

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

November 5, 1947

To W. Earle Bradbury, Deputy Commissioner Inland Fisheries and Game
Re: Fines and Fees

Your memorandum of October 30th has been received. You inquire whether, under Chapter 33 of the Revised Statutes of 1944, Section 110, which provides that all fees, penalties, officers' costs, and other moneys paid in to the court for violation of the provisions of that chapter (Inland Fisheries and Game Laws) shall accrue to the Treasurer of State, these fees, etc., are payable to the State when the arresting officer is a county sheriff or his deputy or a town constable.

The provision of law, you will notice, is that all fees, costs, etc., shall accrue to the Treasurer of State, for a violation of the provisions of that chapter. It does not then matter whether the offense is prosecuted by officers other than game wardens. Under Section 19 of the Act, sheriffs and their deputies, police officers, and constables are vested with the same powers as game wardens and are entitled to the same fees. The only difference is that in the case of a warden, while the fees are taxed, they are payable to the department, while in the case of a deputy sheriff or constable, he would be entitled to the fees, and the fine or penalty is to be paid by the county treasurer, who receives the same in the first instance, to the Treasurer of State, to be credited to the Department of Inland Fisheries and Game.

ABRAHAM BREITBARD
Deputy Attorney General

November 13, 1947

To Col. Laurence C. Upton, Chief, Maine State Police
Re: Turnpike Authority

The department acknowledges receipt of your memorandum of November 12th relative to the turnpike constructed by the Maine Turnpike Authority, which will soon be opened to public travel between Portland and Kittery.

In your memo you ask: "In order that proper instructions may be issued to our men, will you be kind enough to give us your opinion on the following:

"1. Will the Maine Turnpike be considered a 'public way' as defined in Sec. 1 of Chapter 19 of the Revised Statutes?

"2. If it is not a public way and the general motor vehicle laws do not apply to it, would the State Police have authority to enforce such Rules and Regulations for the governing of the operation of motor vehicles as may be established by the Maine Turnpike Authority?

"3. Will the jurisdiction of the State Police to enforce the general criminal laws be the same on the Turnpike as on other private lands within the State?"

We answer the questions in the order in which they appear.

1. The turnpike road is a public way as defined in Section 1 of Chapter 19 of the Revised Statutes, as it has been established by public authority for