

# MAINE STATE LEGISLATURE

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December 30, 1947

JM

To Honorable George M. Davis, Judge of Probate, Somerset County

I have your letter of December 29th relating to complaints of neglect of children under P. L. 1933, Chapter 1, Section 204, which is now Section 238, Chapter 22, R. S. 1944. You cite several cases which have come under your jurisdiction during your seven years as Judge of the Probate Court of Somerset County, and I note that you have several different problems of fees in these cases that you have handled. You request me to give you a definite ruling as to whether or not such fees should be paid out of county funds, and if so, whether in all cases of neglect of children, or whether in part only, and if in part only, in which cases payment should come from county funds. You also ask me to rule on the question as to whether or not in any case of neglect of children, it is necessary for the Judge of Probate to OK payment of fees and charges from county funds, and if so, under what circumstances, and to which account the same is to be charged.

I refer you to Section 237 of Chapter 22, R. S. 1944, which provides, "... The costs of court proceedings under the provisions of this section shall be taxed and paid in the same manner as in any criminal process. . ." You will note that this section also provides that all fines imposed for the punishment of offenses under any of the provisions of the neglect of children statute shall be paid over to the county treasurer of the county in which the offenses may have been committed. As these offenses were committed in Somerset County, the County of Somerset is liable for the payment of the fees; and if the complaint and prosecution come into your court, you should authorize payment of such fees and charges from county funds, the same as is done by Superior Court Justices in criminal cases.

The Town of Pittsfield should be reimbursed by the county for the payment of these notices in the paper. The town should not have paid for these notices, but should have sent the bill to you for approval, and you in turn would have submitted it to the county commissioners. Persons acting as deputy sheriffs to serve papers or persons delegated to cause advertisements to be inserted in newspapers, as provided by statute, would be considered agents of municipal boards and would come under the section of investigation and prosecution statute for neglect of children; and the deputy sheriff fees and the printing of notices are part of the costs of court, which originate with the filing of the complaint in your court.

As the county receives the fees and costs, the legislature has provided that the county shall pay the costs, as in criminal processes, which means the entire cost of court proceeding.

RWF:c

Ralph W. Farris  
Attorney General