

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-fifth Legislature

OF THE

# STATE OF MAINE

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-fifth Legislature

**1951**

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## Chapter 239

### AN ACT Relating to Powers of Attorney General.

**Emergency preamble.** Whereas, the attorney general is a constitutional officer of the state and as such invested with the common law powers of the office; and

Whereas, his authority to act as the chief prosecuting officer of the state under the common law has not been expressed by declaratory legislation; and

Whereas, there are now pending prosecution many matters of a criminal nature of state-wide interest requiring the attention of the attorney general and his office; and

Whereas, he and his office are acting thereon under his said common law powers; and

Whereas, it is necessary that said common law powers be expressed in declaratory legislation; 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:*

**R. S., c. 17, § 9, amended.** Section 9 of chapter 17 of the revised statutes is hereby amended by adding at the end thereof the following:

'He may also, in his discretion, act in place of or with the county attorneys, or any of them, in instituting and conducting prosecutions for crime, and is invested, for that purpose, with all the rights, powers and privileges of each, and all, of them. **Provided, however, that the authority given to the attorney general hereby shall not be construed to deny, or limit, his duty and authority as heretofore authorized, either by statute or under the common law.'**

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