

Report Back on Sunday Hunting Provided to the Joint Standing Committee on Inland Fisheries & Wildlife



Report Back On:

[RESOLVE 2021 CHAPTER 107](#) - (LD 1033) **Resolve, To Direct the Department of Inland Fisheries and Wildlife To Examine Sunday Hunting**

Provided By: The Department of Inland Fisheries & Wildlife

Date: February 28, 2022

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Good morning Senator Dill, Representative Landry and honorable members of the Inland Fisheries and Wildlife Committee. I am Judy Camuso, Commissioner of Inland Fisheries and Wildlife. I am here to report back on the Resolve 2021 Chapter 107 directing the Department to examine Sunday hunting in Maine. The report that follows covers events leading up to the resolve and then the stakeholder member's discussions that helped create the survey questions, however the actual survey results will be presented in a separate report by Mark Duda of Responsive Management.

During the first regular session of the 130th Legislature (2021) two bills were introduced to your Committee, LDs 1212 and 1033. LD 1212 proposed to allow Sunday hunting in the Northern portion of the state while LD 1033 proposed to allow Sunday hunting on private property with written permission of the landowner. This has been a heated social debate for years and in fact some type of Sunday hunting bill has been proposed nearly every Legislative session.

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The Department testified in opposition to both bills maintaining concern that some landowners may close their property to hunting and other recreational activities if any form of Sunday hunting were made legal. While the agency realizes there could be potential for economic growth and additional opportunity to hunters, at the same time, we recognize that many landowners prefer to have Sunday as a day that they can enjoy their land and allow others an opportunity to recreate.

The Department is sensitive to the concerns of private landowners. Maine is more than 90% privately owned, without the support and generosity of our private landowners, our outdoor recreational opportunities and the ability for the Department to manage wildlife populations would be severely limited. Our staff, particularly our Landowner Relations Program are committed and focused on the needs of landowners and we are proud of the relationship we have built with many of the landowners in Maine.

There were many people who testified during the public hearings on both bills some in opposition, others in support. Some of the various points on both sides of the issue are summarized below:

Public Hearing Support / Proposals for Sunday Hunting

- Allows another day to hunt when many people work 6 days a week and Sunday may be their only day off;
- More opportunity for youth who participate in school sports during the week;
- Want to support the working people and increase opportunity to provide food for their family;
- Wanting to have an extra day to hunt, particularly for nonresidents allowing them a full week of hunting;
- Proposal to open just state-owned lands which would be somewhat equitable access for all but concern over not having enough land to accommodate all hunters on those Sundays; and
- Should allow a landowner to hunt on their own land on Sunday or allow others also.

Public Hearing Opposition / Concerns about Sunday Hunting

- Concern that allowing Sunday hunting by permission of the landowner opens the door to reverse posting;
- Concern over Maine being unique with such an open access to private land policy that would be compromised if Sunday hunting became legal; and
- Landowners may post their property to hunting and stop allowing other recreational activities such as ATVing, snowmobiling and hiking.

Instead of passing the bills as written, the Legislature passed LD 1033 as a Resolve and directed the Department to establish a stakeholder group with broad representation in interest and geographics to examine Sunday hunting in Maine. The group was also asked to develop and complete a survey relating to Sunday hunting, if the department received adequate outside funding to pay for the survey. It then directed the department to report the findings and recommendations of the stakeholder group to this Committee. The committee is authorized to report out a bill related to Sunday hunting during this session.

The stakeholder group was formed, a neutral person was hired to facilitate the 2 in-person meetings and 4 ZOOM meetings that were held from early September through December 2021. Members of the public were able to

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listen in and provide comment at the end of the meetings while the members of the stakeholder group provided direct feedback on the issues discussed and helped develop the questions for the survey along with Responsive Management, the firm hired to develop and implement the survey.

