

MAINE STATE LEGISLATURE

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October 27, 1961

Robert G. Doyle, State Geologist

Economic Development

Thomas W. Tavenner, Assistant

Attorney General

State Jurisdiction of Lands below High Water

Enclosed please find information with regard to the jurisdiction of the State of the lands lying below high water. You have requested our opinion as to the status of these lands with regard to mining rights. The owner of the upland shore owns all rights down to low water subject to certain limited public rights to use this area for boating, shell fish, etc.

From low water to 3 miles out the State has jurisdiction.

We would like to call your attention to the error on Page 105 of the enclosed case. There is a statement that the State may deny to non-residents the right to fish in Maine waters. This is no longer so.

Please return the government publication when you have finished with it.

Thomas W. Tavenner
Assistant Attorney General

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enc. 1 Publication
Excerpt from State v. Burdick