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163

IDENTIFICATION:

BILL NUMBER: CSHB 163 (Rules) am

BILL NAME: *Relating to harassment of persons lawfully engaged in hunting, fishing, camping or trapping*

SPONSOR(S): *Shultz*

RELATED BILLS PENDING:

DATE INTRODUCED: *4-26-83*

REFERRALS: *Resources
Judiciary*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE: ✓

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

✓ *Rep. Shultz*

✓ *ADFG, Bob Hinman 4100*

✓ *Ron Somerville, Interior Wildlife Assn. 789-3450*

✓ *Dept. Public Safety*

TIPS FOR HUNT SABOTEURS

Fourteen million Americans will be shouldering their rifles and shotguns within the next few months, marching off to their annual offensive against our wildlife. These legions, which are more numerous, and generally better equipped than the entire Nazi armies of the Second World War, will take a bloody toll before the season ends. They will kill deer and rabbits, ducks, dogs, cats, a few children, and even a few hunters.

It is time for friends of animals to start organizing a defense that will serve to at least temper the wanton destruction. There are many ways that a friend of animals can become a forest partisan on behalf of our wildlife, and we offer here a few suggestions that range in effort, depending upon a person's abilities and commitment:

1. Deny the hunter the land to hunt on. Much hunting is done on private lands. To protect these animals, encourage your neighbors, especially those who own large tracts such as farms and ranches, to post their land and forbid hunting. Try to convince them that hunters invariably cause more damage to agriculture than the wild animals do.
2. Many areas have hunting restricted to a specified number of hunters who have special permits. Commonly, these permits allow the hunter to use a particular blind or hunt less common species, such as bear. Apply for these permits yourself. The permits are usually awarded by a simple lottery selection. If you're lucky, you'll win a permit and deny a hunter his kill.
3. Get into the woods yourself the day before the hunting season. If you're familiar with the most commonly hunted areas, try to drive wildlife away. A stroll through the forest with a nice loud radio and a dog on a leash, will serve to make wildlife more wary of humans. This is particularly important for younger animals that have not yet had the traumatizing experience of being hunted.
4. Certain substances, such as rotten eggs, when rubbed into hunting blinds, make these enclosures even more uncomfortable for the hunters. Uncomfortable hunters are irritable, and are also poorer shots. Plastering the floor of a hunting blind with cow dung is another good idea.
5. If you're familiar with wildlife habits in your neighborhood, try to encourage them to break these habits shortly before hunting season. For instance, many hunters like to stalk along deer tracks which are pretty well defined to a good woodsman. Placing deer repellent (available at many feed and hardware stores) along these tracks will encourage the deer to move away and leave the hunter with a route devoid of the species. If you want to save money, just scoop up a bag of human hair from a local barber shop and hang handfuls of it in little bags about two or three feet from the ground, along the deer track. The deer will soon get the message that there are humans in the area and will drift away.
6. If there is much hunting with dogs in your area, try to get hold of a female dog in heat and lead her, on a leash, through an area that is heavily hunted. Male dogs in the hunter's pack will "get wind" of the female and lose their enthusiasm for chasing rabbits or deer.

7. Hunters frequently like to ambush their prey by setting out food and then hiding in blinds. Commonly, bushels of apples are set out a few days before hunting season to encourage deer to browse in this area. When hunting season comes, the hunter merely comes to the site, climbs into a blind, and waits for the deer to come to him. To disrupt this, there are two alternatives. First, remove all apple piles immediately on finding them during the days preceding hunting season. Second, if there are just too many apples to carry away, give them a good spraying with deer repellent and spread barber shop hair clippings all over the area.

8. Encourage your municipality to pass an ordinance that bans, in the interest of public safety, the use of all weapons within its limits. Rifles, shotguns, bows and arrows have been known to kill people too.

9. If you have a portable tape recorder, get a cassette recording of wolf howls. Play this in the woods a few times in the days before hunting season. It will make wildlife wary.

10. Try to develop strong anti-hunting sentiment in your community by writing letters to the editor of your local newspapers, meeting with neighbors, getting on talk shows. Creating public awareness of the problem is a vital point. Let your neighbors know that the law recognizes wildlife as belonging to all people, and they are not the exclusive property of hunters until after they have been murdered.

11. Work on a project to get your State to pass a law that would require all hunters to carry written permission from the landowners of the places they hunt. This further curbs the hunter's battlegrounds because many farmers are reluctant to sign permits that would allow people to hunt on their lands. Also, much land is owned by summer residents, corporations, etc. that are nearly impossible to get hold of.

12. Approach your Congressperson and Senators with demands that hunting and trapping be prohibited on national wildlife refuges and all public land.

13. If you have any old, stuffed animal toys, set these around commonly hunted areas. Hunters often don't take the time to check if an animal is real. Better to have a hole in a cotton rabbit than a real one - and the noise of the gun going off might serve to scare away other wildlife.

14. We will be trying to put together a better activist's guide for next hunting season, so if you have any ideas or procedures you've found effective, please let us know. Mail them in to Bill Clark, Friends of Animals, 11 West 60th Street, New York, NY 10023.

Use your imagination. There are plenty of ways to frustrate the hunt, depending on your own abilities and enthusiasm. The main point here is to do something. By your work, you will be helping animals in two ways. First, you will be protecting them from the hunters and second, you will be letting the hunters know that friends of animals are in the woods. This serves to anger them, and angry hunters do not stalk so quietly, their aim is not so precise. Emotions can play heavily in the success of a hunt, and the most effective killers are cool and methodical. Disrupt!

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: CS HB 163 (Res)
 Title: "Harassment of Persons Engaged in"
 Sponsor: House Resources
 Requestor: House Resources

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: F&WP
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No Fiscal Impact Anticipated

Prepared By: Paul Conder Phone: 465-4338
 Division: Administrative Services Date: 3/17/83
 Approved by Commissioner: [Signature] Date: 3/18/83
 Department: Public Safety

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

Statement by Rep. Dick Shultz on CSHB 163

Although the harassment of hunters and other outdoorsmen has not been nearly as prevalent in Alaska as it has been in other states, notably in Arizona, New Jersey and others on the Eastern seaboard, I think we can expect it to increase here.

