

MAINE STATE LEGISLATURE

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Spencer Apollonio, Commissioner

Marine Resources

Jon A. Lund, Attorney General

Attorney General

Eligibility of Coastal 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 coastal wardens as specified in 12 M.R.S.A. §§2003 and 3652 brings the Coastal Warden Service under the Title 1, 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 Coastal Warden Service qualifies to participate in and receive federal fund assistance from the Law Enforcement Planning and Assistance Agency.

FACTS:

You have requested the opinion of this Office as to whether the Coastal Warden Service of the Department of Marine Resources 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 Coastal Warden Service of the Department of Marine Resources 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 basic powers and duties of the coastal wardens of the Department of Marine Resources are set out in 12 M.R.S.A. §3652 which in pertinent part reads as follows:

"Coastal wardens have the following powers and duties:

1. They shall enforce all laws and regulations pertaining to sea and shore fisheries, except as otherwise provided.

1. They shall arrest and prosecute all violators.
2. They may serve all processes pertaining to chapters 401 to 417 or to other sea and shore fisheries laws and regulations, or to the enforcement of any of them.
3. They have jurisdiction and authority in all the counties of the State and in all the waters within the jurisdiction of the State.
4. They have the same power as sheriffs to require aid in executing the duties of their office."

In addition to these above enumerated powers by virtue of 12 M.R.S.A. §2003 coastal wardens are vested with the powers of inland fish and game wardens (see 12 M.R.S.A. §2001).

We are satisfied that by virtue of these above specified powers, the Coastal Warden Service is engaged in "law enforcement" as that phrase is defined in Title 1, Part G, §601(a) of the Crime Control Act of 1973 (Public Law 93-83), §601(a) reading as follows:

" '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 Coastal Warden Service is engaged in "law enforcement" as defined by Title 1, Part G, §601(a) of the

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Crime Control Act of 1973, it then follows that the Coastal 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 1 of the Crime Control Act of 1973 (see Parts C and D of the Crime Control Act of 1973).

JON A. LUND
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