

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

We suggest that you follow the Act strictly and literally. It would appear that such a course would keep administrative costs at a minimum and allow a greater percentage of appropriated funds to be used for the purposes set forth in the Act.

GEORGE C. WEST

Deputy Attorney General

December 22, 1961

To: Maynard F. Marsh, Chief Warden, Inland Fisheries and Game

Re: Beaver Trappers and Landowner's Consent

You have asked by your memo of December 20, 1961, concerning the effect of Chapter 65, Public Laws 1961.

This chapter repealed the first sentence of the third paragraph of section 119 of Chapter 37 of the Revised Statutes. This sentence formerly read:

“During such open season beaver may be trapped without the consent of the landowner in unorganized territory, and only with the consent of the landowner in organized territory.”

This sentence constituted an exception to the general law on trapping as set forth in the second sentence of Chapter 37, section 70.

“No person shall trap on or in any organized or incorporated place, or in any unorganized place on the cultivated or pasture area of land that is used for agricultural purposes, and on which land there is an occupied dwelling, or within 200 yards of any occupied dwelling, without first obtaining the written consent of the owner or occupant of the land on which said trap is to be set.”

The exception, relating to beaver trapping, having been removed, the general law applies. A close reading of the general law as set forth in section 70 is less restrictive than seems from a hasty reading.

In order to require written consent the land must be 1) cultivated or, 2) pasture area used for agricultural purposes plus 3) an occupied dwelling on the land, or the trap must be within 200 yards of an occupied dwelling. Furthermore, the written consent may be obtained from either the owner or the occupant of the land.

Section 70, Chapter 37, does apply to beaver trapping. It is a general law and applies to trapping of any animal.

GEORGE C. WEST

Deputy Attorney General

December 27, 1961

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Eligibility for a War Orphan Scholarship

You have inquired whether or not a war orphan whose father was killed in World War II is eligible for war orphan aid when the child's mother subsequently marries and the husband adopts the son.