



Frequently Asked Questions and Answers

Related to Inland Fisheries & Wildlife and the State's Authority Over Certain Activities

Includes Topics of:

Hunting, Fishing, Trapping,
State Agencies' and Municipalities Authority
Jurisdiction Over Great Ponds
Public Trust Doctrine
Public Use on Great Ponds
Moorings
Navigational Aids
Wildlife Causing Damage
Shooting Ranges
Recreational Vehicles
State Agency Contact Information

This is not law as written but intended to be used as a guidance document.

QUESTIONS RELATED TO HUNTING, FISHING AND TRAPPING

- **Can a municipality limit the use of firearms or other weapons used for the purpose of hunting or trapping?**
 - Generally, no, a municipality cannot regulate hunting or trapping and cannot restrict the possession or use of any equipment expressly permitted for use in hunting. However, a municipality has the right to enact an ordinance regulating the discharge of firearms within its borders. A municipality does not have the authority to regulate the discharge of archery equipment. See: [Title 12 §13201](#) and [Title 30-A M.R.S. § 3007 \(5\)](#).

- **Can a municipality regulate when a person can hunt, trap or fish?**
 - Generally, no, a municipality cannot regulate or charge a fee for any hunting, trapping or fishing for any species. See: [Title 12 §13201](#).
 - IFW follows the North American Model of Wildlife Conservation where the oversight of wildlife is entrusted to the state. You can read more about this model at: [United States Fish and Wildlife Service's Information on the North American Model of Wildlife Conservation](#)



- **Can a municipality regulate where or how a person can hunt, trap or fish?**

- There are laws within [Title 12 §12253](#) regarding trapping and trapping equipment within or near a compact, built-up portion of a city or village.
- The municipality cannot regulate private property or equipment used for hunting, trapping or fishing. However, if the property is owned by the municipality, they can restrict any activity by posting the borders of the land in accordance within [Title 17-A §402](#).
- A municipality has the right to enact an ordinance regulating the discharge of firearms within its borders. This provision does not apply to archery equipment. See: [Title 12 §13201](#) and [Title 30-A M.R.S. § 3007 \(5\)](#).
- Towns can also restrict equipment by establishing fees by ordinance for fish weirs, traps, shellfish harvest licenses, fees associated with oyster farming placement reviews and wharfs for the activity under [Title 38 §1022](#) and [Title 30-A §4103](#). For permits required by a local building code, they must be built by certain specifications and fish weirs are defined within [Title 38 §1021](#). The municipal application process is laid out more specifically within: [Title 30-A §4103](#)

NOTE: If any lands were purchased with the use of funds from the Lands for Maine’s Future (LMF); the lands must allow hunting, trapping and fishing and public access. See: [Title 5 §6207-6](#).

NOTE: Some known examples of exceeding municipal authority include: creating ordinances limiting hunting that require a hunter to acquire written permission from a private landowner to hunt, requiring a hunter to obtain a permit from the town to hunt on private property, requiring exact hunting locations be provided to the town on non-municipally owned or controlled lands, or limiting hunting in the same locations and during certain weeks of a season, or creating ordinances to prohibit commercial fishing activity on the waters within the town beyond what is allowed. See: [Title 12 §6671](#) and [Title 30-A §2652\(1\)\(K\)](#)

- **Can a municipality charge a fee to hunt, trap or fish?**

Generally, no, a municipality cannot charge any type of fee associated with the taking of any fish and wildlife. See: [Title 12 §13201](#)

NOTE: Exceptions are:

- **Gate fees.** Gate fees or other access fees that are unrelated to the taking of game;
- **Guiding fees.** Fees charged by licensed guides or other fees that are unrelated to access land;
- **Fees for placing bear bait.** Fees that are directly related to the placing of bear bait on land; See: [Title 12 §11218](#);
- When a person has a license to operate a private fee pond, a fee can be charged for fishing. See: [Title 12 §12508](#);
- The municipality can, by adopting a shellfish conservation ordinance create a conservation program which establishes regulations governing the possession of shellfish, harvesting levels, the size of shellfish which can be harvested, qualifications for licenses, license fees, and authorizes municipal officers to open or close flats under the



guidance of an overall shellfish harvesting plan with the technical assistance of the Department of Marine Resources. See: [Title 12 §6671](#) and [Title 30-A §2652\(1\)\(K\)](#)

