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An Act Regarding the Compensation of Assistant Attorneys General and District Attorneys and the Approval of Financial Orders by the Attorney General and Secretary of State

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

Sec. 1. 5 MRSA §81, as amended by PL 1977, c. 674, §1, is further amended by adding at the end a new paragraph to read:

The Secretary of State may approve financial orders for transfers and revisions of and increases to allotments within the budget of the Department of the Secretary of State in accordance with procedures for financial orders established in the executive branch. The Secretary of State shall provide a copy of each approved financial order to the Department of Administrative and Financial Services, Bureau of the Budget, the Office of Fiscal and Program Review and the Legislative Council. Compensation established by the Secretary of State for unclassified employees may not in the aggregate exceed the amount appropriated for those positions and may not result in an increased request to future Legislatures.

Sec. 2. 5 MRSA §191, sub-§5 is enacted to read:

5. Financial orders. The Attorney General may approve financial orders for transfers and revisions of and increases to allotments within the budget of the Department of the Attorney General in accordance with procedures for financial orders established in the executive branch. The Attorney General shall provide a copy of each approved financial order to the Department of Administrative and Financial Services, Bureau of the Budget, the Office of Fiscal and Program Review and the Legislative Council. Compensation established by the Attorney General for unclassified employees may not in the aggregate exceed the amount appropriated for those positions and may not result in an increased request to future Legislatures.

Sec. 3. 5 MRSA §196, first ¶, as amended by PL 2005, c. 154, §1, is further amended to read:

The Attorney General may appoint one or more deputy attorneys general, assistant attorneys general and staff attorneys who serve at the pleasure of the Attorney General or until their successors are duly appointed and qualified. They may perform all the duties required of the Attorney General and other duties the Attorney General delegates to them. The Attorney General may appoint research assistants with any powers and duties the Attorney General delegates. Research assistants may perform duties delegated to them by the Attorney General, including activities authorized by Title 4, section 807. Notwithstanding any other provisions of law, the compensations of assistant attorneys general, staff attorneys, research assistants, the law office manager, the secretary to the Attorney General and deputy attorneys general are fixed by the Attorney General. ~~The compensations of the staff attorneys, assistant attorneys general and secretary to the Attorney General are fixed by the Attorney General with the approval of the Governor,~~ but such compensations may not in the aggregate exceed the amount appropriated for those positions and may not result in an increased request to future Legislatures.

Sec. 4. 30-A MRSA §255, sub-§1, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10 and repealed and replaced by c. 501, Pt. O, §18, is amended to read:

1. Annual salary. The District Attorney for each of the prosecutorial districts ~~shall be~~ within salary range 90 with the step within that salary range to be determined by the Attorney General, ~~subject to the approval of the Governor.~~

Sec. 5. 30-A MRSA §272, sub-§3, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10 and repealed and replaced by c. 501, Pt. O, §20, is amended to read:

3. Compensation. The compensation of deputy and assistant district attorneys ~~shall be~~ fixed by the district attorney, subject to the approval of the Attorney General ~~and the Governor.~~ For purposes of compensation and benefits, deputy and assistant district attorneys ~~shall~~ must be treated comparably to assistant attorneys general.

SUMMARY

This bill eliminates the requirement that compensation set by the Attorney General for assistant attorneys general, staff attorneys, the secretary to the Attorney General, District Attorneys and deputy and assistant district attorneys be approved by the Governor. It also allows the Attorney General and the Secretary of State to approve financial orders for transfers and revisions of and increases to allotments within the budgets of their respective departments.