

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

12 M.R.S.A. 901

# STATE OF MAINE

Inter-Departmental Memorandum Date March 11, 1977

To A. Lee Tibbs, Director

Dept. Baxter State Park Authority

From Sarah Redfield, Assistant

Dept. Attorney General

Subject Fisheries and Wildlife Management of Baxter State Park

---

---

This is in response to your request for an opinion as to whether the Baxter State Park Authority or the Department of Inland Fisheries and Wildlife would have the authority to make a final decision concerning fish and wildlife resources within the Park. The ultimate authority for such decision rests with the Baxter State Park Authority pursuant to Title 12 M.R.S.A. § 901 which provides in pertinent part that the Park lands

"shall be under the joint supervision and control of, and shall be administered by the Director of the Bureau of Forestry, the Commissioner of Inland Fisheries and Game and the Attorney General, and the said commissioner, director and Attorney General shall have full power in the control and management of the same, under the title of Baxter State Park Authority."

For further discussion concerning the authority of the Baxter State Park Authority, you may wish to refer to the opinions of the Attorney General's Office from George C. West to John L. Martin dated January 2, 1973; from Martin Wilk to you dated July 31, 1975; and from John Benoit to you dated September 17, 1975, (copies of which are attached hereto.)

*Sarah Redfield*

SARAH REDFIELD

Assistant Attorney General

SR/ec  
Enclosures

STATE OF FLORIDA  
Baxter State Park Authority

January 15, 1970

The Honorable Edmund S. Muskie,  
United States Senator  
Washington, D.C. 20510

Dear Ed:

For some unexplained reason, your letter of inquiry about the use of snowmobiles in Baxter State Park was misplaced in the volume of mail received on this subject. I take full responsibility for this inadvertent act.

The following appears to be the facts as the Baxter State Park Authority knows them relative to the use of snowmobiles in Baxter Park. The use of snowmobiles in the Park is nothing new but the recent phenomenal sale and use of snowmobiles in the last few years has brought this subject into sharp public focus and particularly with reference to Baxter Park.

For over 8 or 9 years Park Rangers have used snowmobiles for patrol purposes and law enforcement of which Governor Baxter was fully aware. A few years ago, due to the impact of the use of snowmobiles, a new Baxter Park Regulation was passed which permitted snowmobiles to travel in the Park on the perimeter State road but did include travel on the trail from the Roaring Brook Campground to Chimney Pond and also woods roads on Rum Mountain. As chairman of the Authority and my close association with Baxter, this was reviewed with him and I am sure that in his declining years he still understood what was meant by this snowmobile regulation.

However, due to public pressure and those who felt that the Governor's wishes were being violated under the "forever wild" concept, the Baxter Park snowmobile regulation was amended and an amended copy is attached. The revision restricted the use of snowmobiles to just the so-called perimeter road excluding any trails or other roads. The decision of the Authority, in spite of public protest, to permit snowmobiles was on the basis that Governor Baxter did not intend to prohibit people from using the Park in the wintertime. Therefore, the snowmobile regulation was adopted as a public access into the Park using the perimeter road to enjoy the beauty of the Park in the wintertime as well as those who are privileged to use the Park in the summertime with recreation, in the former, as purely secondary.

January 15, 1970

I believe the amended regulation is on trial and that for this year it remains to be seen how strongly enforcement can be carried out in restricting use of snowmobiles to the perimeter road. As part of our enforcement program, we have extensively circulated the new regulation, prominently posted the road as to "ski road," additional rangers have been put on for patrol purposes, people will be required to check in and register at the gatehouses, and all violators when apprehended will be prosecuted.

It was the thinking of the Authority that from evidence produced thus far there were no dangers of disturbing wildlife, causing a litter problem, destruction of any forest growth, and noise factor of little consequence.

Another point I should call your attention to is the fact that the perimeter road is a so-called public road and the Snowmobile Law provides that these snow traveling units may be used on public roads which are unplowed and unused during the winter months.

I am sure that you can appreciate that I have received a tremendous volume of mail. While most of it does run strongly in protest of using snowmobiles in the Park, there was considerable mail supporting the use but under some form of strict regulation and enforcement. We will certainly await the results of our enforcement program and then if there is a change necessary, we will take action.

Very truly yours,



AUSTIN H. WILKINS  
Forest Commissioner  
Chairman, Baxter Park Authority

AHW:as

Attach.