- **Can a municipality establish hunting lotteries or require a permit for people to hunt within its borders?**
 - NO, a municipality cannot regulate through lottery, permit or any other means when, where or how a person can hunt; unless it is on land owned by the municipality. See: [Title 12 §13201](#)
- **What are the hunting discharge allowances/minimum shooting distances?**
 - **Firearm or muzzleloader:** It is unlawful to discharge any firearm, or muzzleloader, , or cause a projectile to pass as a result of that discharge, within 100 yards (300 feet) of a building without permission from the owner or, in the owner's absence, an adult occupant who dwells in that building. This provision also applies to state-owned boat launches that are posted accordingly.
 - **Archery Equipment:** it is unlawful to discharge an arrow from a bow or crossbow when on land of another person and within 100 yards of a building on that land without permission of the owner (or in the owner's absence, permission from an adult occupant) of that building or cause an arrow from a bow and arrow to pass across the land of another person and within 100 yards of a building on that land without the permission of the owner (or in the owner's absence, permission from an adult occupant) of that building.
- **How can the public get antlerless deer permits or seek other ways to harvest antlerless deer?**
 - Too many deer habituated to living in or near town can cause conflicts. Limiting deer population growth by harvesting antlerless deer is helpful. Antlerless deer may be harvested:
 - With an antlerless deer permit during any season besides expanded archery.
 - With an expanded archery antlerless or either-sex permit during the expanded archery season in an expanded archery area.
 - During the Youth Hunt with or without an antlerless deer permit in designated WMDs, view which WMDs are open to the taking of antlerless deer without a permit at mefishwildlife.com/deerpermit.
 - During the October Archery season with or without an antlerless deer permit (in designated WMDs).
 - Antlerless deer taken without an antlerless deer permit replace the statewide buck that may be taken with a big game hunting license. See: [Title 12 §11152](#)

State Agencies' and Municipalities' Authority/Jurisdiction Over Great Ponds

- **What entity regulates activities on Maine's Inland Waters and where is that authority found?**
 - The following section provides a brief synopsis of Maine's state agencies and a municipality's authority or responsibility over some aspect of use on our great ponds, whether it be regulating use of watercraft, hunting, fishing, docks, swim areas, navigational



waterway markers, moorings, water-ski courses, submerged lands, houseboats or floating homes.

- **Maine Department of Inland Fisheries and Wildlife (MDIFW)**
 - Maine law establishes authorities and responsibilities for the MDIFW in Title 12 Part 13. Specific provisions of law with a nexus to watercraft registration and operation can be found within [Title 12 Part 13 Chapter 933](#) and 935. Within [Title 12 Chapter 935](#) the Commissioners of MDIFW and DMR have joint authority to regulate watercraft by rule under a specific provision in [Title 12 §13051](#). Motorboats and watercraft are defined within these chapters of law relating to registration and operation. MDIFW regulates and enforces activity within and outside of the 200-foot water safety zone on inland waters. [MDIFW Rule Chapter 13](#) has specific rules related to operation of watercraft. [Title 12 §12701-5](#) establishes the MDIFW public boat launch access program. [MDIFW Rule Chapter 5](#) contains rules specific to boat launch facilities owned and maintained by MDIFW.
 - The Bureau of Warden Service within MDIFW is responsible for enforcement of laws and department rules pertaining to the registration and operation of watercraft and are provided statewide enforcement authority over all laws of Maine in [Title 12 §10353](#). Other enforcement officers have the full powers of game wardens as specified in [Title 12 §10401](#). Enforcement of watercraft laws by people other than game wardens are provided for in [Title 12 §10403](#) i.e. municipal, county, or state law enforcement officers and harbor masters.

- **Department of Marine Resources (DMR)**
 - The Commissioners of MDIFW and DMR have joint authority to regulate watercraft by rule under the specific provisions in [Title 12 §13051](#). Maine Marine Patrol officers have enforcement authority over watercraft and all state law as outlined in [Title 12 §6025](#), and [Title 12 §10401](#). [MDIFW Rule Chapter 13](#) has specific rules related to operation of watercraft.

