

**§708. Preparation of complaints**

The clerk may, in the absence or unavailability of a justice of the peace or of a prosecuting attorney or any of the justice of the peace's or prosecuting attorney's assistants, prepare and draft complaints upon the request of any law enforcement officer, except that a complaint may not issue to any person who is not a law enforcement officer or for any criminal homicide or Class A, B or C crime unless approved by the district attorney or the district attorney's designee or the Attorney General or the Attorney General's designee. [RR 2023, c. 2, Pt. D, §49 (COR).]

Except in prosecutions instituted by the Attorney General or the Attorney General's designee, the district attorney or the district attorney's designee shall, whenever practical, prepare all complaints for criminal homicide and Class A, B and C crimes and for all complainants who are not law enforcement officers. A complaint may not be filed nor process issued until such time as the complainant has made oath to the complaint or process before the proper official. [RR 2023, c. 2, Pt. D, §49 (COR).]

Each district attorney shall establish written guidelines for the approval of issuance of complaints pursuant to this section. In those guidelines, the district attorney may extend the above procedure to Class D and E crimes, as long as the approval of the district attorney is not necessary for any complaint issued with the approval of the Attorney General or the Attorney General's designee. [RR 2023, c. 2, Pt. D, §49 (COR).]

Whenever a complaint is not approved for prosecution by the district attorney or the district attorney's designee or the Attorney General or the Attorney General's designee, the district attorney or the district attorney's designee or the Attorney General or the Attorney General's designee shall, if requested, inform the complainant, orally or in writing, of the reasons the complaint was not approved. [RR 2023, c. 2, Pt. D, §49 (COR).]

**SECTION HISTORY**

PL 1969, c. 504, §§24-I (NEW). PL 1973, c. 567, §20 (AMD). PL 1977, c. 579, §E1 (RPR). PL 1987, c. 736, §25 (AMD). RR 2023, c. 2, Pt. D, §49 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.