

Legislation & Regulation

Model Bill for Prohibiting Anti-Hunters Drafted by WLFA

The Wildlife Legislative Fund of America, whose letterhead asserts that its sole raison d'être is "to protect the Heritage of the American Sportsman to hunt, to fish and to trap," has devised a model state statute for making the various tactics of anti-hunting activists illegal. And with some success: since the group began its efforts in January 1982, eight states have enacted legislation containing some, or all, of the WLFA's suggested provisions. These states are Montana, New York, Washington, Vermont, Connecticut, Michigan, Minnesota, and California.

It all began when the Animal Defense Council initiated a campaign to disrupt the hunt of desert bighorn sheep in Arizona. Their efforts were sufficiently effective that the Arizona Fish and Game Department, working with the state Attorney General, Robert Corbin (himself a hunter), decided to take a closer look at the existing laws to see why anti-hunting activity was not a punishable crime. The result of these efforts was that Arizona drafted and passed the nation's first "anti-harassment bill."

The WLFA, eager to duplicate the victory won in Arizona, had its own attorneys draw up a model bill that "goes further than the Arizona law by protecting the activities of all sportsmen including hunters, trappers, and fishermen" (quoted from a publicity package distributed by WLFA to promote the bill). The following is a verbatim copy of the bill.

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 or 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.

Current Events

MEETING REPORTS

Farm Animals Between Production and Protection — Report on a European Conference

Introduction

Because of the success of the first European Conference on the Protection of Farm Animals, which was held in Amsterdam in April 1979, the Conference Steering Group, under the chairmanship of Mr. P.L. Brown, Chief Veterinary Officer of the Royal Society for the Prevention of Cruelty to Animals (RSPCA), was encouraged to organize a second conference on the same topic. This Second Conference on the Protection of Farm Animals was held on May 25-26, 1982 at the Palais de l'Europe in Strasbourg (France) under the auspices of the Council of Europe's Secretary-General, Mr. Franz Karasek. The Conference was attended by representatives of consumer and animal welfare interests, farm animal producers, and veterinarians from all over Europe, as well as the U.S. and Canada. The subjects discussed included (1) progress in animal protection in Europe, with reference to the work of the Council of Europe and the European Communities; (2) livestock farming, as this industry is likely to develop in Europe by the year 2000; and (3) transportation of animals, including horses, within and into Europe. The first conference session was opened by Gaetano Adinolfi, Deputy Secretary-General of the Council of Europe.

Message from the French Minister of Agriculture

During the first session of the conference, which was chaired by P.L. Brown, a message from Edith Cresson, French