

MAINE STATE LEGISLATURE

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no

July 15, 1953

To Roland H. Cobb, Commissioner, Inland Fisheries and Game
Re: Fencing

This office acknowledges receipt of the following question from your office relative to Section 8, Chapter 394, P. L. 1953, amending Section 11, Chapter 33, R. S. 1944.

"It seems that the few who hold fur farm licenses which are good through this year face the new Legislative Act which comes into effect, I believe, on August 8th, which provides that they must fence a fur farm so that fur bearers can neither get in nor out. If these people are already licensed for this year, must they fence the farm before January 1st, 1954, when they would renew the license?"

We gather from the above that permits issued by you to applicants wishing to fence in or enclose land for the purpose of propagating game birds, game or wild animals, run for the calendar year.

In answer to your question we can only say that permits to so fence in or enclose land issued by you subsequent to May 16, 1952, should have been subject to the requirement that the fence be of a type which would prevent animals from entering or leaving the fenced-in area.

See opinion of this office dated May 16, 1952, when, in answer to your request, this office gave an opinion to the effect that fences contemplated by Section 11 of Chapter 33, R. S. 1944, as amended, should be such as would prevent the escape of the animals used for propagating purposes and would keep other animals out.

It is our opinion, therefore, that the requirement with respect to the type fence set out in Chapter 394, P. L. 1953, should be complied with on and after the effective date of the act, and should have been complied with after receipt of our opinion of May 16, 1952.

James Glynn Frost
Deputy Attorney General

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