

MAINE STATE LEGISLATURE

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yes

February 21, 1952

To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Fines Collected under Section 125 of Chapter 33, R. S. 1944

We have your memo of February 11, 1952, relative to sections 110 and 125 of Chapter 33 of the Revised Statutes, as amended.

You request an opinion as to whether or not fines collected under section 125 should be paid to the Treasurer of State and credited to the Department of Inland Fisheries and Game.

Section 125 provides that whoever, while on a hunting trip, or in pursuit of wild game or game birds, negligently or carelessly shoots and wounds or kills any human being, shall be punished by a fine of not more than \$1000 or by imprisonment for not more than 10 years.

Section 110 provides that all fees, fines and penalties recovered under any provision of this chapter, and money received or collected shall be paid to the Treasurer of State and credited to the Department of Inland Fisheries and Game for certain functions of that department. The obvious intent of section 110 is clearly stated in the above sentence. Therefore the fines collected from one who violates the provisions of section 125 shall be handled as provided for in section 110.

It is to be noted that this penalty is to go to the Treasurer of State and be credited to the Department of Inland Fisheries and Game only if the accident happens while on a hunting trip. If the person is not prosecuted under an indictment clearly showing a violation of section 125, that is, while on a hunting trip, then we feel that the money should not be credited to your department.

James G. Frost
Assistant Attorney General

jgf/c