

# MAINE STATE LEGISLATURE

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Letter to Judge Leon L. Spinney  
of the  
Brunswick Municipal Court

January 2, 1952

No

. . We have your letter of December 21, 1951, relating to the effects of Section 134 of Chapter 19 of the Revised Statutes of the State of Maine.

Said section provides that all fines and forfeitures collected under the provisions of this chapter shall accrue to the county where the offense is prosecuted; except that all fines and forfeitures collected from over-load violations shall accrue to the general highway fund.

You state two factual situations, one of which concerns a truck carrying a greater weight than its registration calls for, and the other a truck carrying a greater load than the maximum road-limit permits under the statute for axle distribution of the truck, or in excess of 50,000 pounds. You then ask if we would give you a ruling as to whether or not the fines in these two instances accrue to the general highway fund, or whether the fine in one instance would accrue to the county and in the other to the general highway fund.

As you are no doubt aware, we are limited to giving opinions to the Governor and Council, the respective branches of the legislature, and department heads. Therefore what we here say cannot be considered an official opinion of the Attorney General's office. We have, however, made inquiry concerning the background of this law and we find that quite generally the enforcement of the over-load provisions is predominantly in the hands of the State Police. The costs to the State Police in enforcing this law are paid from the general highway fund, and it was therefore felt that fines for violations of the over-load law should go to the general highway fund. Although the sheriffs do have power to check such violations, it has been found that the several counties are not equally benefited by virtue of fines recovered for such violations and this is an added reason for such fines to be turned over to the general highway fund.

In line with this reasoning, by virtue of the wording of Sections 100, 18-A and 27, we are of the opinion that violations of any of these provisions are violations of the over-load statute; and therefore the money would go to the general highway fund and not to the counties. You will note that Section 27 defines the percentages of over-load which trucks may carry with respect to their registration weights under Section 18. This section speaks generally of the "load"; the word "load" is used similarly in Section 100. Because of the use of this wording and the general background of the law, our opinion is, as we have said, that a violation of either section is an over-load violation. . .

James G. Frost  
Assistant Attorney General

jgf/c