

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 453

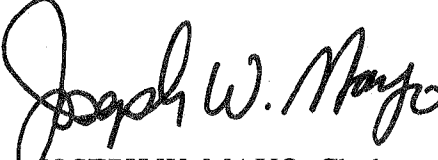
H.P. 331

House of Representatives, January 23, 1997

**An Act to Give District Attorneys the Option of Appearing in Civil Proceedings.**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton.  
Cosponsored by Representative WHEELER of Bridgewater.

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

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**Sec. 1. 30-A MRSA §282, sub-§1**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

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**1. Representation of counties.** The county commissioners shall immediately transmit to the district attorney serving the county any writs, summonses or other processes served upon the county or commissioners. The district attorney for each prosecutorial district shall ~~shall~~ may appear for each county within the district for which the district attorney was elected, under the direction of the county commissioners for each county within that district, in all actions and other civil proceedings in which any county within the district is a party or is interested, or in which the official acts of the county commissioners are called in question, in all the courts of the State, and in such actions and proceedings before any other tribunal when requested by the commissioners. The district attorney shall ~~shall~~ may prosecute or direct the prosecution of all such actions and proceedings. The county commissioners may employ other counsel if in their judgment the public interest so requires.

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**SUMMARY**

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Current law requires district attorneys to appear in all actions and civil proceedings in which any county within the district is a party or is interested, or in which the official acts of the county commissioner are called into question, or when requested by the commissioners. This bill permits the district attorneys to appear at such court proceedings, but does not require the appearance.

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