

# MAINE STATE LEGISLATURE

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Copy to: Inland Fish and Game Department  
Sea and Shore Fisheries Commission  
County Attorneys  
Sheriffs

*Ans. 1/2*

920

December 7, 1943

Stuart C. Burgess, Esquire  
County Attorney Knox  
Rockland, Maine

Dear Stuart:

The statute we were discussing is R. S. Chapter 129,  
Sections 3 and 4. Section 3, reads as follows:

"Whoever while on a hunting trip, or in the pursuit  
of wild game or game birds, negligently or carelessly  
shoots and wounds, or kills any human being, shall  
be punished by a fine of not more than one thousand  
dollars, or by imprisonment for not more than ten  
years."

This apparently is a felony and not a misdemeanor so  
your Municipal Court would have authority to bind over,  
and if your Municipal Judge failed to find proper cause  
you would not be barred from proceeding before the Grand  
Jury.

Section 4, reads as follows:

"County attorneys and sheriffs, in their respective  
counties, shall promptly investigate any alleged  
violations of the preceding section and prosecute  
every person accused thereof; for failure so to  
investigate and prosecute, each of said officers shall  
be punished by a fine of not more than one thousand  
dollars, and shall be removed from office."

There seems to be no justification for local officials failing  
to proceed in cases where a human being has been either  
wounded or killed.

Sincerely yours,

Frank I. Cowan  
Attorney General

*State v. Wright  
128 Maine 404  
See letter  
of  
Beechmont  
12-11-43  
Hancock  
Co. Atty*