

# MAINE STATE LEGISLATURE

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(New Title)  
New Draft of S. P. 725, L. D. 1983  
FIRST SPECIAL SESSION

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 2055

S. P. 775

In Senate, February 29, 1972

Reported by 4 members in Report "C" from Committee on State Government and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-TWO

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AN ACT Relating to Full-time Prosecuting Attorneys.

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

**Sec. 1. R. S., T. 5, § 199, repealed.** Section 199 of Title 5 of the Revised Statutes, as amended by section 2 of chapter 53 of the public laws of 1969, is repealed.

**Sec. 2. R. S., T. 5, § 200-A, amended.** The 2nd paragraph of 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 amended to read as follows:

The Attorney General shall have full responsibility for the direction and control of all investigation and prosecution of homicides and ~~such other major crimes as the Attorney General may deem necessary for the peace and good order of the State of Maine~~ in addition, shall be responsible for the prosecution of all crimes and offenses against the State of Maine.

**Sec. 3. R. S., T. 5, §§ 200-C - 200-E, additional.** Title 5 of the Revised Statutes is amended by adding 3 new sections to read as follows:

**§ 200-C. Legislative intent**

The Attorney General shall appoint at least one full-time assistant attorney general in each of the 13 Judicial Districts created under Title 4, section 154 whose primary duty shall be to prosecute offenders within that Judicial District. The duties of said assistant attorneys general shall also include all the duties formerly imposed upon the county attorney, both civil

and criminal. Said assistant attorney general shall be or shall become and shall remain a resident in his respective district. All assistant attorneys general appointed by the Attorney General pursuant to this section shall be approved by the Governor.

**§ 200-D. Additional assistant attorneys general**

The Attorney General shall appoint such other assistant attorneys general as he deems necessary to carry out the provisions of section 200-A.

**§ 200-E. Office space for prosecutors**

The office space currently being provided by the various counties to the county attorneys for office space shall be made available to the Attorney General for carrying out the purposes of this chapter.

**Sec. 4. R. S., T. 30, §§ 451-453, 501-506, 551-562, repealed.** Sections 451 to 453, 501 to 506 and 551 to 562 of Title 30 of the Revised Statutes are repealed.

**Sec. 5. 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 qualified. In any event, the terms of county attorneys and assistant county attorneys shall expire on December 31, 1973. No assistant attorney general shall be appointed to succeed a county attorney or assistant county attorney before January 3, 1973.

During the period that they continue in office said county attorneys and assistant county attorneys shall have the same powers, duties and obligations as they previously had. They shall be subject to the direction and control of the Attorney General.

When an assistant attorney general has been appointed and qualified to succeed a county attorney or assistant county attorney, the Attorney General shall designate the respective county attorney or assistant county attorney succeeded by that officer. Whenever a county attorney or assistant county attorney has been replaced by an assistant attorney general 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 being handled by the county attorney, together with his records, shall be transferred to the Attorney General.

**Sec. 6. Appropriation.** Such funds as are presently allocated to the Attorney General for county attorneys' salaries shall be applied to carry out the purposes of this Act. There is also appropriated from the General Fund to the Department of the Attorney General the sum of \$210,000 to carry out the purposes of this Act. The breakdown shall be as follows:

			1972-73
ATTORNEY GENERAL, DEPARTMENT OF			
Personal Services	(43)		\$150,000
All Other			50,000
Capital Expenditures			10,000
			<hr/>
			\$210,000

**Sec. 7. Effective date.** The effective date of this Act shall be 90 days after the recess of the Legislature; except vacancies in the office of county attorney shall be filled as provided by section 451 of Title 30 of the Revised Statutes. No funds appropriated by this Act shall be encumbered or expended before January 3, 1973.

#### STATEMENT OF FACT

The purpose of this Bill is to create a coordinated system of full-time prosecution for the State of Maine. The present county attorney system will be replaced by assistant attorneys general who will work out of districts administratively created by the Attorney General, which system will have the flexibility of being able to shift prosecutors to various areas of the State wherever the criminal case load indicates the need.