The fact that we haven't experienced much of the problem is due, I think, more to the remoteness of hunting areas of Alaska, and the high cost of coming to Alaska, than to any lack of desire on the part of anti-hunters to obstruct the taking of Alaskan wildlife.

However, it is that very remoteness and high cost, I believe, which gives additional impetus to this bill. Confrontations between hunters and anti-hunters would likely take place in extremely remote areas, where the potential for violence may be greater. And because the cost of hunting in Alaska generally runs high for many big game hunters, the frustration of having their hunt intentionally disrupted by anti-hunters would most likely be intensified.

As I said before, the incidence of hunter-harassment has been low to date in Alaska. But I don't think it would be realistic for us to think the problem will not increase. I think we can and should derail the problem while it is still small.

As you can see by the background information we have provided, harassment of sportsmen is, indeed, a concerted nationwide effort by anti-hunting organizations. I believe it is in the best interest of the people of Alaska to meet that challenge with the appropriate protections contained in CSHB 163, before a confrontation becomes a tragedy.

Finally, I would like the members to bear in mind that the bill does not address only hunting, but fishing, camping, and trapping as well.

As the fishing pressure increases in some areas of the state, confrontations are likely to take place between the different user groups, and even between different gear groups, and some protections need to be in the law.

I think the Bristol Bay salmon negotiations over the past several years are a good case for application of this law. Some fishermen want to strike, while some would rather fish. This anti-harassment bill would give the guy who wants to fish some recourse if his nets were cut, or he was obstructed in some other way from pursuing his livelihood.

Trappers and their traplines are also coming under increased pressure as the state develops. This specific issue is the subject of another measure on today's calendar, HCR 27. Trappers should have some recourse if their traplines are disturbed.

I would ask that the members vote yes.

ANTI-HUNTERS VS. HUNTERS: WAR IN THE WOODS

Greenpeace fanatics are harassing hunters in the field. It's a vicious and very dangerous movement, and you could be the next victim. Here's what to expect plus some very good advice on what not to do about it.

By Richard Starnes, Editor-at-Large

The lush alpine valleys and rugged highlands of northeastern British Columbia have witnessed the opening skirmishes in what threatens to become all-out war between big-game hunters and anti-hunting zealots who have sought to stop them by harassment, abuse, intimidation and—it is charged—physical violence.

How much violence has occurred to date is in dispute, but there have been several angry confrontations involving hunters and anti-hunting activists, one beating has already taken place, and feeling is running so high that Canadian provincial authorities are alarmed at the prospect of more violence when the big-game season opens this fall.

"It's only a question of time before some hothead loses his composure and someone gets hurt," said one hunter who was victimized by the anti-hunters.

Arrayed against each other in the conflict are the hunters, outfitters, and game-management officials of British Columbia, and a dedicated, well-financed, implacable organization of anti-hunters who call themselves Greenpeace.

Greenpeace is no collection of saloon conspirators content to crank

out mimeographed anti-hunting diatribes and picket sporting-goods stores. It is slick, professional, worldwide, and growing rapidly. Its Vancouver chapter alone budgets nearly \$500,000 a year for anti-hunting activities. Its tools are \$1,000-a-day helicopters, expensive sound cameras, and self-confessed expertise at manipulating the press and television. Its tactics are harassment, confrontation, and attempts physically to restrain hunters. Its leader, Dr. Patrick Moore of Vancouver, made it clear in an interview with *OUTDOOR LIFE* that episodes of harassment and intimidation that took place in the rich hunting grounds of British Columbia in 1979 and 1980 were only the opening salvos in the conflict.

"We'll be back this year," he said. "They can't stop us. We intend to stop trophy hunting, first in British Columbia, ultimately all over the world."

How Greenpeace seeks to frustrate hunters is perhaps best told in the words of Richard A. Mielke, a 50-year-old Pontiac, Michigan, fire fighter who last year took a 21-day hunt-of-a-lifetime in the rugged, 1.6-million acre Spatsizi Wilderness Park in British Columbia. He and his partner, Darryl Hastings,

40, a computer broker from Rochester, Michigan, encountered the Greenpeaceers on the first day of the hunt.

"They barged right into our camp," Mielke said. "They stuck sound cameras right in our faces. They harangued and abused us. One of them screamed at me, 'Is there something wrong with your sex life? Is that why you're up here killing animals?' When we tried to ride out of camp they locked arms across the trail to stop us. One of them grabbed the bridle of my horse. That was dangerous. That's rough country up there. If the horse had shied and fallen I could have been badly hurt."

Eventually the hunters and their guide broke free and continued the hunt, but on nearly every day of the hunt the harassment continued. On one day Mielke took his rifle—unloaded—to a dock on tiny Bug Lake to scope a wolf that had been howling near the camp.

"One of these Greenpeace guys crowded up against me, bumped me, and yelled, 'You're not going to shoot that animal while I'm here!' He grabbed my rifle, and then he fell into the lake."

"They would taunt you in every way they could," Hastings added. "You

couldn't even go to the john without one of them sticking a camera in. It's hard to keep your cool under those circumstances, yet I couldn't give them the satisfaction of bothering me."

Although the Greenpeacers scornfully characterize hunters such as Mielke and Hastings as "jet-set headhunters," both are men of modest means.

"I scrimped and saved and worked at odd jobs for two years to get the money for that hunt," Mielke said. "By the time I'd paid air fares, outfitters' fees, and license and trophy fees it cost me around \$10,000."

Hastings put the cost of his hunt at near \$12,500, and noted it will be a long time, if ever, before he could afford another hunt of that magnitude.

Both hunters report that attempts to reason with the anti-hunters were futile.

"We were after Stone sheep, principally," Hastings said. "But they kept alluding to them as 'bighorns.' I told one of them, 'You're such a phony; you don't even know what species you're talking about.'"

Both men got trophy sheep as well as other trophy specimens, but the Greenpeace activists succeeded in blighting what would otherwise have been an idyllic hunt.

"There were several days when I didn't hunt because of them," Hastings said.

Complaints to provincial wildlife authorities were to no avail. "Early in the hunt a park ranger came into our camp," Hastings said. "We asked him why he wouldn't protect our right to carry on a lawful activity. I'd paid around \$1,000 for licenses and tags, and these people were trying to deprive me of my right to hunt. The ranger replied that there was nothing he could do. 'It's a public park,' he told me. 'They can go anywhere they please.'"

