

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 920

H. P. 685

House of Representatives, February 17, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hodgdon of Kittery.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT to Create an Interstate Boundary Commission to Establish a
Marine Boundary Compact between Maine and New Hampshire.**

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

Sec. 1. Commission. The Governor, with the advice and consent of the Council, shall appoint 3 qualified persons resident in this State, as commissioners upon the part of the State of Maine to enter into, with the State of New Hampshire, by and through the commissioners who may be appointed under or by virtue of the laws of the State of New Hampshire, an agreement or compact defining and ascertaining the common, lateral marine boundary of the 2 states from the mouth of Portsmouth Harbor to the entrance of Gosport Harbor in the Isles of Shoals, and from the easterly side of the Isles of Shoals to the limits of state jurisdiction.

Sec. 2. Powers. The commissioners on the part of the State of Maine are authorized and empowered to meet, from time to time, such commissioners as may be appointed for the same purposes and with substantially similar powers on the part of the State of New Hampshire to define and ascertain such common, lateral marine boundary, in order to prevent future mistakes and disputes respecting the same. The commissioners on the part of this State are authorized and empowered, in the performance of their duties, to agree upon such principles respecting the location of such common, lateral marine boundary as from the best evidence they can obtain may appear to them just and reasonable, and they may employ, within the limits of available funds, such experts and consultants as they may think proper to assist them in the performance of their duties.

Sec. 3. Agreement. If mutual agreement is reached, it shall be reduced to writing in the form of a compact and then signed by the commissioners of

each state or by at least a majority of each body. Such compact shall be thereupon submitted by the respective commissioners to the legislatures of the 2 states for approval by appropriate legislative acts. Upon approval by legislative act by both states, such compact shall become provisionally effective and binding upon this State, subject only to the consent and approval of the Congress of the United States.

Sec. 4. Approval of compact. The commissioners on the part of this State, together with the commissioners appointed by the State of New Hampshire, shall have the power to apply to the Congress of the United States for its consent or approval of the compact entered into by said states. Upon the consent and approval thereof by the Congress, such compact shall become final and binding upon the State of Maine and shall be filed in the office of its Secretary of State.

Sec. 5. Vacancy. If a vacancy shall occur by death, resignation or otherwise of those appointed as commissioners for the State of Maine, the Governor, with the advice and consent of the Council, shall fill the same.

Sec. 6. Limitation. If the commissioners on the part of this State shall be unable to reach agreement with the commissioners appointed by the State of New Hampshire 3 years after October 1, 1971, their powers shall terminate; otherwise their powers shall continue so long as may be necessary to carry out this Act.

Sec. 7. Expenses. The commissioners shall receive their necessary expenses in the performance of their official duties and such reasonable per diem as may be fixed by the Governor and Council.

Sec. 8. Appropriation. There is appropriated to the commission the sum of \$7,500 from the Unappropriated Surplus of the General Fund, to carry out the purpose of this Act, which shall not lapse but shall be a continuing carrying account.

STATEMENT OF FACT

Inasmuch as the State of New Hampshire considers our lateral seaward boundary to be in error from the mouth of the Piscataqua River, between Portsmouth, New Hampshire and Kittery, Maine, to Gosport Harbor at the Isles of Shoals, they have submitted legislation similar to the above to their legislature and have asked us to follow suit to form a commission to study the boundary.

The above bill would set up a commission to act in conjunction with one from New Hampshire to negotiate an agreement which could be presented to the legislature of each state and to the Congress of the United States for approval.

The State of Maine at present recognizes the existing lines as shown on Kittery quadrangle and Isles of Shoals quadrangle of topographical maps issued by the United States Department of the Interior, Geological Survey, and will continue to so recognize until the results of this commission is accepted by the Legislature of this State and the Congress of the United States.