

# MAINE STATE LEGISLATURE

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December 23, 1946

To J. Bennett Pike, Esq., Judge  
Northern Cumberland Municipal Court

At your request some members of the Inland Fisheries and Game Department conferred with me this morning and stated that you would like an interpretation of Section 111 of Chapter 33 of the Revision of 1944, as revised by the 1945 legislature in the Public Laws of 1945.

It has been called to my attention that you have before your court a case where the respondent committed an offense in Oxford County and was found in Hiram and arrested on a warrant from your court. You want to know whether your municipal court has jurisdiction of an offense committed in an adjoining county.

In reply I call your attention to the case of State vs. Longley, 119 Maine 535, in which the court passed on a similar law passed by the 1919 legislature, Section 33 of Chapter 196, P. L. 1919, which read as follows:

"Any officer authorized to enforce the inland fish and game laws may without process arrest any violator of said laws and shall with reasonable diligence cause him to be taken before any trial justice or any municipal or police court in the county where the offense was committed or in any adjoining county for a warrant and trial. Jurisdiction in such cases is hereby granted to all trial justices and all other courts to be exercised in the same manner as if the offense had been committed in that county."

You will note in this case which the law court decided that this respondent was arrested on a complaint charging a violation of Chapter 180 of the Public Laws of 1919, which had to do with carrying a loaded shotgun in a motor vehicle, and the respondent filed a demurrer to the complaint on the ground that the statute conferring jurisdiction upon trial justices and other courts of all offenses under the inland fish and game laws committed in an adjoining county was repugnant to the Constitution of the United States. The demurrer was overruled by the presiding Justice, and the respondent took exceptions to the Law Court, and said exceptions were overruled by the Law Court.

Therefore it is my opinion that the wording of the statute in Section 111, which is as follows:

"Jurisdiction is hereby granted to all municipal courts in adjoining counties to be exercised in the same manner as if the offense had been committed in that county,"

confers general jurisdiction on municipal courts and does not use the language of 1919, which provides that jurisdiction in such cases is hereby granted, so that I am of the opinion that the wording of the present statute confers general jurisdiction on all municipal courts in adjoining counties, whether the offender is arrested without process or with a warrant, because in the case in 119 Maine, State vs. Longley, the respondent was arrested on a warrant and not without process.

In 1939 this language was stricken from the original statute providing general jurisdiction in adjoining counties for violations of the inland fish and game laws; but it was re-enacted in its present form in the 1945 legislature.

Ralph W. Farris  
Attorney General

RWF:c