

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE
IN Opposition OF L.D. 423**

LD TITLE: “An Act Regarding the Driving of Deer”

SPONSORED BY: Representative ESPLING of New Gloucester

DATE OF HEARING: March 12, 2013

Good afternoon Senator Dutremble, Representative Shaw and members of the Inland Fisheries and Wildlife Committee. I am Colonel Joel Wilkinson of the Maine Warden Service representing the Department of Inland Fisheries and Wildlife, speaking in opposition of L.D. 423.

L.D. 423 would allow a group of 6 or fewer persons to hunt together in a hunt for deer as long as they are accompanied by a registered Maine guide and as long as they do not use noisemaking devices.

Current law: 1. Unlawfully driving deer. A person may not participate in a hunt for deer during which an organized or planned effort is made to drive deer except that a group of 3 or fewer persons may hunt together as long as they do not use noisemaking devices.

Proposed law: 1. Unlawfully driving deer. A person may not participate in a hunt for deer during which an organized or planned effort is made to drive deer except that a group of 3 or fewer persons may hunt together or a group of 6 or fewer persons may hunt together with a registered Maine guide as long as they do not use noisemaking devices.

We oppose this bill for several key reasons; safety, fair chase and the potential negative impact on deer hunting in general.

Our greatest concern regarding driving deer is the safety aspect. In 1970, driving deer became illegal in Maine and that coupled with other safety related measures has caused a significant decline in hunting related incidents. We are proud of our overall safety record and believe that strong legislation that supports safe hunting coupled with good education is the answer.

Driving deer is inherently unsafe. Hunters have been killed or injured while participating in illegal deer drives with the use of rifles and muzzleloaders. The essence of a deer drive is for several hunters to push deer towards other hunters who have taken positions as standers, with firearms, in order to kill the deer as they run by or are pushed towards their

location. This can potentially lead to shots being taken in the direction of the pushers or other standers.

Another negative issue associated with deer drives is the increased potential for a wounded deer. The majority of deer killed on drives are killed from a moving shot. A moving target affords less time to be sure of the hunter's surroundings, the known back stop and decreases accuracy.

An additional concern is the issue of fair chase. Hunters should never take a shot if they are not sure it can lead to a quick and humane harvest. The definition of fair chase is the ethical, sportsmanlike, and lawful pursuit and taking of game animals in a manner that does not give the hunter an improper advantage over such animals.

Given the current state of our deer herd, careful consideration should be made in allowing this method of hunting. Deer driving is an extremely efficient way to kill deer, even without the use of noise making devices it can be very effective. It offers an unfair advantage to a group of hunter's over deer that might have gone un-harvested if hunted by other, traditional methods. Deer drives certainly have the potential to cause an increase in harvest numbers at a time when there is a lot of concern for declining deer population in many areas of the state.

Another consideration is public perception of deer drives. Each year warden service receives numerous complaints of hunters driving deer. Many of these complaints are unfounded however just the mere sight of a group of hunters, near a roadway, often generates calls from the public of a potential deer drive. Through my experience as a game warden and working many years in our landowner relations program large numbers of landowners frown on this activity for the very same reasons listed above. The potential loss of public access to private land needs to be considered when discussing this bill.

We would suggest that the committee consider providing additional clarity to the current prohibited act of driving deer by adding the definition of driving deer as is used in the hunting law book guide. We would propose the following language to provide clarity:

1. Unlawfully driving deer. A person may not participate in a hunt for deer during which an organized or planned effort is made to drive deer. Driving deer is an organized or planned effort to pursue, drive, chase or otherwise frighten or cause deer to move in the direction of any person(s) who are part of the organized or planned hunt and known to be waiting for the deer. A group of 3 or fewer persons may hunt together as long as they do not use noisemaking devices.

I would be glad to answer any questions at this time or during the work session.