

MAINE STATE LEGISLATURE

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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.

A handwritten signature in black ink, appearing to read 'D M Grant'.

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

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 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**

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

23 **1. Marginal Territorial sea.** The ~~marginal territorial~~ territorial sea to its outermost limits as
24 ~~said the limits~~ the limits may from time to time be defined or recognized by the United States of
25 ~~America by international treaty~~ Department of Commerce or otherwise;

26 **1-A. Territorial waters.** Notwithstanding any provision of law to the contrary, the
27 State owns and may exercise jurisdiction over and control all waters within the rise and fall
28 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;~~

33 **2-A. —harvesting Harvesting.** The State of Maine ~~declares that it owns and shall~~
34 ~~control~~ controls the harvesting of the living resources of the seas adjoining the coastline for
35 a distance of ~~200~~ 12 miles ~~or to the furthest edge of the Continental Shelf, whichever is~~
36 ~~greater,~~ subject only to the boundary with Canada. Control over the harvesting of these
37 living resources ~~shall~~ must be by licenses or permits issued by the Department of Marine
38 Resources;

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