Later, after the anti-hunter fell (Greenpeacer Moore says he was pushed) into the lake, four Royal Canadian Mounted Police officers and two B.C. Fish and Wildlife Department officials arrived at the Mielke-Hastings camp by helicopter. Again the two hunters repeated their plea for protection, again the officials said there was nothing they could do.

"They told us they were trying to figure out how to resolve the issue," Hastings told *OUTDOOR LIFE*. "But all they did was to tell us, 'We want you fellows to be patient and keep the peace.' " (There are indications, however, which we will come to later, that B.C. officials are preparing to abandon

Illustration by Domenick D'Andrea

Violence against them would give Greenpeace "proof" that all hunters are thugs and violence-prone killers.

their policy of noninterference when the 1981 season opens.)

Even after Mielke and Hastings quit their camp to return home, the Greenpeace contingent pursued them. After alerting press and television, the anti-hunters continued their tactics of harassment. They followed the two hunters into the airport at Vancouver, taunting them, haranguing and vilifying them, and waving professionally-made anti-hunting placards for the benefit of news and television cameras. Several wore animal costumes, including horns or antlers. The Greenpeacers drove the two hunters to take refuge in the airport lounge, where the bartender did what the Royal Canadian Mounted Police and game department officials had been unable or unwilling to do. He chased the anti-hunters out of the place.

In the fall of 1980, the Gary Zechel hunting party camped in the Spatsizi wilderness in British Columbia and ran into harassment by eight Greenpeace agitators (left). When Zechel and his wife rode out of their camp for a day of hunting with their guide, the Greenpeacers locked arms across the trail to block their way and screamed abuse. A female Greenpeacer grabbed Zechel's reins to hold him back. The guide broke through the human barrier, and the Zechels pulled away and rode around them. Gary Zechel stated that his greatest fear was that one of the horses would spook and injure or kill someone. The painting is based on a photograph supplied by the Greenpeacer organization! At right, Greenpeacers in animal costumes harass Richard A. Mielke and Darryl Hastings in the Vancouver airport after their successful hunt.



What was possibly an even uglier incident took place during the 1979 season in Spatsizi. Gary Zechel, an engineer with the Ford Motor Company, who lives in the Detroit area, was hunting Ranger Creek with his wife Jo-Carole, who is a hunter, but wasn't hunting on this occasion. Accompanied only by an Indian guide, the Zechels were traversing one of the wildest, most primitive areas in North America.

"We were six or eight hours by horseback from our base camp, staying in a spike camp," Zechel recalled. "when these Greenpeace people showed up. There were seven men and one woman. There was lots of taunting, harassment, and intimidation. They said they would do whatever they could to stop us. They said if they couldn't persuade us to abandon our hunt they would restrain us physically. When we rode out for a day of hunting, they locked arms in front of us. When I tried to go to my wife's aid, one of them grabbed my horse's reins. Eventually our guide broke through, and my wife and I got away from them. They chased us several hundred yards up the trail, and our guide's horse fell into a bog. That was very dangerous. Even a minor injury is serious in that remote wilderness."

Like Mielke and Hastings, Zechel is an experienced hunter and outdoorsman, clearly able to take care of himself. But some insight into the psychological impact of the Greenpeace tac-

WAR IN THE WOODS

tics can be won when Zechel says, "One of those guys had an ice ax he kept waving in my face. I felt more fear than I have felt in a long time."

Zechel's wife seems to have been singled out for particular attention by the Greenpeaceers.

"They ran raving and yelling at her," he reported. "It was like a riot. They came within five or ten feet of her."

Exercising what can only be described as faintly restraint, the Zechels and their guide did their best to ignore the anti-hunters.

"This drove them into a frenzy," Zechel said. "They acted nearly hysterical, obviously looking to cause some action or incident." Not surprisingly, the Greenpeace tactics finally wore down Jo-Carole's emotional reserves. "She was terrified and finally broke down crying and screaming for them to leave us alone. They refused and she ran into the tent, sobbing 'They're crazy—I'm afraid of them.' She spent the final days of the hunt in her tent."

When the Zechels broke camp and returned to Smithers, he filed an assault charge against the Greenpeace anti-hunters. Although technically the charge is still pending, it has been "stayed" and provincial authorities made it clear they have no plans to prosecute it.

Ralph Aldrich, chief conservation officer of the British Columbia fish and wildlife agency, undertook to explain why.

"From an enforcement point of view we can only follow the law," he said in an interview. "There is no law against yelling. It's just like picketing. Of course, if they threaten assault and take some overt action, that may be assault."

Is it illegal to impede hunters' horses? Aldrich's reply was something less than definitive. "It depends," he said. Thereupon he passed the buck to Peter Ewart, crown counsel (prosecuting attorney) for the Spatsizi district. From Prince George, B.C., Ewart indicated that, while still open, the charges laid by Gary Zechel against the Greenpeaceers would likely never be prosecuted.

"We took a look at the evidence and the probable outcome of a trial and put a 'stay' on the case," Ewart said. But then, plainly choosing his words carefully, Ewart laid out what may be provincial officials' plan to end the threat to one of British Columbia's prime industries. "I would have been much happier," he said, "if the charge had been intimidation instead of assault." British Columbia, he said, has a statute making it illegal to "impede or attempt to impede any person from carrying out

a lawful activity" by threats, harassment, or coercion.

"What he says is a crock," bluntly charged Ray Collingwood, whose firm outfitted both the Zechel and Mielke-Hastings parties. "They didn't prosecute because of the expense of getting witnesses back up here to testify. I've lost all respect for the government."

Collingwood revealed what apparently is not known by provincial authorities—real violence has already broken out.

"One of these, [Greenpeace] guys tried to stop one of our pilots from taking off from an airstrip we maintain in the park," he told *OUTDOOR LIFE*. "He grabbed a wing strut of the Beaver and tried to force our pilot to abort his take-off. The plane got off anyway and later the pilot returned, landed the aircraft, and punched the guy out. He knocked him down and slapped him around some. He just hung a little licking on him."

