

MAINE STATE LEGISLATURE

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March 9, 1944

To George J. Stobie, Commissioner, Inland Fisheries and Game
From Frank I. Cowan, Attorney General

Judge Gardiner R. Deering has written to me that _____ has applied for a trapper's license, and your office has telephoned in regard to the matter.

According to Judge Deering's letter, this boy was in court for larceny in 1938, when he was ten years old; in 1939, for juvenile delinquency; in 1941, at the age of thirteen, for breaking and entering.

Section 42 of the Inland Fish and Game Laws provides as follows:

"Any person who has been found guilty by the court of breaking and entering, or of larceny, shall not be eligible thereafter to obtain a trapper's license."

P.L. 1931, Chapter 241, Section 1, gives to judges of municipal courts "exclusive original jurisdiction" over all offenses committed by children under the age of fifteen years. It further provides that

"No adjudication or judgment under the provisions of this act shall be deemed to constitute a conviction for crime."

with certain exceptions. The exceptions are, "unless the offense is aggravated or the child is of a vicious or unruly disposition."

Judge Deering's letter indicates that the offense was not of an aggravated nature and that the child was not of a vicious or unruly disposition. Although the statutes have been changed several times, the intent of the legislature "that the child was guilty of juvenile delinquency, and no such adjudication or judgment shall be deemed to constitute a crime" (See P. L. 1943, c. 322) has prevailed throughout. In my opinion this boy is not a person who has been "found guilty" as such phrase is used in the Inland Fish and Game Laws.

Frank I. Cowan
Attorney General

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