

# MAINE STATE LEGISLATURE

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April 18, 1945

To Fred M. Berry, State Auditor

Subject: Trial Justice Fees

I have your memo of the 16th asking my opinion in regard to the collection of trial-of-an-issue fee in the amount of \$3. by municipal and trial justice courts. As you state in your memo, Section 9 of Chapter 96, R. S. 1944, refers to fees taxable in criminal cases and includes the trial-of-an-issue fee. My opinion is that there is no issue joined until the respondent pleads "Not Guilty," and in that case the hearing before the trial justice would be the trial of an issue and he would be entitled to charge a fee of \$3. That is a strict construction of the statute. If he pleads "Nolo" or "Guilty", there is no trial because there is no issue joined.

Ralph W. Farris  
Attorney General

RWF:c