

MAINE STATE LEGISLATURE

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September 12, 1941

Honorable Aretas E. Stearns
Rumford, Maine

Dear Rete:

I have your letter of September 9th, in regard to probation officers. I fully recognize the difficulties of the municipal judges and the way they have for years tried to deal out substantial justice. I also realize that in practically every case the local judge should be permitted to exercise his discretion to a high degree. If he is not a man whose discretion is of value to the people of the State he is not the kind of a man who should be a judge in the first place.

We have an exceedingly conscientious, but literal-minded State Auditor. I have tremendous respect for him in many ways but deviations from the letter of the statute cause him acute mental distress. In some places the municipal judges have developed a free and easy system of handling delinquents. The State probation law was passed, as I understand, to try to assist the judges in handling the problem of the man who is guilty of a minor infraction of the statute and has no money to pay a fine. The Legislature has spoken very clearly in regard to the responsibility of a judge for fines "imposed". The State Auditor is very clearly desirous of having all Court records so kept that the books will balance as nearly as possible at all times.

This literal application of the law is, I find, requiring some local judges to figure out a different way of handling their local drunks. Judge Farrington here in Augusta has the worst situation that I know of on account of the boys from Togus who get tired of the monotony of life and come into Augusta and spend all their money on liquor. However, the Legislature has spoken and I think the proper thing will be to see if we can apply the statute as it reads. If it proves to any number of municipal judges that a strict interpretation of the statute leads to injustice and intolerable expense to the counties, then we should, I believe, adopt a more liberal interpretation.

Sincerely yours,

FIC H

Frank I. Cowan, Attorney General