

Legal Responsibilities



Introduction

Hunting by early Indian peoples in North America was not governed by legislation or written laws but by many "unwritten laws" or rituals based upon their dependence on the land and its wildlife. As they were relatively few in number and their hunting implements were primitive (they had no firearms), Indian "subsistence hunting" had very little impact upon wildlife populations.

With the coming of white men with new technology (steel traps, firearms) during the 18th and 19th centuries came a noticeable change. Early explorers, fur traders and settlers commonly abused the opportunity to hunt and trap in a land where game was plentiful and laws were nonexistent. The right to hunt freely without restriction imposed by laws or landowners was one of the basic freedoms sought by settlers in the New World. Considering many of these pioneers were denied the privilege of hunting in their former homeland, perhaps this was to be expected. Even today in most European countries, hunting opportunities are restricted to a small group of wealthy and influential people.

In North America the drastic decline in numbers of many wildlife species due to a changing land uses and over exploitation by both whites and Indians during this period, prompted concern by many people to have the government enact laws to control abusive killing and indiscriminate shooting. As early as 1825, Maine had a closed season on deer and moose. In 1844, a group of sportsmen—conservationists in New York State began to call for laws which would control the harvesting of game. In 1864, Utah passed a law prohibiting the killing of buffalo. In 1895, poaching of buffalo became a federal

offense. In 1900, a law was enacted which prohibited the interstate transportation of any game animal or bird killed in violation of state law.

The preceding paragraph illustrates the slow, but steady, enactment of laws to protect game. What it does not show, however, is that it was the hunter-sportsman who was the driving force in getting these laws on the books. It is commonly thought that the stimulus for wildlife conservation laws came from those who held high office and wanted to protect wildlife from the hunter. Actually, it was the other way around. These laws were passed at the insistence of the hunter in order to conserve a natural resource and to save the sport of hunting.

So it is today. With few exceptions, hunters view wildlife as a resource which, if properly managed, will thrive indefinitely and in spite of the many adaptations which have been required of most species. Wise management, largely possible due to the annual contribution of millions of dollars from hunters through the purchase of licenses, has brought about a complete reversal of the situation which existed only 50 or 60 years ago. Deer now thrive in places where they were thought to be extinct in 1900. This was the case in Pennsylvania, for instance, but in 2014-15 the PA Game Commission reported 315,813 deer were taken by hunters in the state.

Levels of Government

Wildlife laws in North America are made at various levels—federal government, state and provincial governments and county, municipal or local governments.

Each level of government has been given specific responsibilities. Federal government wildlife laws are concerned with many things such as; the management and regulation of wildlife species that are classified as migratory, the regulation of interstate commerce of wildlife, establishing treaties with other countries pertaining to the management of wildlife, endangered species and others.

State and provincial Fish and Wildlife divisions are concerned with wildlife laws pertaining to the management of wildlife species found within their boundaries.

County, municipal and local wildlife laws usually concern wildlife species found within boundaries of these governments.

In matters of overlapping legislative jurisdiction, federal law cannot be replaced or countered by state or county laws.

Each hunter has the responsibility to know the laws governing the hunting of the species he is hunting as well as the laws for the area he is hunting in.



Laws to protect life and property

- a) It is unlawful to discharge a firearm or cause a projectile from a firearm to pass within 200 yards (180 m) of an occupied building.
- b) No person shall have a loaded firearm in or on a motor vehicle.
- c) Big game hunters using firearms must wear blaze orange.
- d) No person is allowed to shoot along, across or off a highway.
- e) No one shall hunt while impaired by drugs or alcohol.
- f) It is unlawful to hunt waterfowl using a single ball cartridge.
- g) It is unlawful to discharge a firearm from a developed road.

Laws to protect and conserve wildlife

- a) All regulations pertaining to hunting seasons and bag limits are intended for this purpose.
- b) No one shall hunt or molest big game while the animal is swimming.
- c) No one shall hunt in a wildlife or bird sanctuary, without a permit to do so.
- d) No one shall hunt using an aircraft.
- e) It is unlawful to buy or sell wildlife, or to keep wildlife in captivity, unless a special permit has been obtained.
- f) It is unlawful to release any exotic wildlife to the wild.
- g) No one shall hunt during the hours between one half hour after sunset and one-half hour before sunrise.
- h) Certain game animals must be registered with the State Conservation Agency so that biological data necessary for wildlife management purpose may be obtained.

Laws governing hunter behavior

The concept of "fair chase" provides the basis for most regulations in this category.

