

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 2003

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S.P. 825

In Senate, May 25, 2023

### An Act to Protect Access to Maine's Intertidal Zone

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 President JACKSON of Aroostook.

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

2 **Sec. 1. 12 MRSA §573, sub-§1**, as enacted by PL 1985, c. 782, is amended by  
3 enacting at the end a new first blocked paragraph to read:

4 For purposes of determining public trust rights and common law rights in intertidal land,  
5 the harvesting of naturally occurring seaweed or rockweed is deemed to be fishing.

6 **Sec. 2. 17-A MRSA §353, sub-§1, ¶A**, as amended by PL 2005, c. 199, §4, is  
7 further amended to read:

8 A. The person obtains or exercises unauthorized control over the property of another  
9 with intent to deprive the other person of the property. This paragraph does not apply  
10 to a person who obtains or exercises control over seaweed or rockweed naturally  
11 occurring on intertidal land. For purposes of this paragraph, "intertidal land" has the  
12 same meaning as in Title 12, section 572. Violation of this paragraph is a Class E crime;

13 **Sec. 3. 17-A MRSA §402, sub-§5** is enacted to read:

14 **5.** This section does not apply to entering or remaining on intertidal land for a purpose  
15 authorized by Title 12, section 573.

16 For purposes of this subsection, "intertidal land" has the same meaning as in Title 12,  
17 section 572.

18 **SUMMARY**

19 This bill states that for purposes of determining public trust rights and common law  
20 rights in intertidal land, the harvesting of naturally occurring seaweed or rockweed is  
21 deemed to be fishing. The bill exempts obtaining and exercising control over seaweed or  
22 rockweed naturally occurring on intertidal land from the statute governing theft. The bill  
23 exempts all activities authorized as a public trust right in intertidal land, including  
24 recreation and the harvesting of seaweed and rockweed naturally occurring on intertidal  
25 land, from the statute governing criminal trespass.