

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 306

S. P. 128

In Senate, February 2, 1979

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

Presented by Mr. Collins of Knox.

Cosponsors: Mr. Carpenter of Aroostook and Ms. Trafton of Androscoggin.
MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to Appropriation of Funds for Assistant District Attorneys.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 30 MRSA § 554-A, sub-§ 1, 2nd ¶, as repealed and replaced by PL 1977, c. 579, § E, § 3, is amended to read:

Each district **attorney** may designate one full-time assistant district attorney or, if there is no full-time district attorney, one part-time district attorney to be his deputy. The deputy shall, in the absence of the district attorney, act in his stead and have the authority, duties and responsibilities of the district attorney. Notwithstanding any other provision of law, any full-time assistant district attorney designated as a deputy district attorney may receive a salary up to 80% of the salary designated for the district attorney **maximum salary set for any district attorney.**

Sec. 2. 30 MRSA § 554-A, sub-§ 3, as repealed and replaced by PL 1977, c. 579, § E, § 4, is amended to read:

Salaries. Assistant district attorneys shall be paid salaries set by the district attorney. Salaries for full-time assistants shall not exceed 70% of the salary designated for the district attorney **maximum salary set for any district attorney.** Salaries for part-time assistants shall not exceed 40% of the salary designated for

~~the district attorney set for any district attorney~~ or \$10,000, whichever is greater. 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 salaries for district attorneys.

Sec. 3. 30 MRSA, § 554-A, sub-5, as repealed and replaced by PL 1977, c. 579, § E, § 5, is repealed and the following enacted in its place:

5. Sums allowed for compensation of assistant district attorneys. Each district attorney shall prepare biennially or as otherwise required by law a budget for payment of salaries for his assistants which shall be known as the district attorney's personnel budget, followed by a designation of the appropriate prosecutorial district by number and counties represented. He may be assisted in this task by the finance officer of the Department of Attorney General.

Each district attorney budget shall be included with the budget estimates submitted by the Department of Attorney General and shall be separated by prosecutorial district and shall designate the salary for the district attorneys and the total requested for compensation of assistants.

Each district attorney shall prepare the budget according to procedures established by the State Budget Officer. Budget requests and other additional information as requested shall be transmitted to the finance officer of the Department of Attorney General and the State Budget Officer on or before September 1st of the even-numbered years. The Governor shall include, in the budget submission of the Attorney General's budget, the district attorney's estimates without a revision, but with such recommendations as he may deem proper.

STATEMENT OF FACT

The purpose of this bill is to have budget appropriations for assistant district attorneys subject to the same budget process as other departments of State Government. Enactment of this procedure would eliminate the necessity of periodic amendments to statutory sections relating to salaries for assistant district attorneys.