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Testimony of Karla Black
Deputy Executive Director
Maine Woodland Owners
in Opposition to
LD 1823

"An Act to Respect and Protect the Right to Food"

Senator Ingwersen, Representative Pluecker and distinguished members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Karla Black, I am the Deputy Executive Director of Maine Woodland Owners speaking today in Opposition to LD 1823, "An Act to Respect and Protect the Right to Food " We oppose the bill because we are concerned about its unintended consequences as it relates to landowner property rights and the regulation of wildlife resources

Maine Woodland Owners is a non-profit educational organization that promotes stewardship of Maine's small woodland resources through the encouragement of good forest management and advocating for and supporting Maine's small woodland owners

As you know, the citizens of Maine passed the "Right to Food" constitutional amendment in November of 2021 Despite testimony that the amendment would not impact any hunting laws in Maine, the first challenge to the amendment is a lawsuit claiming the amendment supersedes the Commissioner of Inland Fisheries and Wildlife's authority to enforce the Sunday hunting ban that has existed in Maine statute since 1883 While it is hard to imagine that anyone who voted for the Right to Food amendment thought it would overturn the Sunday hunting ban, that lawsuit is currently pending on appeal before the Maine Law Court

In this bill a definition of "traditional foodways" is enacted in Section 6 and the definition includes hunting The bill goes on in Section 12 to provide that municipalities may adopt ordinances regarding traditional foodways (hunting), it also states in Section 13 that the state may not "take an enforcement action of any kind against or interfere in any way with any activities authorized pursuant to a local food ordinance[]" Under these provisions could a municipality enact a local ordinance that permits Sunday hunting (against the will of the Maine people and of this legislature which has rejected Sunday hunting bills for decades)? Is this provision intended to allow for local regulation of hunting? If not, why is hunting included in the definition

of traditional foodways? Section 15 of the bill provides that any ordinance regarding traditional foodways must be liberally construed

What about Title 12 section 13201 which provides that “a municipality or political subdivision of the State may not enact any ordinance, law or rule regulating or charging a fee for the hunting, trapping or fishing for any species of fish or wildlife[]” Does this bill say that section 13201 would no longer be enforceable against a municipality that enacts a local food ordinance that regulates hunting, trapping or fishing? It is unclear

The bill also includes new definitions of the word “harvest” that are included in the inland fisheries and wildlife and marine resources statutes. What is the intention behind adding the verb “harvest” to these sections of statutes? While the Department of Inland Fisheries and Wildlife regulates hunting, it does not regulate gathering and foraging which are included in the definition. It is uncertain how these two terms as commonly used relate to the work of Inland Fisheries and Wildlife or Marine Resources

The terms foraging and gathering are also included in the definition of traditional foodways. It is difficult to envision how these terms might be used by a municipality in a local food ordinance. Landowners have the implicit right to forage and gather on their own lands. But aren't these terms typically associated with conducting activity on someone else's property? Could a municipal ordinance grant individuals new rights to forage or gather wherever they choose, including on someone else's property? Foraging or gathering on someone else's property without permission is theft

While we appreciate the intent of the bill is to make it easier to provide more local food to Maine's citizens, Maine Woodland Owners is concerned about the far-reaching implications this bill will have. It could create a patchwork of local hunting and fishing regulations that would potentially conflict with state regulation of those resources and put individual property rights at risk

For these reasons, Maine Woodland Owners opposes LD 1823 and encourages the Committee to vote Ought Not to Pass