

MAINE STATE LEGISLATURE

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May 18, 1933

Honorable George J. Stobie
Commissioner of Inland Fisheries and Game
Augusta, Maine

Dear Mr. Commissioner:

In response to your inquiry concerning the West Bath Game Preserve, I am pleased to inform you that this "Preserve" was first established by Chapter 92 of the Public Laws of 1925 which provided that,--

"For a period of six years from the time this act becomes effective, no person shall at any time hunt, trap, catch, pursue, shoot at or kill any wild animal, or bird, (except bobcats, Canada lynx, foxes, rabbits, minks, skunks or ducks), within the following described territory situated in the town of West Bath in the county of Sagadahoc: Beginning on the east bank of the New Meadows River at a point due west of the northwest corner of the cottage dwelling of Samuel R. Percy at Sabino, so-called; thence running easterly to the Sabine road; thence easterly by said Sabino road to Prince's corner, so-called; thence southerly by the Campbell's pond road and Brigham's cover road to Brigham's cove in Winnegance bay; thence southerly, westerly and northerly by the shore of said Winnegance bay and said New Meadows river to the point of beginning. ***** It shall also be unlawful for any person to have in possession at any time within the period aforesaid any wild animal, alive or dead, or any wild bird taken or killed in violation of any provision of this act."

This Act was amended by Section 88 of Chapter 225 of the Public Laws of 1931 by striking out in the first and second lines thereof, the words, "For a period of six years" the effect of which was to make the "Preserve" perpetual.

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This Act was further amended by Chapter 71 of the Public Laws of 1933, by leaving out the words, "except bobcats, Canada lynx, foxes, rabbits, minks, skunks, or ducks", and the words, "within the period aforesaid". The territory covered by the preserve has not been changed since the original enactment in 1925.

I do not know of any change or modification of the Act within your power to make, as it was held by our Court in the case of McKenney v. Farnsworth that, --

"The Legislature alone can make and repeal statutes. It cannot delegate its power to do so to any other authority."

This decision clearly indicates that the Legislature alone has the authority to repeal or modify the Act creating the preserve.

Very truly yours,

Deputy Attorney General

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