

MAINE STATE LEGISLATURE

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April 30, 1975

Joseph Hochadel, Ass't. to Governor

Executive

John W. Benoit, Jr., Deputy

Attorney General

Title 15 M.R.S.A. § 224 Re Expenses Incurred Incident to Extradition

This is a reply to your interdepartmental memorandum of March 28, requesting advice regarding 15 M.R.S.A. § 224, viz: Whether the reference statute obligates the State to reimburse Maine county and local law enforcement officials for their expenses incurred while extraditing persons to Maine. We answer the question in the negative.

The facts which give rise to your question are as follows:

Pursuant to the Uniform Criminal Extradition Act, 15 M.R.S.A. § 201, et seq., the Governor issued a warrant commanding a deputy sheriff to take custody of and return to Maine a person charged with committing a crime in Maine but who was located in Sacramento, California. The deputy sheriff then travelled to Sacramento, took custody of the person charged with the crime, and returned him to the proper authorities in Maine. Travel expenses of Maine deputy sheriffs incurred pursuant to extradition historically have been paid by the counties. The deputy sheriff involved in this case has been reimbursed by Franklin County but the District Attorney submitted a bill to the State for reimbursement of the deputy sheriff's travel expenses, claiming 15 M.R.S.A. § 224 requires the State to pay these expenses.

15 M.R.S.A. § 224 reads as follows:

"When the punishment of the crime shall be the confinement of the criminal in the State Prison, the expenses shall be paid out of the State Treasury on the certificate of the Governor and warrant of the State Controller. In all other cases they shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses shall be the fees paid to the officers of the state on whose governor the requisition is made and not exceeding 10 cents a mile for all necessary travel in returning such prisoner."

Expenses are defined in 15 M.R.S.A. § 224 as "fees paid to the officers of the state on whose governor the requisition is made. . . ." The expenses the statute refers to are expenses incurred by officers of the state where the accused is, not expenses incurred by Maine's agents in obtaining custody of and returning the accused to Maine. 15 M.R.S.A. § 224 was intended to provide clear direction to officers of other states as to what governmental unit in Maine will pay their expenses. 15 M.R.S.A. § 224 was not intended to regulate what governmental unit in Maine pays the expenses of Maine's agents who obtain custody of and return accused persons to proper authorities in Maine.

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