

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

November 17, 1933

Honorable George J. Stobie
Commissioner of Inland Fisheries and Game
Augusta, Maine

Dear Mr. Stobie:

In response to inquiry of November 14, from R. A. Daigle, Trial Justice, I would call your attention to Section 23 of Chapter 144 of the Revised Statutes which provides that,--

"When the costs in a criminal case are paid to the magistrate as a part of the sentence, he may retain his fees, and pay over the other fees to the persons entitled thereto."

Section 24 of the same Chapter provides that,--

"When a party accused is acquitted by the magistrate, is not sentenced to pay costs, or does not pay them when so sentenced, and on all legal search warrants, the commissioners of the same county shall examine and correct the bills of cost, including the fees of officers, witnesses and others, and order the same to be paid out of the county treasury to the persons entitled thereto."

I also call your attention to Section 12 of the Second Biennial Revision of the Inland Fish and Game Laws, being Chapter 142 of the Public Laws of 1933, which provides that inland fish and game wardens,--

"Shall enforce the laws relating to inland fisheries and game and all rules and regulations thereto, arrest all violators thereof, and prosecute all offenses against the same; said inland fish and game wardens shall have the same power to serve criminal processes against such offenders, and to arrest and prosecute game trespassers or those suspected of larceny from any camp or cottage building and shall be allowed the same fees as sheriffs and their deputies, for like



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services; and all such fees being paid to commissioner of inland fisheries and game and they shall have the same right as sheriffs to require aid in executing the duties of their office."

From the foregoing it is evident that the magistrate in any given case shall tax costs for the warden in the same manner as he would for a sheriff, which fees shall be allowed by the county commissioners to be paid out of the county treasury in cases where the costs are not paid by the respondent, and such fees allowed the warden should be paid to the commissioner of inland fisheries and game.

A violation of the Fish and Game laws should be treated in the same manner as the violation of any other law and in any given case where a fine and costs are imposed by the magistrate, the respondent should be committed in case he fails to pay. In case the respondent pays the fine, such fine must be paid to the Commissioner of Inland Fisheries and Game in accordance with the provisions of Section 99 of said Second Biennial Revision of the Fish and Game laws, being in accordance with Chapter 323 of the Public Laws of 1929.

Very truly yours,

Deputy Attorney General

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