

# MAINE STATE LEGISLATURE

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STATE OF MAINE

SENATE

106TH LEGISLATURE

COMMITTEE AMENDMENT "A " to S.P. 474, L.D. 1569, Bill, "AN ACT to Provide Elected District Attorneys."

Amend said Bill by striking out all of section 5 and inserting in place thereof the following:

'Sec. 5. R.S., T. 30, § 2, amended. Section 2 of Title 30 of the Revised Statutes, as amended, is further amended by adding before the 18th paragraph the following new paragraph:

The district attorneys for each of the prosecutorial districts, as described in section 553-A, shall receive annual salaries of \$23,500 each. '

Further amend said Bill in section 6 by striking out everything after the amending clause and inserting in place thereof the following:

County commissioners shall allow to said officers, including the district attorney serving the county, all office expense, clerk hire and travel which are necessary, just and proper to the performance of their official duties.

Further amend said Bill in section 8 by striking out in the 7th and 11th lines (6th and 9th lines of L.D.) the words "or naval" and inserting in place thereof the following '~~or-naval~~'

Further amend said Bill in section 9 by striking out everything after the amending clause and inserting in place thereof the following:

'§453. Salaries

County The district attorneys for each of the several counties

*(Filing No. 8-183)*

prosecutorial districts shall receive annual salaries as set forth in section 2.'

Further amend said Bill in section 10 by **striking out** everything after the amending clause and inserting in place thereof the following:

'§ 454. Full-time district attorneys

All district attorneys and assistant district attorneys designated as full-time assistants shall be full-time officers of the State. They shall not appear as counsel in any civil or criminal case or controversy before the Supreme Judicial Court, Superior Courts or District Courts of the State of Maine or comparable courts in any other state or before the United States District Court or at any administrative hearing held by any state or United States agency other than in their capacity as district attorney during the terms of their office, nor shall they during such term be a partner or associate of any person engaged in the private practice of law or a member or employee of<sup>a</sup> professional association engaged in the private practice of law.'

Further amend said Bill by striking out all of section 19 and inserting in place thereof the following:

Sec. 19. R.S., T. 30, §§553-A and 554-A, additional. Title 30 of the Revised Statutes is amended by adding 2 new sections, 553-A and 554-A, to read as follows:

§553-A. Prosecutorial districts

1. There shall be one district attorney for York County,

*(Filing no. S-183)*

which shall be known as "Prosecutorial District Number 1." He shall be elected by the electors of York County in the manner set forth in section 451.

2. There shall be one district attorney for Cumberland County, which shall be known as "Prosecutorial District Number 2." He shall be elected by the electors of Cumberland County in the manner set forth in section 451.

3. There shall be one district attorney for Oxford, Franklin and Androscoggin Counties, which shall be known as "Prosecutorial District Number 3." He shall be elected by the electors of Oxford, Franklin and Androscoggin Counties in the manner set forth in section 451.

4. There shall be one district attorney for Kennebec and Somerset Counties, which shall be known as "Prosecutorial District Number 4." He shall be elected by the electors of Kennebec and Somerset Counties in the manner set forth in section 451.

5. There shall be one district attorney for Penobscot and Piscataquis Counties, which shall be known as "Prosecutorial District Number 5." He shall be elected by the electors of Penobscot and Piscataquis Counties in the manner set forth in section 451.

6. There shall be one district attorney for Sagadahoc, Lincoln, Knox and Waldo Counties, which shall be known as Prosecutorial District Number 6." He shall be elected by the electors of Sagadahoc, Lincoln, Knox and Waldo Counties in the manner set forth in section 451.

*(Filing No. S-183)*

7. There shall be one district attorney for Hancock and Washington Counties, which shall be known as "Prosecutorial District Number 7." He shall be elected by the electors of Hancock and Washington Counties in the manner set forth in section 451.

8. There shall be one district attorney for Aroostook County, which shall be known as "Prosecutorial District Number 8." He shall be elected by the electors of Aroostook County in the manner set forth in section 451.

§554-A. Assistant District Attorneys

1. Each district attorney shall appoint assistant district attorneys, at least one of whom shall be full-time, to serve at his pleasure and the said assistants shall take the oath prescribed for district attorneys and assist the district attorneys in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand juries and in the preparation and trial of criminal causes. They shall, when directed by the district attorney, act as counsel for the State in the trial of complaints before Judges of the District Court and Justices of the Superior Court and in the prosecution of appeals before the Supreme Judicial Court.

2. At the time of appointment, the district attorneys shall designate whether each assistant district attorney shall serve full-time or part-time in said capacity.

*(Filing No. S-183)*

3. Assistant district attorneys shall be paid salaries set by the district attorney. Salaries for full-time assistant district attorneys shall not exceed \$17,000 and salaries for part-time assistant district attorneys shall not exceed \$10,000. Salaries for assistant district attorneys shall be on an annual basis and shall be paid in the same manner as is provided for the payment of district attorneys in section 2.

4. The district attorneys for Prosecutorial Districts 2, 3 and 5 shall each be allowed up to the sum of \$45,000 per year to be used for compensation of assistant district attorneys.

5. The district attorneys for Prosecutorial Districts 1, 4 and 8 shall each be allowed up to the sum of \$32,000 per year to be used for compensation of assistant district attorneys.

6. The district attorneys for Prosecutorial Districts 6 and 7 shall each be allowed up to the sum of \$27,000 per year to be used for compensation of assistant district attorneys.

Further amend said bill by striking out in the 3rd line of section 22 (2nd in L.D.) the figure "\$578,000" and inserting in place thereof the following: '\$623,000'

Further amend said Bill in section 22 by striking out everything after the 4th line (3rd line in L.D.) and inserting in place thereof the following:

'1973-74                      1974-75

ATTORNEY GENERAL, DEPARTMENT OF

District Attorneys and Assistant  
District Attorneys - Salaries.

Personal Services                                      \$150,000                      \$473,000,

*(Filing No. S-183)*

Statement of Fact

The purpose of this amendment is to provide for a modern democratic system for the effective prosecution of criminal cases. Through merger of existing county attorneys' offices, a 4-year, full-time position with adequate salaries and staffs will be established. There will be no sacrifice of the integrity of the counties or the electoral process for selecting such officers.

Prompt and effective prosecutions will be promoted by adequate staffs for consultation and for case preparation. Uniformity of case loads and compensation will also be enhanced.

This important sector of the Maine criminal justice system will become more effective and remain a democratic institution.

Reported by the Committee on State Government.

Reproduced and distributed pursuant to Senate Rule 11 A.

May 31, 1973. (Filing No. S-183).