

132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 553

S.P. 208

In Senate, February 11, 2025

An Act to Assert State Sovereignty over Ocean Waters and Marine Resources up to 12 Nautical Miles off the State's Coast

(EMERGENCY)

Reference to the Committee on Marine Resources suggested and ordered printed.

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DAREK M. GRANT Secretary of the Senate

Presented by Senator MARTIN of Oxford. Cosponsored by Representative FAULKINGHAM of Winter Harbor and Senators: CYRWAY of Kennebec, MOORE of Washington, Representatives: SMITH of Palermo, SOBOLESKI of Phillips, STROUT of Harrington.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 Whereas, recent decisions by the National Marine Fisheries Service and New 4 England Fishery Management Council are expected to result in severe restrictions in the 5 catch limit for herring harvested from the Gulf of Maine; and
- 6 **Whereas,** herring serve as a significant bait source for the commercial lobstering 7 industry in Maine and the reduced availability of herring for bait as a result of those 8 decisions will have devastating consequences for the industry; and

9 Whereas, the changes to state law in this legislation and the actions to be undertaken 10 by the Attorney General pursuant to this legislation will serve to bring clarity to the 11 management of marine resources in the Gulf of Maine and better protect Maine's 12 commercial fisheries; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

17 Be it enacted by the People of the State of Maine as follows:

18 Sec. 1. 1 MRSA §2, as amended by PL 1973, c. 513, §22 and c. 525, is further 19 amended to read:

20 §2. Offshore waters and submerged land

The jurisdiction of this State shall extend extends to and over, and be is exercisable with respect to, waters offshore from the coasts of this State as follows:

Marginal <u>Territorial</u> sea. The marginal <u>territorial</u> sea to its outermost limits as
said <u>the</u> limits may from time to time be defined or recognized by the United States of
America by international treaty <u>Department of Commerce</u> or otherwise;

1-A. Territorial waters. Notwithstanding any provision of law to the contrary, the
State owns and may exercise jurisdiction over and control all waters within the rise and fall
of the tide seaward 12 nautical miles; and

29 2. High seas. The high seas to whatever extent jurisdiction therein may be claimed
30 by the United States of America, or to whatever extent may be recognized by the usages
31 and customs of international law or by any agreement, international or otherwise, to which
32 the United States of America or this State may be party;

2-A. --harvesting <u>Harvesting</u>. The State of Maine declares that it owns and shall
control controls the harvesting of the living resources of the seas adjoining the coastline for
a distance of 200 12 miles or to the furthest edge of the Continental Shelf, whichever is
greater, subject only to the boundary with Canada. Control over the harvesting of these
living resources shall must be by licenses or permits issued by the Department of Marine
Resources;

| 39 | 3. Submerged lands. All submerged lands, including the subsurface thereof, lying |
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| 40 | under said aforementioned waters. |

1 Sec. 2. Actions by Office of Attorney General; report. The Office of the 2 Attorney General shall take all actions necessary to assert the State's sovereignty over and ownership of offshore waters and the harvesting of the living resources of the seas from 3 those waters consistent with the Maine Revised Statutes, Title 1, section 2, including, but 4 5 not limited to, engaging in negotiations with the United States Department of Commerce or other entities concerning that sovereignty and ownership and, if necessary, the filing of 6 7 litigation concerning that sovereignty and ownership. By May 1, 2025, the Office of the 8 Attorney General shall submit to the Joint Standing Committee on Marine Resources a report outlining the progress of actions taken by the office pursuant to this section. 9

Emergency clause. In view of the emergency cited in the preamble, this legislation
takes effect when approved.

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SUMMARY

13 This bill provides that, notwithstanding any provision of law to the contrary, the State 14 owns and may exercise jurisdiction over and control all waters within the rise and fall of 15 the tide seaward 12 nautical miles and makes other changes to the law governing the State's sovereignty over and ownership of offshore waters, submerged lands and the harvesting of 16 17 marine resources. It also requires the Office of the Attorney General to take all actions 18 necessary to assert the State's sovereignty over and ownership of offshore waters and the 19 harvesting of the living resources of the seas from those waters and, by May 1, 2025, to 20 submit to the Joint Standing Committee on Marine Resources a report outlining the 21 progress of those actions.