



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 851

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H.P. 541

House of Representatives, February 21, 2023

### An Act to Clarify That Maine Holds Title to Its Intertidal Lands

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative WARREN of Scarborough.

Cosponsored by Representatives: CLUCHEY of Bowdoinham, OSHER of Orono, RIELLY of Westbrook, ROEDER of Bangor, Senator: TIPPING of Penobscot.

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

2 **Sec. 1. 12 MRSA §1862, sub-§15** is enacted to read:

3 **15. Intertidal land.** Except for discrete filled parcels of intertidal land alienated to  
4 adjacent upland owners to facilitate marine commerce, the State retains and holds title to  
5 all unfilled intertidal land in the State.

6 **SUMMARY**

7 This bill states that the State owns title to intertidal land not already filled to facilitate  
8 marine commerce. The State's ownership is based on federal laws and United States  
9 Supreme Court cases that establish and substantiate each state's sovereignty over its  
10 intertidal and submerged land, as well as state law, which were not adhered to when the  
11 Supreme Judicial Court decided a pre-statehood colonial ordinance applicable to  
12 Massachusetts governs the State's ownership interest in intertidal land.