

Unanimous OTPA - need to rewrite
to add Emergency

L.D. 1967

(Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT " " to H.P. 1411, L.D. 1967, "Resolve,
Authorizing the Establishment of Prosecutorial Districts in Downeast Maine"

→ Insert Emergency Preamble

Amend the resolve in section 3 in the 4th line (page 1, line 24 in L.D.) by striking out the following: "state and local government" and inserting the following: 'judiciary'

Amend the resolve in section 4 in the 2nd and 3rd lines (page 1, lines 31 and 32 in L.D.) by striking out the following: "state and local government" and inserting the following: 'judiciary'

Amend the resolve by adding after section 5 the following:

Sec. 6. Effective date. This resolve takes ~~effect 90 days after its approval~~ ^{when it is approved} only for the purpose of permitting its submission by the county commissioners of Hancock and Washington counties to the legal voters of Hancock and Washington counties at the general election held in November 2020.'

→ Insert Emergency clause

SUMMARY

The ~~bill~~ ^{resolve} requires the commissioners of Hancock and Washington counties to submit the plans based on the result of the referendum question concerning the dissolution of Prosecutorial District Number 7 to the joint standing committee of the Legislature having jurisdiction over state and local government matters. This amendment instead requires the commissioners to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters because of that committee's traditional jurisdiction overseeing district attorneys. The amendment directs the joint standing committee of the Legislature having jurisdiction over judiciary matters to introduce legislation in the 130th Legislature implementing the plans for the prosecutorial districts.

This amendment clarifies that the purpose of the resolve is to permit the submission of the question to the voters of Hancock and Washington counties.

①

LR 2835(02)

LD 1967, Resolve, Authorizing the Establishment of Prosecutorial Districts in Downeast Maine

Insert Emergency Preamble:

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

Whereas, This resolve requires the commissioners of Hancock and Washington counties to submit a referendum questions to the voters at the statewide election in November 2020;

Whereas, This resolve needs to take effect as soon as possible to provide time for the referendum question to be placed on the ballot;

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,

Insert at the end:

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Include in Summary:

This amendment adds an Emergency Preamble and Emergency Clause to provide sufficient time to place the referendum question on the ballot.



129th MAINE LEGISLATURE

LD 1967

LR 2835(02)

Resolve, Authorizing the Establishment of Prosecutorial Districts in Downeast Maine

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: No

Fiscal Note

No state fiscal impact

*for
original
amend -
w/o
emergency*

3



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1967

H.P. 1411

House of Representatives, January 8, 2020

Resolve, Authorizing the Establishment of Prosecutorial Districts in Downeast Maine

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule
203.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUELL of East Machias.
Cosponsored by Senator MOORE of Washington and
Representatives: ALLEY of Beals, JAVNER of Chester, PERRY of Calais, WHITE of
Waterville, Senator: CYRWAY of Kennebec.

1 **Sec. 1. Referendum procedure; form of question. Resolved:** That the
2 county commissioners of Hancock and Washington counties shall notify the inhabitants
3 of their respective counties to meet, in the manner prescribed by law for holding a
4 statewide election, at the statewide election held in the month of November 2020, to vote
5 upon the following question:

6 "Do you favor directing the county commissioners to dissolve Prosecutorial
7 District Number 7 and develop a plan to either establish a separate prosecutorial
8 district or join a neighboring prosecutorial district?"

9 The voters shall indicate their opinion on this question by a cross or check mark
10 placed against the word "Yes" or "No."

11 The method of voting and the conduct of the referendum are governed by the Maine
12 Revised Statutes, Title 21-A, and the county commissioners or county administrators
13 shall perform the duties of the Secretary of State prescribed by Title 21-A in the same
14 manner as the county commissioners are required to do in the case of a county bond
15 referendum election held pursuant to Title 30-A, section 938.

16 **Sec. 2. Certification filed with Secretary of State. Resolved:** That the
17 results of a referendum under section 1 must be declared by the county commissioners or
18 county administrators of Hancock and Washington counties and due certificate filed by
19 the county commissioners or county administrator of each county with the Secretary of
20 State within 10 days after the date of the election.

21 **Sec. 3. Submission of plan. Resolved:** That, if the referendum question under
22 section 1 passes by a majority vote in both Hancock and Washington counties, the county
23 commissioners of each county shall submit a plan to the joint standing committee of the
24 Legislature having jurisdiction over state and local government matters by February 1, *judiciary*
25 2021. The plan must state whether the county commissioners seek to form a new
26 prosecutorial district or whether the commissioners intend the county to join a
27 neighboring prosecutorial district. If a plan proposes that the county join a neighboring
28 district, the plan must include a letter from the county commissioners of the neighboring
29 district agreeing to the plan.

30 **Sec. 4. Legislation. Resolved:** That, if plans are submitted pursuant to section 3,
31 the joint standing committee of the Legislature having jurisdiction over state and local
32 government matters shall introduce legislation during the First or Second Regular Session *judiciary*
33 of the 130th Legislature implementing the plans for Hancock and Washington counties
34 for dissolving Prosecutorial District Number 7 and for each county to either establish a
35 new prosecutorial district or join an existing district. The effective date of such
36 legislation must be January 1, 2023.

37 **Sec. 5. District Attorney for Prosecutorial District Number 7; term of**
38 **office. Resolved:** That, if the referendum question under section 1 passes by a
39 majority vote in both Hancock and Washington counties and legislation is enacted as
40 required in section 4, the district attorney for Prosecutorial District Number 7 shall
41 continue to serve in that position until January 1, 2023.

Sec. 6. →

1

SUMMARY

2 This resolve requires the county commissioners of Hancock and Washington counties
3 to submit a referendum question to the voters at the statewide election in November 2020.
4 The referendum question is whether the voters of each county desire to direct the county
5 commissioners to dissolve Prosecutorial District Number 7 and develop a plan to either
6 establish a separate prosecutorial district or join a neighboring prosecutorial district. If a
7 majority of voters in both counties vote in favor of this referendum question, the county
8 commissioners of both counties are directed to develop and submit a plan to the joint
9 standing committee of the Legislature having jurisdiction over state and local government
10 matters by February 1, 2021. If the county commissioners plan to join a neighboring
11 prosecutorial district, the county commissioners of that neighboring district are required
12 to submit a report to the committee stating their consent to the addition. The committee
13 is directed to introduce legislation in the First or Second Regular Session of the 130th
14 Legislature that implements the plans of the counties. The plans and the dissolution of
15 Prosecutorial District Number 7 take effect January 1, 2023.

