

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1983

S. P. 725

In Senate, January 24, 1972

The Committee on State Government suggested.

HARRY N. STARBRANCH, Secretary

Presented by Mr. Conley of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

AN ACT Providing 4-year Terms for County Attorneys and Full-time
County Attorneys for Certain Counties.

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

Sec. 1. R. S., T. 30, § 2, amended. That part of the 2nd paragraph of section 2 of Title 30 of the Revised Statutes which relates to the county attorney and assistant county attorneys of Androscoggin County, as amended, is further amended to read as follows:

full-time county attorney, ~~\$8,500~~ \$19,500; first full-time assistant county attorney, ~~\$6,000~~ \$17,500; second assistant county attorney, ~~\$6,000~~;

Sec. 2. R. S., T. 30, § 2, amended. That part of the 3rd paragraph of section 2 of Title 30 of the Revised Statutes which relates to the county attorney and assistant county attorney of Aroostook County, as amended, is further amended to read as follows:

full-time county attorney, ~~\$8,500~~ \$19,500; full-time assistant county attorney, ~~\$5,500~~ \$17,500;

Sec. 3. R. S., T. 30, § 2, amended. That part of the 4th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the county attorney and assistant county attorneys of Cumberland County, as amended, is further amended to read as follows:

full-time county attorney, ~~\$10,000~~ \$19,500; full-time first assistant county attorney, ~~\$7,000~~ \$17,500; full-time second assistant county attorney, ~~\$7,000~~ \$17,500; third assistant county attorney, ~~\$7,000~~;

Sec. 4. R. S., T. 30, § 2, amended. That part of the 7th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the county attorney and assistant county attorney of Kennebec County, as amended, is further amended to read as follows:

full-time county attorney, ~~\$9,000~~ \$19,500; full-time assistant county attorney, ~~\$6,000~~ \$17,500;

Sec. 5. R. S., T. 30, § 2, amended. That part of the 11th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the county attorney and assistant county attorneys of Penobscot County, as amended, is further amended to read as follows:

full-time county attorney, ~~\$8,000~~ \$19,500; ~~first full-time~~ assistant county attorney, ~~\$6,000~~ \$17,500; ~~second assistant county attorney, \$6,000;~~

Sec. 6. R. S., T. 30, § 2, amended. That part of the 17th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the county attorney and assistant county attorneys of York County, as amended, is further amended to read as follows:

full-time county attorney, ~~\$8,000~~ \$19,500; ~~first full-time~~ assistant county attorney, ~~\$5,500~~ \$17,500; ~~second assistant county attorney, \$5,500;~~

Sec. 7. R. S., T. 30, § 451, amended. Section 451 of Title 30 of the Revised Statutes is amended as follows:

§ 451. Election; vacancies

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 ~~a~~ 4 years, and they shall be elected on the Tuesday following the first Monday of November in every 4th year, beginning with the said Tuesday in 1974. 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 to serve until the first day of January following the next scheduled election for county commissioners, at which time a special election will be held to fill such vacancy in the office of county attorney.

Sec. 8. R. S., T. 30, § 454, additional. Title 30 of the Revised Statutes is amended by adding a new section 454, to read as follows:

§ 454. Full-time county attorneys

A county attorney designated a full-time county attorney in section 2 shall devote full time to the duties of his office as county attorney, and shall not appear as counsel in any civil or criminal case or controversy before any of

the District or Superior Courts of the State of Maine or before the Supreme Judicial Court of Maine other than in his capacity as county attorney, during his term of office, nor shall he during such term be a partner or associate of any person in the private practice of law.

Sec. 9. R. S., T. 30, § 553, amended. The first sentence of section 553 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

The county attorney of the County of Cumberland may appoint ~~3~~ **2** assistant county attorneys, one to be known as first assistant county attorney and one to be known as 2nd assistant county attorney ~~and one to be known as 3rd assistant county attorney~~, 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 serve as full-time assistant county attorneys as defined in section 454.

Sec. 10. R. S., T. 30, § 554, amended. Section 554 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

§ 554. Androscoggin County

The county attorney of the County of Androscoggin may appoint ~~2~~ **an** assistant county ~~attorneys attorney one to be known as first assistant county attorney and the other to be known as second assistant county attorney~~ 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 serve as full-time assistant county attorney as defined in section 454. Said ~~assistants~~ assistant shall take the oath prescribed for county attorneys 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. ~~They~~ **He** shall, when directed by the county attorney, act as counsel for the State in the trial of complaints before Judges of the District Court. ~~They~~ **He** shall hold ~~their~~ **his** office during the term of the county attorney by whom ~~they are~~ **he was** appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court.

Sec. 11. R. S., T. 30, § 555, amended. Section 555 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

§ 555. Penobscot County

The county attorney of the County of Penobscot may appoint ~~2~~ **an** assistant county ~~attorneys attorney one to be known as first assistant county attorney and the other to be known as second assistant county attorney~~, who shall be ~~residents~~ **a resident** 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 ~~their offices~~ **his office** during the term of the county attorney by whom ~~they were~~ **he was** appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court and who shall serve as full-time assistant county attorney as defined in section 454. Said ~~assistants~~ assistant 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. ~~They~~ He shall, when directed by the county attorney, act as counsel for the State in the trial of complaints before the District Court.

Sec. 12. R. S., T. 30, § 556, amended. The first sentence of section 556 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

The county attorney of the County of Kennebec may appoint an assistant to be approved by the Justice of the Superior Court, resident in said county, or by the Chief Justice of the Supreme Judicial Court **and who shall serve as full-time assistant county attorney as defined in section 454.**

Sec. 13. R. S., T. 30, § 558, amended. Section 558 of Title 30 of the Revised Statutes, as repealed and replaced by section 14 of chapter 573 of the public laws of 1969, is amended to read as follows:

§ 558. York County

The county attorney of the County of York may appoint ~~a~~ **an** assistant county ~~attorneys~~ ~~attorney~~ ~~one to be known as first assistant county attorney~~ ~~and the other to be known as second assistant county attorney.~~ Said ~~assist-~~ ~~ants~~ **assistant** shall take the oath prescribed for county attorneys 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 **and who shall serve as full-time assistant county attorney as defined in section 454.** ~~One of the~~ **The** assistant county ~~attorneys~~ ~~attorney~~ shall act as counsel for the State in the trial of complaints before Judges of the District Court. ~~They~~ **He** shall hold ~~their~~ **his** office during the term of the county attorney by whom ~~they are~~ **he was** appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court.

Sec. 14. R. S., T. 30, § 563, additional. Title 30 of the Revised Statutes is amended by adding a new section 563, to read as follows:

§ 563. Aroostook County

The county attorney of the County of Aroostook may appoint an assistant county attorney. Said assistant shall take the oath prescribed for county attorneys 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 **and who shall serve as full-time assistant county attorney as defined in section 454.** The assistant county attorney shall act as counsel for the State in the trial of complaints before Judges of the District Court. He shall hold his office during the term of the county attorney by whom he was appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court.

Sec. 15. Appropriation. There is appropriated from the General Fund

to the Department of the Attorney General the sum of \$336,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1972-73
ATTORNEY GENERAL, DEPARTMENT OF	
County Attorneys Salaries	
Personal Services	\$336,000

STATEMENT OF FACT

The purpose of this bill is reflected in the Title.