

MAINE STATE LEGISLATURE

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CHAPTER 303
FINES AND COSTS

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SUBCHAPTER I
GENERAL PROVISIONS

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§ 1901. Costs taxable for State in criminal prosecutions

Costs taxable for the State in criminal prosecutions shall be as follows:

For the attorney acting for the State, in all cases in the Superior Court, \$1.25, unless there is a trial by jury or an issue in law at the law court, in which case there shall be an additional charge of \$1.

For an indictment in the Superior Court, \$1.25.

For attendance, 33¢ a day, not to extend beyond the 2nd week of any one term; but no fees for travel shall be allowed in any case in which the State is a party.

No attendance shall be taxed in cases of defaulted recognizances, other than is taxed in the prosecutions in which they are taken, until the commencement of a proceeding thereon.

In indictments against towns for neglecting to make or repair a way, not tried by the jury, the fees taxed for the State are limited to \$3; and the costs shall not be taxed until the action is finally disposed of.

No fees shall be allowed to complainants before the grand jury against towns for neglecting to make or repair roads; nor

15 § 1901 COURT PROCEDURE—CRIMINAL Title 15

to any other witnesses in such cases, unless summoned by the county attorney or grand jury.

R.S.1954, c. 150, § 1; 1963, c. 414, § 143.

§ 1902. Fines, forfeitures and criminal costs paid to county

All fines, forfeitures and costs in criminal cases shall be paid into the treasury of the county where the offense is prosecuted for the use of such county, and all the costs and expenses attending the administration of criminal justice therein shall be paid by said county, unless otherwise specially provided. The Superior Court shall allow bills of costs accruing therein, but all other costs and expenses in criminal cases shall be audited by the commissioners of the county where they accrued, including actual expenses incurred by county attorneys in the performance of their official duties, payment of which is expressly provided. Any officer, which shall include any sheriff, deputy sheriff, constable or police officer, required in the performance of his duties in connection with the administration of criminal justice to incur expenses for or incidental to interstate travel which are payable by a county pursuant to this section shall be entitled to draw on the treasurer of such county in advance on account of such expenses in an amount set forth in a written estimate thereof bearing endorsement of approval thereof by a Justice of the Superior Court. Such officer shall be held accountable to said county for such advance.

R.S.1954, c. 150, § 2.

§ 1903. Fines and forfeitures recovered by indictment unless otherwise provided

All fines and forfeitures, imposed as punishment for offenses or for violations or neglects of statute duties may, when no other mode is expressly provided, be recovered by indictment. When no other appropriation is expressly made, they inure to the county where the offense is prosecuted.

R.S.1954, c. 145, § 18.

§ 1904. Inability to pay fine and costs; liberation

Except when otherwise provided, any convict sentenced to pay a fine or costs or both and committed or confined for default thereof and for no other cause shall be given a credit of \$5 on such fine or costs or both for each day during which he shall be con-

fined and shall be discharged at such time as the said credits or such credits as have been given and money paid in addition thereto shall equal the amount of the fine or costs or both, but no convict shall be discharged in less than 30 days in any case, nor shall any convict serve more than 11 months to discharge his liability under any single fine or costs or both, and in all cases no further action shall be taken to enforce payment of said fine or costs or both.

R.S.1954, c. 149, § 42; 1957, c. 254, § 1; c. 439, § 1; 1963, c. 289.

SUBCHAPTER II

CLERKS OF COURT

Sec.

1941. Duties of clerks as to bills of costs and certificates of fines.
 1942. Duty of clerks to collect fines and costs or to issue process for collection.
 1943. Fines, costs and forfeitures in Superior Court.

§ 1941. Duties of clerks as to bills of costs and certificates of fines

Clerks of court shall attest duplicate copies of all bills of costs allowed therein and certificates of all fines and forfeitures imposed and accruing to the county, before the rising of the court or immediately after, and deliver one of said copies and certificates to the county treasurer and retain one for the use of the county commissioners.

R.S.1954, c. 150, § 3.

§ 1942. Duty of clerks to collect fines and costs or to issue process for collection

Each clerk of court, in default of payment to him of fines, forfeitures and bills of costs, shall issue warrants of distress, or such other process therefor as the court finds necessary to enforce the execution of any order, sentence or judgment in behalf of the State, deliver them to the sheriff, or to such constable as the county attorney directs, and enter of record the name of the officer and the time when they are delivered to him.

R.S.1954, c. 150, § 4.

§ 1943. Fines, costs and forfeitures in Superior Court

Every clerk of a Superior Court shall render under oath a detailed account of all fines, costs and forfeitures upon convictions and sentences before him, on forms prescribed by the State Department of Audit, and shall pay them into the treasury of the county where the offense is prosecuted on or before the 15th day of the month following the collection of such fines, costs and forfeitures. The county treasurer, upon approval of the county commissioners, shall pay to the State, town, city or persons any portion of the fines, costs and forfeitures that may be due. Any person who fails to make such payments into the county treasury shall forfeit, in each instance, double the amount so neglected to be paid over, to be recovered by indictment for the persons entitled to such fines, costs and forfeitures, and in default of payment, according to the sentence of the court, such person shall be punished by imprisonment for not more than 6 months.

