

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 684

H. P. 607

House of Representatives, February 5, 1981

Referred to the Committee on State Government. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Representative Pearson of Old Town.

Cosponsors: Representative H. Martin of Van Buren, Representative C. B. Smith of Island Falls, Representative McGowan of Pittsfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Provide for a Transition before the Attorney General takes Office.

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

5 MRSA § 191-A is enacted to read:

§ 191-A. Transition period

In order to provide for an orderly transition following the biennial election of the Attorney General, the Attorney General-elect shall not take the oath of his office or otherwise qualify for the office for a period of no less than 30 days following that election.

STATEMENT OF FACT

The purpose of this bill is, as stated, to provide for an orderly transition in the office of Attorney General. The Maine Constitution provides no specific date on which a newly-elected Attorney General is to take office, unlike the constitutional provision regarding the Governor. In the past, usually, the Attorney General-elect has been sworn in and assumed office on the day of election. With the increasing size and importance of the office, it has become apparent that such a rapid transition is both impractical and unwise. A reasonable transition period between election and qualification will afford the Attorney General-elect an opportunity to

become familiar with the office and will give the prior Attorney General an opportunity to move from the office in an orderly manner.

Under the Constitution and decision of the Supreme Judicial Court, the sitting Attorney General retains the office until his successor is elected and qualified. This bill does not affect the date or manner of election, but rather provides that the date of qualification, by taking the oath of office, be delayed for a short period of time.