

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 722

H.P. 517

House of Representatives, February 10, 2005

### **An Act Regarding the Appointment of the Director of Investigations in the Office of the Attorney General**

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Submitted by the Department of the Attorney General pursuant to Joint Rule 204.  
Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PELLETIER-SIMPSON of Auburn.  
Cosponsored by Senator HOBBS of York and  
Representative: SHERMAN of Hodgdon.

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

4 **Sec. 1. 5 MRSA §196**, as amended by PL 1989, c. 410, §14, is further amended to read:

6 **§196. Deputies and assistants; appointment and duties**

8 The Attorney General may appoint one or more deputy  
10 attorneys general, assistant attorneys general and staff  
12 attorneys who shall serve during at the pleasure of the Attorney  
14 General or until their successors are duly appointed and  
qualified. They may perform all the duties required of the  
16 Attorney General and such other duties as the Attorney General  
18 may-delegate delegates to them. The Attorney General may appoint  
20 such research assistants with such any powers and duties as the  
22 Attorney General may-delegate delegates. Research assistants may  
24 perform such duties as-may-be delegated to them by the Attorney  
26 General, including such activities as-are authorized by Title 4,  
28 section 807. The Attorney General may appoint and delegate duties  
30 to a director of investigations. Notwithstanding any other  
provisions of law, the ~~compensation~~ compensations of the director  
of investigations, research assistants, law office manager and  
deputy attorneys general shall--be are fixed by the Attorney  
General. The compensations of the staff attorneys, assistant  
attorneys general and secretary to the Attorney General shall-be  
are fixed by the Attorney General with the approval of the  
Governor, but such compensations shall may not in the aggregate  
exceed the amount appropriated ~~therefor~~ for those positions and  
shall may not result in an increased request to future  
Legislatures.

32 Notwithstanding any other provision of law, whenever the  
34 written approval of the Attorney General is required by statute  
or court rule and the Attorney General either is unavailable to  
36 act upon the matter or has determined that it would be legally or  
ethically improper for ~~him~~ the Attorney General to do so, the  
38 required approval may be given by a deputy attorney general  
specifically authorized in writing by the Attorney General to act  
on ~~his~~ the Attorney General's behalf in these situations.

40 **Sec. 2. 5 MRSA §931, sub-§1, ¶I**, as amended by PL 1985, c. 785,  
42 Pt. A, §42, is further amended to read:

44 I. Deputies, assistants, the director of investigations,  
46 staff attorneys, research assistants and the secretary to  
the Attorney General of the Department of Attorney General;

## SUMMARY

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4       This bill allows the Attorney General to appoint a director  
of investigations to perform duties the Attorney General  
delegates, within the existing budget provided. It also deletes  
6       archaic language and fixes gender-specific language.