It is unlawful to hunt using:

- i) poison or drugs
- ii) any fully automatic firearm
- iii) snares, traps or nets
- iv) vehicles to chase game
- v) any bait or live decoy
- vi) recorded or electrical wildlife calls
- vii) a dog for big game (except cougar, black bear and white-tailed deer in some areas)

Understanding Hunting Laws

It is the responsibility of every hunter to know the federal and state laws which apply when hunting.

State Conservation Agencies publish pamphlets called "game regulation summaries" that outline the main regulations governing hunting. This information is updated each year to reflect recent changes in the law.

Hunters should obtain copies of the summaries and study them before going into the field. If a hunter has questions concerning hunting regulations which are not answered in the summaries, or if any of the information is unclear, he should contact the nearest Conservation officer or wildlife agency office for clarification.

Creating or Changing Laws

Only duly elected legislatures have the legal capability to create or change laws. However, avenues are available to the public to influence legislation. If you want to see a new law enacted or an existing law changed, you should make your elected representative to the government aware of your thoughts.

If you are convinced the law is wrong, work to change the law but do not disobey it. Many people have found that as they considered their reasons for wanting a law changed, the purpose behind the law became evident. Studying the law will provide an in-depth understanding of why the law is in place. Citizens have several avenues open to them to create or change hunting laws in North America.

Enforcing Laws

Hunting laws are enforced through various government agencies. In most states, conservation officers have the primary responsibility to enforce laws which apply to wildlife. However, other federal and state personnel also have authority to enforce hunting regulations.

When a hunter is caught breaking the law, he is either warned of his offense or charged. A "charge" is an accusation in legal terms. If charged, he may be issued a voluntary payment ticket, taken into custody or advised of the date when he must appear before a judge. If he appears before a judge the judge will then hear the charges made by the enforcement person and hear the plea of the person charged (guilty or not guilty). After hearing the evidence from both sides, he will make a decision. If the person is guilty, he will establish a penalty for the violation as provided for by the legislation applicable to the offense. The penalty will usually involve the payment of a fine and may result in the loss of hunting privileges.

Some offenses have a provision for payment of a fine on a voluntary basis. This means that the amount of the fine has been established by law for these offenses. The accused has the option of paying this fine if he considers himself guilty or processing the charge through court if he prefers.

In summary, governments make laws, enforcement agencies enforce them, a judicial system establishes guilt or innocence and a penal system administers the penalties.

Hunter Responsibilities

It is the duty of every citizen to obey laws governing his own conduct and to see that laws are upheld by others.

Responsible hunters should set a good example for others to follow. Adherence to all laws by hunters will assure the opportunity to hunt in the future.

Report Law Breaking

It is the responsibility of every hunter who sees someone breaking the law to report the offense to a conservation officer or to any law enforcement personnel having jurisdiction. They will take whatever action is required to have the offense investigated.

It can be particularly difficult to report a lawbreaking incident when the person who has committed the offense is a member of your own hunting party, perhaps even a relative. An individual's personal code of ethics will determine what to do. At the very least, the offender should be made to realize his actions are wrong and that his wrongdoing can damage the reputations of the other members of the hunting party. A person aiding and abetting another person in the commission of an offense may be charged with the principal offense.

Accidental Violations

Each year some hunters are involved in accidental violations. Perhaps a hunter shoots at a buck and inadvertently kills a doe. He should report the accident to the proper authorities who will attempt to determine what degree of negligence was involved. The hunter may be charged with the offense and processed through the courts if, in the officer's view, he was unduly negligent in causing the accident.

Providing Biological Data

Wildlife biologists are constantly studying wildlife to learn more about this natural resource. Marking and tagging programs help provide wildlife management personnel with migration and movement data necessary to understand and conserve wildlife. Hunters are asked to report locations where tagged game is taken. Information from leg bands or neck collars taken from any harvested game should be reported to the nearest conservation agency office.

The success of any marking program depends on hunters sending in a band collar to the nearest Fish and Wildlife office and providing whatever additional information is requested.

In some states hunters are required by law to personally register the kill of certain animals; caribou, cougar, elk, grizzly bear, goat or trophy sheep; at an official checking station or with the state's conservation agency.

Sometimes a questionnaire is supplied with a hunting license which should be completed by the hunter and returned to the conservation agency. Questionnaires may also be sent to hunters whose license numbers have been selected at random by computer.

Interpretation of the Law

Laws should be written so they are interpreted the same way by everybody. However, in practice, this is a very difficult goal to accomplish. Because people may interpret some laws differently or rely on misinformed sources of information, they can become confused about what the law allows and what it does not. Areas of law that are particularly confusing to many hunters, yet which they need to interpret correctly, are laws regarding trespass, access to public and private land and firearms use.

It is the responsibility of the hunter to know the hunting regulations and firearms laws for the area in which he is hunting and for the game species he is hunting.

Notes

