

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 508

S. P. 334

In Senate, February 11, 1943.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Harvey of York by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Fines, Costs, and Forfeitures.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 148, § 7, amended. Section 7 of chapter 148 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

‘Sec. 7. All fines, costs, and forfeitures to be paid to county treasurer; penalty. Every clerk of a superior court, trial justice, and judge or recorder of a municipal court shall render, under oath, a detailed account of all fines, costs, and forfeitures upon convictions and sentences before him, on forms prescribed by the state department of audit, and shall pay them into the treasury of the county where the offense is prosecuted on or before the 15th day of the month following the collection of such fines, costs, and forfeitures. A certified bill of costs for each case heard in a municipal or trial justice court shall accompany such remittance. The county treasurer, upon approval of the county commissioners, shall pay to the state, town, city, or persons any portion of the fines, costs, and forfeitures that may be due. Any person who fails to make such payments into the county treasury shall forfeit, in each instance, double the amount so neglected to be paid over, to be recovered by indictment for the persons entitled to such fines, costs, and forfeitures, and in default of payment, according to the

sentence of the court, he shall be punished by imprisonment for not more than 6 months.'

Sec. 2. R. S., c. 29, § 118, amended. Section 118 of chapter 29 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 118. Court jurisdiction of violations. Trial justices in their respective counties shall have original and concurrent jurisdiction with municipal courts and the superior court over all prosecutions for violation of the provisions of this chapter. All fines and forfeitures collected under the provisions of this chapter shall accrue to the county where the offense is prosecuted.'

Sec. 3. R. S., c. 29, § 123, amended. Section 123 of chapter 29 of the revised statutes is hereby amended to read as follows:

'Sec. 123. Powers and duties; duty of other officers to cooperate. The specific powers and duties of the state police shall be to patrol the state highways and other important ways, especially outside the compact portion of cities and towns, for the purpose of enforcing the provisions of this chapter and all laws relating to motor driven and horse drawn vehicles and all rules and regulations in regard thereto, and of arresting all violators thereof and prosecuting all offenders against the same. In addition to such duties and powers, the chief and members of the state police hereby are vested with the same powers and duties throughout the several counties of the state as sheriffs have in their respective counties to serve criminal processes, to investigate and prosecute violators of any law of this state and to arrest the offenders thereof, and also the same power and duty as sheriffs have to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the state until a legal warrant can be obtained. **As aids, or arresting officers, or witnesses in any criminal case, they shall be entitled to the same fees as any sheriff or deputy, (such fees to be taxed on a bill of costs.)** They shall have the same rights as sheriffs to require aid in executing the duties of their office. They may serve any subpoenas, notices and processes issued by the secretary of state or the state highway commission under authority of this chapter. They shall also at all times be subject to the call of the governor for emergency purposes at his discretion.

The state police, sheriffs and deputy sheriffs, constables, city marshals and deputy marshals and police officers of cities and towns, shall so far as possible cooperate in the detection of crime, the arrest and prosecution of criminals, and the preservation of law and order throughout the state.'

Sec. 4. R. S., c. 147, § 13, amended. Section 13 of chapter 147 of the revised statutes is hereby amended by adding at the end thereof the following sentence:

'Such officer shall render, under oath, a detailed account of all fines and costs received and shall pay such fines and costs into the treasury of the county on or before the 15th day of the month following such collection.'

Sec. 5. R. S., c. 5, § 175, amended. Section 175 of chapter 5 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 175. Jurisdiction of courts; fines, how disposed of. Trial justices ~~and municipal courts~~ shall have **original and concurrent** jurisdiction with **municipal courts** and the superior court of all violations of the 18 preceding sections. All fines imposed shall be paid into the treasury of the ~~town~~ **county** where the offense is committed **and shall accrue to and shall** be used for the benefit of the town **where the offense is committed** unless otherwise provided.'

Sec. 6. R. S., c. 38, § 99, amended. Section 99 of chapter 38 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 99. Collection and disposition of money received under the provisions of this chapter. All fines, ~~and~~ penalties, officers' costs and all other moneys recovered by the court under any provision of this chapter shall accrue to the treasurer of state and shall be paid into the treasury of the county where the offense is prosecuted ~~and money received, or collected under any provision of this chapter, or for sale of seized fish or game, or fur-bearing animals, or parts thereof, after deducting legal taxable costs shall be paid within 30 day by the person receiving the same to the commissioner, to be paid by him to the treasurer of state.~~ All officers' fees taxed against a respondent, if any, under any provision of this chapter, which are not paid or recovered from the respondent shall not be assumed or paid by the county where the offense was committed. All fees, fines, and penalties recovered and money received, or collected, and paid to the treasurer of state as aforesaid in excess of \$100,000 shall be credited to the department of inland fisheries and game for the operation of fish hatcheries and feeding stations for fish, for the protection of fish, game, and birds, and for printing the report of said commissioner and other expenses incident to the administration of said department, and shall be expended by the said commissioner for the purposes for which said department is created.

Provided, further, that if any of such fees, fines, penalties or other moneys are not expended during the year in which they are collected, the

unexpended balance shall not lapse, but be carried as a continuing account and available for the purposes herein specified until expended.

Any officer, or other person who shall receive any fine or penalty, or any part thereof, for the violation of any inland fish or game law, or rule and regulation, or any fees for licenses issued by authority of any inland fish and game law, and shall neglect for more than 30 days to pay the same ~~to the commissioner~~ as herein provided, shall be punished by a fine of not less than \$50, nor more than \$100 and costs of prosecution for each offense.'

Sec. 7. P. L., 1933, c. 2, § 102, amended. Section 102 of chapter 2 of the public laws of 1933, as amended, is hereby further amended to read as follows:

'Sec. 102. Fines and penalties, how recovered; settlement of offenses; commissioner to report to treasurer of state. All fines and penalties under this chapter may be recovered by complaint, indictment, or action of debt made or brought in the county where the offense was committed. The action of debt shall be brought in the name of the state. All fines, penalties, and collections under this chapter, except when otherwise expressly provided, shall ~~forthwith be paid~~ **accrue** to the commissioner of sea and shore fisheries and by him the same shall be paid to the treasurer of state to be added to and made a part of the appropriation for sea and shore fisheries. And the said commissioner shall report to the treasurer of state the amount of each fine, penalty and collection itemized, and the name of the party paying the same which shall be kept on record in the office of the treasurer.'

Sec. 8. P. L., 1935, c. 154, § 13, amended. Section 13 of chapter 154 of the public laws of 1935 is hereby amended to read as follows:

'Sec. 13. Disposition of fines. When any fines shall be collected from anyone guilty of violating this act, $\frac{1}{2}$ of any sum collected as such fine shall ~~be deposited with~~ **accrue to** the state bureau of health and **be** added to the fund specified in section 6 to be expended for expenses of inspection under and enforcement of this act.'

Sec. 9. Amending clause. All acts or parts of acts inconsistent with this act are hereby repealed, or amended to conform to the provisions of this act.