

know if the Department can continue this practice.

Section 3684, Revised Codes of Montana, 1935, gives the State Fish and Game Warden authority to appoint license dealers, and further provides:

"\* \* \* Before giving any person other than a salaried deputy state fish and game warden, or any justice of the peace, authority to sell or issue licenses, the state fish and game warden may exact from such person a bond not to exceed the sum of one thousand dollars, to be approved by the state fish and game warden, conditioned that such person will turn over to the state fish and game warden all sums received by him for such licenses, which said bond shall run to the State of Montana \* \* \*." (Underscoring ours.)

This statute expressly prevents the state fish and game warden from requiring the posting of more than one thousand dollar bond. Apparently the legislature felt that the State of Montana would be sufficiently protected by a bond of this sum and that requiring a larger bond would work a hardship on many dealers. But the state fish and game warden has discretion in the issuance of authority to deal in fish and game licenses; he has the power to refuse to issue such authority to any one he believes to be unreliable and not trustworthy in carrying out the licensing law.

It should also be noted that Section 3687 requires all persons issued fish and game licenses to remit the license fees collected to the state fish and game warden on the tenth and twenty-fifth days of each month. If this requirement were enforced by the commission there would be no difficulty in sending out license blanks worth two thousand to two thousand five hundred dollars, because only in the most unusual circumstances would the license sales in the remittance period exceed the amount of the bond.

It is my opinion that the procedure you have been following is entirely within the law and that the state fish and game warden has discretion in determining the quantity of license blanks that shall be sent out to each dealer, but that in no event can a bond exceeding one thousand dollars be exacted.

Opinion No. 280.

**Fish & Game—License Dealers—Fish & Game Warden—Powers and Duties of.**

HELD: 1. The State Fish and Game Warden may not require a bond in excess of \$1000 from License Dealers.

2. The Warden may send out license blanks in any amount he chooses, so long as the remittance requirement of Section 3687, R. C. M. 1935, is enforced.

May 10, 1938.

Hon. J. A. Weaver  
State Fish & Game Warden  
The Capitol

Dear Mr. Weaver:

There are several large fish and game license dealers in Montana who issue several thousand dollars worth of licenses every year. It has been the custom to send such dealers from two thousand to two thousand five-hundred dollars worth of licenses at a time. Inasmuch as the law provides only for a thousand dollar bond, you wish to