

Rep Will Tuell's speech against LD 1323

Madame Speaker, I rise today in opposition to the motion before us, and I do so for several reasons. The Representative from Calais and I have provided you a lot of background on why this legislation is so dangerous and ill-advised, so I would encourage you to look that over as we progress through our debate today. I oppose the pending motion because the law was settled in *Ross vs. Acadian Seaplant* before the Maine Supreme Law Court two and a half months ago. It was settled, Madame Speaker, with a unanimous verdict – not a 4-3 split, not a 5-2 split, but a unanimous verdict in favor of the plaintiffs and their claim that rockweed on their property belonged to them, not the State of Maine. Now I confess I was a bit skeptical of the plaintiffs' claim when I first heard of their legal challenge four years ago. I believed those who said they didn't have much of a case and that it would get overturned in court. When the Attorney General's Office and the Department of Marine Resources assure you that it is not so cut and dried, you respect their opinion, and you give them the benefit of the doubt. Yet the plaintiffs won a district court case, which was appealed, more assurances were given, and said case ultimately wound up before Chief Justice Sauffley and her colleagues. So when the verdict came down, and it came down so unequivocally, I found myself in that uncomfortable position of having to admit I was wrong, and that maybe, just maybe, the people who were saying all along that this was a property rights issue, that they, not the state government, have a right to say who can, if anyone, harvest their rockweed, were in the right. I stand here today to do that. To say that if we are truly going to respect our courts, and the men and women who adjudicate these cases, we ought to be willing to consider the fact that all the information we have been given in our time here, might not be as we had thought, that there is another perspective that we hadn't considered, or worse, dismissed without careful consideration. In a nutshell, we are not jurists, and we should not pretend to be. I believe opponents when they say this bill is an end run around the Law Court, that it is a takings bill, that it will cost the state tens of millions of dollars should we push our claim, and that it will ultimately wind up before the United States Supreme Court. Madame Speaker, we have been years trying to get out from under Riverview, do we now want to run the risk of going back into hawk? And to prove what? That landowners in Washington County are wrong, that they shouldn't have a say over their property? That Augusta knows better, and therefore we ought to stitch together a law in a few months that the courts took four years to figure out? Madame Speaker, were it just the courts, and a few upset landowners, one could be forgiven even now for passing a bill with only one dissenting vote. But alas, it is not. It is communities like Lubec, the Pleasant Point Passamaquoddies; it is

fishermen like my old herring choker buddy, the Representative from Beals, who has fished Washington County waters for over fifty years and seen firsthand the impact of rockweed harvesting on our environment, the sixty some odd scallopers, lobstermen, and fishing families who have been part of the Cobscook Bay Fishermen's Association; it is Maine realtors who are spurring economic development and investment in our state, who see our attempts to revise established jurisprudence as the ultimate slippery slope; and it is the Rockweed Coalition which has raised grave concerns about the sustainability of rockweed harvesting along Maine waters – concerns which many expressed during one of the longest, and most contentious hearings of the session in the Agriculture, Conservation and Forestry Committee. Madame Speaker, I oppose this motion because there is a simple solution. If you want to harvest rockweed in Maine, you get permission from the landowner. You have to get permission from the landowner to go hunting on much of our land, why not rockweed harvesting? And here's something for you to consider, Madame Speaker, landowners Down East are already being approached by rockweed harvesters for the rights to harvest. Boats are in the water. If there was no interest in harvesting rockweed, if this was about shutting down rockweed harvesting completely, why would boats still be in the water? Somebody must be giving them permission to harvest. I don't profess to know much about fishing. I have never hauled a trap in my life, dug clams, dragged for scallops, or harvested rockweed. And I never will. But I have heard the stories from these fishermen, whose families have fished for nine plus generations, who are diametrically opposed to this bill, and who are willing to take their fight all the way up the food chain if need be. Madame Speaker, please listen to us from Washington County. We may come at things from different points of view, but we are united in our love for, and commitment to, the people we serve. And we know an end run when we see it. Today, Madame Speaker, Washington County takes center stage. Many will be watching what we do, and say, here, and I pray that we will turn this bill aside despite the lopsided committee report. Before I close, Madame Speaker, I would like to thank the Representative from Knox for giving us the opportunity to debate this legislation today. Her caution, concern, and outright objection to this bill gave us an opportunity to plead our case before you, which many Down East are very thankful for, and appreciative of. Lastly Madame Speaker, I urge you to vote down the pending motion, and send this to the other body in concurrence. Thank you!