

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

June 30, 1942

John S. S. Fessenden, Assistant Attorney General

W. Earle Braebury, Inland Fisheries & Game

In reply to your memo of June 15, 1942, in which you propound six questions, you are advised that the answer to question 1 is "Yes". The statute provides for appeal in five days. While it does not mention appealing after paying the fine and costs, the statute does provide for appealing when the respondent has been committed to jail. The payment of fine and costs is simply a different method punishment, but the respondent's rights are the same.

The answer to question 2 is "Yes", but it should be noted that your proof that the person aiding or assisting the trapper knew that he was so aiding or assisting, would have to be very convincing.

In answer to your 3rd question, you are advised that the Commissioner may issue a permit to a person to keep one coon in captivity when it reasonably appears that the person intends to keep the animal for propagation purposes and that he expects seasonably to acquire a mate, and that he is not keeping the one coon for any other reason than propagation.

In answer to your 4th question, you are advised that the killing of a deer by a land owner to prevent damage to his property does not constitute hunting. The law prohibits the use of artificial lights at any time for hunting. An owner is within his rights if he uses an artificial light in the night time to kill a deer while it is damaging his property.

In answer to your 5th question, you are advised that the use of the words "immediate supervision" in Section 28-A of the Sixth Biennial Revision can be reasonably interpreted to mean that when the flag on the set line is within the vision of the fisherman, the line is within his "immediate supervision".

In answer to your 6th question, you are advised that there is no specific statute of limitations applying to prosecution of violations of fish and game laws. No indictment, however, can be brought against an offender after six years. In connection with the same question, you are advised that if a Trial Justice issues a warrant and dies before the warrant is served, it is necessary to secure another warrant from another magistrate.

Assistant Attorney General

JSSF:GH