

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

December 23, 1947 2

To Leon L. Spinney, Esq., Brunswick Municipal Court

I have your letter . . . in which you refer to the Public Laws of 1947, Chapter 290, Section 20, which provides:

"No witness shall be allowed in a criminal case for more than one travel, or for travel and attendance in more than one case at the same time before any judicial tribunal."

You ask my opinion on the interpretation of this language, and you set forth a hypothetical case as follows: "Suppose John Jones is a witness in four cases all heard on the same morning, is John Jones entitled to a witness fee in each one of the four cases, providing they are against different respondents?"

My answer is that John Jones would be entitled to only one witness fee and one attendance for the four cases, having in mind that this applies only to criminal cases. If it were not this way, an officer could run up a large witness fee bill by having eight or ten cases in one morning and charging a witness fee for each one.

Let us take another hypothetical case on travel, Suppose John Jones is an officer and he goes from Brunswick to Freeport to arrest John Doe, and he serves three other complaints at the same time on the same trip. Is John Jones, the officer, entitled to travel for the other cases? My answer to this question would be, No. He is entitled to only one travel.

You ask, "Suppose John Doe is a witness in three cases against the same respondent which might be tried separately or at the same time, what then?"

In my opinion he would be entitled to only one witness fee.

RWF:c

Ralph W. Farris
Attorney General