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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE
NEITHER FOR NOR AGAINST LD 1441

Resolve, to Establish the Commission to Study the Future of Recreational Access in Maine

April 28, 2025

Senator Baldacci, Representative Roberts, and members of the Joint Standing Committee on Inland Fisheries and Wildlife, my name is Andy Cutko, and I am the Director of the Bureau of Parks and Lands (BPL). I am speaking on behalf of the Department of Agriculture, Conservation and Forestry (DACF) as neither for nor against LD 1441, *Resolve, to Establish the Commission to Study the Future of Recreational Access in Maine*.

The Bureau of Parks and Lands relies heavily on private property throughout the state to provide high-quality recreational opportunities for the people of Maine and to encourage tourism throughout economically challenged areas of the state. Maine has a celebrated history of an "open land" tradition, unique in the nation, allowing public access to private properties under the Recreational Use Statute (M.S.R.A. 14 § 159-A), which protects private landowners from liability if a person is injured while recreating on their property. Although the robust Recreational Use Statute has been thoroughly tested in court and protects private landowners from liability, the Bureau continues to see private land access lost each year at an increasing rate. Consequently, we understand and support the concerns behind LD 1441.

Recreational access through public-private partnerships has become increasingly popular throughout the United States and worldwide. Maine has successfully used public-private partnerships for decades, securing over 20,000 miles of combined ATV and snowmobile trails and hundreds of thousands of acres of conservation and public access easements on private lands. Both examples enable recreational participation for Maine citizens and provide a strong foundation for Maine's outdoor recreation economy.

Although DACF sees value in a study exploring ways to secure recreational access, we encourage the Committee to consider alignment with LD 1308, which has a similar purpose. We encourage the combination of LD 1441 with LD 1308 and recommend that both the Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry (DACF) Commissioners, or their designees, chair the stakeholder group and work closely with the committee and stakeholders here today on an amended version. DACF, which collaborates

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with various landowners across the state of Maine, would value the opportunity to participate in this vital discussion and have a seat at the table alongside our sister agency.

We welcome the opportunity for discussion and will provide any staff needed for the work session to answer questions.