- **Department of Agriculture, Conservation and Forestry (DACF)**
 - Maine law establishes authorities and responsibilities for the DACF Bureau of Parks and Lands (BPL) and specific powers and duties related to Maine waters can be found in submerged and intertidal lands [Title 12 §§1861-1868](#), The Public Trust in Intertidal Lands [Title 12 Chapter 202-A](#), Public Boat Facilities owned by DACF [Title 12 §§1894-1899](#) and regulation of swim areas on inland waters [Title 12 §1900](#). The Bureau of Parks and Lands has limited enforcement authority over matters within the jurisdiction of the Bureau as provided in [Title 12 §1806](#).



- **Submerged Lands Program (within DACF)**

The Maine Legislature created the Submerged Lands Program (SLP) to manage the state’s submerged lands and to obtain fair market rent on behalf of the public when privately owned structures are placed on publicly owned submerged lands [Title 12 §1861-§1868](#). The SLP provides limited use leases and easements to establish Right, Title or Interest which allows privately owned piers, docks and other water-dependent structures to be built on or over publicly owned submerged lands. In order to qualify for a lease or easement, a proposed structure must not impede access to or over state waters or have adverse impacts to the public trust rights of fishing, fowling, navigation or recreation.

 - [DACF Rules on Submerged Lands](#)
 - [DACF Submerged Lands Program Website](#)

- **Land Use Planning Commission (within DACF)**

The Land Use Planning Commission (LUPC) is the planning, zoning, and permitting authority for all the unorganized territories in Maine which comprises nearly half of the State. The LUPC has zoned all of its service area into land use subdistricts which determines what uses are allowed in any particular location. LUPC zoning includes wetlands and waterbodies. That practice is different than most municipalities, which typically do not zone the water. All wetlands and water bodies below normal high water are zoned as wetland protection subdistricts (P-WL). In the P-WL subdistrict, boating is an allowed use without a permit, residential uses are not. See: [LUPC Rule Chapter 10](#)

- **Navigational Aids Program**

[Title 12 §1894](#) authorizes the DACF to adopt Rules and Regulations concerning the placement of navigational aids and regulatory markers on bodies of water. Current navigational aids rules were adopted in 2001. The program works to place and maintain navigational aid buoys on 40 “high use” water bodies across the state. Another 28 water bodies are marked locally by Lake Associations, municipalities, or other similar entities after obtaining a permit from the DACF.

 - [DACF Rules on Navigational Aids](#)
 - [DACF Navigational Aids Website](#)

- **Department of Environmental Protection (DEP):**
 - Certain activities taking place in, on, over and adjacent to protected natural resources, including but not limited to great ponds and coastal wetlands, are regulated under the Natural Resources Protection Act (NRPA), See: [Title 38 §§480-A](#) through 480-JJ. The NRPA is administered by the DEP in organized municipalities and by the Land Use Planning Commission (LUPC) within the Department of Agriculture, Conservation and Forestry (DACF) in unorganized territories. Activities requiring a permit under the NRPA include construction, repair or alteration of any permanent structure, See: [Title 38 §480-C\(2\)\(D\)](#). A permanent structure is defined as any structure that is designed to remain at or that is constructed or erected with a fixed location or that is attached to a structure with a fixed location for a period exceeding 7 months within any 12-month period, including, but not



limited to, causeways, piers, docks, concrete slabs, piles, marinas, retaining walls and buildings. See: [Title 38 §480-B\(7\)](#)).

- DEP regulates dams and water levels behind impounded waters pursuant to [Title 38 §840 Establishment of Water Levels](#).

- **Municipalities**

- Municipalities are limited on authority to regulate watercraft, hunting, trapping or fishing, ATVs and snowmobiles. Except as provided within [Title 12 §13201](#) they may not enact any ordinance, law or rule regulating or charging a fee for the operation, registration or numbering of watercraft or any other subject matter relating to, watercraft regulated under chapter 12 M.R.S. Part 13. Municipalities with law enforcement officers have enforcement authority over watercraft as provided for within [Title 12 §10401](#), [Title 12 §10402](#), [Title 12 §10403](#) (fish and wildlife enforcement authority).
- For a municipality that borders or contains inland waters and does not border or contain territorial waters there is a provision in statute for the municipality to appoint a harbor master for inland waters [Title 12 §13072](#). This statute references the authority of inland harbor masters over mooring regulations in [Title 38 §3](#).
- Municipalities have additional authorities along our inland and coastal waters under Maine shoreland zoning statute [Title 38 §438-A](#).

