

# MAINE STATE LEGISLATURE

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710

July 2, 1943

Wallace E. Barron, Game Warden,  
Cherryfield, Maine.

Dear Sir:-

In reply to your letter of June 23, 1943, it is the opinion of this department that there is nothing in the laws of this state which limits the jurisdiction of the state to ponds of 10 acres or more, in so far as application of the fish and game laws is concerned.

State v. Peabody, 103 Maine 327 at page 330 reads as follows:-

"It is a well settled principle of the common law that the fish in the waters of the state including the sea within its limits as well as the game in its forests belong to the people of the state in their collective sovereign capacity. Equally familiar and well recognized is the corollary of this proposition that the legislature of each State representing the people possesses full power to regulate and control such fisheries by appropriate enactments designed to secure the benefits of this public right in property to all its inhabitants. This doctrine has frequently been affirmed by the legislatures and repeatedly declared by the Supreme Court of the United States."

Section 1, Chapter 2 R.S. 1930 reads as follows:-

"The jurisdiction and sovereignty of the state extend to all places within its boundaries, subject only to such rights of concurrent jurisdiction as are granted over places ceded by the state to the United States."

Very truly yours,

Frank A. Farrington  
Deputy Attorney General

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15