

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date March 13, 1975

To Maynard F. Marsh, Commissioner

Dept. Inland Fisheries & Game

From Cabanne Howard, Assistant

Dept. Attorney General

Subject Applicability of L.D. 281 to Wildlife Management Areas

You have asked whether or not the terms "educational" and "recreational" in L.D. 281 would apply to Wildlife Management Areas under the control of the Department of Inland Fisheries and Game, and thus render such areas exempt from the taxation provisions of the bill.

It would appear, on the face of it, that such areas would not be included within either of the two exceptions. 12 M.R.S.A. §2151 authorized the Commissioner to acquire lands for the purpose of establishing Wildlife Management Areas. Wildlife management is defined by 12 M.R.S.A. §1901 (7) as "the art or science of producing wild animals and birds and of improving wildlife conditions of the State," and several methods of achieving this goal are thereafter specified. Although the preservation of wildlife may have educational or recreational effects, none of the practices listed in Section 1901 (7) can be brought within the meaning of those terms. "Education," according to Webster's New World Dictionary, means "the process of training and developing the knowledge, skill, mind, character, etc., especially by formal schooling, teaching, training"; "recreation" means refreshment in body or mind, as after work, by some form of play, amusement, or relaxation." Since it appears that no formal instruction is carried on in Wildlife Management Areas, and that their purpose is not of themselves to provide places for recreational activities, such as hunting, it would be difficult to characterize them either as "educational" or "recreational" in nature.

Please note, however, that the provisions of L.D. 281 apply only to lands which the State owns. Lands which are only leased or merely designated as Wildlife Management Areas (such as the Wildlife Sanctuaries established in Title 12, Chapter 309) would not therefore be covered. Also note that in the Statement of Fact in the bill, it appears that its intent was to cause the State to pay local taxes on dwellings which it has purchased and removed from the tax rolls and not to cause large uninhabited land areas such as Wildlife Management Areas to be taxed. If so, the bill could be much more narrowly drawn.



CABANNE HOWARD

Assistant Attorney General