

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2280

S. P. 808

In Senate, January 2, 1974

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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AN ACT Amending the Full-time District Attorneys Law.

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

Whereas, Public Law 1973, Chapter 567, deletes from Title 30 all the duties of the County Attorneys; and

Whereas, this Act becomes effective January 1, 1974; and

Whereas, there will be no prosecuting attorneys in the counties until January 1, 1975; 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, § 454, amended.** Section 454 of Title 30 of the Revised Statutes, as enacted by section 10 of chapter 567 of the public laws of 1973, is amended to read as follows:

**§ 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 **engage in the private practice of law** nor be a partner or associate of any person engaged in the private practice of law or a member or employee of a professional association engaged in the private practice of law.

**Sec. 2. P. L., 1973, c. 567, § 23, amended.** Section 23 of chapter 567 of the public laws of 1973 is amended to read as follows:

**Sec. 23. Effective date.** The effective date of this Act is January 1, ~~1974~~ 1975, except that this Act shall determine the term of office of the district attorneys to be elected at the general election in November, 1974, as well as the terms of the district attorneys to be elected thereafter.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

Public Laws, 1973, Chapter 567, which created full-time district attorneys deleted from the duties of the present county attorneys and repealed the laws creating assistant county attorneys effective January 1, 1974, but did not provide for the elected district attorneys to take office until January 1, 1975. There are no prosecuting attorneys in the counties starting January 1, 1974.