- **What is the Public Trust Doctrine Related to Great Ponds and the Ocean?**

- The Public Trust Doctrine is a legal principle derived from English common law. Maine retained the Public Trust Doctrine and its associated rights when it separated from Massachusetts to become a state in 1820. The essence of the doctrine is that Maine waters and the submerged lands below them are publicly owned and must be available to all citizens equally for the purposes of fishing, fowling and navigation.
- The rights of the public to use Maine's waters and its submerged lands are known today as Public Trust Rights. The State of Maine serves as trustee of its waters and submerged lands and is tasked with protecting the public's right to use these lands.

- **What is a Great Pond?**

- Any inland body of water which in a natural state has a surface area in excess of 10 acres or if artificially formed or increased (such as by a dam), has a surface area in excess of 30 acres. See: [Title 38; Chapter 3; §480-B](#)

- **Who owns Great Ponds?**

- Great ponds are held in public trust by the State of Maine including most submerged lands. The public can utilize Great Ponds (all inland bodies of water greater than 10 acres in size and dammed waterbodies over 30 acres) for recreational purposes or for moorings.



- **Who owns public boat launch facilities across the state?**
 - They can be owned and managed by Maine Department of Inland Fisheries and Wildlife (MDIFW), Department of Marine Resources (DMR), Department of Agriculture, Conservation and Forestry (DACF) or a municipality. Rules for use of these facilities can vary based on ownership.

- **What role does the Department of Agriculture, Conservation and Forestry (DACF) have over Maine's Waters?**
 - DACF, specifically the Bureau of Parks and Lands within DACF, has 2 programs that have some control over Maine's water. The Boating Facilities and the Submerged Lands Programs.
 - [Title 12 §1803](#) gives DACF jurisdiction and control to manage state parks, historic sites, the Allagash Wilderness Waterway, public boating facilities owned and maintained by DACF, public reserved lands, nonreserved public lands, submerged lands and intertidal lands. [Title 12 §1894](#) authorizes the DACF to adopt rules concerning the placement of navigational aids and regulatory markers on bodies of water. Current navigational aids rules were adopted in 2001. See: [DACF Rules on Navigational Aids](#)
 - DACF's Land Use Planning Commission may adopt rules to prohibit personal watercraft on waterbodies located within their jurisdiction if the waterbody is identified as being of statewide significance and meets other requirements. See: [Title 12 §685-C §§10](#).

- **Can a municipality limit the use of intertidal zones with regards to hunting or fishing?**
 - Generally no, all persons have the right to use the intertidal zone to fish, fowl and navigate along Maine's coast. This law dates back to colonial times. See [Title 12 §571](#).
 - However, a municipality has the right to regulate some fishing through harvest permits on coastal waters. [Title 12 §6072](#) allows DMR to establish leases for aquaculture. [Title 12 §6671](#) allows municipalities to create a shellfish conservation program. [30-A §2652\(1\)\(K\)](#) Allows municipalities to create local clamming license fees established by ordinance.

- **Can a municipality stock fish into a Great Pond or a private pond within its boundaries?**
 - NO, municipalities may not stock any water of the state without an MDIFW stocking permit; however, under certain circumstances, if a town meets criteria as required by the MDIFW, then MDIFW may provide the town with a stocking permit for certain fish species. See: [Title 12 §12510](#) and [Title 12 §12511](#).

- **Can a municipality regulate recreational fishing or commercial harvest of fish in inland waters (including bait fish collection)?**
 - Generally no, a municipality cannot implement any rule, law or ordinance when it comes to the use, possession or management of fish, recreationally or commercially on inland waters. See: [Title 12 §13201](#)

NOTE: An exemption to this law is that the Department of Marine Resources is authorized to develop, manage or lease river herring fishing rights to municipalities under certain conditions. See: [Title 12 §6131](#) and [Title 12 §12506 5-A](#).



- [Title 12 §13072](#) and [Title 38 §1](#) allows for adoption, assignment and revocation of and prioritization of moorings for commercial purposes and the assignment of mooring rights used for commercial fishing purposes.
- **Can a municipality deny access or use to a Great Pond?**
 - NO, if there is no public access to a Great Pond, the Great Ponds Act ensures that no person or governmental unit can restrict foot access or egress over unimproved land to any person to get upon the water or ice of a Great Pond. There is only one exception, when the body of water is a drinking water supply for the municipality. See: [Title 17 §3860](#)
- **Can a municipality regulate ice shacks?**
 - Generally no, except for limited circumstances. [Title 12 §13201](#) explains that a municipality may not regulate ice fishing shacks except when a body of water is a source of public water supply as provided under [Title 22, §2642](#) or on coastal waters defined in [Title 12 6001, §§6](#).
- **Can a municipality regulate watercraft on a body of water or Great Pond?**
 - NO, a municipality cannot regulate watercraft use, types, or registration requirements. However, horsepower on a lake or pond can be regulated if a petition is submitted to MDIFW's Commissioner and is passed through the public rulemaking process. The operation of personal watercraft (aka jet-skis) can be prohibited through the legislative process in law. See [Title 12 §13051](#) and [MDIFW Rule Chapter 13](#).

