

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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a sentence combining the three as a common thief. Judge Murray has ruled . . . that where several sentences are meted out for three distinct larcenies at one term of court, the first sentence is the only valid one and the others have no effect.

ABRAHAM BREITBARD
Deputy Attorney General

February 11, 1946

To R. W. Carter, Chief Accountant, State Highway Commission

I have examined the papers you left with me in regard to who was convicted on a criminal charge for leaving the scene of an accident and was fined \$10 and costs, which was not paid, and thus the State Police officer took him from Brunswick, which is the municipal court where the conviction was had, and transported him to the county jail in Portland in execution of the mittimus. The cost of travel and executing the mittimus was \$6, and the county commissioners question the payment of this to the State. They doubt the propriety of this payment because, they say, the State Police officer is a salaried officer. I regard the fact that he is a salaried officer of no consequence.

Subsection 29 of Section 166, Chapter 79, provides that sheriffs and their deputies shall receive \$1 for service of a mittimus to commit a person to jail and the usual travel with reasonable expenses incurred in the conveyance of such prisoner. By Chapter 13, Section 2, State Police officers are vested with the same powers as sheriffs, and

“as arresting officers, or aids, or witnesses in any criminal case they shall be entitled to the same fees as any sheriff or deputy. Such fees shall be taxed on a bill of costs and shall accrue to the treasurer of the state.”

By Chapter 136, Section 44, it is provided that whenever a convict is sentenced to pay a fine and costs and does not pay the same, he shall in default thereof be committed and imprisoned in accordance with law. On payment, however, of the fine and costs he is entitled to be discharged forthwith. The fees for committing and travel and cost of conveyance to the jail, when incurred, become a part of the cost of the prosecution which the prisoner must pay before he can be released.

I am of the opinion that these fees are properly payable by the county commissioners to the treasurer of the State.

ABRAHAM BREITBARD
Deputy Attorney General

February 15, 1946

To J. J. Allen, Controller

This department acknowledges receipt of your memo of February 13th asking for an interpretation of Chapter 122 of the Public Laws of 1945, which provides: