

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1073

H. P. 861

House of Representatives, March 6, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

Cosponsor: Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Providing a Salary Increase for the Several District Attorneys.

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

Sec. 1. 30 MRSA § 2, sub-§ 2, as enacted by PL 1977, c. 67, § 3, is repealed.

Sec. 2. 30 MRSA § 553-B is enacted to read:

§ 553-B. District attorney salaries

1. Annual salary. The district attorney for each of the several prosecutorial districts, as described in section 553-A, shall receive an annual salary of \$25,500.

2. Biweekly payments. The district attorneys and their assistants shall receive their annual salaries from the State Treasury in biweekly payments on a date to be determined by the State Controller and in a sum which will, in a year aggregate, most nearly equal the annual salary.

3. Additional sums. In addition to the annual salary as set forth in subsection 1, each district attorney shall receive such additional sums for which he qualifies under the following provisions:

A. \$740 for each full calendar year of prior service as an elected or appointed Attorney General, Deputy Attorney General, United States Attorney or District Attorney within the State of Maine;

B. \$500 for each 50,000 persons constituting the population of his district according to the latest Federal Decennial Census;

C. \$500 for each county within the district;

D. \$500 for each full calendar year of prior service as an elected or appointed county attorney or deputy district attorney;

E. \$300 for each full calendar year of prior service as a full-time assistant attorney general, assistant district attorney, assistant United States attorney or military prosecutor; and

F. \$200 for each full calendar year of prior service as a part-time assistant attorney general, assistant district attorney, assistant county attorney, assistant United States attorney or military prosecutor;

4. Prior service.

A. Whenever it appears that any district attorney shall qualify for any payments set forth in subsection 3, the records of the Secretary of State shall control as to the length and type of prior service.

B. Should any district attorney be qualified for payment by virtue of prior service with the Federal Government, including the military or in another state, it shall be the burden of the person to secure and furnish to the Secretary of State such official records as may properly document the prior service.

5. Salary; exception. In no event shall the salary of any district attorney exceed that of a Justice of the Superior Court.

Sec. 3. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

	1978-79	1979-80	1980-81
ATTORNEY GENERAL, DEPARTMENT OF			
Personal Services			
District attorneys' salaries	(8) \$30,000	(8) \$248,000	(8) 248,000
All Other	4,500	37,200	37,200
	<u>\$34,500</u>	<u>\$285,200</u>	<u>\$285,200</u>

Sec. 4. Retroactivity. This Act shall be retroactive to January 1, 1979.

STATEMENT OF FACT

Upon enactment of the full-time district attorney bill in 1973, the level of compensation was set at \$23,500. This was the same salary provided for Superior Court Justices and coincided with recommendations of the American Bar

Association and the National Advisory Commission on Criminal Justice Goals and Standards. District attorneys have not been provided any salary increases since that time despite the award of increases to other state officials and employees and the tremendous increase in the cost of living.

If the State is going to attract and retain qualified and experienced counsel to represent victims of crime and oversee the enforcement of law, it must show a willingness to compensate prosecutors at a level commensurate with the responsibility they bear. Although the precise amount to be paid for district attorney salaries may vary due to the size of districts and experience of each prosecutor, the ceiling provided in this bill creates a maximum increased appropriation of \$60,000 per year for all 8 district attorneys.