amended.** The first sentence of section 3957 of Title 17 of the Revised Statutes is amended to read as follows:

Any person who professionally treats a human being for a wound apparently caused by the discharge of a firearm shall immediately report the same to the sheriff of the county in which the wound was treated, or any of his deputies, any police officer in the municipality in which the wound was treated or any state police officer, and such sheriff, deputy or officer shall forthwith notify the ~~county attorney~~ **appropriate district attorney** or the Attorney General.

**Sec. 33. R. S., T. 18, § 1751, amended.** The first sentence of section 1751 of Title 18 of the Revised Statutes is amended to read as follows:

Upon complaint by ~~a county attorney~~ **the Attorney General, a district attorney**, an executor, administrator, heir, legatee, creditor or other person interested in the estate of a person deceased against anyone suspected of having concealed, withheld or conveyed away any money, goods, effects or real estate of the deceased, or of having fraudulently received any such money, goods, effects or real estate, or of aiding others in so doing, the Judge of Probate may cite such suspected person to appear before him to be examined on oath in relation thereto, and he may require him to produce for the inspection of the court and parties, all books, papers or other documents within his control relating to the matter under examination.

**Sec. 34. R. S., T. 18, § 3503, amended.** Section 3503 of Title 18 of the Revised Statutes is amended to read as follows:

#### **§ 3503. Discovery of ward's estate**

Upon complaint made to the judge of probate by ~~any county attorney~~ **the Attorney General, district attorney**, guardian, conservator, ward, creditor or other person interested in the estate or having claims thereto in expectancy as heir or otherwise against anyone suspected of having concealed, embezzled or conveyed away any of the money, goods or effects of the ward, the judge may cite and examine such suspected person and proceed with him in the manner provided in relation to those suspected of embezzling the estates of deceased persons.

**Sec. 35. R. S., T. 19, § 121, amended.** The last sentence of section 121 of Title 19 of the Revised Statutes is amended to read as follows:

If any person willfully neglects or refuses to perform any duty imposed upon him by this section, he shall be punished by a fine of not more than \$100 for each offense, for the use of the town in which the offense occurred, and the State Registrar of Vital Statistics shall enforce this section as far as it comes within his power and shall notify the county attorney of the county in which said penalty should be enforced of the facts that have come to his knowledge, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.

**Sec. 36. R. S., T. 19, § 395, amended.** Section 395 of Title 19 of the Revised Statutes is amended to read as follows:

**§ 395. Officials to represent petitioner**

The ~~county attorney~~ **Attorney General** shall represent the petitioner in any proceeding under this subchapter ~~except that in cases involving public aid a representative of the Attorney General may represent the petitioner.~~

**Sec. 37. R. S., T. 22, § 1483, repealed and replaced.** Section 1483 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 1483. Penalty; prosecutions**

**Any physician who fails to perform the duty imposed by this chapter within the time limited shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$10.**

**Sec. 38. R. S., T. 22, § 2203, amended.** The first sentence of section 2203 of Title 22 of the Revised Statutes is amended to read as follows:

The Director of the Maine Agricultural Experiment Station shall make a chemical analysis to determine the composition and quality of any substance mentioned in sections 2205 and 2207 on application of any ~~county attorney~~ **district attorney or the Attorney General**, and shall furnish a certificate certifying to the composition or quality thereof.

**Sec. 39. R. S., T. 22, § 2379, amended.** Section 2379 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 2379. Enforcement and cooperation**

The Bureau of Health, the Board of Commissioners of the Profession of Pharmacy, their officers, agents, inspectors and representatives, and all peace officers within the State and ~~all county attorneys~~ shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State and of all other states relating to narcotic drugs.

**Sec. 40. R. S., T. 22, § 2709, amended.** The last paragraph of section 2709 of Title 22 of the Revised Statutes is repealed.

