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April 11, 1969

B. Gen
JSZ
Austin H. Wilkins, Commissioner

Forestry

Leon V. Walker, Jr., Assistant

Attorney General

Appointment and Duties of Forest Rangers

This is in reply to your memorandum of February 27, 1969.

SYLLABUS:

The duty of forest rangers under 12 M.R.S.A. § 1302 to enforce all laws relating to forests and forest preservation is not limited by the provisions of 12 M.R.S.A. § 1301 which provide for the appointment of forest rangers "to carry out subchapters II and X, sections 1302 and 1652."

FACTS:

12 M.R.S.A. § 1301 provides that, "The Commissioner shall appoint forest rangers and such other field and office personnel as in his judgment may be required to carry out subchapters II and X, sections 1302 and 1652." Section 1302 provides that rangers "shall . . . enforce all laws relating to forests and forest preservation."

QUESTION:

Are the provisions of 12 M.R.S.A. §§ 1301 and 1302 in conflict, since § 1301 appears to limit the appointment of rangers to the carrying out of "subchapters II and X, sections 1302 and 1652"?

ANSWER:

No.

OPINION:

The language of 12 M.R.S.A. § 1301 does not indicate any limitation on the authority of the Commissioner to appoint forest rangers for the purpose of carrying out the duties specified in § 1302. Subchapter II defines the composition of the Maine Forestry District, and subchapter X concerns the tax revenues of the District. Rangers

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have no defined duties to carry out in connection with these subchapters. They are directly concerned, however, with § 1302 and § 1652, since § 1302 provides that rangers shall enforce all laws relating to forests and forest preservation and § 1652 is concerned with jurisdiction of the District Courts in all prosecutions under chapter 215. Section 1302 definitely includes the subchapters of chapter 215, listed in your memorandum, within its purview. The other laws listed by you are not pertinent to this opinion.

The conclusion is, then, that the provisions of 12 M.R.S.A. § 1301 do not conflict with those of 12 M.R.S.A. § 1302.

Leon V. Walker, Jr.
Assistant Attorney General

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