

MAINE STATE LEGISLATURE

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May 4, 1945

To Fred M. Berry, State Auditor

The purpose of this memorandum is to confirm what I have already told you orally.

The question in your memorandum of April 24, 1945, is as follows:

"Is a respondent who is fined in a Municipal Court or Trial Justice Court liable for mittimus costs if he is sentenced to county jail for nonpayment of said fine, but later raises necessary funds for his release?"

This department is of the opinion that the respondent is liable for the payment of the fee for issuing mittimus. Specific provision is made for this fee in Section 9 of Chapter 96 and likewise in Section 22 of Chapter 97.

This fee is taxable as part of the costs and is within the last sentence of Section 9 of Chapter 96, which is as follows:

"The aforesaid fees, when received, shall be disposed of as provided by the public laws and by the acts establishing the respective courts."

Abraham Breitbard
Deputy Attorney General

AB:c