

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 563

S.P. 234

In Senate, February 9, 2023

**An Act to Assert State Sovereignty over Ocean Waters up to 12
Nautical Miles off the State's Coast**

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 BRAKEY of Androscoggin.
Cosponsored by Representative FAULKINGHAM of Winter Harbor and
Senators: HARRINGTON of York, KEIM of Oxford, MOORE of Washington, STEWART of
Aroostook, Representatives: ANDREWS of Paris, BOYER of Poland, WHITE of Guilford.

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

2 **Sec. 1. 1 MRSA §2**, as amended by PL 1973, c. 513, §22 and c. 525, is further
3 amended to read:

4 **§2. Offshore waters and submerged land**

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

7 **1. Marginal sea.** ~~The marginal sea to its outermost limits as said limits may from time~~
8 ~~to time be defined or recognized by the United States of America by international treaty or~~
9 ~~otherwise;~~

10 **1-A. Territorial waters.** Notwithstanding any provision of this section or of law to
11 the contrary, the State of Maine owns and may exercise jurisdiction over and control all
12 waters within the rise and fall of the tide seaward 12 nautical miles;

13 **2. High seas.** The high seas to whatever extent jurisdiction therein may be claimed
14 by the United States of America, or to whatever extent may be recognized by the usages
15 and customs of international law or by any agreement, international or otherwise, to which
16 the United States of America or this State may be party;

17 **2-A. ~~—harvesting~~ Harvesting.** The State of Maine ~~declares that it owns and shall~~
18 ~~control~~ controls the harvesting of the living resources of the seas adjoining the coastline for
19 a distance of 200 miles or to the furthest edge of the Continental Shelf, whichever is greater,
20 subject only to the boundary with Canada. Control over the harvesting of these living
21 resources ~~shall~~ must be by licenses or permits issued by the Department of Marine
22 Resources; and

23 **3. Submerged lands.** All submerged lands, including the subsurface thereof, lying
24 under ~~said aforementioned~~ the waters referred to in this section.

25 **SUMMARY**

26 This bill provides that, notwithstanding any provision of law to the contrary, the State
27 of Maine owns and may exercise jurisdiction over and control all waters, and all submerged
28 lands lying under those waters, within the rise and fall of the tide seaward 12 nautical miles.