

# MAINE STATE LEGISLATURE

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October 30, 1945

To Hon. George J. Stobie, Commissioner  
Inland Fisheries and Game

I have your letter of October 30th requesting me to give a ruling on the last sentence of Section 68, Chapter 33, R. S. 1944, as amended by the Public Laws of 1945, which reads as follows:

"No person excepting a law enforcement officer while in the line of duty shall have a loaded rifle or loaded shotgun or a gun with a cartridge in the magazine thereof in or on any motor vehicle."

My interpretation of that part of the statute is that it applies to any person, whether in or out of hunting season. If any person carries a loaded shotgun or rifle or gun with a cartridge in the magazine thereof, he is guilty of a violation of this statute.

A similar case came before the Supreme Court of Maine in 1931 under the provisions of Section 63, Chapter 38, R. S. 1930, which provided:

"No person shall expose or offer for sale, sell or purchase in this state, any jack light or light fitted for use in hunting in the night time."

You probably recall this case, State vs. Rice and Miller, 130 Me. 316, where the Court held that the complaint properly charged the offence, and the evidence, which was made a part of the bill of exceptions, disclosed that the defendant sold a light which the Court found was admirably "fitted for hunting in the night time." The finding of guilty was held proper in this case, and it would be the same, in my opinion, with a person carrying a loaded shotgun or rifle or a gun with a cartridge in the magazine, in or on any motor vehicle.

Ralph W. Farris  
Attorney General

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