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THE MAINE SENATE  
132nd Legislature

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**Joint Standing Committee on Marine Resources**

**LD 553, An Act to Assert State Sovereignty over Ocean Waters and Marine Resources up to 12 Nautical Miles off the State's Coast**

**&**

**LD 687, An Act to Assert State Ownership over Ocean Waters up to 12 Nautical Miles and Submerged Lands and Marine Resources up to 24 Nautical Miles off the State's Coast and to Direct the Attorney General to Study That Ownership**

**March 6, 2025**

Good morning, Senator Tepler, Representative Hepler, and honorable members of the Joint Standing Committee on Marine Resources. I am Joe Martin and I proudly represent the citizens of Senate District 19, which includes much of Northern Oxford County and communities in Franklin County.

I am here today to present LD 553, "An Act to Assert State Sovereignty over Ocean Waters and Marine Resources up to 12 Nautical Miles off the State's Coast," and LD 687, "An Act to Assert State Ownership over Ocean Waters up to 12 Nautical Miles and Submerged Lands and Marine Resources up to 24 Nautical Miles off the State's Coast and to Direct the Attorney General to Study That Ownership."

Advocating for Maine's Sovereignty Over Coastal Fisheries: A Legal and Economic Perspective

Maritime limits and boundaries for the United States are measured from the official U.S. baseline, recognized as the low-water line along the coast as marked on the NOAA nautical charts in accordance with the articles of the Law of the Sea. The Office of Coast Survey depicts on its nautical charts the territorial sea (12 nautical miles), contiguous zone (24nm), and exclusive economic zone (200nm, plus maritime boundaries with adjacent/opposite countries).



<http://nauticalcharts.noaa.gov/data/us-maritime-limits-and-boundaries.html#faq>

Maine's coastal waters have long been the lifeblood of our communities, providing sustenance, employment, and cultural identity. The proposed bill, LD 553, titled "An Act to Assert State Sovereignty over Ocean Waters and Marine Resources up to 12 Nautical Miles off the State's Coast," seeks to reaffirm Maine's jurisdiction over its adjacent marine territories, particularly focusing on fisheries. This initiative not only solidifies our legal standing but also promises substantial economic benefits for our state.

### Legal Foundation for LD 553

LD 553 is anchored in robust legal precedents and constitutional principles:

- **United States v. Maine (1975):** In this landmark case, the U.S. Supreme Court held that the federal government possesses sovereign rights over the seabed beyond three nautical miles from the coastline, emphasizing federal authority over offshore resources<sup>1</sup>.
- **Tenth Amendment of the U.S. Constitution:** This amendment reserves to the states all powers not delegated to the federal government, providing a constitutional basis for Maine to assert sovereignty over its coastal waters up to 12 nautical miles, especially concerning marine resources not explicitly governed by federal law<sup>2</sup>.
- **Washington State's Boldt Decision (United States v. Washington, 1974):** This case reaffirmed tribal rights to fisheries, underscoring the importance of local and indigenous management of marine resources. While centered on tribal rights, it highlights the significance of localized control over fisheries<sup>3</sup>.
- **Alaska's Legal Precedents:** Alaska has actively defended its rights over marine resources, as seen in cases like *United States v. Alaska*, where the state asserted ownership of submerged lands and resources. These precedents demonstrate the viability of states asserting control over their adjacent marine resources<sup>4</sup>.

### Economic Implications of Enhanced Sovereignty

Extending Maine's jurisdiction to 12 nautical miles offers significant economic opportunities:

- **Fisheries Management:** With greater control, Maine can implement tailored conservation and management strategies, ensuring the sustainability of vital fisheries like lobstering, which contributes substantially to our economy.

### Call to Action

The urgency to pass LD 553 cannot be overstated:

- **Immediate Benefits:** By asserting sovereignty, Maine positions itself to directly manage and benefit from its marine resources, reducing reliance on federal oversight that may not align with local priorities.

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<sup>1</sup> *United States v. Maine*, 420 U.S. 515 (1975): This Supreme Court case affirmed federal sovereignty over the seabed beyond three nautical miles from the coastline, emphasizing federal authority over offshore resources.

<sup>2</sup> Tenth Amendment of the U.S. Constitution: This amendment reserves to the states all powers not delegated to the federal government, providing a constitutional basis for Maine to assert sovereignty over its coastal waters up to 12 nautical miles, especially concerning marine resources not explicitly governed by federal law.

