

MAINE STATE LEGISLATURE

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April 16, 1937

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

Dear Sir:

Answering your recent oral inquiry relative to setting traps for muskrats, I am pleased to call your attention to section 72A of Chapter 33 of the Revised Statutes of 1930 which is as follows:

"Provided, further, it shall be unlawful for any person to set a trap at any time within twenty-five feet of, or to molest or destroy, a muskrat house."

In this connection I would call your attention to the Dictionary definition of "house", which is:

"Anything serving an animal for shelter or habitation, as the shell of a snail, the nest of a bird, etc."

In view of the foregoing, it is my opinion that it is unlawful for any person to set a trap within twenty-five feet of, or molest or destroy, a muskrat habitation or nest whether the same is a hole in the ground or a built-up house within the limits of some lake or pond.

Very truly yours,

Sanford L. Fogg
Deputy Attorney General

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