

# MAINE STATE LEGISLATURE

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January 23, 1974

Maynard F. Marsh, Commissioner

Jon A. Lund, Attorney General

Inland Fisheries and Game

Attorney General

**Eligibility of Warden Service to Participate in and Receive Federal Grant Fund Assistance Through the Maine Law Enforcement Planning and Assistance Agency.**

**SYLLABUS:**

The powers and duties of wardens as specified in 12 M.R.S.A. § 2001 brings the Warden Service under Title I, Part G, § 601(a) definition of "law enforcement and criminal justice" of the Crime Control Act of 1973 (Pub. Law 93-83), and in consequence the warden service qualifies to participate in and receive federal fund assistance from the Law Enforcement Assistance Administration through the Maine Law Enforcement Planning and Assistance Agency.

**FACTS:**

You have requested the opinion of this office as to whether the Warden Service of the Department of Inland Fisheries and Game is eligible to participate in and receive federal grant fund assistance from the Law Enforcement Assistance Administration through the Maine Law Enforcement Planning and Assistance Agency.

**QUESTION:**

Is the Warden Service of the Department of Inland Fisheries and Game eligible to participate in and receive federal grant fund assistance from the Law Enforcement Assistance Administration through the Maine Law Enforcement Planning and Assistance Agency?

**ANSWER:**

Yes.

**REASON:**

The powers and duties of the wardens of the Department of Inland Fisheries and Game are set out in 12 M.R.S.A. § 2001 which in pertinent part reads as follows:

"It shall be the duty of the inland fish and game wardens to enforce all laws relating to inland fisheries and game and all rules and

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regulations pertaining thereto, Title 7, Chapter 707 and sections 3601, 3602, Title 17, section 2794, Title 32, Chapter 65; all regulations of the Federal Migratory Bird Treaty Act, Act of Congress approved July 3, 1918, as amended; all rules relating to hunting, fishing and trapping; all rules and regulations promulgated in accordance with Title 38, section 323 and all rules and regulations promulgated by authority of Chapter 206; to arrest all violators thereof, and to prosecute all offenses against the same.

In addition to their specified duties and powers, the wardens are vested with the same powers and duties throughout the several counties of the State as Sheriffs have in their respective counties.

The wardens shall have the authority to serve criminal processes on offenders of the law, and to arrest and prosecute camp trespassers or persons committing larceny from any cottage, camp or other building, and, except before the District Court, shall be allowed the same fees as sheriffs and their deputies for like services, all such fees to be paid to the commissioner. The wardens shall have the same rights as sheriffs to require aid in executing the duties of their office. They may serve all processes pertaining to the enforcement of any provision of chapters 301 to 335.

The wardens shall have the authority to arrest any person who assaults or in any manner willfully obstructs any inland fish and game warden while in the lawful discharge of his duties."

We are satisfied that by virtue of these above enumerated powers, the Warden Service is engaged in "law enforcement" as that phrase is defined in Title I § 601(a) of the Crime Control Act of 1973 (Public Law 93-83) § 601 (a) reading as follows:

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" 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction."

Having established that the Warden Service is engaged in "law enforcement" as defined by Title I § 601(a) of the Crime Control Act of 1973, it then follows that the Warden Service is eligible to participate in and receive federal grant fund assistance from the Law Enforcement Assistance Administration through the Maine Law Enforcement Planning and Assistance Agency for any purpose authorized by the relevant provisions of Title I of the Crime Control Act of 1973 (see Parts C and D of the Crime Control Act of 1973).

JON A. LUND  
Attorney General

JAL/jwp