

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 907

6
7 H.P. 716

House of Representatives, February 28, 1983

8 Referred to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Daggett of Manchester.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Eliminate Reports by District
18 Attorneys to the Attorney General.
19

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

22 30 MRSA §505, as amended by PL 1977, c. 696,
23 §222, is repealed.

24 STATEMENT OF FACT

25 The district attorney reporting requirement
26 imposed by Title 30, section 505, was originally
27 established by the Legislature to enable the Attorney
28 General to comply with the demands of Title 5,
29 section 204, a provision which mandated, in critical
30 part, that:

1 "...the Attorney General shall, biennially, on
2 the first day of December, make a report to the
3 Governor of the amount and kind of official busi-
4 ness done... by the several District Attorneys'
5 during the 2 years preceding, stating the number
6 of persons prosecuted, their alleged offenses,
7 the results and the punishments awarded with any
8 useful suggestions."

9 When Title 5, section 204, was repealed by
10 Public Law 1977, chapter 204, section 2, the ration-
11 ale for the concomitant District Attorney reporting
12 requirement ceased to exist. The same Legislature
13 that repealed Title 5, section 204, addressed the
14 substance of Title 30, section 505, via an errors and
15 inconsistencies bill-namely, Public Law 1979, chapter
16 606, section 222, effective March 31, 1978.
17 Unforeseeably, the provision was not repealed in its
18 entirety. Only the following emphasized phrase was
19 deleted therefrom by the Legislature:

20 "... the District Attorney shall, annually, by
21 the 20th day of November, make such a report to
22 the Attorney General of the business done in his
23 office during the year ending on the first day of
24 said November as is required by Title 5, section
25 204, and failing to do so, he forfeits 1/2 of his
26 salary for the current quarter, to be deducted by
27 the Attorney General unless he is satisfied that
28 there was reasonable cause therefor."

29 As a consequence, the existing language of Title
30 30, section 505, still requires annual reports, not-
31 withstanding the repeal of Title 5, section 204.

32

1913021983