Despite the degree of restraint exercised by Mielke, Hastings and Zechel, provincial authorities are acutely aware of the potential for violence. Like the hunters themselves, provincial officials see the tactics of Greenpeace as calculated provocations designed to spark violent reaction. All agree that would be counterproductive and, as one put it, "would give Greenpeace 'proof' that all hunters are thugs and violence-prone killers." Chief conservation officer Aldrich pointedly noted that there will be combined Royal Canadian Mounted Police and game department patrols in Spatsizi during the 1981 season.

Greenpeace's Moore airily dismissed the prospect of being prosecuted under the intimidation statute.

"The attorney general (of British Columbia) hired a man last summer especially to research the question," he said. "He concluded there was no law that could stop us. Our activities are as legal as the hunters'. All we're doing is occupying nonconsumptive space, competing for resources with the hunters. They can't say we're interfering with their rights. Those [game] animals don't belong to anyone until they're actually taken into possession."

It is clear that Patrick Moore is the architect, principal voice, and presiding genius of Greenpeace. He conceived and created the organization while a graduate student at the University of British Columbia (he is now a doctor of ecology) five years ago. His title is Canadian director of Greenpeace International, but plainly his sway extends to the worldwide branches of the organization. He is one of 12 salaried, full-time employees of Canadian Greenpeace, and he is paid \$1,200 a month. There are offices in Vancouver

"We intend to shut down trophy hunting in Spatsizi to show that it can be done."

Victoria, Toronto, and Montreal, as well as branches in the United States, the United Kingdom, the Netherlands, France, New Zealand, and Australia. A Greenpeace "secretariat" in Washington coordinates the activities of the international branches, and it has an annual budget of \$120,000.

"Our forte," Moore said in an interview, "is organizing expeditions into remote areas in order to confront in a nonviolent manner acts that we consider environmentally detrimental. Our funding is entirely private—donations from individuals that are generally less than \$50. We have no foundation or government grants. Our methods are too controversial to attract money from conservative quarters."

Greenpeace's first confrontation took place when Moore and others chartered an 85-foot vessel and sailed to the Aleutian island of Amchitka in an attempt to halt the testing of nuclear bombs. "We lost that battle but we won the war," he said. "They've stopped testing now and Amchitka is a wildlife preserve."

Later Greenpeace made expeditions to the South Seas in an attempt to stop nuclear testing by France (they failed), and they have conducted offensives against whalers and seal hunters.

"But we cut our teeth on nuclear testing," Moore said. "From it we learned how to deal with the media and how to understand international politics. We're fortunate in having people who understand the media—that's how you communicate with people in the modern world, knowing what sort of images appeal to the media."

Although Canadian authorities are tippy-toeing around the Greenpeace campaign of intimidation in Spatsizi, the government ended similar tactics that were attempted against commercial hunters of harp seals in Newfoundland.

"They enacted what they called 'seal protection regulations,'" Moore said, "just to keep us out. It's ironic, and very undemocratic."

Moore insists that ending all hunting is not his goal. "Hunting can be part of a harmonious relationship with nature," he said. "Indian bowhunters lived in a balanced ecosystem."

10,000 years. But what we're saying is that the relationship between man and animals has changed dramatically. These hunters are an extension of the Detroit urban-industrial ecosystem. They have no place in Spatsizi. In a park set aside for protecting these animals, we must stop thinking of them as a natural resource and think of them as a national treasure."

Moore's disclaimer notwithstanding, Greenpeace's program would effectively end hunting. It would totally rule out all trophy hunting, even under the rigidly controlled conditions prevailing in Spatsizi. It would prohibit hunting by all outsiders, insisting that only food hunters "that are part of the (local) environment be permitted to hunt." It would, in short, permit only subsistence hunting, and then only if the cessation of hunting would "dramatically affect" the life-style of the hunter, and only if subsistence hunting remained in "balance" with the environment.

Moore repeatedly insisted that the hunters who were assailed by the Greenpeaceers were unthinking trophy freaks who habitually left the meat of their animals to spoil after removing horns, antlers, and capes. All three hunters heatedly denied the charge, noting that they had painstakingly packed all usable meat back to camp, either for shipment home or for use by the outfitter's crew. The outfitters con-

firmed this. In fact, British Columbia law requires that the meat of game animals be removed and used for food, and in its exhaustive investigation of the incidents, the provincial game department found no violations of the law by the hunters.

For the record, Moore denies any of the Greenpeace activists at Spatsizi committed assault by grabbing anyone's arm. He denies that Mielke's rifle was pushed, but he insists that either Mielke or his companion shoved one of the Greenpeaceers into the icy waters of

"They're crazy—I'm afraid of them," Gary Zechel's wife said. She spent the final days of the hunt in her tent.

Bug Lake. He concedes that they tried to block progress of the hunters' horses, but denies any member of his group seized them by the bridles. "They ran their horses at us," he insisted.

"Our intention is to be there again this year. We intend to shut down trophy hunting in Spatsizi to show that it can be done. They say we are interfering

with them. We deny that. We're competing, as is our right, and they can't stop us."

Perhaps more philosophical than many hunters would be, Richard Mielke warns future hunters of Spatsizi that the Greenpeace anti-hunters "are trying to provoke you into taking a poke at them. And that's the last thing anyone should do. It's exactly what they want."

Unfortunately, however, it isn't the last thing that's likely to happen—unless British Columbia takes a page from Newfoundland's book and contrives a way to keep the Greenpeace people away from the hunters. There are some indications B.C. officialdom, perhaps belatedly, is now working hard to find a way to end the harassment of hunters. In reply to a letter of complaint from Mielke, B.C. Minister of Environment Stephen Rogers wrote:

"I wish to extend my personal apologies for the harassment you suffered (and) I also want to congratulate you and your hunting partner for the restraint you both showed under trying circumstances. The hunters in Spatsizi by their good behavior, as opposed to the conduct of Greenpeace, gained in general public stature while Greenpeace suffered.

"We are working with the Parks Branch to see what can be done to prevent situations such as you experienced from recurring."

**OUTDOOR
LIFE**



JULY 1981

The Force Behind Friends of Animals

Alice Herrington Raises the Hackles of Sportsmen in Her War on Hunting

By E. J. NILSSON
Grit Staff Writer



Alice Herrington

Whether Alice Herrington is right or wrong, she is anything but a bore. As founder and president of Friends of Animals (FOA), Herrington arouses strong feelings among sportsmen and others in her crusade against hunting.