**Sec. 41. R. S., T. 22, § 3025, amended.** The 2nd, 3rd, 4th and 5th sentences of section 3025 of Title 22 of the Revised Statutes, as enacted by sec-

tion 2 of chapter 534 of the public laws of 1967, are amended to read as follows:

Such official shall immediately take charge of such body and retain custody thereof without moving the same, except as otherwise provided, until the arrival of a medical examiner, ~~the county attorney~~ **the appropriate district attorney, a representative of the Attorney General**, the sheriff or a member of the State Police. The official taking charge of said body shall immediately notify ~~the county attorney~~ **the appropriate district attorney, Attorney General**, sheriff or any member of the State Police, who shall in turn arrange for the attendance of the most readily accessible medical examiner. If the body, where found, is in danger of being destroyed or damaged by fire, vehicular traffic or otherwise, or being lost in any body of water, any person may take steps as may seem necessary for its preservation or retention prior to the arrival of the medical examiner, sheriff, a member of the State Police, ~~the appropriate district attorney, or the county attorney~~ **a representative of the Attorney General**, but in such event shall first, whenever practicable, exactly mark the location and position of the body. If no such danger exists, the body shall not be moved until the arrival of a representative of the Attorney General and until photographs have been taken or measurements and drawings have been made to record the physical facts relative to the location and position of the body, under the supervision of ~~the county attorney~~ **the appropriate district attorney, a representative of the Attorney General**, the State Police or sheriff, or unless the Attorney General or ~~the County Attorney~~ **the appropriate district attorney**, waives such requirements.

**Sec. 42. R. S., T. 22, §§ 3028 - 3030, amended.** Sections 3028 to 3030 of Title 22 of the Revised Statutes, as enacted by section 2 of chapter 534 of the public laws of 1967, are amended to read as follows:

**§ 3028. When autopsies made; reports made and prepared**

If, in the opinion of the medical examiner, the chief Medical Examiner, ~~the county attorney~~ **the appropriate district attorney or the Attorney General**, it is advisable and in the public interest that an autopsy be made, such autopsy shall be made by the Chief Medical Examiner, or by such pathologist as may be designated by the Chief Medical Examiner ~~for the purpose~~. A full record and report of the facts developed by the autopsy and findings of the person making such autopsy shall be ~~properly~~ made and filed with the medical examiner and in the Office of the Chief Medical Examiner. If, in the opinion of the Chief Medical Examiner, it is proper or if requested by ~~the county attorney, district attorney for the county in which said body was found or the Attorney General~~, a copy of the report of the autopsy shall be furnished to ~~such county attorney or the Attorney General or district attorney by the Chief Medical Examiner.~~

**§ 3029. Body buried without inquiry**

If, in any case of sudden, violent, suspicious or unattended death, the body is buried without any inquiry by the medical examiner as to the cause and manner of death, or without any autopsy being held or performed, it shall

be the duty of the medical examiner upon being advised of such fact to notify the ~~county attorney for the county in which said body was found~~ appropriate district attorney or Attorney General, who in turn shall petition a Justice of the Superior Court and such justice may, by appropriate order, require that the body be exhumed and an autopsy performed thereon by the Chief Medical Examiner or by a pathologist designated by him for the purpose, and the pertinent facts disclosed by the autopsy shall be communicated to the justice who ordered it and the Chief Medical Examiner.

### § 3030. Victims of crime

The Chief Medical Examiner may, upon request of the ~~county~~ district attorney, the Attorney General or a law enforcement officer, direct a medical examiner to make such medical examinations of victims of crimes of violence as he may deem appropriate.

