

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1965 - 1966

April 12, 1966
Fish and Game

Maynard Marsh, Chief Warden

Tracer Shot Shell

Reference is made to your memo of April 11th. In this memo you asked two questions.

1. May the tracer shotgun shell, a sample of which is enclosed, be legally used for hunting in this State?

ANSWER:

No.

REASON:

12 M.R.S.A., § 2458, relates to a sale, use or possession of guns, pistols or other firearms fitted or contrived with any device for deadening the sound of explosion commonly called a silencer; automatic firearms or firearms converted to an automatic type; and the use of cartridges containing tracer bullets or cartridges containing explosive bullets. All of the above items are forbidden with some exceptions as noted therein.

There can be no question that a tracer shotgun shell is forbidden for hunting purposes. The paragraph which contains the prohibition of use of this item is discussing hunting.

2. May this tracer shotgun shell be legally used for shooting skeet or trap in this State?

ANSWER:

No.

REASON:

The answer to this question is much more debatable than the answer to the first question. The last sentence of the third paragraph of the above-cited statute states:

"It shall be unlawful for any person to use cartridges containing tracer bullets or cartridges containing explosive bullets."

This sentence, read by itself, is very clear and would raise no doubt as to the prohibition against the tracer shotgun shell.

The only doubt is whether this sentence can be read by itself, or should be read as only a part of the hunting and trapping laws. A good argument could be advanced in this direction. We conclude, however, that the general intent of § 2458 relates to the use of the prohibited firearms and ammunition whether for purposes of hunting or otherwise. The better interpretation would prohibit the use of this ammunition for hunting, target shooting, skeet or trap shooting, or any other purpose.

GEORGE C. WEST
Deputy Attorney General