

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 553

H.P. 432

House of Representatives, February 6, 2001

An Act to Exempt Seaweed Harvesting from Certain Restrictions.

(EMERGENCY)

Reference to the Committee on Marine Resources suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FULLER of Manchester.

Cosponsored by Senator GOLDTHWAIT of Hancock and

Representatives: DUGAY of Cherryfield, ETNIER of Harpswell, HONEY of Boothbay,
MAYO of Bath, McNEIL of Rockland, Senator: KILKELLY of Lincoln.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** seaweed harvesting is a summer seasonal industry
and, in order to effectively improve the chances of harvesters
for the upcoming season, certain measures need to be immediately
8 adopted; and

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

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

18 **Sec. 1. 12 MRSA §571, 2nd ¶,** as enacted by PL 1985, c. 782, is
amended to read:

20 The Legislature further finds and declares that this public
22 trust is part of the common law of Maine and generally derived
from the practices, conditions and needs in Maine, from English
24 Common Law and from the Massachusetts Colonial Ordinance of
1641-47. The public trust is an evolving doctrine reflective of
26 the customs, traditions, heritage and habits of the Maine
people. In Maine, the doctrine has diverged from the laws of
28 England and Massachusetts. The public trust encompasses those
uses of intertidal land essential to the health and welfare of
30 the Maine people, which uses include, but are not limited to,
fishing, fowling, seaweed harvesting, navigation, use as a
32 footway between points along the shore and use for recreational
purposes. These recreational uses are among the most important to
34 the Maine people today who use intertidal land for relaxation
from the pressures of modern society and for enjoyment of
36 nature's beauty.

38 **Sec. 2. 12 MRSA §573, sub-§1, ¶A,** as enacted by PL 1985, c.
782, is amended to read:

40 A. The right to use intertidal land for fishing, fowling,
42 seaweed harvesting and navigation;

44 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
46

SUMMARY

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4 This bill adds seaweed harvesting to the list of public
trust rights in the intertidal lands.