

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 108

H. P. 88

House of Representatives, January 10, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Ferris of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

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

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

Whereas, the District Court in Kennebec County has many times been without the services of a state attorney because of the workload required of the county attorney and his assistant in performing their duties before the Superior Court; and

Whereas, the following legislation is vitally necessary for orderly prosecution of the increased volume of criminal cases in Kennebec 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., T. 30, § 2, amended. That part of the 7th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the assistant county attorney of Kennebec County, as amended, is further amended to read as follows:

first assistant county attorney, \$6,000; **second assistant county attorney, \$6,000;**

Sec. 2. R. S., T. 30, § 556, amended. Section 556 of Title 30 of the Revised Statutes, as amended by chapter 79 of the public laws of 1965, is further amended to read as follows:

§ 556. —Kennebec County

The county attorney of the County of Kennebec may appoint ~~an assistant~~ **2 assistant county attorneys, one to be known as the first assistant county attorney and one to be known as the second assistant county attorney** to be approved by the Justice of the Superior Court, resident in said county, or by the Chief Justice of the Supreme Judicial Court. Said ~~assistant assistants~~ 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. ~~He~~ **They** shall, when directed by the county attorney, act as counsel for the State in the trial of complaints before Judges of the District Court. The assistant county ~~attorney attorneys~~ shall hold ~~his~~ **their** office during the term of the county attorney by whom ~~he was they were~~ appointed, subject to the removal at any time by the Chief Justice of the Supreme Judicial Court.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Department of Attorney General the sum of \$12,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
ATTORNEY GENERAL, DEPARTMENT OF		
County Attorneys' Salaries		
Personal Services	(1) \$6,000	(1) \$6,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall become effective on July 1, 1973.

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.