

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

May 4, 1936

The Board of County Commissioners
Augusta, Maine

Gentlemen:

You have inquired of this office concerning the fees to be paid to deputy sheriffs in Kennebec County, and I am pleased to advise you as follows:

According to Section 28 of R. S. Chapter 127, the sheriffs and their deputies are required to inquire into all violations of law within their respective counties, and institute proceedings in case of violations or supposed violations of law. According to Section 30 of the same chapter, deputy sheriffs acting under the direction of the sheriff receive the same per diem for such services as now allowed for attendance on Supreme Judicial Court, that is, \$5.00 per day; and the same fees for travel as for the service of warrants in criminal cases, that is, 10 cents per mile, together with such necessary incidental expenses as are just and proper. The section further provides that the bills shall be audited by the county commissioners and paid from the county treasury.

It is my opinion that in cases coming within Section 28, it is your duty to allow 10 cents per mile to the deputy sheriffs but, of course, you are justified in ascertaining whether or not the deputy sheriff in question on any particular item has actually traveled the mileage claimed.

According to Section 4 of R. S. Chapter 126, a deputy sheriff, while performing special duties under order of the sheriff, is entitled to a per diem of \$5.00 a day together with necessary incidental expenses to be paid from the county treasury; the bills to be audited by the county commissioners.

While performing the duties falling under Section 4, the law allows simply \$5.00 per day and actual necessary incidental expenses.

It is a matter for the county commissioners to determine whether or not the charge made for the use of an automobile by the deputy sheriff represents actual expense, and the county commissioners are not bound to limit the mileage to 10 cents per mile, nor are they bound to allow that much.

It is for the county commissioners to determine the fact of what the necessary incidental expense is, and allow that amount.

Very sincerely yours,

Attorney General