

MAINE STATE LEGISLATURE

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January 5, 1955

To Joseph F. Holman, Esquire, County Attorney, Franklin County
Re: Town Road at Mount Blue

Your letter of December 27th makes inquiry concerning the right of hunters to carry firearms on the town road in the town of Weld which borders on Mount Blue or runs through it.

After consulting cases in which a similar question has been answered, it is our opinion that the town road bordering on or running through the park would not be of the park and so not subject to such rules and regulations as are permissible to be made by the Park Commission.

In the case of Kupelian v. Andrews, 135 N.E. 502, 503; 233 N.Y. 278, it is said,

"A 'park' is a detached tract of ground, generally of quite sizable proportions devoted to purposes of ornamentation and recreation, bounded or approached by streets or highways of which it is no part and not devoted to purposes of travel."

The case of Bennett v. Seibert, 35 N.E. 35, 38; 10 Ind. App. 369, says:

"'Public parks', in the strictest sense of the term, cannot be said to be in any proper sense parts of a street. Streets and parks, while they are both devoted to the uses of the public, are set apart for widely different purposes, a street being a place of passage, while a park is a place of rest or recreation."

I trust that this may be helpful to you in regard to the question raised.

Neal A. Donahue
Assistant Attorney General

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