

MAINE STATE LEGISLATURE

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January 24, 1941.

Mr. William D. Hayes
State Auditor
Augusta, Maine

Dear Sir:

In re Fines and Costs Accruing to State on
Convictions Where State Police are Arresting
Officers.

Below is the ruling of this office on the proper amounts accruing to the State of fines and costs imposed by the various courts on violations other than those coming within the laws relating to Public Utilities, Sea and Shore Fisheries, Inland Fish and Game and Potato Branding, when State Police members are involved in any capacity other than respondent.

Upon conviction for violations coming within Chapter 29 of the Revised Statutes, as amended, (Motor Vehicle Law), there accrues to the State one-half of the fine or forfeiture imposed and one-half of so much of the costs assessed as represent the arresting officer's costs, when such conviction is the result of an arrest by a member of the State Police. No part of any costs assessed as witness and/or aide fees accrue to the State, when members of the State Police appear as such witness and/or aide.

When members of the State Police appear as arresting officers, complainants, witnesses or aides, in cases of other types of violations, except those violations for which the statutes provide specific disposition of fines and/or costs imposed, no part of fines and/or costs imposed upon such convictions accrues to the State.

The retention of the word "state" in the sixth line of Revised Statutes, Chapter 148, Section 7, when amended by Public Laws 1939, Chapter 293, Section 2, was plainly never intended to modify the meaning of Public Laws 1933, Chapter 92, amending Revised Statutes, Chapter 29, Section 118 and Section 102 of the 1939 revision of the Fish and Game Laws. The evident intent of the Legislature was that in the case of Motor Vehicle Law violations and violations of the Fish and Game Laws, the fines, forfeitures and costs accruing to the State are to be remitted "forthwith".

Very truly yours,

FIC:GH

Attorney General