The stakeholder group was comprised of the following people who represented their respective organizations and/or interests and worked collaboratively to represent a diverse range of perspectives surrounding Sunday hunting:

Facilitator:

Carole Martin carolemartin64@gmail.com

Representatives of the Sunday Hunting Stakeholder Group:

Jared Bornstein-ME Hunters United for Sunday Hunting

Jared.m.bornstein@gmail.com

Dave Trahan – Executive Director of the Sportsman’s Alliance of Maine

david.trahan@sportsmansallianceofmaine.org

Becky Morrell – Office Manager of the Sportsman’s Alliance of Maine

Becky@SportsmansAllianceofMaine.org

Tom Doak – Executive Director of Small Woodland Owners Association of Maine

tom@mainewoodlandowners.org

James Cote- Maine Trappers Association & Maine Professional Guides Association

jcote@bernsteinshur.com

Don Kleiner – Maine Professional Guides Association & Chair of the Landowner Sportsmen’s Relations Advisory Board

dkleiner@maineguides.org

Lauren LePage- Maine State Director for the National Rifle Association

llepage@nrahq.org

Joe Mullin-Congressional Sportsmen’s Foundation

jmullin@congressionalsportsmen.org

Al Cowperthwaite-Former Director of North Maine Woods

al@northmainewoods.org

Tom Pelletier- Current Director of North Maine Woods

tpelletier@fairpoint.net

Rob Bryan-New England Chapter of Back Country Hunters and Anglers

rrbryan.54@gmail.com

Tyler Brown – Central Maine landowner

tyler.brown.arch@gmail.com

Molly Schaufler-representing non-hunters, ecologist & graduate faculty, University of Maine

mschauff@maine.edu

Patrick Strauch- Executive Director of Maine Forest Products Council

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pstrauch@maineforest.org

JulieAnn Smith - Executive Director of Maine Farm Bureau

julie@mainefarmbureau.com

Ed Pinneau –Recreational Trail Access for Private Lands, & affiliated with Maine Snowmobile Association, ATV Maine, & Sportsmen’s Alliance of Maine

pineaupolicy@gmail.com

Sarah Medina - retired Forester

springridge@uninets.net

John Bryant – Maine Land Trust Alliance

Johnbryant901@gmail.com

Legislators who came to listen and who are on the Joint Standing Committee for Inland Fisheries and Wildlife:

Senator Russell Black

Rep. Allison Hepler

Rep. Scott Landry

The survey was conducted by Responsive Management during late December 2021 and Mark Duda will be providing the data and science resulting from this survey. This should help answer the question of who does and does not support Sunday hunting, why and in what form and he will present data for the Committee to consider as they decide how best to address this issue.

Stakeholder Members’ Concerns, Opinions and Input Related to Sunday Hunting and the Survey:

General concerns for all citizens who recreate:

- Sundays are a reprieve from hunting for non-hunters who enjoy the outdoors when they can also go into the woods without need to wear hunter orange.
- Concern for future reverse posting initiatives, Maine enjoys an implied permission structure where anyone can access private land without permission unless it is posted.
- Requiring permission for only one day a week could create a confusing double standard.
- Could disrupt Sunday religious services.
- The value of Maine’s tradition of shared multi-use, supports fair access by all, without giving priority to one group.
- The legislature will need to decide which threat to our current ATV/snowmobile trail system is greater, the hunters who own land and shut it down if they can’t hunt their own land on Sundays or the landowners who oppose Sunday hunting who would then shut their land down if Sunday hunting was legal.
- Need to be aware of a change in tolerance with landownership transition to a younger generation as well as from residents to non-residents.
- If Sunday hunting became legal, consider increased penalty for violations related to the hunt.
- It seems many hunters would like to create more opportunity to hunt (for a variety of reasons), but there are three overarching concerns or barriers that prevent achieving that opportunity on Sundays.

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- Landowners not wanting to be distinguished between “large” and “small” or “rural” and “urban” or “north” and south”.
- Hunters concerned with possible shortening of seasons. They don’t want to end up with less weeks of our hunting season in exchange for Sunday hunting. This includes recreational hunters, as well as professional guides (for economic reasons).
- Possibility of reverse posting/less access.

Economic Impact

Support:

- Possibility that adding another day(s) could increase hunter participation.
- It could increase the number of nonresidents who are more likely to hire a guide.
- Identifying whether losses to state-level conservation funding and state/local economies from Sunday hunting prohibitions are of concern.
- Economic benefits of Sunday hunting as a result of the purchase of fuel, food, lodging, and many incidentals that go along with a day’s hunt.

