

MAINE STATE LEGISLATURE

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January 6, 1970

Ronald T. Speers, Commissioner

Inland Fisheries and Game

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Attorney General

Regulation of Beaver Trapping Season

SYLLABUS:

12 M.R.S.A. § 2360, as amended by P.L. 1969, Ch. 255, empowers the Commissioner to "lengthen, shorten or close" the regular beaver trapping season "as he may deem necessary" by reducing such an order to writing and publishing prior to October 15 preceding such lengthening, shortening or closing of the season, with the single exception of unusual conditions adversely affecting the beaver population.

FACTS:

12 M.R.S.A. § 2360 provides for an open season for the trapping of beaver during January and February of each year and further provides that the Commissioner may "lengthen, shorten or close such beaver season as he may deem necessary."

For the seasons prior to 1970, § 2360 further provided that before the closing of an area to beaver trapping should take effect, notice of such proposed closing had to be advertised before November 15 of the preceding year. By P.L. 1969, Ch. 255, the provisions in the above sentence were repealed and replaced by provisions that:

"Whenever the commissioner shall cause the beaver season to be lengthened, shortened or closed, he shall cause said change in the season, or closing of the season, to be reduced to writing" (emphasis supplied)

and published prior to October 15 preceding such lengthening, shortening or closing.

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QUESTION 1:

Can the Commissioner, between October 15 and the regular beaver trapping season, open an area previously designated as closed to beaver trapping?

ANSWER 1:

No.

QUESTION 2:

Can the Commissioner open a previously closed area during the regular beaver trapping season?

ANSWER 2:

No.

QUESTION 3:

Can the Commissioner, between October 15 and the regular trapping season, close an area that has been previously designated and published as open to beaver trapping?

ANSWER 3:

No.

QUESTION 4:

Can the Commissioner close a previously open area during the regular trapping season?

ANSWER 4:

Yes, when emergency conditions arise.

QUESTION 5:

Can the Commissioner, between October 15 and the regular trapping season, lengthen or shorten a previously designated and published beaver trapping season?

ANSWER 5:

No.

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QUESTION 6:

Can the Commissioner lengthen or shorten a previously designated and published beaver trapping season during that season?

ANSWER 6:

No.

REASON:

Chapter 255 empowers the Commissioner to "lengthen, shorten or close" the regular beaver trapping season as "he may deem necessary" by reducing such an order to writing and publishing same prior to October 15 preceding such lengthening, shortening or closing of the season, with the single exception of unusual conditions adversely affecting the beaver population, when he may declare an emergency and close the season at any time.

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