Herrington, who lives with eight cats in Little Silver, N.J., founded FOA in 1957 to try to reduce the numbers of stray dogs and cats. And that is still the major purpose of the organization, she said.

But the group's chief claim to fame is Herrington's verbal bouts with hunters and trappers.

"To call this a sport is just pure nonsense," she said about hunting. "It's a real cruelty. It can't be justified."

IN HERRINGTON'S view, the only people worse than hunters are trappers.

"Deer hunters are not nearly as bad as trappers," she said. "I can't imagine how hunters, who pride themselves on fine shooting, ally themselves with trappers, who practice sadism. Deer hunters are due a little credit for at least the speed of their kill."

Despite the fireworks that FOA ignites with its "full program of hunting and trapping disruption," Herrington wants to convince the public that there "are two cruelties."

Besides the killing of "free animals, which are called wildlife," she explained, she's concerned about man's treatment of all domesticated animals—including pets and livestock.

"It's an American syndrome to love kittens and puppies but then throw out dogs and cats," she said, adding that millions of dogs are killed "in American municipal dog pounds, but they were loved as puppies."

In 1970, Herrington organized low-cost spaying programs for 20,000 animals. By 1980, the number had risen to 60,000.

Last September in Neptune, N.J., she opened a low-cost spaying clinic, said to be "a model of its kind with room for 80 animals and two veterinarians." Across the nation, her group pays for part of the cost of spaying in cooperation with 750 participating veterinarians.

ONE OF the prime targets of Herrington and the FOA is the food business.

"Cruelty to animals is practiced on a larger scale by the food industry than by any other single sector of human activity," an FOA publication asserts.

And Herrington adds: "If people want to support an industry that is destroying the land, then they can continue to eat these creatures. But if not they can eat vegetables."

Other institutions also are criticized by

FOA, including zoos. "Zoos must be phased out," said an FOA publication.

Herrington's concern for animals was heightened when she returned to the United States in 1954. Working as a War Department statistician, she had seen relatively few animals running loose in Europe.

In the United States, she said, "I was shocked to find stray animals everywhere."

HERRINGTON, a graduate of the University of Wisconsin in Madison, put her statistical talents to work calculating the rate of increase of dogs and cats. She said she realized that cutting the prolific birthrate was the only long-range solution.

This realization led to the founding of FOA, which worked with volunteers until 1967. Now the group has 12 full-time employees and

Herrington was asked whether she would advise FOA members to take traps that were legally set.

"Yes! Why not? Certainly," she said.

But wouldn't the "solution" be stealing?

"You could say that it's stealing if you like," she replied, "but the Robin Hood approach to life is still a very nice way to go."

To the Commission
OUT
3/25/81
CD

Background material for HB 163

British Columbia case

In response to several cases of harassment of hunters by anti-hunting groups in a Provincial Park in northern BC, the legislature last year passed the following statute:

Section 82 of BC Fish and Wildlife Act

"A person who interferes with or obstructs a person licensed or permitted to capture wildlife, or to hunt, fish, guide or trap while that person is lawfully so engaged, commits an offense."

Vancouver Aquarium case

Newspaper article from September 18, 1982.

Greenpeace harassed Sealand Pacific employees in their attempt to capture two killer whales for their aquarium. The aquarium has an annual attendance of 700,000 people. No action was taken to stop this hinderance of men doing their jobs because there was evidently no law to support their complaint. Killer whales can be better studied scientifically in the controlled environment of an aquarium, and only two were to be taken.

Virginia Deer Hunt case

Newspaper article from October 17, 1982

Conservationists are harassing Virginia zookeepers from conducting a two week hunt on their own fenced property. This hunt was approved by Virginia fish and game officials. The deer have overforaged the 5000 acre area and would die from starvation if the hunt was not held. While Greenpeace was committed to take every step necessary to stop the hunt, including harassment, biologists from the Humane Society of America claim the Greenpeace logic is reversed and just plain crazy.

Humane Group To Seize Animal Leghold Traps

By STEVE GRANT

Friends of Animals Inc. said Friday it is going to trip up trappers by setting off their leghold traps when the season opens next week.

The organization said it will ask its 4,500 members in Connecticut to look for the traps, touch them off with a stick and remove them, because it believes the traps are inhumane.

"We can't as an organization advise people to remove legally set leghold traps. It wouldn't be a smart thing to do. What we're asking them to do is remove illegally set traps. Our guess is most of them are illegal," said Priscilla Feral, the organization's Connecticut director.

Game laws require all leghold traps to have the owner's name on them and they must be placed underwater or in an animal's burrow.

A spokesman for trappers questioned the new campaign, which will begin next Saturday, when the season opens.

"They're setting up a vigilante group. Vigilantes in any situation are not good. They don't know enough and they tend to break the law themselves," said Robert Crook of Madison, a member and former president of the Connecticut Trappers Association, which has about 800 members.

"I wouldn't object to anybody coming out and checking my traps, as long as they had the permission of the landowner, and as long as they didn't steal them, set them off or take animals out. But I really don't think that's their responsibility," Crook added.

He said the state Department of Environmental Protection is responsible

for seeing that trapping is conducted legally and that he understood the group was told by DEP not to remove illegal traps but instead to report them to a game warden.

Ms. Feral said a trapper's name legally can be placed anywhere on a trap, so members would have to trip them to check. She said members would not be advised to reset legal traps.

"DEP can read the riot act to me if it wishes. But no way will we aid the trapper. Our object is to get rid of the leghold trap," she said.

The organization has argued that the trap, which has two steel jaws that slam shut when an animal touches a piece of bait, is barbaric because some animals die slowly or are left crippled. Ms. Feral said domestic animals also have been caught in the traps. There are other traps available that are more humane, she said.

Crook estimated that there are 8,000 trappers in Connecticut, with the average trapper placing 50 or 100 traps in the wild.

The most commonly trapped animal in the state is the muskrat, which can yield a pelt that will fetch up to \$8. Raccoon, fox, mink, opossum, weasel, skunk and beaver also can be trapped legally, though the season for some of those animals does not begin until later.

Friends of Animals, which is based in New York, has waged other campaigns against hunters. Some members went into the Connecticut woods recently to play recorded wolf howls to alert animals of danger when the deer hunting season opened.

