

MAINE STATE LEGISLATURE

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February 7, 1950

To Louis Bernstein, Esquire, Recorder, Portland Municipal Court
Re: Fees

Since I wrote you on August 3, 1949, relating to the fees chargeable by the municipal courts, a copy of which letter I sent to Boyd Blaisdell, Recorder of the Ellsworth Municipal Court, there have been several kickbacks and complaints by the attorneys in regard to my suggestion to you that the municipal courts are judicial courts and as a result three or four of the courts are charging \$1.00 and the rest of them are charging 50¢ for entry fees.

When I received your letter I had some checking of the statutes done by my Deputy, Mr. Fessenden, and he agreed with you that there is no specific provision for municipal court fees except as contained in Section 9 of Chapter 96, R.S. 1944, which spells out in detail the amount of costs to be charged in municipal courts, but nowhere does it appear what the municipal courts are to charge for fees and writs.

One municipal court has a provision in its charter that the fee for municipal court writs shall be 3¢, and an attorney wrote me in regard to that and wanted to know if the general law had precedence over a Private & Special Law; and I replied that it did. Then he came back with another letter relating to the 50¢ chargeable for entry fee under the provisions of Section 9 of Chapter 96, with the argument that it could not have been the intent of the legislature to charge an entry fee which could not be added to the costs bill in case the plaintiff prevailed. Therefore I am revamping my letter of August 3rd and sending Boyd Blaisdell a copy in order to settle this controversy.

In reviewing Sections 111-127, inclusive, of Chapter 79, R.S., it is my considered opinion that the amendment by Chapter 413, P.L. 1949, relative to fees of Clerks of the Superior Courts does not relate to the fees to be charged by recorders of municipal courts. Furthermore, Section 9 of Chapter 96, R.S., 1944, should be followed, in so far as it is possible in your fees charged in any of the municipal and trial justice courts, and you should follow the regulation procedure that has been followed in the past relating to the charges for blank forms of writs, etc., and if you have overcharged any of the attorneys on the dollar basis, it seems to me that it would be appropriate for you to make a computation of same and return to the attorneys 50¢ for each entry fee where you have charged \$1.00.

Ralph W. Farris
Attorney General

RWF:c

cc: Boyd Blaisdell, Esq.
Albert W. Emmons, Esq.