

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333
March 9, 1977

Donald Jones
Fiscal Officer
Administrative Office
P. O. Box 738
31 Court Street
Auburn, Maine 04210

Dear Mr. Jones:

This responds to your request for an opinion as to whether 17 M.R.S.A. § 2274 as enacted by P.L. 1975, c. 739, § 15 prevails over the provisions of P.L. 1975, c. 383 and particularly the provisions of 4 M.R.S.A. § 116 as enacted by § 4 of that chapter, and 15 M.R.S.A. § 1943 as enacted by § 16 of that chapter.

4 M.R.S.A. § 116 and 15 M.R.S.A. § 1943 specify that funds collected from fines shall accrue to the State and shall be paid to the Treasurer of the State. 17 M.R.S.A. § 2274 specifies that certain fines collected by law officers of State agencies receiving a major share of their financial support from dedicated revenue be reimbursed to that agency and that fines collected by law officers of State agencies supported primarily by general funds be reimbursed to the Keep Maine Scenic Committee of the Department of Conservation (17 M.R.S.A. § 2263-1-A).*

To the extent there is a conflict, the later enacted, specific legislation, 17 M.R.S.A. § 2274, would prevail over the earlier enacted, general legislation adopted in P.L. 1975, c. 383.

However, the legislation in question, 17 M.R.S.A. § 2274, simply provides greater specificity for distribution of the funds to State agencies once those funds are distributed to the State in accordance with the provisions of 4 M.R.S.A. § 116 and 15 M.R.S.A. § 1943. Accordingly, where the Court identifies the source of the complaint which

* Presumably, funds collected as a result of complaints by county or municipal law officers continue to accrue to the State in accordance with 4 M.R.S.A. § 116 and 15 M.R.S.A. § 1943.

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results in the fine and that source is one specified in § 2274, the Court should continue to remit the funds to the Treasurer of the State with a notation of the source of the complaint resulting in the fine. The Treasurer would then allocate the proceeds of the fine received to the specific account in accordance with the provisions of § 2274. Thus there is no clear inconsistency between Chapter 383 and § 2274, only a greater specificity of distribution once the proceeds from those fines are received by the Treasurer.

I hope this information is helpful.

Sincerely,



DONALD G. ALEXANDER
Deputy Attorney General

DGA:jg