**Sec. 43. R. S., T. 22, § 3792, amended.** The last sentence of the first paragraph of section 3792 of Title 22 of the Revised Statutes, as repealed and replaced by section 1 of chapter 159 of the public laws of 1967, is repealed as follows:

~~If requested, the county attorney shall represent the department at the hearing.~~

**Sec. 44. R. S., T. 22, § 3852, amended.** Section 3852 of Title 22 of the Revised Statutes, as enacted by chapter 68 of the public laws of 1965, is amended to read as follows:

### § 3852. Reports by physicians and institutions

Any physician, including any licensed doctor of medicine, licensed osteopathic physician, intern or resident, licensed chiropractor having reasonable cause to believe that a child under 16 years of age brought to him or coming before him for examination, care and treatment has had physical injury or injuries inflicted upon him other than by accidental means by a parent or caretaker, shall report or cause reports to be made to the State Department of Health and Welfare, Division of Child Welfare and to the ~~county attorney in the county where the child was examined~~ appropriate district attorney or to the Attorney General; provided, when the attendance of a physician with respect to a child is pursuant to the performance of services as a member of the staff of a hospital or similar institution he shall notify the person in charge of the institution or his designated delegate who shall report or cause reports to be made to the Department of Health and Welfare, Division of Child Welfare and to the ~~county attorney in the county where the child was examined~~ appropriate district attorney or to the Attorney General. Such report shall be made in accordance with this chapter and rules and regulations established by the Department of Health and Welfare.

**Sec. 45. R. S., T. 25, § 1543, amended.** The first sentence of section 1543 of Title 25 of the Revised Statutes is amended to read as follows:

It is made the duty of every clerk of every criminal court, including the District Court, and of every head of every department, bureau and institution,

state, county and local, dealing with criminals and of every officer, probation officer, ~~county attorney~~ district attorney or person whose duties make him the appropriate officer, to transmit, not later than the first and 15th days of each calendar month, to the Supervisor of the State Bureau of Identification, such information as may be necessary to enable him to comply with sections 1542 and 1544.

**Sec. 46. R. S., T. 28, §§ 1151 - 1152, amended.** Sections 1151 and 1152 of Title 28 of the Revised Statutes are amended to read as follows:

**§ 1151. Duty of sheriffs and deputies; refusal or neglect**

Sheriffs and their deputies ~~and county attorneys~~ shall diligently and faithfully inquire into all violations of law within their respective counties and institute proceedings in case of violations or supposed violations of law, and particularly the law against the illegal sale of liquor, gambling houses or places and houses of ill fame. Sheriffs and their deputies shall promptly enter complaints before a judge and execute the warrants issued thereon, or shall furnish the ~~county attorney~~ appropriate district attorney or the Attorney General promptly and without delay with the names of alleged offenders and of witnesses. Any sheriff or deputy sheriff ~~or county attorney~~, who shall willfully or corruptly refuse or neglect to perform any of the duties required by this section, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months.

**§ 1152. Attorney General to take charge of investigations before grand jury in certain matters**

The Attorney General shall take charge of all investigations before the grand jury in case of refusal or neglect of any sheriff or deputy sheriff ~~or county attorney~~ to perform any of the duties required by section 1151 and, in case of the finding of an indictment, shall conduct all subsequent proceedings in court in behalf of the State ~~as prosecuting attorney~~. ~~In all such prosecutions the Attorney General shall act in place of the county attorney, and he is invested with all the rights, powers and privileges of the county attorney for that purpose, the powers of the county attorney with respect to prosecutions under this section being suspended.~~

**Sec. 47. R. S., T. 28, § 1154, amended.** Section 1154 of Title 28 of the Revised Statutes is amended to read as follows:

**§ 1154. Duty of Attorney General**

The Attorney General ~~county attorneys~~ shall cause promptly to be summoned before the grand jury all witnesses whose names have been furnished ~~them~~ him by any sheriff or his deputies, as provided in section 1151, and shall faithfully direct inquiries before that body into violations of law and prosecute persons indicted ~~and insist upon the prompt sentence of convicts.~~

**Sec. 48. R. S., T. 29, § 1315, amended.** The last paragraph of section 1315 of Title 29 of the Revised Statutes is repealed as follows:

