

MAINE STATE LEGISLATURE

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February 1, 1946

County Commissioners' Court
Richmond

. . . You state . . . that at a meeting of the Sagadahoc County Commissioners your associates authorized you to request a ruling on Section 166, paragraph XXX, of Chapter 79, R. S. 1944, and the question you ask is, "Is an Aid entitled to mileage, when such Aid travels with a Sheriff by automobile, and has no actual expense of travel?"

My answer to that question is in the negative. He would be entitled to his \$2. a day, but only one travel should be allowed. However, if he was obliged to make side trips for the sheriff as an Aid in criminal cases with his own automobile, he should be allowed ten cents a mile for travel for whatever mileage he puts in in aiding in enforcing the criminal law.

You state that you would like to have subsections XXX and XXXIII clarified. . . The statute means what it said. A deputy is entitled to "all reasonable sums actually paid out for boat hire, ferriage, and for crossing any toll-bridge, and postage for returning the process by mail. . ." only one travel to be allowed for any one precept, and no constructive travel. This means that if an officer has four precepts to serve on one trip, he can charge his regular mileage for one precept. However, he can charge his fee for the service just the same. Subsection XXXIII further provides:

" . . . if the same is served on more than one person, the travel may be computed from the place of service most remote from the place of return, with all further necessary travel in serving such precept."

That is, if he has to go beyond the mileage of the first person he serves, he can collect the mileage for the distance between the first person and the second person served, and so on until all precepts are served. That is, he can divide his mileage up according to the necessary miles to serve all precepts on the witnesses or defendants, so long as he does not include constructive travel.

Ralph W. Farris
Attorney General

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