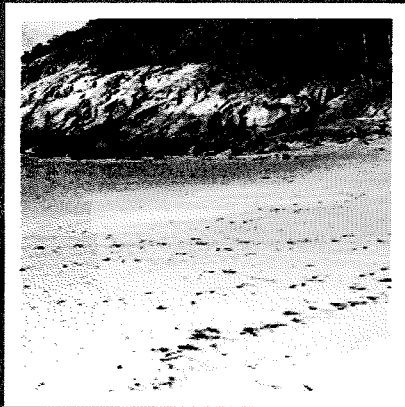

MAINE BEACHES BELONG TO EVERYONE

LET'S WIN THEM BACK





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he Maine Supreme Court extinguished a centuries-old right to free and unfettered use of all Maine beaches in 1989. This flawed decision encouraged certain landowners along the coast of Maine to unlawfully restrict use of the inter-tidal zone.

This affects everyone. Residents, visitors, fishermen, lobstermen, seaweed harvesters, shellfish harvesters, wormers, and all future generations.

Our lawsuit - YOUR lawsuit - is the long-awaited legal remedy designed to return use of these lands (our beaches) to the people who rightfully own them - you, your family and all their descendants, into perpetuity.

Please consider donating to help return the use of Maine's beaches to everyone.

TITLE 1

GENERAL PROVISIONS

CHAPTER 1

SOVEREIGNTY AND JURISDICTION

§1. Extent of sovereignty and jurisdiction

The jurisdiction and sovereignty of the State extend to all places within its boundaries, subject only to such rights of concurrent jurisdiction as are granted by the State over places ceded by the State to the United States. This section shall not limit or restrict the jurisdiction of the State over any person or with respect to any subject, within or without its boundaries, which jurisdiction is exercisable by reason of citizenship, residence or for any other reason recognized by law. [PL 1985, c. 802, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 512, §1 (AMD). PL 1985, c. 802, §1 (AMD).

§2. Offshore waters and submerged land

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

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

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

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

[PL 1973, c. 525 (NEW).]

3. **Submerged lands.** All submerged lands, including the subsurface thereof, lying under said aforementioned waters

SECTION HISTORY

PL 1973, c. 513, §22 (AMD). PL 1973, c. 525 (AMD).

§3. Ownership of offshore waters and submerged land

The ownership of the waters and submerged lands enumerated or described in section 2 shall be in this State unless it shall be, with respect to any given parcel or area, in any other person or entity by virtue of a valid and effective instrument of conveyance or by operation of law.

§4. Certain jurisdiction and ownership unimpaired

Nothing contained in sections 2 to 5 shall be construed to limit or restrict in any way:

1. Jurisdiction because of citizenship; residence. The jurisdiction of this State over any person or with respect to any subject within or without the State which jurisdiction is exercisable by reason of citizenship, residence or for any other reason recognized by law;

2. Jurisdiction over certain waters and land; ceded to and owned by United States. Jurisdiction or ownership of or over any other waters or lands thereunder, within or forming part of the boundaries of this State. Nor shall anything in sections 2 to 5 be construed to impair the exercise of legislative jurisdiction by the United States of America over any area to which such jurisdiction has been validly ceded by this State and which remains in the ownership of the United States of America.

§5. Existing jurisdiction or ownership not waived

Nothing in sections 2 to 5 shall alter the geographic area to which any statute of this State applies if such statute specifies such area precisely in miles or by some other numerical designation of distance or position. Nothing in any such statute or in sections 2 to 5 shall be construed as a waiver or relinquishment of jurisdiction or ownership by this State over or in any area to which such jurisdiction or ownership extends by virtue of sections 2 to 5 or any other provision or rule of law.

§6. Sovereignty in space

Sovereignty in the space above the lands and waters of the State is declared to rest in the State, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of this State.

§7. Division of State

The State is divided into counties, districts, towns, plantations and unorganized territory.

§8. Transfer of legislative jurisdiction

1. Notice. In order to acquire all, or any measure of, legislative jurisdiction of the kind involved in the Constitution of the United States, Article I, Section 8, Clause 17 over any land or other area; or in order to relinquish such legislative jurisdiction, or any measure thereof, that may be vested in the United States; the United States acting through a duly authorized department, agency or officer shall file a notice of intention to acquire or relinquish such legislative jurisdiction, hereinafter called notice, together with a sufficient number of duly authenticated copies of the notice to meet the recording requirements of subsection 3, with the Governor. The notice must contain a description adequate to permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought and a precise statement of the measure of legislative jurisdiction sought to be transferred. Immediately upon receipt of the notice, the Governor shall furnish the Attorney General with a copy of the notice and shall request the Attorney General's comments and recommendations on the notice.

[PL 2019, c. 475, §1 (AMD).]

2. Legislative approval of transfer of jurisdiction. The Governor shall transmit the notice filed pursuant to subsection 1 together with the Governor's comments and recommendations, if any, and the comments and recommendations of the Attorney General, if any, to the next session of the Legislature that is constitutionally competent to consider the transfer of jurisdiction. Unless prior to the expiration of the legislative session to which the notice is transmitted the Legislature adopts an Act approving the transfer of legislative jurisdiction as proposed in the notice, the transfer does not take effect.

[PL 2019, c. 475, §1 (AMD).]

3. Recordation. The Governor shall cause a duly authenticated copy of the notice and Act to be recorded in the registry of deeds of the county where the land or other area affected by the transfer of jurisdiction is situated, and upon such recordation the transfer of jurisdiction takes effect. If the land or other area is situated in more than one county, a duly authenticated copy of the notice and Act must be recorded in the registry of deeds of each such county.