

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

January 11, 1936

Honorable Frank F. Washburn
Commissioner of Agriculture
Augusta, Maine

Attention, Mr. Charles M. White
Chief of Division of Markets

Dear Sir:

In response to your recent oral inquiry relative to the disposition of penalties recovered for violation of the provisions of Chapter 51 of the Public Laws of 1925, entitled "AN ACT to Assure Proper Branding of Potatoes", I am pleased to inform you that under the provisions of Section 5 of said Act which provides that the Commissioner

"--may recover penalties imposed for violation of this act in an action of debt brought in his own name and if he prevails in such action shall recover full costs; or he may prosecute for violations hereof by complaint or indictment. Municipal courts and trial justices shall have original jurisdiction concurrent with the superior court of actions brought for the recovery of penalties imposed by this act and all prosecutions for violations hereof. All fees received under this act by the commissioner and all money and fines received by him under this act shall be paid by him to the treasurer of state and the same are hereby appropriated for carrying out the provisions of this act",

It is my opinion that the act contemplates the payment of all fines and moneys recovered, either in an action of debt or by complaint or indictment, to the Commissioner and by him paid to the Treasurer of State.

Very truly yours,

Deputy Attorney General

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