

# MAINE STATE LEGISLATURE

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October 30, 1947

To Honorable Horace Hildreth, Governor of Maine  
Re: Suspension of Hunting in York County

I have examined the communication of October 29th addressed by the Commissioner of Inland Fisheries and Game to the Governor. The reason therein assigned for continuing the suspension of the open season for hunting in York County for the remainder of the open season would not be legal justification for doing so. The authority vested in the Governor to suspend is not a conservation measure to protect the propagation of game. The measure is aimed solely at removing the hazard of fire to the forests during periods of long drought, which may result from persons in the woods hunting or fishing. The suspension may be

"for such time and in such sections of the state as he (the Governor) may in such proclamations designate. . ."

The third section of this Act, designated as Section 83-C, Chapter 344 of the Laws of 1945, provides that when

"by reason of rains or otherwise the governor is satisfied that the occasion for the issuance of the proclamation has passed, he may annul it by another proclamation affecting the sections covered by the original proclamation, or any part thereof, . . ."

The Governor may unquestionably lift the ban from some sections and continue it in others, but in lifting it he acts only when he satisfies himself that the danger from conflagration in that territory no longer exists.

The continuation, therefore, of the suspension in York County must find its reason within the bounds of the statutory quotations above cited.

Abraham Breitbard  
Deputy Attorney General

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