

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1525
6

7 H.P. 1049

House of Representatives, May 13, 1985

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

10 EDWIN H. PERT, Clerk

Presented by Representative Crowley of Stockton Springs.

11 Cosponsored by Senator Chalmers of Knox and Representative Rolde of
York.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Establish a Maine-New Hampshire
18 Boundary Commission.
19

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

22 Sec. 1. 5 MRSA c. 12 is enacted to read:

23 CHAPTER 12

24 MAINE-NEW HAMPSHIRE BOUNDARY COMMISSION

25 §251. Commission established

26 The Maine-New Hampshire Boundary Commission as
27 established by Title 5, section 12004, subsection 11,
28 shall be composed of 5 members: One appointed by the
29 Governor; one Senate member to be appointed by the
30 President of the Senate; one member from the House of
31 Representatives to be appointed by the Speaker of the
32 House of Representatives; the Commissioner of the De-
33 partment of Marine Resources; and the Commissioner of
34 the Department of Conservation.

1 §252. Tenure of office

2 The member appointed by the Governor shall hold
3 office as a member of the commission as long as the
4 Governor making the appointment continues to hold of-
5 office. The member appointed from the Senate shall
6 hold office as a member of the commission as long as
7 he continues without interruption to be a member of
8 the Senate and the member appointed from the House of
9 Representatives shall continue to hold office as a
10 member of the commission as long as he continues
11 without interruption to be a member of the House of
12 Representatives. The Commissioner of Marine Re-
13 sources and the Commissioner of Conservation shall
14 hold office as members of the commission as long as
15 they continue to hold the respective state offices by
16 virtue of which they were appointed.

17 §253. Organization and procedure

18 The commission shall organize by choosing one of
19 its members to be chairman and one of its members to
20 be secretary. The commission may promulgate such
21 rules as it deems necessary governing its procedure
22 and the conduct of its affairs not inconsistent with
23 law.

24 §254. Powers

25 The commission may enter into, with the State of
26 New Hampshire, by and through the commissioners who
27 may be appointed under or by virtue of the laws of
28 the State of New Hampshire, an agreement or compact
29 defining and ascertaining the common, lateral-marine
30 boundary of the 2 states from the Breakwater at the
31 end of the inner Gosport Harbor in the Isles of
32 Shoals seaward to the limit of the states' respective
33 jurisdictions.

34 The commissioners on the part of the State may,
35 from time to time, meet with such commissioners as
36 may be appointed for the same purposes and with sub-
37 stantially similar powers on the part of the State of
38 New Hampshire to define and ascertain a common,
39 lateral-marine boundary, in order to prevent future
40 mistakes and disputes respecting the boundary. The
41 commissioners on the part of this State may, in the

1 performance of their duties, agree upon such princi-
2 ples respecting the location of the common,
3 lateral-marine boundary as from the best evidence
4 they can obtain may appear to them just and reason-
5 able.

6 §255. Agreement

7 If mutual agreement is reached, it shall be re-
8 duced to writing in the form of a compact and then
9 signed by the commissioners of each state or by at
10 least a majority of the commissioners from each
11 state. This compact shall be submitted by the re-
12 spective commissioners to the legislatures of the 2
13 states for approval by appropriate legislative acts.
14 Upon approval by legislative act by both states, this
15 compact shall become provisionally effective and
16 binding upon this State, subject only to the consent
17 and approval of the Congress of the United States.

18 §256. Approval of compact

19 The commissioners on the part of this State, to-
20 gether with the commissioners appointed by the State
21 of New Hampshire, may apply to the Congress of the
22 United States for its consent or approval of the com-
23 compact entered into by the states. Upon the consent
24 and approval by the Congress of the United States,
25 the compact shall become final and binding upon this
26 State and shall be filed in the office of the Secre-
27 tary of State.

28 §257. Vacancy

29 If a vacancy occurs by death, resignation or oth-
30 erwise of those appointed as commissioner for this
31 State, the appointing authority shall fill the vacan-
32 cy.

33 §258. Expenses

34 The commissioners shall be compensated for ex-
35 penses incurred in fulfilling their duties according
36 to chapter 379.

37 Sec. 2. 5 MRSA §12004, sub-§11, ¶A, sub-¶(2-A)
38 is enacted to read:

1 (2-A) Marine Maine-New Expenses 5 MRSA §251
2 Resources Hampshire Only
3 Boundary
4 Commission

5 STATEMENT OF FACT

6 The marine border between New Hampshire and Maine
7 from the mouth of the Piscataqua River to the Inner
8 Harbor of Gosport Harbor on the Isles of Shoals was
9 established by decree of the Supreme Court of the
10 United States in 1977.

11 This decision did not address the boundary
12 seaward of that point. There continues to be dis-
13 putes between lobstermen from the 2 states regarding
14 jurisdiction and applicability of state law. The
15 commission established in this bill is created to re-
16 solve where that seaward boundary should be. The re-
17 sulting compact must be ratified by Congress.

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