

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

Legislative Document

No. 2154

H.P. 1554

House of Representatives, January 9, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on State and Local Government suggested and ordered printed.

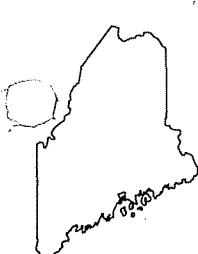
EDWIN H. PERT, Clerk

Presented by Representative CONLEY of Portland.

### STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

#### An Act Shifting Financial Responsibility for County District Attorney Offices to the State.



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

2           **Sec. 1. 5 MRSA §931, sub-§1, ¶L**, as enacted by PL 1985, c.  
4           785, Pt. A, §44, is amended to read:

6           L. The executive director, deputy director, general counsel  
8           and staff attorneys of the Maine Health Care Finance  
            Commission; and

10          **Sec. 2. 5 MRSA §931, sub-§1, ¶M**, as amended by PL 1987, c. 9,  
12          §2, is further amended to read:

14          M. Other positions in the Executive Branch made  
            unclassified by law; and

16          **Sec. 3. 5 MRSA §931, sub-§1, ¶N** is enacted to read:

18          N. District attorney office staff including, but not  
20          limited to, assistant and deputy district attorneys and  
            clerical staff.

22          **Sec. 4. 30-A MRSA §271**, as enacted by PL 1987, c. 737, Pt. A,  
24          § 2 and Pt. C, §106; and as amended by PL 1989, c. 6; c. 9, §2;  
            and c. 104, Pt. A, §§6, 8 and 10, is further amended to read:

26          **§271. Appointment of temporary substitutes**

28          When the district attorney does not attend a criminal  
30          session or the office is vacant, the court may appoint an  
32          attorney to perform duties during the session and allow a  
            reasonable compensation to be paid ~~from the county treasury, in~~  
            ~~the county where the appointment is made by the State.~~ The court  
34          shall ~~notify the Attorney General who shall deduct that amount~~  
            ~~from the district attorney's salary and forward it to the county~~  
            ~~treasurer.~~

36          **Sec. 5. 30-A MRSA §272, sub-§5**, as enacted by PL 1987, c. 737,  
38          Pt. A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6; c. 9,  
40          §2; and c. 104, Pt. A, §§8, 10, is further amended to read:

42          **5. Staff.** Each district attorney shall be allowed  
44          sufficient sums from the State to ensure an adequate staff of  
46          assistants to screen, process and investigate complaints, to  
            assist law enforcement agencies, to conduct trials in the  
            District and Superior Courts, to prosecute appeals in the Supreme  
            Judicial Court and to carry out all other duties and  
            responsibilities.

48          **Sec. 6. 30-A MRSA §281**, as enacted by PL 1987, c. 737, Pt. A,  
50          §2 and Pt. C, §106; and as amended by PL 1989, c. 6; c. 9, §2;  
            and c. 104, Pt. A, §§8, 10, is further amended to read:

2       **§281. District attorney operations**

4           **1. Expenses allowed.** ~~County commissioners shall allow to~~  
the ~~district attorney serving the county~~ The State shall provide  
6       sufficient funds for all district attorney office expense, clerk  
hire and travel, including, but not limited to, funds for:

- 8
- 10           A. Consultation and services of experts;
  - 12           B. Rendition of prisoners; and
  - 14           C. Training and reference books and treatises which may aid  
the district attorney and staff in the prosecution of  
16       criminal matters.

18           **2. Office space.** The ~~county commissioners~~ State shall also  
provide to the district attorney ~~serving the county~~ office space  
suitable for the performance of the duties of office, including  
20       sufficient private area for research, conferences and meetings  
with officers, witnesses, complainants and citizens. ~~If office~~  
22       ~~space is not available on county property, the county~~  
~~commissioners shall provide sufficient funds to the district~~  
24       ~~attorney for the rental of suitable quarters~~ at locations  
convenient to courthouses within the county.

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30                       **STATEMENT OF FACT**

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      This bill transfers the costs of county district attorney  
offices to the State.