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NOW

HD 47

January 24, 1983

Representative Dick Schultz
State Capitol Building
Juneau, Alaska 99801

Dear Dick:

On January 5, 1983 the Tok Cutoff-Nabesna Road Advisory Committee met in a general meeting to discuss hunting regulations. There were several things discussed with two of them pertaining to you.

#1 We would like to see legislation written and passed that would control or rather stop harrassment of hunters, trappers, and fishermen. We would be able to carry on our life-style without harrassment from the "greenies".

#2 We would like to see legislation written and passed that would eliminate the \$25 trophy tag for resident grizzly/brown bear hunters. We believe the State is rich enough without charging its residents a \$25 fee.

Our committee will be meeting within a few weeks and correspondence from you would be appreciated. I would like to be able to tell the folks something about these two items.

Good luck and if there is anything I or this committee can do to help, please let me know.

Sincerely,



Bill Ellis, Chairman
Tok Cutoff-Nabesna Rd. Advisory Committee
S. R. Box 350
Takesna, Alaska 99586
907/822-3426



THE WILDLIFE LEGISLATIVE FUND OF AMERICA

To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

MODEL STATUTE TO PROHIBIT HARASSMENT OF HUNTERS, TRAPPERS AND FISHERMEN

Section 1. Definitions

As used in this Act:

- A. "Wild animal" means any wild creature the taking of which is authorized by the fish and game laws of this state.
- B. "Process of taking", in addition to any act directed at the taking of a wild animal, includes travel, camping, and other acts preparatory to taking which occur on lands or waters upon which the affected person has the right or privilege to take such wild animal.

Section 2. Harassment prohibited.

- A. No person shall interfere with the lawful taking of a wild animal by another, or the process of taking, with intent to prevent the taking.
- B. No person shall disturb a wild animal, or engage in an activity or place any object or substance that will tend to disturb or otherwise affect the behavior of a wild animal, with intent to prevent or hinder its lawful taking.
- C. No person shall disturb another person who is engaged in the lawful taking of a wild animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking, or to prevent such person's enjoyment of the outdoors.
- D. No person shall enter or remain upon public lands, or upon private lands without permission of the owner or his agent, with intent to violate this section.
- E. The maximum penalty for violation of this section is a fine of five hundred dollars and thirty days imprisonment, or both.

Section 3. Failure to obey order prohibited.

- A. No person shall fail to obey the order of a peace officer to desist from conduct in violation of Section 2. if the officer

observes such conduct, or has reasonable grounds to believe that the person has engaged in such conduct that day or that the person plans or intends to engage in such conduct that day on a specific premises.

B. The maximum penalty for violation of this section is a fine of one thousand dollars and ninety days imprisonment, or both.

Section 4. Injunction, damages.

A. A court of general jurisdiction may enjoin conduct which would be in violation of Section 2. upon petition by a person affected or who reasonably may be affected by such conduct, upon a showing that such conduct is threatened or that it has occurred on a particular premises in the past and that it is not unreasonable to expect that under similar circumstances it will be repeated.

B. A court of general jurisdiction may award damages to any person adversely affected by a violation of Section 2., which may include an award for punitive damages. In addition to other items of special damage, measure of damages may include expenditures of the affected person for license and permit fees, travel, guides, special equipment and supplies, to the extent that such expenditures were rendered futile by prevention of taking of a wild animal.

COMMENT:

This is a model statute which may be adapted to the drafting requirements and style of any state.

The main prohibitions are contained in Section 2., beginning with the most basic prohibition A. that no person shall interfere with the lawful taking of a wild animal by another with intent to prevent the taking.

Part B. of that section is directed at acts disturbing the hunted animal. This would apply in the case where the person doing the disturbing is not in the presence of the hunter. The prosecuting attorney would not have to prove that the disturbance

COMMENT (continued):

affected a particular taking, but only that the person was engaged in an activity that was intended to prevent the taking of wildlife. This would include buzzing with an airplane, ringing bells or firing guns on the opening day of hunting season to scare away animals, leaving human scents, baiting marsh areas for duck hunting, etc.

Part C. is addressed to the situation where an action might not amount to interference with a particular taking, and where disturbance of a wild animal is not involved, but the person attempting to disrupt the hunt harasses the hunter by being present where he is not wanted, calling him names, blocking his path, etc. By the definition of "process of taking" in Section 1., this would include harassment while he is camping or traveling.

Part D. is addressed to the situation where a person is not caught in the act by an enforcement officer, but because of other actions his intent is obvious.

While the penalty for these infractions is a maximum fine of \$500 and 30 days in jail, a more severe penalty is provided for the offense in Section 3., failure to obey the order of a peace officer to desist from prohibited conduct. The conduct or anticipated conduct and the order must occur on the same day for the offense to occur. A longer period could be provided; the intent is to limit the application of the section to a current event, not an order by the officer that would be good for the entire season, which would be properly the subject of a court injunction under Section 4. The penalty for this is a maximum fine of \$1,000 and 90 days in jail.

Section 4. provides an injunction where court action is warranted (i.e., where Section 3. is inadequate), and an action for damages including punitive damages.

Not all provisions will be appropriate in every state. The statute is designed to cover every type of taking -- hunting, trapping or fishing -- on public or private lands.



THE WILDLIFE LEGISLATIVE FUND OF AMERICA

To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

TO: Concerned Sportsmen
and Wildlife Managers

Enclosed is a copy of our model legislation to prohibit harassment of hunters, trappers and fishermen. This bill became law last year in Louisiana and Michigan. It was introduced in at least 12 other states. It is under active consideration right now in the legislatures of New Hampshire and Maine.

The bill is in response to a series of incidents provoked by anti-hunting groups in this country and in Canada. The anti-hunters refer to these activities as "hunter harassment" or "sportsman sabotage".

The simple fact is that the evidence shows that the more radical ANTI groups -- The Friends of Animals, Greenpeace, Fund for Animals -- intend to carry out their threat to stop hunting, trapping and fishing. They intend to do it by disrupting and harassing the sportsman in the field while he is enjoying his sport. The following incidents dramatically illustrate this strategy. Waterfowl hunters are extremely concerned because waterfowl hunting is the most susceptible to hunter sabotage. These actions bring back memories of the violent anti-war demonstrations of the 1960's.