NOTE: [Title 38](#) has provisions that allow the general public (including non-residents) the opportunity to utilize a mooring field, provides direction on municipal use of a harbor master who has limited authority to enforce boating laws and regulate moorings within the municipality's jurisdiction.

A municipality can control activities on a lake or pond that is a public water supply as defined within [Title 22 §2642](#).

- **What is free navigation?**
 - It means the right of the boating public to utilize a water body subject only to those restrictions imposed by legal authority. See: [DACF Navigational Aids Rules](#)
- **What is the water safety zone and where can I find the definition?**
 - It is found within MDIFW laws in [Title 12 §13001 subsection 29](#). Water safety zone means the area of water within 200 feet of shoreline, whether the shoreline of the mainland or of an island.



- **Are water safety zones always marked?**
 - No, it is the boat operator’s responsibility to be aware of the 200-foot water safety zone. The state doesn’t normally place buoys to mark hazards within this zone except when marking a channel or critical, high traffic area.

- **Can a municipality, within their jurisdiction, expand the water safety zone to more than 200’ to lower speed limits or allow moorings to be placed further than 200’ from shore?**
 - No

- **Can a municipality place and maintain navigational aids and regulatory markers within their jurisdiction?** Yes, [Title 12 Section 1894](#) provides municipalities the ability to place navigational aids and regulatory markers under the section on “Private Permitted” markers or under the provisions provided through the “Political Subdivision Authority.”

- **What is headway speed?**
 - Headway speed means the minimum speed necessary to maintain steerage and control of the watercraft while the watercraft is moving. A person can still create a wake as long as they are only using the minimum speed necessary to maintain steerage. A person may not operate a watercraft at a speed greater than headway speed while within the water safety zone or within a marina or an approved anchorage in coastal or inland waters except while actively fishing or while picking up or dropping off water skiers. See: [Title 12 Section 13068-A 13](#).

- **What are navigational aids or markers?**
 - They are different types of buoys that specifically indicate where it is safe to operate a boat or not. Some indicate navigation channels, hazards or other structures that should be avoided.

- **What is a mooring?**
 - A mooring means equipment, such as anchors, chains and lines, for holding fast a vessel, aircraft, floating dock or buoy, this is defined within [Title 38 § 480-A 5-A](#).

- **Can a municipality regulate moorings?**
 - YES, as directed within [Title 38 Subchapter 1 Harbor Masters](#). For a municipality that borders or contains inland waters and does not border or contain territorial waters there is a provision in statute for the municipality to appoint a harbor master for inland waters [Title 12 Section 13072](#). This statute references the authority of inland harbor masters over mooring regulations. See: [Title 38 Section §3](#).
 - Municipalities have additional authorities along our inland and coastal waters under Maine shoreland zoning statute. See: [Title 38 Section 438-A](#).



- **What does a mooring buoy need to look like?**
 - To avoid mistaking mooring buoys for aids to navigation or regulatory markers, they must be colored white with a single blue horizontal band clearly visible above the water line.
- **How are moorings regulated within the water safety zone?**
 - The State of Maine does not issue permits for moorings as long as it or the object moored to is located within the water safety zone or 1/3 the distance to the opposite shore whichever is less and they must be marked with a white ball with a blue stripe. Objects located within the water safety zone are not considered “hazards to navigation” due to the headway speed law.
- **Who normally regulates moorings on the coast?**
 - Most often a municipality regulates moorings on the coast as they typically have a harbor master.
- **How do you know if an inland mooring ball is placed legally?**

If there **is a town mooring ordinance it applies only within the town’s jurisdiction**, unless there is an agreement between multiple towns bordering on the same waterbody; the mooring placement is controlled and enforced by the municipality and the coinciding ordinance:

- Must not be in a marked channel or a fairway or placed in a manner that would impede access to a public boat launch facility or deny the right of free navigation;
- The proper ball used to float the mooring chain must be a white ball with a blue stripe;
- Only one mooring per 100’ feet of shore frontage is granted unless there is an allocation system in place by town ordinance which grants more; and
- The mooring must not extend beyond the water safety zone which is 200-feet from any shore **or** one-third the distance to the opposite shore, whichever is less.

