

MAINE STATE LEGISLATURE

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Inland Fish Childlike Trapping by employees

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AUGUSTA, MAINE 04333

September 14, 1978

TO: Maynard F. Marsh, Commissioner
Department of Inland Fisheries and Wildlife

FROM: Cabanne Howard, Assistant Attorney General

DATE: September 13, 1978

SUBJECT: Fish and Wildlife personnel trapping furbearers

You have asked whether there is any legal impediment preventing personnel of the Department of Inland Fisheries and Wildlife whose responsibilities include the regulation of trapping from engaging in trapping in the areas of the State in which they work. Our answer is that there is no such impediment.

The part of the Maine Code dealing with trapping, 12 M.R.S.A., Chapter 319, does not discriminate in any way between employees of the Department and other citizens. Thus, employees of the Department may obtain hunting and trapping licenses and may hunt and trap in the same manner as any person holding a license. The fact that such a person may, as a result of his employment, come into the possession of information which may enable him to hunt or trap more successfully does not, absent statutory prohibition to the contrary, prevent him in law from engaging in such activities. Whether the Department wishes to prohibit its employees from trapping in areas where they work as a matter of policy is beyond the scope of this opinion. We can only say as a matter of law that it is not required to do so.

CABANNE HOWARD
Assistant Attorney General

CH/bls