

# MAINE STATE LEGISLATURE

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April 23, 1953

To Leon L. Spinney, Judge, Brunswick Municipal Court  
Re: Town Limits

. . . There is a general principle that when a municipal corporation is bounded by a navigable watercourse, its territorial limits extend only to the low-water mark. 37 Am. Jur. 634; 23 L.R.A. 521; 45 L.R.A. 243; 47 L.R.A.(N.S.) 1161, 1165.

In the State of Maine the rule for the construction of acts of incorporation in the matter of boundaries is the same rule which prevails as to the construction of deeds and grants. Perkins v. Oxford, 66 Me. 545. Thus it was held that where a fresh water running stream was the boundary of a town, then the thread of the stream is the boundary of the town, in the absence of language indicating the contrary intent. In Maine, when ordinary deeds and grants describe a boundary as "to the water" or "by the sea", etc., then the title carries to the low-water mark, and under the principle set down in 66 Maine, supra, the same rule would apply to municipalities. This would not prevent the legislature, by express grant, from extending the limits of a municipality beyond the low-water mark. This would depend upon the words of the charter.

For a discussion of the term "within the limits of the town" see Maine v. Leavitt, 105 Me. 76. For a discussion of "low-water mark" see Gerrish v. Proprietors of Union Wharf, 26 Me. 384, 395.

James Glynn Frost  
Deputy Attorney General

jgf/c  
cc: Commissioner, Sea and Shore Fisheries

(State of N.C. v. Eason:  
"The jurisdiction of a municipality bounded by a navigable river, does not extend beyond low-water mark, in the absence of anything in the charter extending the limit of its jurisdiction expressly or by fair implication.")

NOTE: Above letter is filed in "Towns- Miscellaneous)