~~All prosecutions for violation of this section shall be conducted by the county attorney or the assistant county attorney.~~

**Sec. 49. R. S., T. 29, § 2246, amended.** The first sentence of the 2nd paragraph of section 2246 of Title 29 of the Revised Statutes, as enacted by chapter 480 of the public laws of 1965, is amended to read as follows:

The Secretary of State shall appoint the Advisory and Review Board and the board shall consist of the Chief of the State Police or his designee, representatives of the District Courts, ~~county attorneys~~ **district attorneys**, Motor Vehicle Department, Maine Highway Safety Committee, Maine Trial Lawyers Association, insurance industry, Maine State Bar Association, Maine Municipal Association, Maine Chiefs of Police Association, the Maine Sheriff's Association, and the Highways Users Conference.

**Sec. 50. R. S., T. 30, § 2, amended.** Section 2 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

### **§ 2. Salaries**

The county commissioners, clerks of the judicial courts and their deputies, county treasurers and their deputies, sheriffs, registers of deeds, judges of probate and registers of probate in the several counties shall receive annual salaries from the county treasury in weekly or monthly payments as follows ~~except that the county attorneys and their assistants shall receive annual salaries from the State Treasury in monthly payments on the last day of each month in a sum which will, in the years aggregate, most equal the annual salary, as follows, and no other fees, costs or emoluments shall be allowed them:~~

**Androscoggin County:** County commissioners, \$3,000; chairman, \$3,600; clerk of courts, \$8,600; ~~county attorney, \$8,500; first assistant county attorney, \$6,000; second assistant county attorney, \$6,000;~~ county treasurer, \$6,050; sheriff, \$8,000; register of deeds, \$6,800; judge of probate, \$6,000; register of probate, \$6,200.

**Aroostook County:** County commissioners, \$1,500, except that one member of the board, designated by the board as chief administrative officer, shall receive \$5,500; clerk of courts, \$6,000; ~~county attorney, \$8,500; assistant county attorney, \$5,500;~~ county treasurer, \$3,500; sheriff, \$6,500; register of deeds, northern district, \$5,500; southern district, \$5,500; judge of probate, \$4,500; register of probate, \$4,000.

**Cumberland County:** County commissioners, \$5,225; clerk of courts, \$8,800; deputy clerk of courts, \$8,200; ~~county attorney, \$10,000; first assistant county attorney, \$7,000; second assistant county attorney, \$7,000; third assistant county attorney, \$7,000;~~ county treasurer, \$7,150; sheriff, \$8,800; register of deeds, \$8,250; deputy register of deeds, \$6,600; judge of probate, \$9,900; register of probate, \$7,700.

**Franklin County:** County commissioners, \$1,200; clerk of courts, \$5,000; ~~county attorney, \$7,000;~~ county treasurer, \$1,500; sheriff, \$5,800; register of deeds, \$5,000; judge of probate, \$3,500; register of probate, \$5,000.

**Hancock County:** County commissioners, \$1,600; chairman, \$1,900; clerk of courts, \$4,750; deputy clerk of courts, \$3,100; ~~county attorney, \$8,500; as-~~

~~assistant county attorney, \$4,500;~~ county treasurer, \$3,500; sheriff, \$5,700; register of deeds, \$4,750; judge of probate, \$4,750; register of probate, \$4,750.

**Kennebec County:** County commissioners, \$2,750; chairman, \$3,000; clerk of courts, \$5,775; deputy clerk of courts, \$4,395; ~~county attorney, \$9,000; assistant county attorney, \$6,000;~~ county treasurer, \$4,500; sheriff, \$7,000; register of deeds, \$6,500; judge of probate, \$7,000; register of probate, \$4,500.

**Knox County:** County commissioners, \$1,500; clerk of courts, \$4,935; ~~county attorney, \$7,500;~~ county treasurer, \$1,575; sheriff, \$5,145; register of deeds, \$5,145; judge of probate, \$5,000; register of probate, \$4,000.

