

MAINE STATE LEGISLATURE

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October 18, 1967

George W. Bucknam, Deputy Comm.
Leon V. Walker, Jr., Assistant

Inland Fisheries and Game
Attorney General

Regulating Ice Fishing in Swan Lake

This is in reply to your memo of October 12, 1967, in which you ask if the Commissioner has authority, under 12 M.R.S.A. § 1960, to issue a regulation declaring Swan Lake open to ice fishing from February 1 through March 31, in view of Resolves, 1957, Chapter 97.

The Resolve does not, as indicated in your memo, specify what the open season shall be. It reads as follows:

"Resolved: That the Commissioner of Inland Fisheries and Game be, and hereby is, authorized and directed to issue a rule and regulation opening Swan Lake, Waldo County, to ice fishing."

While this Resolve binds the Commissioner to have an annual open season for ice fishing in Swan Lake, it in no way denies the exercise of his discretion in determining the dates of the open season.

It is our opinion, therefore, that the Commissioner, acting under the provisions of 12 M.R.S.A. § 1960, may make a regulation setting an open season from February 1 through March 31.

Leon V. Walker, Jr.
Assistant Attorney General

LWNJr:H