

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 850

H.P. 618

House of Representatives, March 8, 2021

An Act Regarding the Employment Status of Assistant District Attorneys

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative HARNETT of Gardiner.

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

2 **Sec. 1. 30-A MRSA §272, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and
3 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
4 amended to read:

5 **1. Appointment.** Each district attorney shall appoint assistant district attorneys, one
6 or more of whom may be full-time, ~~to serve at the district attorney's will.~~ The district
7 attorney shall designate whether each assistant district attorney will serve full-time or part-
8 time when appointed.

9 **Sec. 2. 30-A MRSA §272, sub-§7** is enacted to read:

10 **7. Dismissal, suspension, discipline.** A district attorney may dismiss, suspend or
11 otherwise discipline an assistant district attorney only for cause. Cause for dismissal,
12 suspension or disciplinary action must be a just, reasonable, appropriate and substantial
13 reason for the action taken that relates to or affects the ability, performance of duties,
14 authority or actions of the assistant district attorney or the public's rights or interests.

15 **SUMMARY**

16 Currently, assistant district attorneys serve at the will of the district attorney. This bill
17 provides that an assistant district attorney can be dismissed, suspended or otherwise
18 disciplined only for cause. The standard for cause for dismissal, suspension or discipline
19 is the same that applies to most other county employees.