**Lincoln County:** County commissioners, \$1,300; chairman, \$1,500; clerk of courts, \$5,500; ~~county attorney, \$7,500;~~ county treasurer, \$1,750; sheriff, \$5,500; register of deeds, \$5,500; judge of probate, \$5,300; register of probate, \$5,500.

**Oxford County:** County commissioners, \$2,050; chairman, \$2,250; clerk of courts, \$5,500; ~~county attorney, \$8,000; assistant county attorney \$5,000;~~ county treasurer, \$3,000; sheriff, \$6,500; register of deeds, eastern district, \$5,200; western district, \$3,200; judge of probate, \$4,500; register of probate, \$4,500.

**Penobscot County:** County commissioners, \$3,000; chairman, \$3,250; clerk of courts, \$6,600; deputy clerk of courts, \$5,500; ~~county attorney, \$8,000; first assistant county attorney, \$6,000; second assistant county attorney, \$6,000;~~ county treasurer, \$3,900; sheriff, \$7,000; register of deeds, \$6,000; judge of probate, \$7,000; register of probate, \$5,800.

**Piscataquis County:** County commissioners, \$1,300; chairman, \$1,600; clerk of courts, \$4,000; ~~county attorney, \$7,000;~~ county treasurer, \$2,000; sheriff, \$5,300; register of deeds, \$5,000; judge of probate, \$5,000; register of probate, \$5,000.

**Sagadahoc County:** County commissioners, \$1,250; clerk of courts, \$5,200; ~~county attorney, \$7,500;~~ county treasurer, \$2,500; sheriff, \$6,000; register of deeds, \$5,500; judge of probate, \$4,800; register of probate, \$5,200.

**Somerset County:** County commissioners, \$1,500; chairman, \$1,750; clerk of courts, \$5,750; ~~county attorney, \$8,000; assistant county attorney, \$5,000;~~ county treasurer, \$2,600; sheriff, \$5,750; register of deeds, \$5,750; judge of probate, \$5,750; register of probate, \$5,750.

**Waldo County:** County commissioners, \$1,200; clerk of courts, \$5,700; ~~county attorney, \$8,000;~~ county treasurer, \$1,900; sheriff, \$5,800; register of deeds, \$5,000; judge of probate, \$5,000; register of probate, \$5,000.

**Washington County:** County commissioners, \$1,800; chairman, \$2,100; clerk of courts, \$4,700; ~~county attorney, \$8,500; assistant county attorney, \$4,500;~~ county treasurer, \$4,200; sheriff, \$5,750; register of deeds, \$4,700; judge of probate, \$5,200; register of probate, \$4,700.

**York County:** County commissioners, \$2,250; clerk of courts, \$7,000; deputy clerk of courts, \$4,700; ~~county attorney, \$8,000, first assistant county~~

attorney, \$5,500; ~~second assistant county attorney, \$5,500;~~ county treasurer, \$2,250; sheriff, \$7,000; register of deeds, \$6,000; judge of probate, \$6,500; register of probate, \$4,750.

The salaries mentioned in this section shall be in full compensation for the performance of all official duties by said officers and judges. County commissioners shall allow to said officers all office expense, clerk hire and travel which are necessary, just and proper to the performance of their official duties.

All fees and charges of whatever nature, except charges for the publication of notices required by law, which may be payable to any county officer, shall be payable by them to the county treasurer for the use and benefit of the county, but preserving the right of sheriffs and their deputies to receive fees for service of civil process and of sheriffs and their deputies not on a salary or per diem basis to receive fees for service of criminal process, and no county officer shall receive a private benefit from the labor of any person in the employ of the county.