BRITISH COLUMBIA -- During the last three hunting seasons, Greenpeace volunteers have confronted big game hunters in their camps. The antis' actions included verbal abuse, attempts at restraining the hunter's movements, disturbing wildlife, and physical assault. The intent was clear: Intimidate and harass the hunter until he and his family leave, while gaining as much publicity as possible. One incident ended in a brawl between two groups, resulting in injuries and a great deal of publicity for the anti-sportsman cause.

NEW JERSEY -- Recently the opening day of deer season has been met with radical demonstrations intent on stopping the hunters. Tactics outlined in the Friends of Animals' paper called "Tips for Hunt Saboteurs" include instructions for blocking access to hunting grounds, driving wildlife from hunting areas, how to apply for blind permits to rob hunters of prime shooting stations and how to spread human hair to drive game from the area. New Jersey officials are fearful that this annual event will eventually explode in a violent confrontation.

CONNECTICUT -- Trapping and hunting are the targets of anti-sportsman sabotage campaigns in this state. Failing to influence the state legislature, The Friends of Animals have taken their anti-trapping drive into the field. They are now working through the media to educate "volunteers" as to the techniques to use when springing legally set traps. Bow hunters have even reported tree stands collapsing on them because of the supports being tampered with and cut.

ARIZONA -- The Animal Defense Council orchestrated sabotage campaigns aimed at disrupting and halting the desert bighorn sheep hunt. Since they were somewhat successful in their attempt, they expanded their activities to include harassment of hunters during other seasons. The Arizona Fish and Game Department and the state Attorney General, Robert Corbin, recognized that weaknesses in the law protected the anti activity. Working with the sportsmen's groups in the state, they drafted legislation making it illegal to harass hunters or game animals during legal hunting seasons. The legislation was successfully lobbied through both houses and signed by the Governor.

In each of these cases and in hundreds of others that have been reported, the law enforcement officers have been sympathetic to the problem facing the hunter. However, because of the absence of laws, officers have been powerless to stop the radicals' actions. Arizona's answer to the problem initiated great sportsman interest and discussion calling for immediate introduction of similar legislation in all the states and Canadian provinces.

The WLFA's model bill goes further than the Arizona law by protecting the activities of all sportsmen including hunters, trappers and fishermen. Comments are included to explain the intent of each section of the bill.

Sincerely,

James H. Glass
President

JHG:dw
Encl.

*This version passed
Senate Resources.*

Original sponsor: Shultz

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

CS FOR HOUSE BILL NO. 163 (Rules) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to harassment of persons lawfully engaged in hunting, fishing, camping, or trapping."

7

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

* Section 1. AS 16.05 is amended by adding new sections to read:

10

Sec. 16.05.925. HARASSMENT OF PERSON LAWFULLY ENGAGED IN HUNT-

11

ING, FISHING, CAMPING, OR TRAPPING. (a) A person may not knowingly

12

interfere with a person lawfully engaged in or preparing or attempting

13

to lawfully engage in sport hunting, subsistence hunting, commercial

14

hunting, sport fishing, commercial fishing, subsistence fishing,

15

camping, or trapping with the intent of dissuading, hindering or

16

preventing the person's activity.

17

(b) A person may not knowingly disturb fish or game or the

18

habitat of fish or game with the intent of hindering or preventing a

19

person lawfully engaged in or preparing or attempting to lawfully

20

engage in sport hunting, subsistence hunting, commercial hunting,

21

sport fishing, commercial fishing, subsistence fishing, camping, or

22

trapping.

23

(c) A person may not enter or remain upon public or private land

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with intent to violate (a) or (b) of this section.

25

(d) A person who violates this section is guilty of a mis-

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demeanor punishable by a fine of not more than \$500 or by imprisonment

27

for not more than 30 days, or by both.

28

Sec. 16.05.926. ORDER TO DESIST. (a) An enforcement or inves-

29

tigative officer charged with enforcement of the fish and game laws of

1 the state shall order a person to desist from violation of AS 16.05.-
2 925 if the officer observes such conduct or has probable cause to
3 believe that the person has engaged in or intends to engage in such
4 conduct on specific premises. The officer shall inform the person of
5 the penalties set out in (b) of this section.

6 (b) A person who violates an order of an officer under (a) of
7 this section is guilty of a misdemeanor punishable by a fine of not
8 more than \$1,000 or imprisonment for not more than 90 days, or by
9 both. The punishment imposed under this section is in addition to
10 punishment imposed under AS 16.05.925.

11 Sec. 16.05.927. CIVIL REMEDIES. (a) A person aggrieved by
12 conduct in violation of AS 16.05.925 or AS 16.05.926 or threatened
13 with such conduct may petition a superior court to enjoin the respon-
14 dent from engaging in such conduct.

15 (b) A person aggrieved by a violation of AS 16.05.925 or AS 16.-
16 05.926 is entitled to recover general damages and special damages,
17 including license and permit fees, travel costs, guide fees, special
18 equipment and supplies, and other ^{other} expenses rendered futile by the
19 conduct of the violator.

20 (c) A court may award punitive damages in addition to the dam-
21 ages set out in (b) of this section.

Original sponsor: Shultz

*deletes commercial fishing
private land*

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 163 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to harassment of persons lawfully
7 engaged in hunting, fishing, camping, or trapping."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.05 is amended by adding new sections to read:

10 Sec. 16.05.925. HARASSMENT OF PERSON LAWFULLY ENGAGED IN HUNT-
11 ING, FISHING, CAMPING, OR TRAPPING. (a) A person may not knowingly
12 interfere with a person lawfully engaged in or ^[preparing or] attempting to lawfully
13 engage in sport hunting, subsistence hunting, commercial hunting,
14 sport fishing, ^[commercial fishing] subsistence fishing, camping, or trapping with the
15 intent of ^[dissuading] hindering or preventing the person's activity.

16 (b) A person may not knowingly disturb fish or game or the
17 habitat of fish or game with the intent of hindering or preventing a
18 person lawfully engaged in or ^[preparing or] attempting to lawfully engage in sport
19 hunting, subsistence hunting, commercial hunting, sport fishing,
20 ^[commercial fishing] subsistence fishing, camping, or trapping.

21 (c) A person who violates this section is guilty of a mis-
22 demeanor punishable by a fine of not more than \$500 or by imprisonment
23 for not more than 30 days, or by both.