1963, c. 402, § 256.

SUBCHAPTER III

SHERIFFS AND OTHER OFFICERS

Sec.

- 1981. Payment over of fines and costs collected.
- 1982. Receipts for process for recovery of fines.
- 1983. Disposal of securities for fines and costs.

§ 1981. Payment over of fines and costs collected

Sheriffs, jailers and constables who by virtue of their office receive any fines, forfeitures or bills of costs, except debts and costs received upon executions in favor of the State, shall forthwith pay them to the treasurer of the county in which they accrued.

If any such officer neglects to pay over such fine, forfeiture or costs for 30 days after the receipt thereof; or if he permits any person, sentenced to pay such fine, forfeiture or bill of costs and committed to his custody, to go at large without payment, unless by order of court, and does not within 30 days after such escape pay the amount thereof to the county treasurer, he forfeits to the county double the amount. The county treasurer shall give notice of such neglect to the county attorney, who shall sue therefor in a civil action in the name of such treasurer.

All such fines imposed by the District Court shall be paid over to the District Court.

R.S.1954, c. 150, § 8; 1961, c. 317, § 488; 1963, c. 402, § 257-A.

§ 1982. Receipts for process for recovery of fines

Every sheriff or other officer to whom any process for the recovery of such fine, forfeiture or costs is committed by the clerk of courts shall, at the next session of the court in the same county, produce a receipt in full for the same or assign a satisfactory excuse for not so doing. In case of neglect, the court shall order a prosecution to be commenced therefor by the county attorney.

R.S.1954, c. 150, § 9.

§ 1983. Disposal of securities for fines and costs

Each sheriff, as often as every 3 months, shall deliver to the treasurer of his county all securities by him taken for fines and costs, on the liberation of poor convicts from prison pursuant to law.

All such securities taken for fines imposed by the District Court shall be paid over to the District Court.

R.S.1954, c. 150, § 10; 1957, c. 254, § 2; 1963, c. 402, § 257-B.

SUBCHAPTER IV

COUNTY TREASURERS

Sec.

2031. Fees claimed within 3 years.

2032. Treasurer to exhibit schedule of notes to county commissioners.

2033. Treasurer's annual report to Attorney General.

§ 2031. Fees claimed within 3 years

Sums allowed to any person as fees or for expenses in any criminal prosecution and payable from the county treasury may be claimed by such person of the county treasurer at any time within 3 years after the allowance, and not afterwards.

R.S.1954, c. 150, § 11.

§ 2032. Treasurer to exhibit schedule of notes to county commissioners

A schedule of all securities with the amount due on each, received by the county treasurer from the sheriff pursuant to section 1983, shall be by him laid before the county commissioners at their next session, to be filed with the clerk. The county commissioners, from time to time, shall examine such securities, order the county attorney to take such measures for their collection as they judge expedient or authorize the treasurer to compound and cancel them on such terms as they direct.

R.S.1954, c. 150, § 12; 1961, c. 395, § 52.

§ 2033. Treasurer's annual report to Attorney General

The county treasurer shall, on or before the 20th day of November, annually, make a report to the Attorney General showing the amount paid out of his office during the year ending on the first day of said November for costs of prosecutions in the Superior Court; upon bills of costs allowed by county commissioners for support of prisoners in jail; and to grand jurors and to traverse jurors at terms of court held for criminal business; and the amount received from fines, costs and forfeitures in said courts from judges, jailers and other officers.

Neglect to make and forward such report is a breach of his official bond, and for every day of such neglect he forfeits \$5 to the State, and the Attorney General shall bring an action on such treasurer's official bond to recover such forfeiture.

R.S.1954, c. 150, § 13.

SUBCHAPTER V

COUNTY ATTORNEYS

Sec.

- 2061. Examination of records of clerks and treasurers by county attorney.
- 2062. Delinquent sheriff or other officer summoned before court by county attorney.

§ 2061. Examination of records of clerks and treasurers by county attorney

County attorneys shall examine the records and files in the offices of clerks and the certificates and accounts in the offices

of treasurers, relating to fines, forfeitures and bills of costs accruing to their counties; ascertain, so far as practicable, the cause of any delinquencies in paying over the same; and move the court for all necessary orders and processes to enforce the collection thereof.

R.S.1954, c. 150, § 14.

§ 2062. Delinquent sheriff or other officer summoned before court by county attorney

When it appears that any sheriff or other officer is not discharged of any fine, forfeiture or bill of costs committed to him to collect, the county attorney shall cause him to be summoned and brought before the court that imposed such fine, forfeiture or bill of costs to show a proper discharge or the cause for not collecting the same and paying it over. Such sheriff or other officer shall carry into execution all lawful orders of the court relating to the collection and payment thereof, and shall, by all other means pertaining to his office, promote and enforce the same.

R.S.1954, c. 150, § 15.