

Portland Press Herald

LETTERS

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Letter to the editor: ‘Fishing’ applies to harvesting of rockweed

Re: “Judge rules that rockweed harvesters need landowners’ permission”

(March 21):

Harvesting seaweed growing in the intertidal zone is not “fishing”? Surely it is. Superior Court Justice Harold Stewart II recently ruled that rockweed growing in the intertidal zone belongs to the landowner, and therefore the landowner’s permission is required to harvest it.



Rhyan Blazek harvests rockweed in Cundys Harbor in 2016. A reader argues that courts should classify the harvesting of seaweed growing in the intertidal zone as "fishing" because it involves an underwater plant with no roots. *Staff file photo/Gregory Rec*

Maine law provides that waterfront land between high and low tide belongs to the landowner, but the public may access this intertidal zone for “fishing, fowling and navigation.” So, is harvesting rockweed in the intertidal zone “fishing”? Prior case law has concluded that “fishing” includes harvesting finfish and mussels, digging for clams and worms, and taking floating seaweed.

Justice Stewart summarily concluded that harvesting a plant such as rockweed is not “fishing” because rockweed is a terrestrial plant. One does not “fish” for a terrestrial

a root system from which it receives much of its nutrients. An underwater aquatic plant such as rockweed, on the other hand, has no root system in the soil, attaches itself to a rock and receives its nutrients from the water. Surely that distinction is important. The courts have gradually expanded the activities that are permitted by “fishing, fowling and navigation” over the last 175 years. A good common-sense definition of “fishing” surely would be: the harvesting of marine organisms from the sea or fresh water. Rockweed is harvested today from a boat at mid-tide with a machine cutting a portion of the foliage and inserting it into floating net bags. That sounds a lot more like fishing than digging a hole in the mud and pulling out a sea worm. One would hope that the Maine Law Court, on appeal, will be able to apply a more common-sense approach to this issue.

Peter Griffin

Cundys Harbor