

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 946

S. P. 482

In Senate, February 23, 1949.

Referred to Committee on Federal Relations, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Sleeper of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

Memorial

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled and to the Honorable Members of the Legislatures of the Several States

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the ninety-fourth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, the Supreme Court of the United States in the case of **United States v. California**, known as the Tidelands decision, has announced a doctrine of paramount rights and domination on the part of the United States Government which would enable it to expropriate property within the State in times of peace; and

Whereas, the basis for this claimed assertion of power rests on the constitutional power of the United States to conduct foreign relations, and such power had never theretofore been construed as being applicable in the conduct of internal affairs; and

Whereas, the State of Maine and its agencies and municipalities have developed piers, wharves, and other structures on the soil in deep tide water below low water mark, and by legislative authority the State has granted certain rights to private owners on the assumption that the State

owned the soil beneath tide waters within the three-mile limit and many millions have been spent by the State, municipalities, and private industry in developing wharves, piers, and other structures which are located to a great extent on soil beneath tide waters below low water mark; now, therefore, be it

Resolved: By the Senate of the State of Maine, the House of Representatives concurring, that the Congress of the United States be petitioned under Article V of the Constitution of the United States, to call a convention for the purpose of drafting and presenting to the several States a Resolve reading as follows:

“XXII. The powers of the United States for conducting United States relations with foreign nations shall not be extended to include matters of internal sovereignty. The decision of the Supreme Court of the United States in the case of **United States v. California**, 332 U. S. 19, in so far as it announces the doctrine of paramount rights and dominion on the part of the United States as against the State of California, is hereby repudiated”; and be it further

Resolved: That a copy of this resolution be transmitted by the secretary of state to the presiding officer of each branch of the several states' legislatures with the recommendation that said bodies petition the Congress to call a convention for proposing a constitutional amendment as above set out.