

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

MAINE STATE
LIBRARY

February 12, 1945

A. M. G. Soule, Chief of the Division of Inspection,
Department of Agriculture

I have your letter of February 8th requesting an opinion concerning the provisions of Section 88, Chapter 34, R. S. 1944, and Section 91 of the same chapter.

On the statement of facts relating to violation of same, it is my opinion that Mr. ***** of Ipswich, Massachusetts, would come within the provisions of Section 91 of Chapter 34, and if he was found guilty in the municipal court, it would constitute a conviction for violation of this statute.

In regard to the question raised, whether it would be possible to issue a certificate to some other party to legalize the shipment of clams in interstate commerce, I will say that it would, and Mr. ***** would be permitted to ship clams as agent of the licensee or certificate holder.

RALPH W. FARRIS
Attorney General

February 12, 1945

To Lucius D. Barrows, Chief Engineer, State Highway Department

I have your memo of February 9th, asking for an interpretation of Chapter 269, P. L. 1943, which as now Section 5 of Chapter 137 of the Revised Statutes of 1944 and which relates to the collection and disposal of fines and costs in criminal cases. This section reads in part:

“The county treasurer, upon approval of the county commissioners, shall pay to the state, town, city, or persons any portion of the fines, costs, and forfeitures that may be due.”

It is my opinion that it was the intention of the legislature that the county should reimburse the State Highway Commission for the services of State Police officers for making arrests on highway violations. It seems to me that the statute is quite clear on this matter, except the words “upon approval of the county commissioners.” I understand that some county commissioners have not approved the payment of some of the fees due the State Highway Commission for services of the State Police officers for making arrests for highway violations. Of course, if the county commissioners do not approve the payment of these costs, the county treasurer cannot pay them over to the State.

It is my understanding that some of the county commissioners are approving of the payment to the State Highway Commission of these fees of State Police officers, whether or not they are collected by the court; and some county commissioners have not been approving these bills, where they have not been collected as costs by the courts. There is no provision in the statute that compels the county commissioners to approve