

MAINE STATE LEGISLATURE

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July 25, 1973

Maynard F. Marsh, Commissioner

Inland Fisheries and Game

Lee M. Schepps, Assistant

Attorney General

Scarborough Wildlife Management Area; Boat Traffic

This is in response to your memorandum of May 8, 1973, in which you inquired whether or not you have the power to regulate boat traffic through the several tidal rivers and marshlands in the Scarborough Wildlife Management Area which are navigable in small boats in all but near low tides.

Title 12 M.R.S.A. § 2155 clearly authorizes you not only to regulate boating in Scarborough Wildlife Management Area, but to prohibit it if you deem it necessary. That section also provides that when wildlife management areas are bordered by tidal flats, such authority shall extend to a point 50 yards below the water mark on said flats.

If you intend to implement regulations under the above statute, it would no doubt be advisable to delineate on a map the area falling within 50 yards of the low water mark of the flats as part of the regulation.

I hope this is responsive to your inquiry. Let me know if I can be of further assistance.

LEE M. SCHEPPS
Assistant Attorney General

LMS:mfe

NOT A FORMAL OPINION