If there **is no town mooring ordinance**, the mooring placement must follow state law regarding moorings; and

- Must not be in a marked channel or a fairway or placed in a manner that would impede access to a public boat launch facility or deny the right of free navigation;
- Must be a proper mooring ball used to float the mooring chain that is a white ball with a blue stripe; and
- A person may install a mooring anywhere on a Great Pond as long as it or the object moored to does not extend beyond the water safety zone which is 200 feet from any shore **or** one-third the distance to the opposite shore, whichever is less.

- **Do you have to own waterfront property to place a mooring ball on a Great Pond?**
 - No, being a waterfront property owner is not a requirement for placing a mooring on a Great Pond.



- **Where can a mooring buoy be placed?**
 - In general, and if there is no municipal ordinance, the public can install a mooring anywhere on a Great Pond as long as it or the object moored to does not extend beyond the water safety zone (200 feet from any shore) or one-third the distance to the opposite shore, whichever is less. In addition, no mooring may be placed in state waters in a marked channel or a fairway or in a manner that would impede access to a public boat launch facility or deny the right of free navigation.
 - A person should check with the town, as there may be a municipal ordinance that restricts mooring placement. If the town has a harbor master or has given the code enforcement officer authority to act as the harbor master through ordinance, they may regulate the placement of moorings under specific guidelines outlined in either state law or municipal ordinance. In the unorganized territories it is the county commissioners who assume the responsibilities of the harbor master. Where there is no harbor master, or the commissioners have elected not to regulate, there are no specific laws on mooring placement other than having to be placed within the water safety zone.
 - [Title 38, Chapter 1, Subsection 3](#) says, “persons who, prior to January 1, 1987, owned shore rights of at least 100 feet of frontage regardless of the size of the lot have lot mooring privileges”. However, this only applies in municipalities where a harbor master and ordinances related to moorings are in place.
See: [ACF Navigational Aids Rules](#)

- **What is a headway speed buoy?**
 - A regulatory buoy that indicates to a watercraft operator that they must maintain headway speed in the marked area. The buoys should have a circular symbol and the words, “Safety Slow Zone or Headway Speed Only”.

- **Who places headway speed buoys (HSB) and what is the criteria for placement?**
 - HSBs and other navigational aids are placed by the DCAF Navigational Aids Program;
 - HSBs normally are not provided to the public;
 - All HSBs must be approved by a Maine Warden Service lieutenant or a harbor master in the district where the water body is located;
 - HSBs cannot be placed in areas that do not meet the legal criteria for headway speed. i.e. (beyond) 200 ft from shore or in areas greater than 400’ from shore to shore;
 - HSBs are not to be placed in front of private camps; and
 - HSBs are normally placed in questionable areas. i.e. where the distance is 400’ or less from shore to shore. See: [ACF Navigational Aids Rules](#)

- **Is there training to become a harbor master?**
 - Yes, the State of Maine Harbor Master’s Association provides many resources including [annual harbor master training](#) and [information on harbor master’s authority](#).



- **What does Submerged Lands mean?**
 - [Title 12 Section 1801 Subsection 9. Submerged lands.](#) In relation to great ponds means: all land below the natural mean low-water mark of ponds that in their natural state are 10 or more acres in size. Most of the land in Maine that is covered with water is publicly owned.
 - Piers and other structures located on submerged lands may be privately owned; the land and water beneath them are not.

- **What does the natural low-water mark mean?**
 - The natural elevation of a waterbody, absent any artificial means to raise the water such as a dam.

- **How much land under the water does a shoreline property owner own?**
 - A waterfront property owner (littoral owner) owns to the “natural low water mark” unless specified differently in the deed. Again, natural low water mark is the lake level when the dam is pulled out if there is a dam.