Sec. 51. R. S., T. 30, § 55, amended. Section 55 of Title 30 of the Revised Statutes is amended to read as follows:

§ 55. Services in condemnation cases

For services performed by county commissioners in the assessment of damages for land or easements sought to be taken or acquired by private corporations they shall charge and be entitled to \$3 a day and actual travelling expenses and certify the same in a bill of items to the county attorney, who collect the sums so charged of the party seeking to exercise the right eminent domain and forthwith pay the same to the county treasurer. The county treasurer shall pay to said commissioners actual travelling expenses when collected by the county attorney.

Sec. 52. R. S., T. 30, § 58, amended. The last sentence of section 58 of Title 30 of the Revised Statutes, as enacted by chapter 435 of the public laws of 1967, is amended to read as follows:

This section shall not apply to the office of sheriff or judge of probate and county attorney.

Sec. 53. R. S., T. 30, § 106, amended. The last sentence of section 106 of Title 30 of the Revised Statutes is amended to read as follows:

All bills for such expenses shall be approved by the clerk of courts and the county attorney of their the county and paid by the treasurer of said county and with the further exception of such expenses as are provided for in section 55.

Sec. 54. R. S., T. 30, § 401, amended. The last paragraph of section 401 of Title 30 of the Revised Statutes, as repealed and replaced by section 2 of chapter 541 of the public laws of 1967, is amended to read as follows:

If the auditor shall find in the course of his audit evidences of improper transactions, or of incompetence in keeping accounts or handling funds or of



any other improper practice of financial administration, he shall report the same to the county ~~attorney commissioners~~, the appropriate district attorney and the Attorney General immediately.

**Sec. 55. R. S., T. 30, § 451, amended.** The first sentence of section 451 of Title 30 of the Revised Statutes is repealed as follows:

~~County attorneys shall be elected and notified, their elections determined and vacancies filled in the same manner, and they shall enter upon the discharge of their duties at the same time as is provided respecting county commissioners, but they shall hold office for 2 years.~~

**Sec. 56. R. S., T. 30, § 451, amended.** The last 2 sentences of section 451 of Title 30 of the Revised Statutes are repealed as follows:

~~Only attorneys at law admitted to the general practice of law in this State and resident in the county shall be elected or appointed as county attorney, and removal therefrom vacates the office. Whenever the Governor and Council, upon complaint and due notice and hearing, shall find that a county attorney has violated any statute or is not performing his duties faithfully and efficiently, they may remove him from office and appoint another attorney in his place for the remainder of the term for which he was elected.~~

**Sec. 57. R. S., T. 30, §§ 452 - 453, repealed.** Sections 452 and 453 of Title 30 of the Revised Statutes are repealed.

**Sec. 58. R. S., T. 30, § 501, repealed and replaced.** Section 501 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

#### **§ 501. Civil proceedings**

The county commissioners of each county may employ counsel to represent them in all actions and other civil proceedings in which the county is a party or interested, or in which the official acts and doings of the county commissioners are called in question or in any other matter in which they require advice of counsel.

**Sec. 59. R. S., T. 30, §§ 502 - 506, repealed.** Section 502, section 503, as amended by section 68 of chapter 356 of the public laws of 1965, and sections 504 to 506 of Title 30 of the Revised Statutes are repealed.

**Sec. 60. R. S., T. 30, §§ 551 - 552, repealed.** Sections 551 and 552 of Title 30 of the Revised Statutes are repealed.

**Sec. 61. R. S., T. 30, § 553, repealed.** Section 553 of Title 30 of the Revised Statutes, as amended by section 2 of chapter 506 of the public laws of 1965, is repealed.

**Sec. 62. R. S., T. 30, § 554, repealed.** Section 554 of Title 30 of the Revised Statutes, as amended by section 2 of chapter 407 of the public laws of 1965, is repealed.

**Sec. 63. R. S., T. 30, § 555, repealed.** Section 555 of Title 30 of the Re-

vised Statutes, as amended by section 1 of chapter 420 of the public laws of 1965, is repealed.