<sup>3</sup> *United States v. Washington* (1974): Also known as the Boldt Decision, this case reaffirmed and highlights the significance of localized control over fisheries.

<sup>4</sup> *United States v. Alaska*, 422 U.S. 184 (1975): In this case, Alaska asserted ownership of submerged lands and resources, demonstrating the viability of states asserting control over their adjacent marine resources.

· Strategic Timing: As federal agencies and external entities increasingly eye offshore resources, establishing clear state jurisdiction ensures that Maine's interests are prioritized and protected.

LD 553 represents a pivotal step in reaffirming Maine's rights over its coastal waters. By extending our jurisdiction to 12 nautical miles, we not only align with established legal frameworks but also unlock economic potentials that benefit our communities. It is imperative that we act decisively to pass this legislation, securing Maine's maritime future for generations to come.

Thank you for your time today. I strongly urge you to vote "ought to pass" on LD 553. I will ask that the committee table the companion bill, LD 687. This bill is meant to be enacted following the implementation of LD 553. I would be happy to answer any questions you may have.

# **Resolution Asserting Maine's Ownership and Sovereignty Over Marine Resources to the Twelve-Mile Limit and Beyond**

**Date:**

**Presented to:** The Maine Legislature

**Sponsored by:**

## **Preamble**

**Whereas**, the United States Supreme Court, in *United States v. Maine*, ruled that the federal government holds paramount rights to the seabed and subsoil beyond three miles from the coast as an incident of national sovereignty, while leaving state rights within the three-mile limit intact; and

**Whereas**, the Submerged Lands Act of 1953 (43 U.S.C. §§ 1301-1315) explicitly recognizes and guarantees coastal states' proprietary rights to the seabed, subsoil, and natural resources within three miles of their shoreline; and

**Whereas**, the Tenth Amendment to the United States Constitution reserves all powers not expressly delegated to the federal government to the states, including jurisdiction over marine resources in adjacent waters up to the three-mile territorial sea limit; and

**Whereas**, historical governance of coastal waters during Maine's tenure as part of the Massachusetts Bay Colony, and its subsequent statehood, demonstrates a continuous precedent for Maine's stewardship and jurisdiction over adjacent marine resources; and

**Whereas**, Maine's natural resources—including marine fisheries, aquaculture sites, and mineral deposits—are critical to the state's economy, heritage, and the sustainability of its communities; and

**Whereas**, *United States v. Maine* acknowledged questions about state jurisdiction and the potential to assert broader claims beyond the three-

mile limit in specific contexts such as environmental preservation, resource management, or economic necessity; and

**Whereas**, federal interventions beyond constitutional authority in Maine's territorial waters undermine the state's sovereign rights and economic interests; and

**Whereas**, evolving legal precedents and Maine's historical claims create opportunities to reassert its control over marine resources in both the three-mile territorial sea and potentially beyond, ensuring resource management aligns with state priorities;

**Now, Therefore, Be It Resolved, that the Maine Legislature:**

**1. Asserts Full Sovereignty Within the Three-Mile Limit**

Maine reaffirms its rights to the seabed, subsoil, and all marine resources—including fisheries, minerals, renewable energy projects, and aquaculture—within three miles offshore, as recognized by the Submerged Lands Act and the Tenth Amendment.

**2. Evaluates Claims Beyond Three Miles**

Maine will investigate legal and historical precedents supporting claims to marine resources beyond the three-mile limit, prioritizing contexts where federal regulation lacks constitutional grounding or infringes upon state interests.

**3. Asserts State Management and Regulation**

The state asserts its right to manage, regulate, and protect all marine resources within the three-mile limit and, where justified, challenge federal jurisdiction over resources beyond this boundary to advance Maine's economic, environmental, and social priorities.

**4. Directs the Attorney General to Develop Legal Strategies**

The Maine Attorney General shall:

- Develop comprehensive legal arguments based on the Submerged Lands Act, *United States v. Maine*, and other relevant cases to defend Maine's marine resource claims.

- Explore litigation, legislative advocacy, or diplomatic measures to clarify Maine's jurisdiction beyond three miles.

### **5. Promotes Equitable Revenue Sharing**

The state will create mechanisms for equitable revenue sharing from the extraction or use of marine resources, ensuring that proceeds benefit Maine's residents, impacted communities, and the state's economy as a whole.

