

# MAINE STATE LEGISLATURE

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*12 M.R.S.A. § 903*  
*4 M.R.S.A. § 163*

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July 10, 1978

To: Elizabeth D. Belshaw, State Court Administrator  
From: Sarah Redfield, Assistant Attorney General  
Re: Fines Collected for Violations of 12 M.R.S.A. § 903

This is in response to your request for an opinion to Attorney General Joseph Brennan regarding the proper disposition of fines collected by the Court system for violations of the rules and regulations of the Baxter State Park Authority pursuant to Title 12 M.R.S.A. § 903. While the question is not entirely free from doubt, it appears that the most appropriate disposition of these fines is for payment to the Treasurer of the State for payment to the General Fund.

Title 4 M.R.S.A. § 163 provides, in pertinent part, that:

"Except as otherwise provided by law, all fines . . . collected in the District Court . . . shall be paid to the clerk thereof, who shall deposit them in a special account . . . . Once each month he shall submit such funds to the Treasurer of the State, who shall credit them to the General Fund.

"2. Expenses. The Treasurer of the State shall pay all sums of money produced by cases in the District Court which shall become due to State departments and agencies, municipalities and State, county and municipal officers." (emphasis supplied)

Title 12 M.R.S.A. § 900 establishes the Baxter State Park Authority and gives this Authority "full power in the control and management of" Baxter State Park. Title 12 M.R.S.A. § 901 further provides that:

"The Authority shall receive monies available from trust funds established by the donor of the Park and shall include fees collected, income from Park trust funds invested by the Treasurer of the State and other miscellaneous income derived from the Park for maintenance and operation of the Park." (emphasis supplied)

Title 12 M.R.S.A. § 903 provides the authority for the Baxter State Park Authority to establish rules and regulations governing the Park. That section further provides:

"Whoever violates any of the rules and regulations of said Park Authority, promulgated in conformity with this section, shall be punished by a fine of not more than \$100 and costs or by imprisonment for not more than 30 days, or by both.

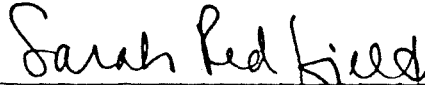
"Whoever willfully mutilates, defaces or destroys any structure, monument or marker lawfully erected within the boundaries of said Park, or any notice, rule or regulation of said Park Authority, posted in conformity with this section, shall be punished by a fine of not more than \$100 and costs or by imprisonment for not more than 30 days, or by both."

Title 12 M.R.S.A. § 904 provides for the jurisdiction of the District Court for prosecutions under these provisions of the Baxter State Park Authority statute.

The financial trusts created by Governor Baxter in relation to Baxter State Park were accepted by the Legislature in the Private and Special laws of 1961, c. 21, and Private and Special Laws of 1965, c. 30. In addition, another trust held by the Boston Safe Deposit and Trust Company was established pursuant to the terms of the Baxter inter vivos trust dated July 6, 1922, as amended. The terms of these trusts speak directly to income derived from the trust funds and, accordingly, the conditions established for the governing of these funds apply only to such income. The Legislature, however, in enacting the statutes of the Baxter State Park Authority, broadened the scope and restrictions as to its finances by including "other miscellaneous income which may be derived from the operation of the Park."

If the fines in question are "miscellaneous income," they may be properly payable to the Baxter State Park Authority. However, this does not appear to be the case. They are not derived from trust funds or from use fees for the Park, but rather from the imposition of State statutory and regulatory power. By comparison with other statutes, it does not appear that the Legislature intended such fines to be paid to the Baxter State Park Authority. (Compare, e.g. 7 M.R.S.A. § 956 specifically designating payment to the Department of Agriculture.) Accordingly, without a more explicit statement of legislative intent otherwise, fines for violations of Baxter State Park Authority regulations should be handled in the same manner as other court assessed fines.

Please excuse the delay in responding to your request. I hope the above has been of some help. If you should have further questions, please feel free to contact me.

  
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SARAH REDFIELD  
Assistant Attorney General

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cc: A. Lee Tibbs