

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND
WILDLIFE**

IN OPPOSITION TO L.D. 820

**“RESOLUTION, Proposing an Amendment to the Constitution of Maine to
Establish the Right to Hunt and Fish”**

SPONSORED BY: Representative CARUSO of Caratunk.

Cosponsored by: Senator CYRWAY of Kennebec and Representatives: ARDELL of Monticello,
BOYER of Poland, DILL of Old Town, MORRIS of Turner, SMITH of Palermo, Senators:
BRADSTREET of Kennebec, HICKMAN of Kennebec

DATE OF HEARING: March 12, 2025

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Timothy Peabody, Deputy Commissioner of the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in opposition to L.D. 820 a Resolution, Proposing an Amendment to the Constitution of Maine to Establish the Right to Hunt and Fish.

In November of 2021 the voters of Maine supported an amendment to the Maine Constitution creating Article 1, section 25., Right to Food. Section 25 provides the following:

Section 25. Right to Food. All individuals have a natural, inherent and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.

On March 28, 2024 the Maine Supreme Court decided *Virginia Parker et. al. v. Department of Inland Fisheries and Wildlife*, 2024 ME 22. The case was based on the Maine statute that prohibits Sunday hunting alleging that the statute was a violation of Article 25. constitutional “Right to Food”. The court decision indicated that “*the right to hunt for food created by the amendment does not extend to illegal hunting and therefore Maine’s longstanding Sunday hunting ban does not conflict with the Maine Constitution*”. Using the same analysis although not discussed in the decision you could interpret that Maine citizens have the right to fish for food as long as you do it legally.

The Department feels that the constitutional right to hunt, although limited to legal hunting for food, is already in place and is concerned that the language in LD 820 would be a duplication and will create challenges for the Warden Service while checking hunters and anglers, will generate questions on reasonable legislative actions and Department rulemaking thus the potential for more litigation. For these reasons, we are opposed to the bill.

I would be happy to answer questions at this time or during the work session.