

No. 332

**FISH AND GAME—WARDENS—DEPUTY FISH AND
GAME WARDENS**

Held: The Fish and Game Commission has authority to employ not in excess of twenty-seven regular full-time deputy game wardens and may employ for a limited period of time special deputy game wardens to perform certain designated functions, as are prescribed in Section 3656, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 158, Laws of 1941.

January 3, 1942.

Dr. J. S. McFarland
State Fish and Game Warden
Capitol Building
Helena, Montana

Dear Dr. McFarland:

You have submitted the following:

“Executive Reorganization Order No. 24, recently received from Governor Ford, made several recommendations to this department. The second recommendation reads as follows:

‘that to conform to the statutes, the Commission employ salaried Special Deputy Fish and Game Wardens for limited periods only.’

“Will you please give me an official opinion on your interpretation of ‘employing salaried Special Deputy Fish and Game Wardens for limited periods only?’”

Section 3656, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 158, Laws of 1941, provides:

“The state fish and game warden, by and with the consent and approval of the commission, shall have power to employ, and appoint a number of deputy state fish and game wardens not in excess of twenty-seven for the proper enforcement of the fish and game laws of the state, or for such purposes as the warden may direct who shall be peace officers and hold their offices for such time as the warden may direct, and who may be removed from office by said warden at any time for cause, after due hearing before said commission. The said commission shall assign to each deputy state fish and game warden, appointed or employed the territory or district in which he is to perform his duties and work, which may be changed at any time by said commission. Said deputy fish and game wardens shall perform their duties at the direction of, and subject to the supervision and control of the state fish and game commission and the state fish and game warden; provided, however, the commission may employ for a limited period of time, special deputy game wardens to patrol said districts and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said districts as may be prescribed by said commission for the limited time for which they are so employed; and further, such special deputy game wardens shall receive in compensation not to exceed one hundred twenty-five dollars (\$125.00) per month and actual expenses.”

Thus it can be seen Section 3656 (as amended, *supra*) provides for the employment of a special deputy game warden for a limited period of time and also provides for the compensation to be paid therefor, in any event not to exceed \$125.00 per month.

Section 3661, Revised Codes of Montana, 1935, provides for the **annual** compensation each deputy game warden shall receive.

Webster's International Dictionary defines "limited" as:

"confined within limits; narrow; circumscribed; not full."

It is therefore my opinion the fish and game commission has authority to employ not in excess of twenty-seven regular full-time deputy game wardens and may employ for a **limited period of time** special deputy game wardens to perform certain designated functions as prescribed in Section 3656, as amended, aforesaid. The limited length of time for which a special deputy game warden shall be employed is, of course, a matter for the fish and game commission to determine and not a problem of the Attorney General.

Sincerely yours,

JOHN W. BONNER
Attorney General