

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

adding more students. Under such conditions two teachers can no longer devote their whole time to the course of study required of a Class A school, but have the additional burden of teaching children not normally embraced in the four-year course.

For these reasons we do not believe that under such conditions such school would be classified as a Class A secondary school.

JAMES G. FROST
Deputy Attorney General

January 27, 1954

To Elmer H. Ingraham, Chief Warden, Inland Fisheries and Game
Re: Confiscated Rifle

We have your memo in which you state that on October 27, 1953, one of your wardens seized . . . a semi-automatic rifle having a magazine capacity of 15 cartridges and that the rifle was libeled and declared confiscate. You ask, if, under the provisions of Section 71 of Chapter 33, R. S., as amended, that rifle should have been libeled or should only firearms equipped with silencers be libeled.

It is the opinion of this office that only rifles, pistols or other firearms fitted with silencers or any device for deadening the sound of explosion should be libeled. It will be noted that the first paragraph of Section 71 was enacted in 1943 and this was the only paragraph of that Act. It reads in part as follows:

“No person shall sell, offer for sale, use or have in his possession any gun, pistol, or other firearms, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any provision of this section shall forfeit such firearm or firearms *and* the device or silencer, and shall further be subject to the penalties of section 119. . .”

It seems clear from a reading of the above quoted provision of law that such firearm and the device or silencer shall be forfeit.

This section of law was further amended in 1945 to include the paragraphs relating to auto-loading firearms and automatic firearms. With respect to such amendments, it can be seen that the possession of such rifle is not clearly prohibited, but the prohibition runs to the effect that no person shall use for hunting or have in his possession at any time in the fields and forests or on the waters of the State such firearms, unless it shall have had its magazine permanently altered so as to contain not more than 5 cartridges.

For these reasons we believe it was the intent of the legislature not to cause to be libeled any firearms except those which have silencers or similar devices.

JAMES G. FROST
Deputy Attorney General