

MAINE STATE LEGISLATURE

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210

December 31, 1964

Ronald T. Speers, Commissioner
Inland Fisheries and Game
State House
Augusta, Maine

Dear Mr. Speers:

I have your two questions which are as follows:

1. Is a "NO HUNTING" sign a legal sign; that is, can the property owner prohibit hunting or does this lie within the province of the State?

2. Does the property owner have the right to lease or sell hunting rights on his land, as such, or do such hunting rights lie solely within the province of the State?

In answer to question #1, please be advised that a "NO HUNTING" sign, as such, has no legal validity. Historically, title to wild animals is not held by anyone. The rights to wild animals are possessed by the sovereign, which in this case is the State of Maine. It is the State, and the State solely, that has the power to permit or prohibit hunting. It is, therefore, only within the province of the State of Maine to post a legal "NO HUNTING" sign.

In answer to question #2, hunting rights, as such, are unknown to our law (Maine). As stated in the answer to question #1, the State has exclusive jurisdiction over wild animals. Therefore, there is no such thing as "hunting rights".

It is possible for a landowner to prohibit trespassing on his land, in which case he would very successfully prohibit

hunting, but to put up a "NO HUNTING" sign by itself or to sell "hunting rights" would not be the same as prohibiting trespassing.

I trust that the above answers will suffice.

Very truly yours,

Wayne B. Hollingsworth
Assistant Attorney General

WBH/eh