**Sec. 64. R. S., T. 30, § 556, repealed.** Section 556 of Title 30 of the Revised Statutes, as amended by chapter 79 of the public laws of 1965, is repealed.

**Sec. 65. R. S., T. 30, §§ 557 - 558, repealed.** Section 557 and section 558, as repealed and replaced by section 14 of chapter 573 of the public laws of 1969, both of Title 30 of the Revised Statutes, are repealed.

**Sec. 66. R. S., T. 30, §§ 559 - 560, repealed.** Sections 559 and 560 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 530 of the public laws of 1967, are repealed.

**Sec. 67. R. S., T. 30, §§ 561 - 562, repealed.** Section 561, as enacted by section 3 of chapter 484 of the public laws of 1969 and section 562, as enacted by section 4 of chapter 484 of the public laws of 1969, both of Title 30 of the Revised Statutes, are repealed.

**Sec. 68. R. S., T. 30, § 601, amended.** The last sentence of the first paragraph of section 601 of Title 30 of the Revised Statutes is amended to read as follows:

Neither the Attorney General, ~~county attorney~~ **district attorney**, clerk of courts, sheriff of the county nor any of his deputies shall be county treasurer.

**Sec. 69. R. S., T. 32, § 154, amended.** The first sentence of the 2nd paragraph of section 154 of Title 32 of the Revised Statutes is repealed.

**Sec. 70. R. S., T. 32, § 2106, amended.** The last sentence of section 2106 of Title 32 of the Revised Statutes is repealed.

**Sec. 71. R. S., T. 32, § 2107, amended.** The first sentence of section 2107 of Title 32 of the Revised Statutes is amended to read as follows:

The Superior Court shall have jurisdiction, upon information filed by the ~~county attorney~~ **appropriate district attorney or the Attorney General** at the request of the board, to restrain or enjoin any person from committing any act declared to be a misdemeanor by this chapter.

**Sec. 72. R. S., T. 36, § 384, amended.** The 3rd sentence of section 384 of Title 36 of the Revised Statutes is amended to read as follows:

He shall direct proceedings, actions and prosecutions to be instituted to enforce all laws relating to the assessment and taxation of property and to the liability of individuals, public officers and officers and agents of corporations for failure or negligence to comply with the laws governing the assessment or taxation of property, and the Attorney General ~~and county attorneys~~, upon the written request of the State Tax Assessor, shall institute such legal proceedings as may be necessary to carry out this Title.

**Sec. 73. Transitional provisions.** The present terms of office of all county attorneys and assistant county attorneys shall continue and shall not expire until successors have been appointed and have qualified.

During the period that they continue in office after January 1, 1973, said county attorneys and assistant county attorneys shall have the same powers, duties and obligations as if appointed by the Governor.

When a district attorney is appointed and qualified, the Governor shall designate the respective county attorney or county attorneys or assistant county attorney or county attorneys succeeded by that officer. Whenever a county attorney or assistant county attorney has been replaced by a district attorney his term shall terminate.

Upon termination of an office of county attorney or assistant county attorney, or upon the office otherwise becoming vacant after such establishment and appointment, all cases pending before the county attorney together with his records shall be transferred to the district attorney appointed to succeed him.

The provisions of this Act shall be liberally construed to effect the implementation of this Act and the administration of justice.

**Sec. 74. Effective date.** The effective date of this Act is January 1, 1973, except that sections 55 and 73 hereof shall be effective January 1, 1972.

**Sec. 75. Appropriation.** There is appropriated from the General Fund to the Executive Department the sum of \$351,000 to carry out the purposes of this Act. The breakdown shall be as follows:

		1972-73
EXECUTIVE DEPARTMENT		
Personal Services	(19)	\$285,000
All Other		40,000
Capital Expenditures		26,000
		<hr/>
		\$351,000

### STATEMENT OF FACT

The purpose and intent of this Act is reflected in the Title.