

Opinion No. 54-6043

December 3, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Homer C. Pickens State Game Warden Department of Game and Fish Santa Fe, New Mexico

{*514} This will acknowledge receipt of your letter of November 16, 1954 in which you inquire as to whether your department is authorized to charge the fee prescribed by § 43-506, 1941 Compilation, for a permit to buy and sell unprocessed pelts resulting from the commercial enterprise of fur bearing animal breeding.

The section to which you refer requires "Any person, firm or corporation, except the trapper selling his own catch, engaged in the business of buying or selling unprocessed {*515} pelts of any fur bearing animals . . ." to procure a dealer's license.

While it is obvious that this section was primarily intended to regulate those persons who sell or purchase the pelts of fur bearing animals trapped in the wild, it is to be noted that no exception exists in favor of those who are selling what in effect amount to domesticated fur bearing animal pelts. It is within the province and authority of the Legislature to require a license of this nature from all dealers in fur bearing pelts, and from the broad wording of the section, we believe that this is the result attained by the Legislature.

It is, therefore, the opinion of this office that all persons, whether dealing in pelts resulting from the commercial enterprise of fur bearing animal breeding or whether dealing in pelts resulting from the trapping of wild fur bearing animals, are required by law to secure the permit provided in the above mentioned section before engaging in such business.

By: W. R. Kegel

Assist. Attorney General