

# MAINE STATE LEGISLATURE

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Wildlife Sanctuaries  
12 M.R.S. 2101

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

February 7, 1977

The Honorable Thomas Teague  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Teague:

You have asked whether land adjacent to a Wildlife Sanctuary established by 12 M.R.S. §2101 which is acquired by the owner of the sanctuary subsequent to its establishment becomes part of the sanctuary and may be posted as such by the Department of Inland Fisheries and Wildlife, which has responsibility for administering the sanctuary law. The answer to this question is that such land does not become part of the sanctuary unless the legislation establishing it is amended, and it should not be so posted by the Department, although the landowner may, of course, do so.

The facts of your question relate to the Fairfield Sanctuary on the grounds of the Hinckley School, Fairfield, Maine. Subsequent to the establishment of the sanctuary, the school acquired additional adjacent land, which land was apparently recently posted by wardens from the Fisheries and Wildlife Department. To the extent that this posting occurred on land which was not part of the sanctuary as set forth in the statute, it was in error. It should be noted, however, that the wardens are under no statutory obligation whatever to post sanctuaries, and further, that the boundaries of this sanctuary, as set forth in the statute, are particularly vague, being described in terms of the land of other landowners, rather than by reference to tangible objects. Thus, it may well be that the wardens will choose in the future not to post the land at all, rather than risk further error.

Please let me know if there is any further assistance which we can render in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Cabanne Howard".  
CABANNE HOWARD

Assistant Attorney General

ch/bls  
cc: Maynard Marsh