

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

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

NEITHER FOR NOR AGAINST L.D. 11

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

SPONSORED BY: Representative WOOD of Greene.

Cosponsored by: Representative WARD of Dedham, Senator JACKSON of Aroostook and
Representatives: DUNPHY of Old Town, FARRIN of Norridgewock, GROHMAN of Biddeford,
HARVELL of Farmington, MARTIN of Sinclair, O'CONNOR of Berwick, PIERCE of Dresden,
SIMMONS of Waldoboro.

DATE OF HEARING: April 20, 2017

Good afternoon Senator Cyrway, Representative Duchesne and members of the Inland Fisheries and Wildlife Committee. I am Timothy Peabody, Deputy Commissioner of the Department of Inland Fisheries and Wildlife, speaking neither for nor against **L.D. 11**.

I want to begin by stating what a privilege it is to be able to live and raise a family in the State of Maine. It is also a significant privilege to be able hunt, fish and recreate in Maine.

Our Department wants to thank all who are passionate about our abundant resources. This passion has resulted in the legislation before you today. I want to also thank the many recreational users, who responsibly and respectfully enjoy the variety offered by the State's fish and wildlife, for the support of our Department's mission. That mission is an immense responsibility and delicate balance.

We owe a unique debt of gratitude and appreciation to generous landowners who afford us the privilege of public access to private property. Without them it would be far more challenging to manage Maine's fish and wildlife resources in a manner that maintains sustainability and ensures the support of all users. We also appreciate and respect the public's direct involvement in the Department's management of Maine's fish and wildlife.

It is our agency's responsibility to preserve, protect and enhance the inland fisheries & wildlife resources of the State and to encourage their wise use through coordinated planning and effective management. Last year in the second session of the 127th Legislature, the Department's mission was amended to include the *“use regulated hunting, fishing and trapping as the basis for the management of these resources whenever feasible”*. The Department hopes that any effort to further strengthen our mission will not complicate systems currently in existence.

The role of the Executive Branch is limited in terms of legislation that proposes to amend Maine's Constitution. The voters are the ultimate arbiters in deciding the language of the Constitution. Creating a new constitutional right will very likely lead to many different

outcomes, some intended and some that could never be anticipated. The exact contours of constitutional rights are often not completely known until these rights are tested in court and the Maine Law Court interprets these rights. How would this bill, and the resulting constitutional rights affect existing hunting laws, landowner's rights, or the Department of Health and Human Services' ability to enforce child support obligations by suspending licenses? The precise answer to these and many more unanticipated questions likely will not be supplied until these issues are tested in court. In the face of the unknown, I hope the Committee and the Legislature as a whole proceeds with caution.

In closing we would like to add that the Department appreciates the genuine intention of this bill. However, we urge careful consideration of the potential impacts on the current privileges enjoyed by all law abiding sportsmen and women. There is a distinct difference between a privilege and a right.

Thank you for your time and I would be glad to answer any questions now or during the work session.