

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 442

H. P. 295 House of Representatives, February 4, 1959.
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Earles of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Creating a Second Assistant County Attorney for Cumberland County.

Emergency preamble. Whereas, acts of the Legislature, unless enacted as emergencies, do not become effective until 90 days after adjournment; and

Whereas, the pressing number and quantity of criminal cases in the Superior Court and many inferior courts of Cumberland County makes it impossible for the county attorney of Cumberland County and his one assistant to handle same properly for the protection of the public; and

Whereas, it is vitally necessary to provide for a second assistant county attorney of Cumberland County to safeguard and protect the safety and well-being of the inhabitants of Cumberland County; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 89, § 114, amended. That part of section 114 of chapter 89 of the Revised Statutes which relates to Cumberland County, as last amended by section 3 of chapter 406 of the public laws of 1957, is further amended to read as follows:

‘Cumberland, \$4,800; first assistant county attorney, \$3,300; second assistant county attorney, \$3,300.’

Sec. 2. R. S., c. 89, § 123, amended. Section 123 of chapter 89 of the Revised Statutes is amended to read as follows:

‘Sec. 123. Assistant county attorneys for Cumberland County; duties. The county attorney of the County of Cumberland may appoint ~~an assistant 2 assistant county attorneys~~, **one to be known as first assistant county attorney and the other to be known as second assistant county attorney**, to be approved by a Justice of the Superior Court resident in said county or by the Chief Justice of the Supreme Judicial Court. Said ~~assistant assistants~~ shall take the oath prescribed for county attorneys; and assist the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury and in the preparation and trial of criminal causes. ~~He~~ **They** shall, when directed by the county attorney, act as counsel for the State in the trial of complaints before judges of municipal courts and trial justices. ~~He~~ **They** shall hold ~~his~~ **their** office during the term of the county attorney by whom ~~he was they were~~ appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court.’

Sec. 3. Appropriation. There is appropriated from the General Fund to the personal services category of the Attorney General the sum of \$550 for the fiscal year ending June 30, 1959; \$3,300 for the fiscal year ending June 30, 1960 and \$3,300 for the fiscal year ending June 30, 1961 to carry out the purposes of this act.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.