

Testimony for Proposed Rule change:
“RESOLUTION, Proposing an Amendment to the Constitution of Maine to
Establish the Right to Hunt and Fish”
March 14th, 2025

Senator Baldacci, Representative Roberts and esteemed members of the Inland Fisheries and Wildlife legislative committee, my name is Tyler Brown, and I am testifying ***Neither For, Nor Against*** LD 820: “Resolution Proposing an Amendment to the Constitution of Maine to Establish the Right to Hunt and Fish”

As an avid conservationist, hunter and angler raising my own sons to share in these pursuits, I welcome any initiative that would ensure hunter and angler driven conservation efforts, part of the most successful wildlife management system in history, are protected for future generations to enjoy. However, as a trapper, I do not believe this amendment goes far enough to ensure our trapping traditions are similarly protected.

Trapping is a completely separate sport from hunting and fishing, with its own license, season dates, rules, regulations and its own Chapter in Maine’s Revised Statute. Though the sponsor and lobbyists of this bill infer that trapping would be covered under the term “traditional methods”, where this term is not defined in Maine’s Revised Statute nor in the amendment itself, the term would be subjective to interpretation. Much like the term “harvest” in Maine’s right to food bill was intended to include hunting, it was not until the Maine Supreme Court found in March of 2024 in *Parker V. Maine Department of Inland Fisheries and Wildlife*, that hunting was indeed part of the definition of “Harvest” in the Right to Food amendment. Where “traditional methods” is currently undefined, the inclusion of trapping to that definition could also require a case before the Maine Supreme Court.

Thus far there appears to be no documented court cases, nor any of the current states with Right to Hunt & Fish amendments that have defined “traditional methods”. The use of this term was used by the Congressional Sportsman’s Foundation in a document circulated in 2014 to promote the advocacy of Right to hunt/fish amendments, which states *“Trapping admittedly faces a lot of controversy in this country. Some practices like trapping can make support harder to get from parties that are otherwise pro-hunting in a general election. By using a phrase like “traditional methods,” proponents can give a stronger protection to trapping without actually mentioning trapping. Some non-hunters see hunting as an acceptable and even effective means of conservation, but at the same time view trapping as an inhumane version of hunting”*.

The use of “Traditional Methods” appears to be more of a tactic intended to avoid including the “controversial” term of trapping and increase the potential for the amendments passage, rather than a term intended to cover all the unmentioned forms of harvesting as proponents advocate. Where trapping is a totally separate form of harvest from hunting and fishing, it is equally important for the term trapping to be included, rather than assumed it is included under “Traditional Methods”. The argument that trapping is controversial, is more of an opportunity to inform and educate those opposed to it on the benefits and rich history of trapping in our state, rather than seen as a hindrance to this amendment's passage.

Maine’s history, traditions and heritage includes trapping. The fur trade with Native Americans was one of Maine’s first industries dating back as far as the 17th century. Trapping led to the first Colonial settlement in Augusta with the establishment of the Cushnoc Trading Post by members of the Plymouth Colony in 1628. Through MEDIFW’s leadership and outreach, interest in trapping has recently begun to grow, a recent article published in the March issue of the Maine Sportsman states that *“Just a couple of years ago, there were fewer than 2,000 trappers in Maine. Now just imagine this - coming into the 2024-2025 trapping seasons, there are 4,936 licensed trappers”*. Trapper Education classes are continually being sold out requiring more classes to be added. Most important to note is that of the (24) states that have a Right to Hunt and Fish amendment in their Constitutions, the majority include the term “Trap” as well, including the first to codify these into law, Vermont.

Excluding the word “trap” from the Right to Hunt and Fish, exposes this growing sport and wildlife management system to restrictive legislation. This could cause confusion of whether trapping is included in the definition of the subjective “traditional methods”, possibly requiring a case before the Maine Supreme Court to determine.

The bill sponsor has stated the intention of this amendment is to codify the right to hunt and fish in Maine in order to eliminate the confusion that has been brought up in the court system regarding the term “harvest” in the Right to Food amendment. In that regard, codifying Maine’s right to trap should also be included in order to eliminate any confusion surrounding the undefined term of “traditional methods” rather than assuming it is included to ensure our trapping heritage is enshrined in Maine’s Constitution for the enjoyment of future generations. I respectfully request that during the Work Session the bill be amended to include the word “trap” within the recognized rights.

Thank you all very much for your time and service to our state.

Tyler Brown