

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)

STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

June 13, 1949

To J. W. Randlette, Chairman, County Commissioners of Sagadahoc County

In your letter of June 1, 1949 you ask to be informed as to the disposition to be made of fines collected by the Bath Municipal Court for violations of ordinances of the City of Bath.

Section 19 of Chapter 64 of the Private & Special Laws of 1937 provides that fines collected by the judge or recorder of the Bath Municipal Court shall be accounted for and paid over quarterly in the manner provided by law. While the section does not specifically state that such fines shall be paid over to the county treasurer, the title of the section does state that the fines shall be paid to the county.

The reference to their being paid over in the manner provided by law obviously is to what is now Section 5 of Chapter 137, R. S. 1944. This section requires that all fines regardless of the court by whom the sentence is imposed shall be paid into the treasury of the county where the offense is prosecuted, monthly. This provision is for facility in auditing court accounts. The section goes on to provide that the county treasurer, upon approval of the county commissioners, shall pay to the State, town, city, or persons any portion of the fines, costs and forfeitures that may be due.

Neither Section 19 of Chapter 64, P&SL 1937, nor Section 5 of Chapter 137, R. S. 1944, contemplates that the county shall keep or retain the benefit of all fines imposed. In appropriate instances the county treasurer serves as an agency through whom fines pass for accounting purposes on their way to the agency for whose benefit the fines accrue.

Chapter 3 of the Private & Special Laws of 1949, in providing for the disposition of fines imposed for violations of the ordinances of the City of Bath, simply specifies that such fines shall ultimately accrue to the benefit of the City of Bath.

These funds, of course, must be paid in monthly to the county treasurer, as all other funds; but ultimately the county treasurer, upon the approval of the county commissioners, should pay the amount of such fines to the treasurer of the City of Bath.

RALPH W. FARRIS
Attorney General

June 24, 1949

To Carl Treworgy, Secretary, Racing Commission

I have your memo of June 24th, stating that the Commission has made the following rule and regulation:

"In the event that the second half of the Daily Double is not run, after the first half has been run, the amount of the Daily Double pool will be paid as a straight pool to all ticket holders of the winning horse in the first race."

You ask if in my opinion such a ruling is legal.

The Commission is authorized by statute to make rules and regulations for the holding, conducting and operating of all harness horse races or meets for public exhibition held in this State and for the operation of race tracks on which any such race or meet is held. Section 10 of Chapter 77, R. S.,