

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

for that period of time and, within the meaning of the section in question, have "worked" for that period of time.

FRANK F. HARDING  
Attorney General

July 18, 1958

To Ronald W. Green, Commissioner of Sea and Shore Fisheries (for forwarding by him to Clerk of Courts)

Re: Costs in Short Lobster Cases

You ask, with respect to the trial of a short-lobster case in the Waldo County Municipal Court, who is responsible for the witness fee submitted by a constable who was a witness in the case.

You state that under the new rule costs are not taxed, and the fine, if paid, goes to the Commissioner of Sea and Shore Fisheries, and you also inquire if that bill should be paid by the Commissioner direct to the witness.

The Commissioner does not pay such witnesses.

We would draw to your attention Section 114 of Chapter 38 of the Revised Statutes of 1954, as amended. This section imposes a fine of \$5 for each short lobster. Thus, in the present case, the respondent, having had three short lobsters in his possession, would be liable to a fine of \$15.

Section 114 also provides that the court may, in its discretion, add to the fines provided a sum not to exceed \$10 on each complaint, to be included in any fine imposed to cover said costs, without taxing such costs and without reference to such costs.

Such \$10 sum was added to the present case, and plus the amount of the fine made up the \$25 imposed. It therefore appears to me that such costs as are due and owing as a result of such a case should come from the \$10 assessed.

JAMES GLYNN FROST  
Deputy Attorney General

July 18, 1958

To Michael A. Napolitano, State Auditor

Re: Assessment on Patients at Pineland Training Center

We have your memo inquiring as to the legality of Pineland Training Center's charging \$1 a week against each gainfully employed patient on trial visit and under the supervision of the Center. No such charge would be made against persons receiving less than \$5 per week.

In each such case the individual on trial visit is visited periodically by a member of the psychiatric social service of the Center.

It is our opinion that a charge can properly be made against the patient in such a case. The amount of the charge, however, is not for our determination.

Under both Sections 5 and 144 of Chapter 27, R. S. 1954, authority is granted to make a proper charge against patients of the Center for care, etc.