

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

Answer, Yes. Under Section 4 of Chapter 329, P. L. 1947, a new section is numbered 42-F, and under subdivision III thereof all improved sections of federal, state, state aid, third class and so-called Resolve highways are excepted from the definition.

RALPH W. FARRIS
Attorney General

October 20, 1947

To Hon. Horace Hildreth, Governor

I have been requested by the Chief Warden of the Inland Fisheries and Game Department to advise you whether under our statutes the power is vested in any one to extend the open season in view of the closing of the woods to hunting on account of the long and continuous dry spell which we are now experiencing.

The statutes are very specific in the provisions fixing the periods during which game may be hunted by setting forth the opening and closing days, or by providing for an open season during a specific period and declaring all other time as closed season.

No provision, however, is made to meet a situation when on account of the great fire hazard due to lack of rain, hunting is banned until the danger no longer exists. Nor is anyone vested with the power to change, modify or extend the time for hunting.

While the Governor, by the Public Laws of 1945, Chapter 344, the title of which is AN ACT Relating to the Prevention of Forest Fires, is authorized by proclamation to suspend the open season for hunting and fishing or to prohibit smoking and building fires out of doors in the woods, and to "annul" the suspension when the fire hazard has been eliminated, there is nothing in this act which either expressly or by implication authorizes the Governor to continue the right to hunt during the closed season for the number of days the suspension is operative.

I must, therefore, advise you that the open season for hunting the various types of game cannot be extended beyond the dates specifically fixed in each case by the provisions of the Inland Fish and Game Laws.

I think perhaps that this is a matter that may be referred to the Legislative Research Committee, to study the present legislation and see if the same should not be modified to meet a situation such as now confronts us.

ABRAHAM BREITBARD
Deputy Attorney General

October 31, 1947

To Major Joseph F. Young, Jr., Deputy Chief, Maine State Police

Receipt is acknowledged of your memo of October 15th, wherein you ask this department to advise with regard to Section 116 of Chapter 19 of the motor vehicle laws, as amended by the Public Laws of 1947, Chapter 320. Your inquiry is whether a car may have more than one spotlight, or whether it is limited to one. Doubt has arisen because of the wording of the law, which is: