

MAINE STATE LEGISLATURE

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110 ✓
December 1, 1965

David H. Stevens, Chairman

Highway

George C. West, Deputy

Attorney General

State Police Officers Fees

FACTS:

A State Police officer gives a summons to the violator of the motor vehicle laws to appear in the District Court on a certain day. The person appears, no warrant is issued. Upon a finding of guilty, a fine is imposed. The court does not report the \$4 fee to the State Treasurer and this amount is not credited to the Highway Fund.

The first sentence of the 5th paragraph of section 173 of Title 4, provides:

"The Treasurer of State, except in a case where any part of any fine collected shall 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 the District Court."

QUESTION:

Should the State Highway Commission still receive the \$4 fee if the case is disposed of without a warrant being issued?

ANSWER:

No.

REASON:

The above-quoted statute clearly states the \$4 fee is predicated upon the issuance of a warrant to a state police officer. If no warrant is issued, then no fee is payable.

The question then becomes - May a court sentence a person to pay a fine without the issuance of a warrant, provided the person appears in court in answer to a summons? The answer to this question is "Yes."

The standard practice in Maine has been for the officer on the day he appears in court to obtain a warrant before the case is heard. A judge required a warrant in order to accept a plea and proceed with hearing the case. However, such procedure is not necessary and only creates additional paper work. A person appearing in a criminal case as a result of a summons gives the court jurisdiction to proceed with the case. If the person summoned fails to appear, then a warrant will issue and the person will be arrested.

The statute allows the highway department the \$4 only when a warrant is issued; hence, the department cannot collect the \$4 when appearance is the result of a summons.

There are two courses open to the department.

1. Leave the situation as is. Accept what fees are due the department when a warrant is issued.

2. Amend the 4 M.R.S.A. section 173 by -

(a) striking out the 1st sentence of the 5th paragraph. This will mean the department gets no more \$4 fees after effective date of amendment.

(b) amend 1st sentence of 5th paragraph by adding words "or summons" after words "criminal warrant." This will mean the department will continue to collect \$4 for each warrant or summons.

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