

## Harvesting marine resources, or what's a "Fishery"

For centuries it has been recognized that what lives in the waters along the coast should be available to the public who can put it to use near that coast. I think this truth is universal. People have been gathering this bounty since ancient times anywhere they could find a naturally renewing resource- since forever- at low tide and high tide. Anything that grew there has always been considered a public resource- public marine resources—clams, mussels, worms, periwinkles, seaplants, fin fish, lobsters, urchins and probably more. State law groups these resources under the heading "Fisheries".

What is the link that connects all these "marine resources", and makes them "ours"?

*Their existence is reliant on only the ocean for habitat and nutrition.*

*Likewise, none depend on the adjacent shore or activities of the landowners.*

Seaweed harvesting regulations have always recognized that shore cast seaplants or shore plants growing from the soil belong to the owner of that beach or soil. (This was re-affirmed in 1864 in the court case of Hill vs Lord.)

**The Colonial Ordinance**, written in the 1640's, recognized the importance of individuals being able to build docks. In order to allow and encourage this level of private investment in the coastal properties, the land owners needed to "own" the shore where their docks would be built.

The problem was that traditional land ownership rights, if applied to the area between high and low tide, would be in conflict with the tradition of public harvest of the marine resources. Fortunately, our very practical ancestors came up with a solution to this problem. They could "own" their coastal land to build a dock, but they couldn't interfere with their neighbor's right to "fish, fowl, and navigate" along the shore. (over)

The Colonial Ordinance, in effect, granted an easement to the public to gather marine resources as they always had while at the same time giving coastal land owners the right to build docks along their shore.

In short, shoreland property owners in Maine have never owned the living marine resources in the intertidal zone. It has always been the citizens of the State of Maine who own these marine resources and whose harvest has been regulated by what is now called the Maine Department of Marine Resources.

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