- **How can a person/entity make a request to have hazards marked by navigational aid markers?**
 - The DACF is responsible for this program but there is a permit process that allows a lake association or a municipality to apply to mark a lake or pond with a navigational aid if certain criteria are met. See: [ACF Navigational Aids Rules](#)

- **Can a municipality place and maintain navigational aids and regulatory markers within their jurisdiction?**
 - Yes, [Title 12 §1894](#) provides municipalities the ability to place navigational aids and regulatory markers after a written request is made to and permission is granted by DACF Bureau of Parks and Lands.

- **How can a person/entity make a request to have a swim area?**
 - Law requires swim areas on Great Ponds be permitted by DACF Bureau of Parks and Lands.
 - The law prohibits anyone from placing or maintaining a swim line or swim area on inland waters of the state without a permit.
 - It does not regulate swim areas on tidal waters or on ponds not classified as Great Ponds.
 - The only entities that are qualified to obtain a permit are:
 - Recreational camps (i.e. youth camps, etc.) licensed by DHHS;
 - Camping areas licensed by DHHS;
 - Governmental entities (towns, cities, counties); and
 - Governmentally sponsored groups.



See: [ACF Navigational Aids Rules](#)

- **What must be done to set up a legal water-ski slalom course?**
 - A water-ski slalom course can be set up without a permit as long as it is:
 - Located outside the Water Safety Zone;
 - 9-inch diameter marker balls are used;
 - Markers are arranged so that they are not considered a hazard to navigation;
 - The course is in compliance with the [US Water-Ski Association Regulation](#) for water-ski slalom courses; and
 - The placement of the course is away from dwellings and areas that have high activity.
- **Can a person put a duck blind on the water in front of someone else's property?**
 - A hunter has the right to hunt from a boat or temporary duck blind, on the water, in front of someone else's property so long as they are not violating the prohibition of shooting too close to a dwelling located within [Title 12 §11209](#) or violating a municipal ordinance that restricts discharge of firearms on municipally owned property.
- **If I want to put a dock on the water, do I need permission from anyone?**
 - Temporary docks (those not fixed to the submerged lands) are not regulated unless they are considered a permanent structure meaning they are in the water more than 7 months/year. They may be subject to review by municipal ordinance. Check with your planning board.
 - Any permanent structure (piers or concrete ramps etc.) must be permitted by the State (DACF Submerged Lands Program) on Great Ponds.
- **Are floating homes/camps legal?**
 - Floating homes/camps are being discussed by a stakeholder group that was formed as a result of Legislative direction. The Legislature directed DACF to convene a stakeholder group to focus on issues related to non-water dependent floating structures. The group is required to report back to the Legislature in 2024. There may be legislation passed and direction that results from this work.
 - [Resolve Ch 147 An Act To Clarify Temporary Mooring Privileges for Moorings on Inland Waters](#)
- **What laws describe Public Trust Rights in Maine:**
 - [Title 12 §571 Legislative Findings and Purpose Intertidal Lands held in Public Trust](#)
 - [Title 12 §572 Definition of Intertidal Land](#)
 - [Title 12 §573 Public Trust Rights in Intertidal Land](#)

QUESTIONS RELATED TO WILDLIFE CAUSING DAMAGE



- **Can a municipal Animal Control Officer (ACO) assist town residents by capturing wildlife causing damage?**

Typically, a municipal ACO is limited to assisting residents for issues associated with domestic animals, unless that ACO is also certified as an Animal Damage Control (ADC) agent by MDIFW. [Title 7 §3948](#), indicates that a municipality can control undomesticated animals, only when those animals are not under the control of another agency. MDIFW has jurisdiction and control of wild animals in Maine and have certified ADC agents to assist residents with conflicts with wildlife. Unless there are special circumstances (see question below about rabies), a municipal ACO must also meet the requirements and be certified as an ADC agent to handle wild animals. The eligibility and certification requirements to become an ADC agent can be found in [MDIFW Chapter 27 rules for Animal Damage Control Agent Certificate](#).

