

Opinion No. 55-6176

June 2, 1955

BY: RICHARD H. ROBINSON, Attorney General

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

You have requested the opinion of this office as to the interpretation to be given to Section 53-4-14 of the 1953 Compilation, as the same applies to breeders of game birds for profit in the State of New Mexico.

This section prohibits park licensees from selling game birds or game animals except for propagating purposes. Construing this section with the remainder of the sections pertaining to Class A Parks, it is our opinion that it applies only to birds naturally present on the land of the permittee. Any person breeding game for sale is required to have a permit under the requirement of Section 53-4-6 of the 1953 Compilation. A person desiring to propagate birds only for his own use without barter, sale or exchange may secure a permit under the provisions of Section 53-3-23 of the 1953 Compilation.

By Walter R. Kegel

Assistant Attorney General