

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA

December 13, 1933

Harold D. Jewett, Esquire  
Calais, Maine

Dear Sir:

Your letter of December 6 addressed to the Commissioner of Inland Fisheries and Game, has been handed this department for reply. Section 13 of chapter 142 of the Revised Statutes provides that,--

"No person shall wear under his clothes or concealed about his person, any such firearm, slung-shot, knuckles, bowie knife, dirk, stiletto, or other dangerous or deadly weapon unless first licensed so to do as provided in the following sections."

Section 14 of the same chapter provides that,--

"The chief of police or city marshal, or in his absence, any of the captains of police of any city, or the selectmen of any town, may upon written application issue to any person of good moral character, a certificate setting forth that such person has been duly licensed to carry such weapon or weapons."

It seems to me that the foregoing has reference to the carrying of concealed weapons about the person and does not in any wise relate to the provisions of section 46 of chapter 38.

Sections 13 and 14 of chapter 142 were enacted by chapter 117 of the Public Laws of 1917 and never were amended except by chapter 63 of the Public Laws of 1919, and the only amendment was with reference to the amount of the penalty.



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Harold D. Jewett, Esquire, Page 2.

Section 46 of chapter 38 was enacted by the legislature of 1929, being section 36 of chapter 331 of the Public Laws. In 1931 a new section was added, being section 46A of chapter 135 which provides that,--

"It shall be unlawful for any person to hunt any wild bird or wild animal at any time, from a hand car, flat car, or any other car or vehicle moving along rails under its own power or drawn along rails by an engine; or by aid or use of any light or lights carried thereon or attached thereto. It shall be unlawful for any person to have in possession, at any time, any wild bird or wild animal, or part thereof, taken in violation of any provision of this section. No person shall have a rifle or shotgun, either loaded or with a cartridge in the magazine thereof, in or on a hand car, flat car, or any other car or vehicle moving along rails under its own power, or drawn along rails by an engine."

Section 46 relates to hunting from automobiles. Section 46A relates to hunting from railways. Both sections appear to have been enacted as a part of the hunting laws of the state and do not appear to me to be at all in conflict with the provisions relative to carrying concealed weapons.

Very truly yours,

Sanford L. Fogg  
Deputy Attorney General

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