

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 532

H. P. 403

House of Representatives, January 31, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Faucher of Solon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT Creating a Second Assistant County Attorney for Somerset
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 Somerset 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 Somerset 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 14th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the assistant county attorney of Somerset County, as enacted by section 1 of chapter 530 of the public laws of 1967 and as amended, is further amended to read as follows:

first assistant county attorney, \$5,000; second assistant county attorney, \$5000;

Sec. 2. R. S., T. 30, § 560, amended. Section 560 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 530 of the public laws of 1967, is amended to read as follows:

§ 560. —Somerset County

The county attorney of the County of Somerset may appoint ~~an assistant~~ **2 assistant county attorneys, one to be known as the first assistant and one to be known as the 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 the Chief Justice of the Supreme Judicial Court, and who shall hold office 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 shall 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.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Department of Attorney General the sum of \$10,000 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) \$5,000	(1) \$5,000

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.