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Joint Standing Committee on Marine Resources

RE: LD 2003 – An Act to Protect Access to Maine’s Intertidal Zone

Senator Reny, Representative Hepler, and members of the Joint Standing Committee on Marine Resources, my name is Bonnie Tobey and as President of the Maine Seaweed Council, I am here to speak on behalf the council and its many members. We are a diverse group of business interests throughout the Working Waterfront, including seaweed harvesters and farmers, researchers, processors, artists, and product makers. The Council supports LD 2003, though we also understand the current status of this legislative effort and appreciate the time many of you have put into this issue to date. To respect your time and the status of this bill, I asked our members to allow me to give testimony on their behalf today. We also thank you for your continued attention, even after today, to Maine’s rockweed harvesters and the broader working waterfront.

It is the Council’s position that this bill would have provided much-needed clarity for Maine’s regulated rockweed harvesters around their ability to make a living along the coast of Maine, something that has been anything but clear since the Law Court upended centuries of tradition in 2019 by, for the first time in our state’s history, restricting public access to the rockweed on Maine’s coast. Under the current state of the law, Maine’s rockweed harvesters can freely harvest some properties but not others, and the distinction depends on language in deeds dating back to colonial times. This is simply unworkable for harvesters, property owners, and regulators.

Simply put, the seaweed industry is looking for more regulation and clarity from the State. Ten years ago, interested parties worked with the Department of Marine Resources to develop a Fishery Management Plan for Rockweed. Many of the parties who worked on that plan are in this room today. However, because of the legal confusion surrounding the intertidal zone, the FMP has never been implemented.

The Seaweed Council understands that this bill would have clarified that rockweed is a marine organism, specifically algae, and not a plant, and its harvest is a form of fishing under Maine law. This alone would not have changed the scope of public rights and the public trust in Maine, but the council believes it would nevertheless send an important signal to the Maine courts and provide guidance as they continue to wrestle with the questions of public rights in Maine’s intertidal zone.

Maine’s rockweed harvesters are an important part of working waterfront in our state, particularly in those places where jobs and industry are hard to come by such as Washington County. We need the Legislature to substantively address the many difficulties facing rockweed harvesters and take meaningful steps to support this important industry. We look forward to working with you to make this happen.