

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

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

NEITHER FOR NOR AGAINST of L.D. 1343

“An Act to Protect the Right to Harvest Wildlife”

Presented by Senator HICKMAN of Kennebec.

Cosponsored by Representative FAULKINGHAM of Winter Harbor and
Senators: BALDACCI of Penobscot, HARRINGTON of York, STEWART of
Aroostook, Representatives: DILL of Old Town, FREDERICKS of Sanford,
HASENFUS of Readfield, ROBERTS of South Berwick, WOOD of Greene.

DATE OF HEARING: April 9, 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, neither for nor against L.D. 1343 An Act to Protect the Right to Harvest Wildlife.

This bill defines the verb "harvest" for the marine resource law and the inland fisheries and wildlife law. Additionally, the bill provides that the people of this State have the right to harvest wildlife by hunting, fishing or trapping, subject to applicable laws, rules and regulations.

The Department of Inland Fisheries and Wildlife (Department) is established in Title 12 M.R.S.A. §10051 *to preserve, protect, and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; to provide for effective management of these resources; and to use regulated hunting, fishing and trapping as the basis for the management of these resources whenever feasible.* This mandate clearly establishes the importance of hunting, fishing, and trapping to the Department, for its work managing the fish and wildlife resources, and to the people of the State of Maine.

LD 1343 takes the current laws a step further for both the Department and the Department of Marine Resources by defining “harvest, the verb” in Sections one and two of the bill. The Department will comment on this proposal as it affects Title 12 Part 13 but defers to the Department of Marine Resources regarding their concerns over Section one and three due to its overall effect on Title 12 Part 9, marine resource law.

Throughout Title 12 Part 13 the term “harvest or harvested” is used 116 times but it is undefined in statute. The term “hunt” is defined and includes the phrase “harvest of wild animals or wild birds”. The current definition of “fish, the verb” does not include the term harvest. At first glance it does not appear the definition of harvest in LD 1343 will conflict with the current use of the term, but further analysis is warranted.

Additionally, the definition of harvest in Section two of the bill has a two-tiered analysis with paragraph (A) allowing harvest for human consumption and references the Constitutional Article 25 (Right to Food), and paragraph (B) allowing harvest for sport, wildlife management and population control. The inclusion of the term “sport” in paragraph (B) of the definition is not used in the context of hunting in current law. A recent 2024 Maine Supreme Court Decision titled

Virginia Parker vs. the Department which focused on the Constitutional Right to Food, provided a comment within the footnotes regarding hunting for the purposes of sport. A footnote in the decision stated, “We note that the language of the amendment does not extend the right beyond hunting for the specific purposes of “nourishment, sustenance, bodily health and well-being” to other purposes such as hunting for the purposes of sport or commercial enterprise. The Committee should be aware that the Department does have statutory guidance to manage the states wildlife “*to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources*”, the Department feels this current mandate would cover the inclusion of the term “sport” in the definition of harvest and perhaps make including the term “sport” unnecessary.

Section three of the bill establishes the “right to harvest wildlife”. While the Department appreciates the intent of this proposed section of law, we feel that if you follow the current law mandating the Department to use hunting, fishing and trapping as a preferred method of managing wildlife along with the requirements to legally hunt, fish or trap in Maine then you have a presumed right to hunt, fish or trap. Title 12 Part 13 subchapter 4, Revocation and Suspension of Licenses and Permits references throughout the subchapter the ability for the commissioner to suspend or revoke a person’s “privilege” to a license under various circumstances. For example under 12 M.R.S.A. § 10902 (5) (A) *A person whose hunting license has been revoked or suspended or **whose right to hunt or the right to obtain a hunting license has been denied under this subsection, may after the expiration of one year from the date of the revocation or suspension, petition the commissioner for restoration of the person’s privilege to procure such a license.*** With these current examples in law and the potential for legal arguments around what a right actually is, the Department supports the message but questions how impactful the result actually is.

In closing the Department appreciates the intent of this bill but with the current structure of the law and the complexity of fitting the proposed language into existing law we feel that steps forward should be taken cautiously, as we believe much of the intended outcome is already in place.

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