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April 9, 1963

Honorable Richard S. Chapman
Chief Judge, District Court
Cumberland County Court House
Portland, Maine

Re: Expenses of District Courts

Dear Judge Chapman:

We are in receipt of your request for an opinion based on the following question:

Does the term "expenses" as used in c. 108-A, § 13 XI, R. S. 1954, as amended, District Court Act, include fees by non per diem deputy sheriffs for arrests, and/or by deputy sheriffs for transportation charges after court commitment, or other similar expenses both before and after appearance before the court.

We answer your question in the negative. Nothing found within the District Court Act can be construed to mean that expenses, other than those payable to officers for their attendance as a witness or complainant, shall be paid by district courts to deputy sheriffs.

C. 146, § 2A - IV, R. S. 1954, as amended, specifically states the manner in which deputy sheriffs are to be paid. The language of the section is unambiguous. Deputy sheriffs shall be paid, by the county, fees as provided in c. 89, § 150. The manner in which municipalities are to be reimbursed by the county is also unambiguous.

C. 108-A, § 13 XI, District Court Act, states:

"II. Expenses. Out of such fund, the treasurer of state shall pay, in accordance with a budget submitted each year by the chief judge, the expenses of the district court; and also pay all sums of money produced by cases brought in the district court which shall become due to state departments and agencies, municipalities, and state, county and municipal officers. Any sums heretofore payable to counties by reason of such cases shall be paid to them not under this subsection, but under subsection IV."

Wherever possible the sections of the statutes must be read to be consistent. It is, therefore, our opinion that the word "expenses" as found in the above-quoted section of c. 168-A refers only to those expenses necessarily related to the actual operation of the district courts and does not alter or affect the provisions of c. 146, § 2A, or c. 89, § 180.

Wayne B. Hollingsworth
Assistant Attorney General

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