

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

June 2, 1958

To Robert A. Marden, Esquire, County Attorney, Kennebec

Re: Commitment Fees

Your letter of May 15, 1958 reads as follows:

"Our County Treasurer and County Commissioners do not read in the law as revised and amended any authority to pay State Police officers for committing prisoners. Chapter 436 as passed at the Special Session October and January of this year and last apparently said nothing about State Police Officers but talks only about Constables and local Police Officers. I dislike to bother you with this type of thing but I wonder if you could tell me whether or not you have experienced similar problems in other counties and if so what decision was made.

"The specific question is 'Can the County legally pay State Police officers for commitment?'"

It would be our opinion that there is no necessity or authority to pay State Police Officers for committing prisoners.

Chapter 334 of the Public Laws of 1957 (as amended by Chapter 436 of said Laws) reads in part as follows:

"The county, except in a case where any part of any fine collected would accrue to the State Highway Commission, shall pay the latter \$4 each time a State Police Officer duly signs, as arresting officer, the return of a criminal warrant issued by a trial justice or municipal court which is located within the county. Such \$4 fee shall be paid within a reasonable time after the county commissioners have met, examined and corrected the monthly report of the court. Such fee shall be paid regardless of the final disposition of the case. Neither the county nor the court shall be required to pay any fee for the services or expense of any State Police officer, as an aid, a witness or in any other capacity."

Under such a statute we would be inclined to say that the State Police would not receive fees for commitments.

JAMES GLYNN FROST
Deputy Attorney General

June 2, 1958

To Ronald W. Green, Commissioner of Sea and Shore Fisheries

Re: Canadian Lobster Meat—Section 116, Chapter 38, R. S. 1954

We have your memo of May 23, 1958, which reads as follows:

"The A & P Tea Company which handles Canadian lobster meat from their Boston office wishes to place this frozen meat in the Willard-Daggett Cold Storage plant at Portland for the purpose of making deliveries in New Hampshire and Vermont.

"In your opinion, does this Section provide for such an operation?"

We do not see anything in Section 116 which prohibits the above activity.

Lobster meat being shipped from Canada with temporary storage in the State of Maine and then shipped out of State for sale and consumption is in foreign commerce until it reaches its destination outside the State of Maine.