

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1435

H. P. 1222

House of Representatives, March 24, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Donaghy of Lubec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

JOINT RESOLUTION MEMORIALIZING THE HONORABLE WILLIAM P. ROGERS, SECRETARY OF STATE, TO NEGOTIATE BY TREATY THE EASTERN SEAWARD BOUNDARY BETWEEN CANADA AND THE UNITED STATES AND THE RESPONSIBILITIES OF EACH GOVERNMENT WITH RESPECT TO OIL SPILLS IN THE BAY OF FUNDY.

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session now assembled, most respectfully represent and petition unto the Secretary of State of the United States, the Honorable William P. Rogers, as follows:

WHEREAS, the most recent treaty between the United States and Canada with respect to their eastern seaward boundary was executed in 1925; and

WHEREAS, such treaty extended the terminus of such boundary from the terminus fixed in the 1910 boundary treaty “. . . south 34° 41' west, for a distance of two thousand three hundred eighty-three meters, through the middle of the Grand Manan Channel, to the High Seas” (44 Stat. 2102); and

WHEREAS, the location of said boundary seaward beyond the southerly end of Grand Manan Island is vague, indefinite and uncertain due to the wording of the aforementioned 1925 treaty; and

WHEREAS, the Canadian government has granted oil exploration permits to major oil companies covering territory within 10 miles of the Maine coast; and

WHEREAS, the litigation, entitled **United States v. Maine, et als.**, now pending in the Supreme Court of the United States, may uphold Maine's

claim of authority to regulate the development of its offshore natural resources to the edge of the Continental Shelf; and

WHEREAS, a result favorable to Maine in such litigation, given the present indefinite nature of the United States-Canada eastern seaward boundary, could result in a dispute between Maine and Canada concerning entitlement to the offshore natural resources of the Bay of Fundy; and

WHEREAS, the oil tanker **Arrow**, bound for a Canadian port, and the oil barge **Dracone**, similarly bound, both foundered off the Maine coast, spilling their cargoes; and

WHEREAS, there presently exist no well-defined cooperative procedures between the United States and Canadian Governments concerning the cleanup of oil spills in the Bay of Fundy; and

WHEREAS, the indefinite nature of the United States-Canada eastern seaward boundary could result in a dispute between sovereigns concerning the responsibility for such cleanup, to the detriment of the seashores, marine resources and economy of both countries and the ecology of the Bay of Fundy; and

WHEREAS, it is necessary and desirable to prevent disputes and international incidents between the United States and Canada regarding the offshore natural resources of the Bay of Fundy, and to preserve the amicable relations and good will which have existed between the United States and the State of Maine, on the one hand, and Canada on the other; now, therefore, be it

RESOLVED: That we, your Memorialists, recommend and urge the Honorable William P. Rogers, Secretary of State, to take immediate and appropriate action, by negotiation of a treaty or otherwise, to define with precision the eastern seaward boundary between the United States and Canada, and be it further

RESOLVED: That we likewise recommend and urge the Honorable Secretary Rogers to similarly define the responsibilities of the United States and Canadian Governments with respect to regulating the transport of oil by sea, and the cleanup of oil spills, in the Bay of Fundy; and be it further

RESOLVED: That copies of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, to the Honorable William P. Rogers, Secretary of State of the United States, and to the members of the Maine Congressional Delegation.