

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA

May 8, 1934

W. A. Funnells, Esquire  
State Controller  
Augusta, Maine

Dear Mr. Funnells:

In response to your communication, made several weeks ago relative to the disposition of fines imposed under Chapter 259 of the Public Laws of 1933, Section 12, I beg to advise you that I do not find anything in Chapter 259 to indicate that it was the intention of the legislature that this act should be considered or termed a motor vehicle law, so as to come within the provisions of Chapter 29, R. S. 1930.

Section 189 of the Public Laws of 1931 provides for the division of "All fines and forfeitures collected under this chapter, when the arrest is made by a member of the state highway police or inspector," etc.

Section 1 of Chapter 148 of our Revised Statutes, relative to fines, forfeitures, and criminal costs, provides that,--

"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 expenses attending the administration of criminal justice therein shall be paid by said county unless otherwise specially provided."

Section 12 of Chapter 259, P. L. 1933, provides that,--

"Any person, firm, or corporation violating any of the provisions of the preceding sections shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment for not more than eleven months, or by both fine and imprisonment."

It seems to me that in the absence of a special provision in Chapter 259 with reference to costs and forfeitures, that the provisions of Section 1 of Chapter 148 must prevail.

To arrive at any other conclusion, one must read into Chapter 259 something that does not appear to have been contemplated by the legislature.

Very truly yours,

Deputy Attorney General