Oppose:

- Potential for the outdoor-related economy to suffer a loss if Sunday hunting is approved by the Legislature without landowner by-in.
- Adding hunting days may require that seasons be shortened.
 - If so by how much?
 - What might that impact look like for guides?

Impact to Landowners

- Sundays are used by many landowners and other outdoor recreationists to work on and enjoy the land free of hunting pressure without need of safety precautions (hunter orange), safety concerns or interrupting a hunt.
- Landowners posting of their land to prevent encroachment on their land by hunters, removing access to all outdoor recreationists 7 days a week.
- Many property lines in Maine are unmarked, tax maps and maps available on GPS apps are not always accurate and could result in hunters crossing onto another's property where they cannot hunt.
- Concerns about how (or whether) to prevent a Sunday hunt initiative from making the large landowners become the playground for all recreational activity.
- Separating out the large landowners from the small landowners may create negative public perception about what is a right vs what is a privilege for use.
- Anticipated future changes in land ownership was a large concern in how landowners’ general attitude toward hunting and access would be.

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Impact to Hunters:

- Sunday hunting by permission only may require a hunter to gain permission from landowners prior to retrieving an animal that crosses onto different land before expiring.
- Concerns that Sunday hunting could create pay to play concerns, where hunters pay landowners for exclusive hunting rights to private property, the creation of hunting clubs, where membership fees are required in order to access and hunt on land.
- Maine's deer population sits at the northern range of whitetail territory, extreme weather conditions can have great effect on the population, should Sunday hunting be allowed there is no data on how an increase in harvest could affect the sustainability of the herd, possibly leading to reduced permits for any-deer and shorter seasons.
- Waterfowl seasons are set by federal standards, with a set number of days allowed for hunting, Maine has a longer waterfowl season than those states that allow Sunday hunting because it does not use all of the set number of days with no hunting on Sundays so Maine's waterfowl season will be shortened.
- Concerns that if a version of Sunday hunting leads to reverse posting and then to leased land/pay to play, it will change the way recreational opportunity is in ME. The ones who have the money will be able to play leaving the ones who can't afford it behind.

Impact to Other Recreationists:

- Maine's interconnected trail systems rely on private landowner cooperation. Years of negotiation and understandings have created a benefit for all trail users.
- What value do people place on access for other recreation other than hunting?

Information Related to Sunday Hunting in Other States:

- Other states that have opened Sundays to hunting, did so incrementally.
 - Pennsylvania only opened 3 days.
 - Other states allowed it only on public land.
- N.H. and V.T. both allow Sunday hunting.
 - Their private land composition includes rural residences, farms, small woodlots, and large timberland ownerships, very similar to Maine.
 - The tradition of public access to private land in NH and VT is very similar to Maine and those states do not have "reverse posting" laws or hunting leases, and the amount of posted, private land appears to be similar to that of Maine. The presence of National Forests in Vermont and New Hampshire does not appear to be a major factor in hunter access in those states.

Developing Survey Questions:

- Percentage of hunters who support Sunday hunting and possible difference between hunters who own land and who don't.
- Determining percentage of general public that supports Sunday hunting.
- Would hunters actually hunt more days if Sunday hunting were allowed and how would that be affected by the type of hunting?