### **6. Commits to Sustainable Management**

Maine commits to managing marine resources sustainably, balancing economic growth with environmental protection and the long-term welfare of Maine's coastal communities.

### **Conclusion**

This resolution reaffirms Maine's inherent authority over its marine resources within three miles and establishes the groundwork for exploring broader claims beyond this limit. It draws upon constitutional principles, historical precedents, and judicial decisions to protect Maine's sovereignty, economic interests, and natural heritage.

**Resolved this --/--/----**

### **Legal Foundations Referenced**

1. **Submerged Lands Act of 1953 (43 U.S.C. §§ 1301-1315):**  
Establishes state ownership and control of submerged lands within three miles.
2. **Tenth Amendment:**  
Reserves powers not expressly delegated to the federal government for the states, supporting state jurisdiction over local resources.
3. **United States v. Maine:**  
Affirms federal sovereignty beyond three miles while preserving state authority within the three-mile boundary.

4. **Historical Practices:**

Maine's governance of coastal waters since colonial times underscores its rights to marine resources.

5. **Judicial Precedents (e.g., *Hjelle v. Alaska* and *California v. Deep Sea Research, Inc.*):**

Reinforce state jurisdiction over submerged lands and marine resources unless explicitly preempted by federal law.

This resolution serves as a robust assertion of Maine's authority, supported by constitutional, legislative, and judicial foundations, and paves the way for proactive resource management and potential expansion of state jurisdiction.

# **The Gulf Stream and the Gulf of Maine: A Natural Rhythm of Warming Waters and the Vital Role of Herring Fishing**

The Gulf of Maine is a remarkable marine ecosystem, teeming with life and known for its rich fishing heritage. One of the most vital species in this region is Atlantic herring (*Clupea harengus*), a cornerstone of the marine food web and a crucial bait source for the lobster fishery, which is the backbone of Maine's fishing economy. In recent years, warming trends in the Gulf of Maine, influenced by the Gulf Stream, have led to discussions about fishing practices and management. However, it is essential to recognize that herring fishing plays an integral role in sustaining local economies and supporting the livelihoods of fishermen and associated businesses. This essay explores the natural influence of the Gulf Stream on the Gulf of Maine, the significance of herring fishing, and the importance of maintaining access to this vital resource without restrictive measures.

## **The Gulf Stream: A Powerful Force in the Atlantic**

The Gulf Stream is a formidable ocean current that carries warm water from the tropics up the eastern coast of North America and across the Atlantic Ocean. This powerful current plays a critical role in regulating regional temperatures and shaping marine ecosystems. The Gulf Stream's movement and temperature influence weather patterns and nutrient distribution, creating an environment conducive to the flourishing of marine life.

As the Gulf Stream flows northward, it meanders and generates warm-water eddies that interact with the colder waters of the Gulf of Maine. These natural variations in temperature foster productivity in the Gulf, creating ideal conditions for species like herring to thrive. The interplay between warm and cold waters sets the stage for a vibrant marine ecosystem that supports a variety of species and, importantly, the fishing industry.

## **The Gulf of Maine: A Unique Marine Environment**

The Gulf of Maine is a semi-enclosed body of water characterized by its nutrient-rich and shallow waters. The mixing of cold waters from the Labrador Current with the warm waters of the Gulf Stream results in a dynamic environment that nurtures a diverse array of marine life, including herring, lobster, and cod.

## **Herring: A Vital Resource for Maine's Economy**



**Atlantic herring is one of the Gulf of Maine's most critical species, serving as a primary forage fish and a vital component of the local economy. As a key food source for larger fish, seabirds, and marine mammals, herring supports the entire marine food web. More importantly, herring fishing plays an indispensable role in the livelihoods of fishermen and coastal communities. Herring serves as an essential bait for the lobster fishery, which is one of Maine's most iconic and economically significant industries. The demand for herring as lobster bait is high, and the success of the lobster fishery heavily relies on a steady supply of this critical resource. The interconnectedness of herring and lobster fishing underscores the importance of herring as a foundation for economic prosperity in Maine.**

### **The Importance of Access to Herring Fishing**

**Maintaining access to herring fishing is crucial for the sustainability of Maine's fishing industry. Restrictions on herring fishing would adversely affect lobstermen, who depend on this bait to catch lobsters efficiently. The economic impact of such restrictions would ripple through the entire community, affecting not only fishermen but also processors, distributors, and local businesses that rely on the thriving lobster fishery.**

