

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1285

H. P. 964

House of Representatives, March 5, 1973

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Snowe of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Salaries of County Attorneys and Assistant County Attorneys.

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 county attorney and assistant county attorneys of Androscoggin County, is amended to read as follows:

county attorney, ~~\$8,500~~ same as a Justice of the Maine Superior Court; first assistant county attorney, ~~\$6,000~~ \$9,000; second assistant county attorney, ~~\$6,000~~ \$9,000;

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 county attorney and assistant county attorneys of Aroostook County, is amended to read as follows:

county attorney, ~~\$8,500~~ same as a Justice of the Maine Superior Court; first assistant county attorney, ~~\$5,500~~ \$17,000; second assistant county attorney, \$7,000; third assistant county attorney, \$7,000;

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 county attorney and assistant county attorneys of Cumberland County, is amended to read as follows:

county attorney, ~~\$10,000~~ same as a Justice of the Maine Superior Court; first assistant county attorney, ~~\$7,000~~ \$17,000; second assistant county attorney, ~~\$7,000~~ \$9,000; third assistant county attorney, ~~\$7,000~~ \$9,000; fourth assistant county attorney, \$9,000; fifth assistant county attorney, \$9,000;

Sec. 4. R. S., T. 30, § 2, amended. That part of the 5th paragraph of section 2 of Title 30 of the Revised Statutes which relates to the county attorney of Franklin County is amended to read as follows:

county attorney, ~~\$7,000~~ **\$11,750**;

Sec. 5. R. S., T. 30, § 2, amended. That part of the 6th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the county attorney and the assistant county attorney of Hancock County, is amended to read as follows:

county attorney, ~~\$8,500~~ **same as a Justice of the Maine Superior Court**; assistant county attorney, ~~\$4,500~~ **\$6,500**;

Sec. 6. 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 attorneys of Kennebec County, is amended to read as follows:

county attorney, ~~\$9,000~~ **same as a Justice of the Maine Superior Court**; first assistant county attorney ~~\$6,000~~ **\$17,000**; second assistant county attorney, **\$7,500**;

Sec. 7. R. S., T. 30, § 2, amended. That part of the 8th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the county attorney of Knox County, is amended to read as follows:

county attorney, ~~\$7,500~~ **same as a Justice of the Maine Superior Court**;

Sec. 8. R. S., T. 30, § 2, amended. That part of the 9th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the county attorney of Lincoln County, is amended to read as follows:

county attorney, ~~\$7,500~~ **\$11,750**;

Sec. 9. R. S., T. 30, § 2, amended. That part of the 10th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the county attorney and the assistant county attorney of Oxford County, is amended to read as follows:

county attorney, ~~\$8,000~~ **same as a Justice of the Maine Superior Court**; assistant county attorney, ~~\$5,000~~ **\$6,500**;

Sec. 10. 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 county attorney and assistant county attorneys of Penobscot County, is amended to read as follows:

county attorney, ~~\$8,000~~ **same as a Justice of the Maine Superior Court**; first assistant county attorney, ~~\$6,000~~ **\$9,000**; second assistant county attorney, ~~\$6,000~~ **\$9,000**; third assistant county attorney, **\$9,000**;

Sec. 11. R. S., T. 30, § 2, amended. That part of the 12th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the county attorney of Piscataquis County, is amended to read as follows:

county attorney, ~~\$7,000~~ **\$11,750**;

Sec. 12. R. S., T. 30, § 2, amended. That part of the 13th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the county attorney of Sagadahoc County, is amended to read as follows:

county attorney, ~~\$7,500~~ same as a Justice of the Maine Superior Court;

Sec. 13. 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 county attorney and assistant county attorney of Somerset County, is amended to read as follows:

county attorney ~~\$8,000~~ same as a Justice of the Maine Superior Court;

assistant county attorney, ~~\$5,000~~ \$6,500;

Sec. 14. R. S., T. 30, § 2, amended. That part of the 15th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the county attorney of Waldo County, is amended to read as follows:

county attorney, ~~\$8,000~~ \$11,750;

Sec. 15. R. S., T. 30, § 2, amended. That part of the 16th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the county attorney and assistant county attorney of Washington County, is amended to read as follows:

county attorney, ~~\$8,500~~ same as a Justice of the Maine Superior Court; assistant county attorney, ~~\$4,500~~ \$6,500;

Sec. 16. 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, is amended to read as follows:

county attorney, ~~\$8,000~~ same as a Justice of the Maine Superior Court; first assistant county attorney, ~~\$5,500~~ \$9,000; second assistant county attorney, ~~\$5,500~~ \$9,000; third assistant county attorney, \$9,000;

Sec. 17. R. S., T. 30, § 451, amended. The first sentence of section 451 of Title 30 of the Revised Statutes is amended to read as follows:

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 \approx 4 years.

Sec. 18. R. S., T. 30, § 451, amended. Section 451 of Title 30 of the Revised Statutes is amended by adding a new paragraph at the end to read as follows:

County attorneys shall be part-time unless otherwise specified in chapter 1 of Title 30. A county attorney designated as full-time 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 Superior or District Courts of the State of Maine other than in his capacity as county attor-

ney, during his term of office, nor shall he during such term remain or become a partner of any person engaged in the private practice of law nor shall he remain or become a member of any professional association engaged in the private practice of law.

