

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1959 - 1960**

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adding to an existing district. I believe this procedure would conform to the computation of subsidy under Chapter 353 of the Public Laws of 1959.

Question 2: Is the subsidy under section 18, Chapter 353, Public Laws of 1959, to a group of towns forming a new district, retroactive?

The district under the section set out would be entitled to the sum of the amounts that the component towns would have received based on a computation that was previously made for the individual towns plus 10% of that amount as a bonus.

Question 3: What is the computation of a subsidy to a district formed prior to the effective date of this Act?

It is my opinion that subsidy will have to be paid to those districts subject to the prior computations for subsidy which have been figured before the effective date of this law. The theory of the new provisions for computation of subsidy is that in the second biennium of the district's existence, the district shall receive a subsidy based on the average net foundation program of the district plus the bonus provided in section 237-G.

The newly formed district has no previous net operating cost experience since we have only the information from the component municipalities regarding that operating cost, which is not necessarily accurate when applied to the district.

If I have failed to answer any of your questions to your satisfaction, please let me know and I will attempt to clarify any points which you feel have been slighted.

GEORGE A. WATHEN  
Assistant Attorney General

August 11, 1959

To: C. N. Dyke, Director, Municipal Audit

Re: Fines and Court Costs in Criminal Cases

We have your request for an opinion regarding the disposition by municipal courts and trial justices of fines and court costs in the case of criminal violations of the Inland Fish and Game laws, Chapter 37, and Sea and Shore Fisheries laws, Chapter 38, both of the Revised Statutes of 1954, as amended.

The facts indicate that there has been lack of uniformity in forwarding the fines collected as a result of these violations. Some courts forward the entire fine, while others deduct \$5.00 or \$10.00 in lieu of court costs.

Section 10, Chapter 108, Revised Statutes of 1954, provides a \$5.00 fee in criminal cases and for the disposition of the funds.

Section 129, Chapter 37, provides for the collection and distribution of money received. Except in the case of short lobsters under Section 114, Chapter 38, I believe that the court may retain \$5.00 and must pay the rest as the respective statutes provide.

GEORGE A. WATHEN  
Assistant Attorney General