- **What are the responsibilities of a municipal Animal Control Officer (ACO) for animals suspected of having rabies (or other neurological diseases)?**

Animals suspected of rabies can be a serious public health concern. [Title 22 M.R.S. §1313 & §1313-A](#), outlines the conditions when an animal control officer (ACO) should euthanize an animal suspected to have rabies (or similar neurological disease), which includes the procedure for testing the suspected animal. There is a comprehensive resource on rabies management available for download to aid in decision making. [Maine Rabies Management Guidelines 4th Edition](#)

- **What are options for municipalities that are experiencing wildlife damage to roads or other municipal infrastructure?**

MDIFW has an entire work program dedicated to human-wildlife conflicts. There are several resources available to municipalities to help address conflicts with wildlife and municipal infrastructure or with issues that residents may encounter. MDIFW regional wildlife biologists, district game wardens, and wildlife conflict agents all have experience providing technical assistance in human-wildlife conflict resolution. Additionally, the Department certifies ADC agents, available for hire to provide hands-on assistance resolving conflicts. Similarly, USDA Wildlife Services often provide support to municipalities with conflict resolution, particularly with beavers and disease issues.

- **Can the public feed deer? And what can be done if illegal deer feeding is taking place?**

- Feeding deer, especially near town, can result in increased deer-human conflict. Feeding deer is legal only from Dec. 15 to June 1. To report violations, contact the Maine Warden Service by calling the dispatch center nearest you:

- Augusta: 1-800-452-4664
- Bangor: 1-800-432-7381
- Houlton: 1-800-924-2261

See: [Title 12 §10659](#)

- In accordance with [Title 12 §10105](#) sub-§14, the Commissioner may regulate the feeding of deer in order to minimize potential public safety hazards or detrimental effects on deer, as well as minimize the risk of chronic wasting disease, as defined in [Title 7 §1821 sub-§1](#). This rule outlines a process where, when the issues listed in statute arise, the



Department will work with the landowner to address them first through education, second by suggesting adaptations for feeding to minimize the problem and then if activities that are detrimental to deer warden service will take action.

- For more information on this process, please visit [MDIFW Rule Chapter 3 Public Interaction and Conflicts with Wildlife](#)

NOTE: For information on how to live with wildlife responsibly, including conflict prevention and resolution for black bears, bats, deer, beaver, and more, please visit: mefishwildlife.com/livingwithwildlife

QUESTIONS RELATED TO SHOOTING RANGES:

- **Can a municipality regulate existing shooting ranges?**
A municipality has limited authority to regulate sport shooting ranges established prior to September of 2016. [Title 30-A M.R.S §3011](#), outlines a municipalities’ authority regarding new and established sport shooting ranges, including creation of ordinances to limit activities or noise created at the range, or for maintenance or improvements to the range infrastructure.
 - Similarly, [Title 17 M.R.S. §2806](#), limits an individuals’ ability to file a nuisance complaint about an existing sport shooting range.
- **Can a municipality regulate new shooting ranges?**
YES, a municipality can enact ordinances to regulate new shooting range construction (proposed or constructed after September 2016), or a substantial change in use at an existing facility.
- **Who is responsible for investigating complaints about unsafe activities at a shooting range?**
Depending on the nature of the complaint, investigations into unsafe activities at a sport shooting range will be conducted by municipal authorities (i.e., Code Enforcement Officers) or local, county or state law enforcement officials.
- **Are there resources available to private shooting ranges to assist with maintenance or improvements for the facilities and programs?**
YES, MDIFW has a Shooting Range Program that, upon request, can provide technical assistance to private shooting facilities in all aspects of sport shooting range management, following industry guidelines and best management practices.

QUESTIONS RELATED TO RECREATIONAL VEHICLES

- **Can a municipality regulate ATVs or snowmobiles?**



Generally no, a municipality cannot regulate use, beyond a designated access route, and except they may regulate ATV operation on municipal property and on rights-of-ways, and easements held by that municipality. See: [Title 12 Section 13201](#)

- **How can a municipality create an access route for ATVs or snowmobiles?**

A municipality can open its roadways, not the state routes under the authority of: [Title 12 section 13104-5.G.](#) and [Title 12 section 13157-A 6H.](#) When the use of ATVs and snowmobiles on municipal access routes is established and authorized, it must be properly signed to inform law enforcement it is an access route designated by the municipality. If a municipality has a law enforcement department, they may apply to the State of Maine ATV Enforcement and Aid Program for additional funding assistance for ATV enforcement. There is no such program for snowmobiles.

AGENCY CONTACT INFORMATION

- For **Maine Department of Inland Fisheries and Wildlife** please call 207-287-8000.
 - For **Maine Department of Agriculture, Conservation and Forestry** please call 207-287-3200.
 - For **Maine Department of Marine Resources** please call 207-287-6550.
 - For **Maine Department of Environmental Protection** please call 207-287-7688.
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