**The vibrant herring fishery fosters economic growth in coastal communities, providing jobs and supporting local businesses that supply fishing gear, bait, and other services to fishermen. A healthy herring population allows lobstermen to remain competitive in the market and supports the entire seafood industry in Maine. As such, ensuring unhindered access to herring fishing is vital for sustaining livelihoods and preserving the rich fishing heritage of the region.**

### **Historical Temperature Data: Understanding Natural Variability**

**To fully appreciate the natural dynamics of the Gulf of Maine, it is essential to consider historical temperature data. Long-term records indicate that the Gulf of Maine has experienced significant fluctuations in sea surface temperatures, with a warming trend of approximately 1.5°F (0.8°C) per decade since the early 1980s. This warming trend correlates with natural climate cycles, including the Atlantic Multidecadal Oscillation (AMO), which affects regional temperatures. The warming waters of the Gulf of Maine, influenced by the Gulf Stream, can create favorable conditions for herring. During periods of warmer temperatures, herring can thrive, benefiting from increased availability of plankton, their primary food source. These favorable conditions contribute to robust herring populations, providing ample opportunities for fishermen to harvest this valuable resource.**

## **Case Studies: Positive Ecosystem Responses to Natural Cycles**

### **Case Study 1: Flourishing Herring Populations**

One positive example of the Gulf of Maine's dynamic ecosystem is the flourishing herring populations that respond to natural cycles. As water temperatures rise, the conditions for herring spawning and growth improve, allowing for increased productivity. Research from the Northeast Fisheries Science Center indicates that herring stocks can thrive under these favorable conditions, which supports the fishing community.

Collaborative management strategies between fishermen and regulatory bodies have led to better understanding and monitoring of herring populations. These cooperative efforts emphasize the importance of maintaining healthy herring stocks without imposing restrictive measures that could hinder access for lobstermen and other fishers. The focus remains on sustainable practices that promote both herring fishing and the broader health of the marine ecosystem.

### **Case Study 2: Lobster and Herring: A Symbiotic Relationship**

The relationship between lobster and herring fishing further illustrates the interconnectedness of the Gulf of Maine's marine ecosystem. Lobster fishermen rely on herring as a primary bait source, making herring essential for the success of the lobster fishery. As herring populations thrive, lobstermen benefit from the availability of high-quality bait, enhancing their ability to catch lobsters effectively.

This symbiotic relationship emphasizes the need for unhindered access to herring fishing. By ensuring that lobstermen can source the bait they need, the entire fishing community can thrive. The health of both herring and lobster populations is vital for the sustainability of the Gulf of Maine's fishing industry, supporting jobs and economic stability for coastal communities.

### **The Future of Herring Fishing in the Gulf of Maine**

Looking ahead, the future of herring fishing in the Gulf of Maine remains bright. As natural cycles continue to shape the region's marine environment, it is crucial to prioritize access to herring fishing as a cornerstone of the local economy. Ongoing research and monitoring efforts will help to ensure that herring populations remain healthy, providing the necessary resources for the lobster fishery and other interconnected industries.

The commitment of Maine's fishing communities to responsible management practices will play a critical role in sustaining the health of both herring and lobster populations. By fostering collaboration among stakeholders, the Gulf of

**Maine can continue to thrive as a productive marine ecosystem, with herring fishing as a vital part of its future.**

### **In Conclusion**

**The Gulf of Maine is a testament to the natural rhythms of the ocean, where warming waters create opportunities for growth and prosperity. The Gulf Stream's influence, combined with the critical role of herring fishing, positions the Gulf of Maine as a hub of biodiversity and economic vitality. Herring, as a key resource, not only supports the marine food web but also underpins the livelihoods of fishermen and coastal communities.**

**By recognizing the importance of maintaining access to herring fishing without restrictive measures, we can ensure the sustainability of Maine's fishing industry. The interconnectedness of herring and lobster fishing underscores the need for holistic management practices that promote a healthy marine ecosystem and support local economies.**

**As we embrace the future, understanding and respecting the natural processes shaping the Gulf of Maine will allow us to appreciate the unique place this region holds in the broader context of Earth's marine environments. The ongoing commitment to sustainable practices will ensure that herring fishing remains a vital and prosperous part of the Gulf of Maine's cultural and economic landscape for generations to come.**

**Maine should oversee its own resources and not depend on outside "federal or regional entities" to sculpture its future.**