Sec. 19. R. S., T. 30, § 455, additional. Title 30 of the Revised Statutes is amended by adding a new section 455, to read as follows:

§ 455. Knox and Sagadahoc counties full time

The county attorneys of the counties of Knox and Sagadahoc shall devote full time to the duties of their offices.

Sec. 20. R. S., T. 30, § 553, amended. The first sentence of section 553 of Title 30 of the Revised Statutes, as amended by section 2 of chapter 506 of the public laws of 1965, is further amended to read as follows:

The county attorney of the County of Cumberland shall devote full time to the duties of his office and may appoint ~~3~~ 5 assistant county attorneys, one to be known as first assistant county attorney to serve full time in said capacity; one to be known as second assistant county attorney; ~~and~~ one to be known as third assistant county attorney; ~~one to be known as fourth assistant county attorney and one to be known as fifth 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.

Sec. 21. R. S., T. 30, § 554, amended. The first sentence of section 554 of Title 30 of the Revised Statutes, as amended by section 2 of chapter 407 of the public laws of 1965, is further amended to read as follows:

The county attorney of the County of Androscoggin shall devote full time to the duties of his office and may appoint 2 assistant county attorneys, 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.

Sec. 22. R. S., T. 30, § 555, amended. The first sentence of section 555 of Title 30 of the Revised Statutes, as amended by section 1 of chapter 420 of the public laws of 1965, is further amended to read as follows:

The county attorney of the County of Penobscot shall devote full time to the duties of his office and may appoint ~~2~~ 3 assistant county attorneys, one to be known as first assistant county attorney, ~~and the other~~ one to be known as second assistant county attorney, and one to be known as third assistant county attorney, who shall be residents 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 during the term of the county attorney by whom they were appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court.

Sec. 23. 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 shall devote full time to the duties of his office and may appoint ~~an~~ 2 assistant county attorneys, one to be known as first assistant county attorney to serve full time in said capacity and one to be known as 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~~ They shall hold ~~his~~ their 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.

Sec. 24. R. S., T. 30, § 557, amended. Section 557 of Title 30 of the Revised Statutes is amended to read as follows:

§ 557. —Aroostook County

The county attorney of the County of Aroostook shall devote full time to the duties of his office and may appoint ~~an~~ 3 assistant county attorneys, one to be known as first assistant county attorney to serve full time in said capacity; one to be known as second assistant county attorney and one to be known as third 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 a Justice of the Superior Court resident in said county or by the Chief Justice of the Supreme Judicial Court, and who shall hold ~~his office~~ their offices 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 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 the District Court.

Sec. 25. R. S., T. 30, § 558, amended. The first sentence of section 558 of Title 30 of the Revised Statutes, as last repealed and replaced by section 14 of chapter 573 of the public laws of 1969, is amended to read as follows:

The county attorney of the County of York shall devote full time to the duties of his office and may appoint ~~a~~ 3 assistant county attorneys, one to be known as first assistant county attorney ~~and the other,~~ one to be known as second assistant county attorney and one to be known as third assistant county attorney.

Sec. 26. R. S., T. 30, § 559, amended. The first sentence of section 559 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:

The county attorney of the County of Oxford shall devote full time to the duties of his office and may appoint an assistant, who shall be a resident 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 appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court.

Sec. 27. R. S., T. 30, § 560, amended. The first sentence of 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:

The county attorney of the County of Somerset shall devote full time to the duties of his office and may appoint an assistant, who shall be a resident of the county and duly admitted to the practice of law in this State, to be approved by the Chief Justice of the Supreme Court, and who shall hold 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. 28. R. S., T. 30, § 561, amended. The first sentence of section 561 of Title 30 of the Revised Statutes, as enacted by section 3 of chapter 484 of the public laws of 1969, is amended to read as follows:

The county attorney of the County of Hancock shall devote full time to the duties of his office and may appoint an assistant, who shall be a resident of the county and duly admitted to the practice of law in this State, and who shall hold his office during the term of the county attorney by whom he was appointed, subject to removal at any time by the county attorney.

Sec. 29. R. S., T. 30, § 562, amended. The first sentence of section 562 of Title 30 of the Revised Statutes, as enacted by section 4 of chapter 484 of the public laws of 1969, is amended to read as follows:

The county attorney of the County of Washington shall devote full time to the duties of his office and may appoint an assistant, who shall be a resident of the county and duly admitted to the practice of law in this State, and who shall hold his office during the term of the county attorney by whom he was appointed, subject to removal at any time by the county attorney.

Sec. 30. Appropriation. There is appropriated from the General Fund to the Department of Attorney General the sum of \$634,500 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	\$99,000	\$535,500

Sec. 31. Effective date. The effective date of this Act is January 1, 1975, except that the effective date shall be November 1, 1973 for a county attorney elected the term of office from January 1, 1973 through December 31, 1974 and presently serving in said office if he elects to assume the full-time

position if provided for in his county by Title 30 of the Revised Statutes, sections 553 through 564, as amended, and may appoint assistants if provided thereunder. Such election must be submitted in writing to the Chief Justice of the Supreme Judicial Court and the Attorney General for the State of Maine on or before November 1, 1973.

STATEMENT OF FACT

An increase in workload has substantially burdened the duties and responsibilities of the county attorneys within the State of Maine and an expanding caseload and frequency of District, Superior and Supreme Court appearances and a need to give aid and assistance to law enforcement agencies give use to the necessity of full-time county attorneys in Maine who are to be elected by their respective counties. The present system is unable to cope with the demands placed upon it.