

Testimony of Tom Doak
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In Favor of LD 1321
An Act To Expand the Landowner Relations Program at the Department of Inland
Fisheries and Wildlife
April 30, 2015

Senator Davis, Representative Shaw and members of the Inland Fisheries and Wildlife Committee, I am Tom Doak, Executive Director of the Small Woodland Owners Association of Maine (SWOAM) testifying in support of LD 1321 "An Act To Expand the Landowner Relations Program at the Department of Inland Fisheries and Wildlife".

The future of outdoor recreational activities (hunting, snowmobiling, trapping, guiding, ATV riding, fishing, bird watching etc.) and the economy associated with those activities depends upon access to land. In Maine, because 90% of Maine is privately owned, that means access to private land.

The good news is the majority of private woodland owners appreciate the long tradition of sharing land with the public. And unlike almost anywhere else in this country, landowners are sharing their land for free. But there are limits to what landowners will tolerate. It is essential that there be a strong landowner relations program to reduce misuse by the public when using private land. If not, there is no secret what will happen. Landowners will take the logical step of closing access to their property. When that happens, there are no winners.

My organization funded work by the University of Maine looking at the issues landowners face when allowing public access. That effort focused on identifying landowners' main concerns, suggestions regarding actions to reduce conflicts, and landowners' intentions about the future of their property as it relates to allowing public use. I can make the research available to the whole Committee, but let me share one finding which I think is pretty telling. In a survey of Maine landowners, 29% said they now restrict public access or plan to; another 29% said they are thinking about restricting access and 42% said they had no plans to limit access. That means almost 60% will or are considering restricting public access. That is a

very high number and could profoundly impact public outdoor recreation opportunities.

There is some good news – at least from a practical point of view. Paying landowners to provide access is not the answer. In general landowners do not expect to receive payment and the research showed payment programs would have little impact on landowner decisions to allow access or not.

Other good news is the research identified a number of actions that can make a real difference in the willingness of landowners to allow public use. I have combined them into four categories:

1. Physical Damage- Littering & Dumping. The most common complaint, the number one reason landowners post their land, and with the right effort - largely avoidable.
2. Liability Concerns. Maine has a very strong landowner liability law, but many landowners do not understand the protections it provides.
3. User Behavior. Hunting too close to homes, blocking roads and driveways, running packs of dogs, failure to get landowner permission for ATV riding, tree stands. Most of these are violations.
4. Concept of Respect. Extremely important. Respect my land; respect me for allowing your use of it.

In short, landowners want and expect help in preventing the misuse by the public in the first place (which is largely a user educational issue) and when misuse occurs, help in stopping it (which is largely enforcement in nature).

Specifically related to the bill:

Section 2 formalizes the Keep Maine Clean program. Whether this should be in statute or some other way encouraged and supported, the concept does address the number one complaint – illegal dumping and trash. It also relates directly to the concept of respect. You should not underestimate the impact of repeatedly finding trash, even in relatively small amounts, on how a landowner views

allowing public access. Frankly, landowners take this as an insult to their land and to them personally.

Section 3 & 4 reconstitutes the Landowner and Sportsmen Relations Advisory Board. We support making the group smaller. We feel the current makeup of 22 members is unwieldy and would like to see a smaller group. We suggest it could be even smaller than the 11 members proposed, perhaps as few as 7. The Board should serve a vital function in focusing the landowner relations work of the department and a smaller group would bring that focus. The language in Section 6, which calls for convening a broad group of stakeholders once a year, would assure input from the full ranges of interests.

We also support allowing members of the Advisory Board to be appointed by the Commissioner. I believe the original intent of making then gubernatorial appointments was to put emphasis on the importance of their work. Now that the Board is established and we have an active landowner relations program, it seems to make more sense to allow the Commissioner the flexibility to appoint and fill vacancies.

We strongly support the idea behind Section 9. We see it as a way to continually focus attention of the landowner relations program, identify successes, and follow trends in the type and severity of complaints and issues. It would also allow people who contribute money to the landowner relations program, either directly or by becoming an Outdoor Partner or purchasing a Maine Sportsman Plate to see where their support is going. We don't see it as requiring any new work for the department. It would be compiling information they already have into a public document.

I would be happy to answer any questions.