



# MAINE

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## Lobstermen's Association, Inc.

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### Maine Lobstermen's Association

#### Against

#### **LD 563 An Act to Assert State Sovereignty over Ocean Waters up to 12 Nautical Miles off the State's Coast**

April 6, 2023

Senator Reny, Representative Hepler, and members of the Marine Resources Committee, my name is Patrice McCarron. I am the policy director for the Maine Lobstermen's Association (MLA). The MLA opposes LD 563 to extend Maine's sovereignty out to 12 miles from shore.

The MLA strongly supports the spirit of this bill which is intended to protect the Maine lobster fishery from onerous federal regulations. Unfortunately, the MLA does not believe this proposed legislation will achieve the desired outcome.

Extending Maine's sovereignty beyond 3 nautical miles does not exempt the Maine lobster fishery from the provisions of the Endangered Species Act (ESA) or the Marine Mammal Protection Act (MMPA). The ESA impacts fishing activity in state waters if an Incidental Take Permit (ITP) is required. The MMPA applies to commercial fisheries in both state and federal waters if National Marine Fisheries Service has determined a fishery may cause serious injury or mortality to a marine mammal. Extending the state's sovereignty further from shore would not change this.

The MLA understands that this approach has been pursued in the past. This included a case before the Supreme Court in 1975 which held that the federal government has sovereign rights over waters beyond 3 miles from shore. The MLA also recalls that this strategy was again investigated in the late 1990's when Robin Alden was Commissioner of the Department of Marine Resources, and it was determined that it is not legally possible.

The MLA also worries that there would be unintended consequences if this bill is passed. Asserting state sovereignty over waters up to 12 nautical miles from shore would expand the fishing area for all state commercial fishermen. This would increase the risk the Maine lobster fishery poses to right whales, which would trigger even more stringent federal rules in the future. This would have devastating impacts on the lobster fishery.

The MLA supports the intent of this bill but does not believe it would achieve the desired outcome. The MLA urges you to vote ought not to pass.

Thank you.