

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

In the absence of a statute, it is certainly clear that public funds cannot be used for the transportation of pupils to private religious schools.

We do not answer whether it may be done when no additional use of public funds is involved.

JOHN S. S. FESSENDEN
Deputy Attorney General

July 19, 1949

To Ray S. Foster, Sheriff of Washington County
Re: Mittimus Fees

I received your letter of July 11th in regard to collecting mittimus fees. You state that you could never find any authority for you to collect them, so in order to settle the question you are writing me. You state that a man was committed from Lubec to your Machias jail on a mittimus from the Western Washington Municipal Court in default of payment of a fine of \$10 and costs of \$8.52, a total of \$18.52, and that the judge sent you word to collect the mittimus fees before this man was released, plus costs of commitment from Lubec, amounting to \$7.20, which would make the total \$25.72. You ask whether, if offered the \$18.52, you should accept it unless the costs of commitment are also paid.

Under Section 166 of Chapter 79, R. S., subdivision XXIX, the statute provides: "For the service of a warrant, the officer is entitled to \$1, and \$1 for service of a mittimus to commit a person to jail. . . and usual travel, with reasonable expenses incurred in the conveyance of such prisoner." I think this is sufficient authority for you to charge for the mittimus in addition to the fees. I feel that you should follow this practice, as it means quite a lot to your county. . . The legislature never intended the county to be responsible for transporting prisoners for commitment and I think that the statute which I quoted takes care of the same under "reasonable expenses incurred in conveyance of such prisoner."

RALPH W. FARRIS
Attorney General

July 19, 1949

To Adam P. Leighton, M. D., Secretary,
Board of Registration in Medicine

I received a letter from you dated July 12th, relating to the question of whether the Board should accept graduates of Continental European Medical Schools, with a copy enclosed of the application of Edmund Kahan, M. D., of Hindsboro, Illinois. Dr. Kahan is a graduate of the Vienna Medical School where he received the degree of Doctor of Medicine on February 6, 1937, and was admitted to practice before the Illinois State Board on August 5, 1940. You have a certificate of the Superintendent of Registration of the State of Illinois with his seal thereon.