

# MAINE STATE LEGISLATURE

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January 5, 1955

To Roland H. Cobb, Commissioner of Inland Fisheries and Game  
Re: Request of Kennebec Water District for Open Season on Muskrats

. . . The Kennebec Water District through its superintendent notified you on December 21, 1954, that certain muskrats in the bog adjacent to its water supply, in his opinion, constitute a danger to said supply, requesting you to issue a proclamation opening the area to trapping for muskrats. Further correspondence shows a definite desire on the part of the Kennebec Water District to limit the right to take muskrats to one single individual.

This is legally impossible. The law provides for an open season and that means open to everybody.

There is a further request that wardens enter the area and take the muskrats. There is no provision in the law for same.

The provisions applicable are found in Section 97 of your chapter. It is the opinion of this office that that area may be opened for a fixed time if in the exercise of your discretion you find that there is danger of polluting a water supply. This open season shall allow every holder of a trapping license to enter and take muskrats. We appreciate that this may be inconsistent with certain policies of the District, particularly relative to trespass. It is enough to say that this is the statutory mode prescribed by the legislature, and if the District does not like it they can always introduce legislation to change this mode of procedure. Until that time they are forced to comply with the statute. . .

Roger A. Putnam  
Assistant Attorney General

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