

**HUNTING AND FISHING
HARASSMENT**

**House Bill 5366 (Substitute H-2)
First Analysis (3-31-98)**

**Sponsor: Rep. Allen Lowe
Committee: Conservation, Environment
and Recreation**

THE APPARENT PROBLEM:

Recent statistics indicate that hunting is declining in Michigan, and some people attribute it to the opposition displayed by anti-hunter and animals rights organizations. Hunters and anglers are protected from harassment under Michigan law. Part 401 of the Natural Resources and Environmental Protection Act prohibits a person from obstructing or interfering with the lawful taking of animals by another person with the intent to prevent that lawful taking. The prohibition was passed in 1990 because of rumors that certain radical groups might launch organized attempts to interfere with hunters legally attempting to take game. (Although at the time no incidents of hunter harassment apparently had been documented in Michigan, some other states reportedly had experienced confrontations between hunters and animal rights activists.) In 1996, Public Acts 316, 317, and 318 extended protection against harassment and interference to the state's sport and commercial fishers. That legislation was enacted in response to reports from a nationally recognized animal rights organization, People for the Ethical Treatment of Animals (PETA), which had launched a campaign to ban sportfishing in the United States. Now some people believe that the laws should go further by providing rewards for information -- which could be phoned in on the DNR's "Report All Poaching" (RAP) hot-line -- that led to the arrest of persons who harassed hunters or anglers. The awards would be disbursed from a fund that would be derived from a percentage of hunting and fishing license fees.

THE CONTENT OF THE BILL:

Part 435 of the Natural Resources and Environmental Protection Act (NREPA), which regulates hunting and fishing licensing, specifies that thirty-five cents from each license and stamp fee must be credited to the Wildlife Resource Protection Fund, and expended only

for certain purposes, such as the hiring of conservation officers. House Bill 5366 would amend the act to add to the list of permitted expenditures from the fund, and to allow expenditures for identifying and reporting persons who interfere with legal hunting or fishing activities.

Wildlife Resource Protection Fund. The bill would require expenditures of at least \$20,000 from the fund each fiscal year for the following:

- For rewards for information leading to the arrest and prosecution of those who violate the act's prohibition against interfering with the lawful taking of animals or aquatic species. Further, if such acts of interference resulted in the death of a person lawfully hunting or fishing, the reward would be \$5,000.
- For a promotional and educational campaign to inform the general public about the rewards proposed under the bill to protect hunters and anglers from harassment; or on how to identify and report persons violating the act's prohibitions against obstructing or interfering in the lawful taking of animals or aquatic species.

MCL 324.43555 et al.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency (HFA), the bill would have no impact on state funds. (3-25-98)

ARGUMENTS:

For:

It is in the state's best interest to protect fishing and hunting since the industry contributes significantly to the state's economy, provides quality outdoor

recreation, and supports the management of Michigan's aquatic and natural resources. However, Michigan hunters and anglers are sometimes harassed verbally by fringe groups that attempt to denounce any activity relating to hunting or fishing. There have been instances where this opposition has gone beyond speech into physical harassment. According to the Department of Natural Resources' (DNR) Law Enforcement Division, 122 complaints of harassment of hunters and anglers were received in 1996, and 115 were received in 1997. (According to the department, the majority of these complaints concern hunters; and only about ten percent of the cases concern anglers.)

Against:

The bill is unnecessary. While it is true that the DNR received 122 complaints of harassment against hunters and anglers in 1996 and 115 complaints in 1997, the complaints involved "hunter-on-hunter" harassment. In fact, according to the department there have been no organized anti-hunter harassment complaints since 1993.

POSITIONS:

The Department of Natural Resources (DNR) supports the bill. (3-25-98)

The Michigan United Conservation Clubs (MUCC) supports the bill. (3-25-98)

The Michigan Big Game Hunters Association supports the bill. (3-26-98)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.