

MAINE STATE LEGISLATURE

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September 27, 1960

Michael A. Neapolitano, Auditor

Audit

George A. Wathen, Asst. Atty. Gen.

Attorney General

Fees in the Several Counties

I have your request for an opinion regarding the effect of Chapter 372, Public Laws of 1959, on the previous law regarding fees in the Counties of Waldo, Penobscot and Kennebec.

The real issue raised is whether or not Chapter 372, Public Laws of 1959, repealed by implication the provisions of Sections 256, 258 and 259 of Chapter 89.

To effect a repeal by implication, the later statute must be so broad in its scope and so clear and explicit in its terms as to show that it displaced the entire prior statute or the two statutes when read together are completely repugnant and inconsistent. The court will always give effect to both statutes if possible. Harris' Case, 124 Me. 701; M. C. I. v. Palmyra, 139 Me. 308.

The present statutes do not appear to be repugnant when read together. In my opinion, Sections 256, 258 and 259, Chapter 89, are still effective. It should be noted that the intent of the legislature is further evinced by the last paragraph of Section 254, Chapter 89, which provides that after January 1, 1962, all fees shall be paid to the county.

George A. Wathen
Assistant Attorney General

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