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Testimony of Karla Black  
Deputy Executive Director  
Maine Woodland Owners  
In Opposition to  
LD 928

“Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Right to a Clean and Healthy Environment”

Senator Brenner, Representative Gramlich and distinguished members of the Joint Standing Committee on Environment and Natural Resources, my name is Karla Black, Deputy Executive Director of Maine Woodland Owners speaking today in opposition to LD 928, “Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Right to a Clean and Healthy Environment.”

This resolution provides “The people of the State have the right to a clean and healthy environment and to the preservation of the natural, cultural and healthful qualities of the environment. The State may not infringe up on these rights. The State shall conserve, protect and maintain the State’s natural resources, including, but not limited to, its air, water, land and ecosystems for the benefit of all the people, including generations yet to come.”

We are here today opposing this resolution not because we don’t care about our environment or enacting laws to protect it, but because this resolution is vague and will lead to years of litigation and challenges.

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It is unclear how this resolution would impact woodland owners. This has the potential to impact nearly everything a woodland owner does. If a woodland owner decides to conduct a harvest, would he then be violating his neighbor’s right to a clean and healthy environment, or to the preservation of the natural, cultural and healthful qualities of the environment? Under a Maine Forest Service Rule, landowners are allowed in certain circumstances to drop logs into streams to help create habitat for certain fish. Would conducting this activity violate the rights of another landowner who owns the next lot along the same stream if they don’t agree with the practice? Would building a woods road into a woodland property violate the preservation of the natural qualities of the environment? The questions are endless and the answers are unknown.

In 2021, the legislature passed a resolve for another constitutional amendment involving the “Right to Food” that was ultimately enacted by the people of Maine.

This constitutional amendment is now being litigated in court by those wishing to hunt on Sundays. The plaintiff's claim their right to food under the new amendment trumps the long-standing legislative enactment prohibiting Sunday hunting. This despite testimony during legislative hearings on the right to food resolution that no laws on the books, including hunting laws, would be impacted if the right to food amendment were passed. The word "hunting" was even removed from an early draft of the proposal. Now, the issue is before the state Supreme Court to decide what the amendment means.

I don't think anyone could have predicted that the Right to Food Amendment would be used to challenge the Sunday hunting prohibition, but that is where we are today. Efforts to repeal Sunday hunting have failed countless times before in the legislature and the Right to Food amendment is now being used to try and upset the will of the Maine people. We should be weary of the unintended consequences that will flow from enacting another constitutional amendment that isn't well defined.

For these reasons, we oppose LD 928 and urge this Committee to vote ought not to pass on this resolution.