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- Would hunter's attitudes toward Sunday hunting change if season lengths were reduced to accommodate the number of added Sundays?
- Do landowners support Sunday hunting and is there a difference between those who hunt and those who don't?
- Need for a nuanced awareness of the ramifications of this issue that go beyond hunting or not hunting.
- At least 40% of the land owned by non-corporate owners is held by people 65 years old and older. A massive turnover is underway. Concerns that the next generation isn't going to be as tolerant of public use like the current generation is.
- Need to understand how each of the three groups (general public, landowners and hunters) change their behavior as a result of hunting. Such as do they avoid the woods more, do they feel less safe, do they feel they have to wear orange, do they limit their use to primarily Sundays or more likely to limit it etc.
- What can we do to keep land open for all uses, hunting included, where landowners and hunters can agree?
- Ensure there are numerous options for Sunday hunting considered within the survey (i.e., private land only, archery on private land, designating a certain number of Sunday hunting opportunities, etc.).
- Identifying whether the existing Sunday hunting prohibition serves as a barrier to introducing family and friends to hunting.
- Asking private landowners who hunt if they feel like they are not getting the full use and enjoyment of their properties as a result of the Sunday hunting prohibition.
- Determining whether Sunday hunting factors into a decision regarding planning hunting trips (both in-state and out-of-state).
- Survey should address and educate those taking the survey on:
 - the decline in the number of licensed hunters over the past decade;
 - the impact of hunting as a critical component of Maine's wildlife management; and
 - the impact on our conservation system through revenue generated by license fees and the purchase of firearms, ammunition, and archery equipment.
- Identify whether losses to state-level conservation funding and state/local economies from Sunday hunting prohibitions are of concern to the respondents.
- Should educate respondents on the safety of hunting.
 - Individuals co-exist in the woods six days a week. There is no data to suggest that adding a seventh day of hunting will jeopardize the safety of other recreationists.
- There is an unwritten agreement between some landowners and land users related to traditional hunting access to private land for everyone, that as long as landowners maintain Sundays free from hunting, there will not be attempts to require permission for access to hunt. Organizations that represent hunters get pressure from their members to open up Sundays; landowner groups get pressure from their members to require permission.
- There have been approximately 35 attempts in the last 45 years to pass some form of Sunday hunting.
- The shared values between hunters and landowners are clear, there should be a focus on the threats that could cause a loss of open access for all recreational activities.

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Possible Sunday Hunting Resolutions/Options:

- Permitting of upland game only and possibly for turkeys.
- Limit to species that require the use of shotguns or archery only.
- No Sunday hunting for big game and waterfowl which eliminates the possibility of shortened seasons and economic damage to guides; and also reduces the potential of land posting as these types of hunting are much less intrusive (shorter range, less potential for bullet trespass, no high-powered rifles).
- All species and hunting seasons.
- Limited number of Sundays as in the Pennsylvania model, for example, one Sunday in October for archery and small game, one Sunday during the firearms deer season, and one other Sunday per the recommendation of the Commissioner of IF&W.
- Unorganized townships only.
- On private land only, with written permission.
- On state-owned land only.

Actual Language with the Resolve:

[RESOLVE 2021 CHAPTER 107](#) - (LD 1033) **Resolve, To Direct the Department of Inland Fisheries and Wildlife To Examine Sunday Hunting**

(Effective: October 18, 2021)

Sec. 1. Review. Resolved: That IFW shall establish a stakeholder group to examine issues related to allowing Sunday hunting.

Sec. 2. Stakeholder group. Resolved: That the department shall ensure that the stakeholder group established under section 1 is as broadly representative of interested parties and groups as possible and shall invite participation from at least the following: representatives of farmers, small landowners and large landowners; supporters and opponents of Sunday hunting opportunities; hunters and nonhunters; guides; persons or entities from diverse geographic regions of the State; and others with interest or expertise in the subject matter of the examination. IFW shall hire a facilitator to assist the stakeholder group in its work under this resolve.

Sec. 3. Survey. Resolved: That, to the extent IFW receives adequate funding under section 4, the department, in consultation with the stakeholder group established under section 1, shall develop and complete an appropriate public opinion survey relating to the subject matter of the examination under section 1.

Sec. 4. Outside funding. Resolved: That the department may seek and accept outside funding to fund the survey under section 3.

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Sec. 5. Report. Resolved: That the department shall report the findings and recommendations of the stakeholder group established under section 1 together with the results of any survey completed under section 3 to the Joint Standing Committee on IFW by January 3, 2022. The committee may report out a bill related to Sunday hunting to the 130th Legislature.

Sec. 6. Appropriations and allocations. That the following appropriations and allocations are made. To DIFW Office of the Commissioner - Inland Fisheries and Wildlife 0529 7 Initiative: Provides an appropriation to hire a facilitator for a stakeholder group tasked with examining issues related to allowing Sunday hunting of \$15,000 from the general fund in FY 21/22.

The following is the final report on the Sunday hunting survey conducted by Responsive Management. To view hover over the file and double click.



ME Sunday Hunting
Survey Rep 2022_Res