

MAINE STATE LEGISLATURE

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Date: 4/12/19

Majority
JUDICIARY

L.D. 540
(Filing No. H- 98)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 397, L.D. 540, Bill, "An Act Regarding Qualifications for District Attorneys"

Amend the bill in section 1 by striking out all of subsection 2 (page 1, lines 5 to 10 in L.D.) and inserting the following:

2. Qualifications. Only attorneys admitted to the general practice of law in this an attorney who is a member in good standing of the bar of the State and who reside resides in the prosecutorial district may be elected or appointed district attorney. Removal from the prosecutorial district or disbarment or suspension from the practice of law vacates the office. For purposes of this subsection, a person is a "member in good standing of the bar of the State" if that person is admitted to the practice of law in this State, is presently registered with the Board of Overseers of the Bar as an active practitioner and is not currently disbarred or suspended from practice in this State pursuant to Title 4, chapter 17, subchapter 2 or the Maine Bar Rules.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

The bill provides for the disqualification of a person to be elected or appointed district attorney if the person has been suspended from the practice of law within the previous 10 years. It also provides that disbarment or suspension during the term of office results in the person vacating the office; this amendment retains this provision.

This amendment requires a district attorney to be a "member in good standing of the bar of the State," which is consistent with the generally accepted standard of qualification of attorneys for positions. Language from the law governing qualifications for the Attorney General is added to the law governing qualifications for a district attorney to make these provisions consistent. The amendment does not require a waiting period after a suspension.

COMMITTEE AMENDMENT