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May 14, 1968

Ronald E. Speers, Commissioner
Leon V. Walker, Jr., Assistant

Inland Fisheries and Game
Attorney General

Power of Coastal and Inland Wardens to Enforce Wetlands Control Law.

SYLLABUS:

Both Inland Fisheries and Game wardens and coastal wardens have the power of sheriffs and the power to enforce the Wetlands Control Law.

FACTS:

This is in reply to your memo of May 8 concerning coastal and inland wardens acting to prosecute violations of the Wetlands Control Law.

QUESTION:

The question you ask is whether, when taking such a violator before a District Judge, the Warden is acting as a Warden or as a private citizen.

OPINION AND ANSWER:

In addition to the power given by 12 M.R.S.A. § 2001 to enforce all laws relating to inland fisheries and game, a 1967 amendment to that section vests inland wardens with the same powers and duties throughout the several counties as sheriffs have in their respective counties.

Coastal wardens have the power, by § 3652 to enforce all laws and regulations relating to sea and shore fisheries, but do not by specific enactment have the same powers as sheriffs. However, § 2003 provides: ". . . coastal wardens are vested with the powers of inland fish and game wardens."

Since inland wardens have the same powers as sheriffs, and coastal wardens have the powers of inland wardens, it is our opinion that coastal wardens have the same powers as sheriffs, and that both classes of wardens have the power to enforce the Wetlands Control Law.

Leon V. Walker, Jr.
Assistant Attorney General

LVWJr./eh

cc: Ronald Green
Richard Darka