

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 895

H. P. 688

House of Representatives, February 14, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Henley of Norway.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Full-time Prosecuting Attorneys.

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 R. S., T. 5, § 199, repealed. Section 199 of Title 5 of the Revised Statutes, as amended by section 2 of chapter 53 of the public laws of 1969, is repealed.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 a full-time district attorney 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 district attorneys shall also include all the duties formerly imposed upon the county attorney, both civil and criminal. Said district attorney shall be or shall become and shall remain a resident in his respective district. All district attorneys appointed by the Attorney General pursuant to this section

shall be subject to the approval of the Governor. Terms shall run concurrent with that of the Attorney General unless terminated sooner for cause.

§ 200-D. Additional assistant district attorneys

The Attorney General shall appoint such other assistant district attorneys as he deems necessary to carry out 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, as amended, 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, 1974. No district attorney shall be appointed to succeed a county attorney or assistant county attorney before January 3, 1974.

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 a district attorney 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 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 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 \$570,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
ATTORNEY GENERAL, DEPARTMENT OF		
Personal Services	(43) \$150,000	(43) \$300,000
All Other	50,000	50,000
Capital Expenditures	10,000	10,000
	<hr/>	<hr/>
	\$210,000	\$360,000

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 system of elective county attorneys will be replaced by district attorneys under the general supervision of the Attorney General. Additional flexibility and efficiency will be obtained by the assignment of assistant district attorneys to districts of greatest need.