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Testimony of Tom Doak
Executive Director
Maine Woodland Owners

**In Opposition to Sunday Hunting Bills LD 1033,
LD 1054, LD 1212**

Senator Dill, Representative Landry and members of the Inland Fisheries and Wildlife Committee, I am Tom Doak, Executive Director of the Maine Woodland Owners in opposition to these Sunday hunting bills.

The issue of Sunday hunting is not new. In fact, 35 times in the last 45 years, the Legislature has considered the issue. Each time, the Legislature has rejected Sunday hunting, including the ideas in each of these three bills.

The lack of Sunday hunting is not a "blue law." It may have started as a "blue law," but it has evolved into an important landowner/hunter/general public accommodation.

There is no single issue that would change the relationship more dramatically between Maine landowners and hunters; between hunters and the general public; and between hunters themselves, than Sunday hunting. There is no single issue that would result in more loss of access to private land, for all purposes, than Sunday hunting.

At best, only half the hunters in Maine support Sunday hunting; the majority of landowners and farmers do not support Sunday hunting; and the public, overwhelmingly opposes Sunday hunting.

There is no state where access to private land is greater than in Maine. And not just for hunting. With the least amount of public land in the country, if you spend time in the outdoors, you will be on private land.

And it's not just foot use (hunting, hiking, walking, bird watching, stream fishing, etc.). Private landowners provide the largest snowmobile trail network (14,000 miles with 8,000 different owners) east of the Mississippi, and an ATV trail system (6,000 miles with 3,300 different owners).

In most other states, a person does not go on someone's land to hunt without their permission and often a hunter pays a fee to the landowner. And, in many other states, land is leased to individuals or hunting clubs. Not in Maine. Essentially here, unless told otherwise, it is assumed you can hunt on a person's property - for free. That is an incredible benefit afforded a hunter in Maine, which is too often not fully appreciated and is commonly taken for granted.

The primary reason there is not a law in Maine requiring landowner permission every day of the week for all access to private land, including hunting, (so called reverse posting) is because landowners know they will have one day in seven to fully enjoy their property. Even active supporters of Sunday hunting have opposed bills requiring landowner permission, knowing that once permission is required for hunting in Maine, there would be a substantial loss of access. They understand that any statute that requires permission for only Sunday will quickly transition into requiring permission for any day.

The importance of Sunday to landowners should not be underestimated. Landowners count on that day to fully enjoy their property. Many landowners even change their plans during the week to avoid disturbing someone else's hunting experience. Passing Sunday hunting will increase landowner/hunter conflicts.

The importance to the public of having Sunday should not be underestimated either. That is the day many non-hunters enjoy private land free from hunters or infringing on hunting activities. The general public has shown time and time again, they oppose Sunday hunting.

One of the arguments for allowing hunting on Sunday is that many hunters work on Saturday or have children or grandchildren in school activities - so

they need the opportunity to hunt on Sunday. Just as many woodlot owners work on Saturday or care about school activities as well. Sunday may be the one day a woodland owner can fully enjoy their own property with their family.

As an organization, we support hunting and always have. It is telling that the most forceful opposition to hunting on Sunday is not from those opposed to hunting but from landowners and farmers. These are the very same people who provide more than 90% of the hunting opportunities in Maine – for free. And the same people that overwhelmingly support the tradition of hunting in general. And the very same people who have supported additional opportunities for hunters.

In the 45 years proponents have tried (and failed) over the clear objection of the majority of landowners to enact Sunday hunting, those same landowners have supported significant expansion of other hunting opportunities. Hunters now have spring and fall turkey hunting, muzzle loader season, expanded muzzle loader season, youth days, archery season, expanded archery, crossbow hunting, Maine residents only day, bonus deer, southern Maine moose hunting, and night hunting for coyotes among others.

Over the years, just about every possible scenario to get some type of Sunday hunting enacted has been tried. Some of the early attempts were an outright repeal of the prohibition on hunting on Sunday. When it was clear an outright appeal would never pass, the strategy turned to attempting to pass Sunday hunting in some form and then, once enacted, keep trying to build on it. With 35 previous attempts there has been a lot variety. Here are a few: Sundays with dogs, small game after noon on Sunday, Maine residents only, non-residents only, the first Sunday after the first Saturday, upland and migratory birds, first Sunday before the first Saturday, LURC (LUPC) jurisdiction only, north of the east-west highway, small game on private property in the unorganized territories, night hunting for coyotes, coyotes only, landowners own land, and coyotes in northern Maine. There are many more.

The bills before you today generally follow the model of trying to get some type of Sunday hunting on the books.

LD 1033 and 1054 allows for Sunday hunting with written permission of the landowner. The requirement that a hunter get permission of the landowner has always been a fear from the hunting community – the end of so called permissive trespass. I have heard proponents call these bills landowner rights bills. Well, if it is a landowner right to require permission to hunt on Sunday, why isn't it a landowner right to require permission every day of the week? If you have to get permission from a landowner one day a week, what justification is there not to require it seven days a week? This will not play out well in the long run for hunters.

Requiring landowner permission creates all kinds of scenarios. The landowner owns the land, but the public owns the game. These bills give landowners more rights to game than non-landowners. We never considered that landowners should have more rights under state hunting laws to game than anyone else. Clearly these bills move in that direction. In many states, a hunter pays for the right to hunt or a group of hunters buy exclusive hunting rights. Landowners benefit from the income, and those who can afford, it get the best hunting spots. Requiring landowner permission sets exclusive hunting rights in motion.

I'm not quite sure how the written permission requirement would be enforced. How would a law enforcement officer know who the landowner is? How would the officer know the note is actually from the owner?

If these bills pass, landowners will have to assume that someone is hunting on their land on Sunday, whether intentionally or by accident. Boundaries are often either not clearly marked or are often one of many stone walls. Any landowner who wants to keep people off their land on Sunday, will have to post their land. But, many landowners who have tried to post their land will tell you it's hard to keep people off their property or signs up. And very few people will just post their land no hunting on Sunday; they will post it against everything. We are simply going to see more conflicts between landowners and hunters. Conflicts lead to loss of access.

LD 1212 simply opens up more than two thirds of the state to unrestricted Sunday hunting. We are not sure why landowners would be separated by geography and why landowners on one side of a line should be impacted by Sunday hunting and those on the other side not. All landowners should be treated equally. We oppose LD 1212 for many of the same reasons we oppose LD 1033 and LD 1054.

Passing Sunday hunting will change the delicate balance of the extraordinary access to private land which has developed over decades between landowners/hunters/public that is the envy to most places across this country and beyond.

These bills are all trying to fix something that isn't broken. There are 313 hunting days a year in Maine; 313 days for hunters to enjoy the most open access to private land in the country; 313 days to set hunting seasons into; 313 days to hunt without ever having to get landowner permission.

The vast majority of land in Maine is open and available for hunting – for free. Landowners are willingly allowing hunting and all other outdoor recreation uses and have supported new hunting opportunities. They have even allowed the creation of the largest snowmobile network east of the Mississippi and 6,000 miles of ATV trails.

But, those same landowners and farmers have made it clear over the past 35 failed attempts to pass it in some form, that they strongly oppose Sunday hunting. The clear majority want a day to be left alone; they want a day they don't have to dress up in orange. They want that one day a week to fully enjoy their land. That is not too much to ask.

We urge you to oppose these bills.