

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

**BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE, CONSERVATION and
FORESTRY**

IN OPPOSITION TO L.D. 1823

An Act to Respect and Protect the Right to Food

SPONSORED BY: Senator HICKMAN of Kennebec

CO-SPONSORED BY: Representative FAULKINGHAM of Winter Harbor
And Senators: BENNETT of Oxford, BRAKEY of Androscoggin, President JACKSON of
Aroostook, Representatives BOYER of Poland, O'NEIL of Saco, PLUECKER of Warren,
POIRIER of Skowhegan, Speaker TALBOT ROSS of Portland

DATE OF HEARING: May 10, 2023

Good morning Senator Ingwersen, Representative Pluecker and members of the Agriculture, Conservation and Forestry Committee. I am Jim Connolly, Resource Management Director speaking on behalf of the Department of Inland Fisheries and Wildlife, in opposition to **L.D. 1823**.

This bill makes many changes to Titles 7, 12, 20-A and 30-A regarding food and food sovereignty. There are three areas that impact Title 12 Part 13 and thus affecting the Department of Inland Fisheries and Wildlife. The first part of the bill that affects the Department is the creation of a definition of "Traditional Foodways" that includes "hunting, gathering, fishing, foraging, buying and selling of food". The bill then gives municipalities or plantations the right to adopt ordinances regarding traditional foodways and requires the State to recognize such ordinances. The other two areas of concern include creating a definition for "harvest" in §10101 and changing the §10109 the statute that governs the acquisition and disposal of land to incorporate leasing as part of the considerations when disposing of land.

The major area of concern is the creation of the concept of "Traditional Foodways" which includes hunting and fishing and then authorizing municipalities, plantations and for unorganized towns the County the authority to adopt ordinances regulating them. Currently in Title 12 §13201 there are clear prohibitions on municipalities or political subdivisions of the State from enacting any ordinance, law, or rule regulating or charging a fee for the hunting, trapping, or fishing for any species of fish or wildlife; or the possession or use of any equipment expressly permitted for use in hunting under Title 12. This prohibition on municipal regulation of hunting, trapping and fishing is repeated in Title 30-A §3007 5.

Firearms and hunting equipment. The Department feels that the authority that would be granted to municipalities in LD 1823 if passed as is, could be used by local communities to directly regulate hunting and fishing in their town. This conflicts with and is contrary to current State Law and the Legislatures previously codified intentions to have the fish and wildlife resources of the State managed centrally by the Department of Inland Fisheries and Wildlife for the benefit of all the people of Maine and not fractured up into 913 plus entities each with their own potential ordinances.

Another section of LD 1823 creates in Title 12 §10001 sub-29A the definition for: "Harvest, the verb. The verb Harvest means to gather, forage, catch, trap, hunt, fish, take, or kill for human consumption, sport, wildlife management or population control". The Legislature has already established definitions for hunting, trapping and fishing in Title 12 §10001 that would be affected by the new verb harvest that is included in this bill. The Department does not believe inserting this definition of harvest into Title 12 Part 13 is necessary, find it confusing since "harvest" is included in the definition of hunting, and believe it will likely have unintended consequences in the interpretation of existing sections of Title 12 where the word is already used in activities that don't relate to food.

The Department is also concerned with leasing land being included as a directive in §10109 when disposing of unneeded property. When the Department acquires land, it is done with specific funding sources that spell out the precise steps for managing and the process to dispose of the land should it no longer serve the purposes for which it was acquired. Leasing the land is not included as one of those alternatives and the Department is concerned the legislative directive to consider leasing to the extent practicable as potentially conflicting to grant agreements the Department has already committed to.

The Department of Inland Fisheries and Wildlife was established 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, its work managing the fish and wildlife resources and to the people of the State of Maine. The Department believes incorporating hunting, fishing, and trapping into a food sovereignty bill is problematic and will likely create lawsuits challenging the Department's authority to regulate these privileges in the State of Maine. The clear direction to the Department contained in Title 12 §10051, the existing body of laws contained within Title 12 Part 13 on hunting, fishing, and trapping and the Legislature's own Standing Committee on Inland Fisheries and Wildlife clearly provide the necessary protection and oversight to ensure hunting, fishing, and trapping continue. For the above reasons the Department believes that hunting, fishing, and trapping should not be included in the bill as outlined above. I would be glad to answer any questions at this time or during the work session.