24 Sec. 16.05.926. ORDER TO DESIST. (a) An enforcement or inves-
25 tigative officer charged with enforcement of the fish and game laws of
26 the state shall order a person to desist from violation of AS 16.05.-
27 925 if the officer observes such conduct or has probable cause to
28 believe that the person has engaged in or intends to engage in such
29 conduct on specific premises. ^[A person may not enter or remain upon public or private land with intent to violate (a) or (b) of this section.] The officer shall inform the person of

1 the penalties set out in (b) of this section.]

2 (b) A person who violates an order of an officer under (a) of
3 this section is guilty of a misdemeanor punishable by a fine of not
4 more than \$1,000 or imprisonment for not more than 90 days, or by
5 both. [The punishment imposed under this section is in addition to punishment
6 imposed under AS 16.05.925]

7 Sec. 16.05.927. CIVIL REMEDIES. (a) A person aggrieved by
8 conduct in violation of AS 16.05.925 or AS 16.05.926 or threatened
9 with such conduct may petition a superior court to enjoin the respon-
10 dent from engaging in such conduct.

11 (b) A person aggrieved by a violation of AS 16.05.925 or AS 16.-
12 05.926 is entitled to recover general damages and special damages,
13 including license and permit fees, travel costs, guide fees, special
14 equipment and supplies, and other related expenses. [rendered futile by the
15 conduct of the violator]

(c) A court may award punitive damages in addition to the dam-
ages set out in (b) of this section.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
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Senate Committee on Resources

MINUTES

May 13, 1983
3:09 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair	Senator V. Fischer
Senator Eliason	Senator Mulcahy
Senator P. Fischer	Senator Sturgulewski

CALENDAR

- HB 163 An Act relating to harassment of persons lawfully engaged in hunting, fishing, camping, or trapping.
- SB 272 An Act making a special appropriation for payment as a grant to the Municipality of Anchorage for expansion of the Ship Creek Treatment Plant and phase II design and construction of the Eklutna Water Project; and providing for an effective date.
- SB 279 An Act relating to wholesale prices for canned salmon; and providing for an effective date.

HB 163

Representative Shultz said the purpose of the bill was to afford people the opportunity of legal recourse if they are harassed. Senator Sturgulewski questioned the need for the bill. Senator Vic Fischer questioned exactly what types of circumstances would apply. Senator Eliason questioned whether the state had authority to regulate privately owned land. Representative Shultz said language regarding private land had been included because of Native land claims. There was discussion.

Dennis Kelso, acting Deputy Commissioner of the Department of Fish and Game, suggested looking closely at whether the bill

would cause difficulties with constitutional guarantees. There was discussion.

Ron Somerville, Legislative Committee Chairman of the Alaska Sportsmen's Council, strongly supported the legislation.

Senator Sturgulewski moved to report the bill out of committee with individual recommendations. The motion passed without objection.

SB 272

Senator Jan Faiks, addressing the proposed committee substitute, explained the importance of the three appropriations in the bill. There was discussion of how water rates would be affected, and comparison of Anchorage's water rates to those in other communities.

Senator Vic Fischer moved to adopt the committee substitute. The motion passed without objection.

Bob Smith, general manager of the Water and Wastewater Utility of the Municipality of Anchorage, explained how the money appropriated in the bill would be used, and that additional funding to complete the projects would be provided by the municipality. This was discussed.

SB 279

Senator Fahrenkamp moved to adopt the proposed sponsor substitute as a committee substitute. The motion passed without objection.

Norman Staton, assistant to the Commissioner of Revenue, said the Department has a neutral position on the bill. He agreed with the proposed amendments adopted by the House, and recommended further amendments regarding can and case size. Mr. Staton explained the fiscal note.

Richard B. Lauber, Pacific Seafood Processors Association, said he did not wholeheartedly support the bill, but could live with it. He supported the amendments proposed. He explained historical pricing patterns, and proposed a further amendment allowing for an exemption to the wholesale price for a promotional allowance.

Mitch Kink, general manager of Alaska Independent Fishermen's Marketing Association, explained the formula by which the price paid fishermen for canned salmon is calculated. He opposed the promotional allowance exemption, as it would reduce the price

paid fishermen. There was discussion of whether the proposed legislation would affect the negotiated contract.

Cass Parsons of United Fishermen of Alaska said the contract states the wholesale price is less discounts, so adding a promotional discount would lower the wholesale price, thus lowering the profit to the fishermen. Senator Sturgulewski proposed changing the effective date so that the law would not affect existing contracts. There was discussion.

William H. Beardsley, Department of Commerce, left written testimony with the committee, that clarified the Department's role in implementing SB 279.

Paul Taylor, Audit Division, Department of Revenue, agreed with Mr. Staton's testimony, and clarified that wholesale price reporting under this bill would be mandatory, not voluntary, and specified how reporting was done.

Mr. Lauber argued that since promotional allowances have historically been deducted from the wholesale price, keeping the promotional allowance out of SB 279 would increase the fishermen's profit. There was discussion of past and current statutes, and why the promotional allowance was not negotiated into the contracts.

Senator Sturgulewski requested further information on the impact of the bill before taking action.

The meeting was adjourned at 4:58 p.m.

Pass to ...
Halford reconsider

HB 163 RELATING TO HARRASSMENT OF PERSONS LAWFULLY ENGAGED
IN HUNTING, FISHING, CAMPING OR TRAPPING.

The House-passed version of the bill also passed out of
Senate Resources Committee.

THERE IS A JUDICIARY COMMITTEE SUBSTITUTE.

The bill is intended to protect hunters, fishers, campers
and trappers from harassment. Interfering with a person
legally engaged in hunting, or disturbing wildlife or habitat
with the intent to hinder a hunter, would be punishable
by a fine of up to \$500 and/or 30 days in jail. Civil
remedies, including recovery of damages, are allowed. The
bill is patterned after legislation being adopted in other
states where anti-hunting groups have "taken to the field"
in attempts to "warn" wildlife of hunters or deter hunters
from killing wildlife.

The Judiciary committee substitute deletes commercial fishing
as one of the activities protected under this bill.

Also removes reference to hunting on private land, which is
an improvement over the version Resources passed. (Remember
the discussion on just what the State could control or not
control on private land?)