REGULAR CALENDAR

October 5, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Fish and Game and Marine Resources to which was referred HB 490,

AN ACT permitting the use of live-action game cameras.

Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Timothy Lang

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**Fish and Game and Marine Resources**
Bill Number:	**HB 490**
Title:	**permitting the use of live-action game cameras.**
Date:	**October 5, 2021**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2021-2140h**

STATEMENT OF INTENT

As technology changes, so must the world. This bill as amended addressed using game cams while hunting. We addressed the "fair chase" concept by placing some time restriction on the use of game cams to assist in the 'taking' of wildlife. Also during the public hearing it became abundantly clear a missed topic was private property rights. We decided to treat this bill along the same lines as the current hunting laws regarding the placement of tree stands on private property. In short, we amended the original bill allowing the use of game cams, adding, if placed on private property open to hunting, then written land owner permission to place game cam or land owner posting to allow game cams are required. Additionally, all game cams must be marked with game cam owner contact info. Fish and Game agrees the amendment makes the bill much better for private land owners and enforcement, the NH Timberland Owners Association, that represents large tract land owners here in NH, also supports the bill.

Vote 14-7.

Rep. Timothy Lang
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Fish and Game and Marine Resources

HB 490, permitting the use of live-action game cameras. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for the **Majority** of Fish and Game and Marine Resources. As technology changes, so must the world. This bill as amended addressed using game cams while hunting. We addressed the "fair chase" concept by placing some time restriction on the use of game cams to assist in the 'taking' of wildlife. Also during the public hearing it became abundantly clear a missed topic was private property rights. We decided to treat this bill along the same lines as the current hunting laws regarding the placement of tree stands on private property. In short, we amended the original bill allowing the use of game cams, adding, if placed on private property open to hunting, then written land owner permission to place game cam or land owner posting to allow game cams are required. Additionally, all game cams must be marked with game cam owner contact info. Fish and Game agrees the amendment makes the bill much better for private land owners and enforcement, the NH Timberland Owners Association, that represents large tract land owners here in NH, also supports the bill. **Vote 14-7.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

October 5, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Fish and Game and Marine Resources to which was referred HB 490,

AN ACT permitting the use of live-action game cameras.

Having considered the same, and being unable to agree with the Majority, report with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Cathryn Harvey

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**Fish and Game and Marine Resources**
Bill Number:	**HB 490**
Title:	**permitting the use of live-action game cameras.**
Date:	**October 5, 2021**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill as amended would permit the use of live action game cameras while hunting. The minority believes that permitting such devices, sometimes several on one landowner's property, could be impossible to regulate. There was testimony suggesting that enforcement of the regulations set forth in the bill would be extremely difficult. More importantly, the minority further believes that using live action cameras to locate animals for a hunter to harvest, even with the time delay, does not support fair chase hunting.

Rep. Cathryn Harvey
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Fish and Game and Marine Resources
HB 490, permitting the use of live-action game cameras. **INEXPEDIENT TO LEGISLATE.** Rep. Cathryn Harvey for the **Minority** of Fish and Game and Marine Resources. This bill as amended would permit the use of live action game cameras while hunting. The minority believes that permitting such devices, sometimes several on one landowner's property, could be impossible to regulate. There was testimony suggesting that enforcement of the regulations set forth in the bill would be extremely difficult. More importantly, the minority further believes that using live action cameras to locate animals for a hunter to harvest, even with the time delay, does not support fair chase hunting.

Original: House Clerk
Cc: Committee Bill File

Rep. Love, Rock. 6
Rep. Howard, Belk. 8
September 21, 2021
2021-2140h
04/08

Amendment to HB 490

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definitions of "game camera" and "hunting day" and relative to the use of game cameras.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; General Provisions as to Fish and Game; Game Camera. Amend RSA 207:1 by inserting after paragraph XI the following new paragraph:

XI-a. Game Camera: Any device capable of recording and transmitting photographic or video data wirelessly to a remote device, such as a computer or smartphone, as well as a device that merely records photographic or video data and stores such data for later use.

2 New Paragraph; General Provisions as to Fish and Game; Hunting Day. Amend RSA 207:1 by inserting after paragraph XIII-a the following new paragraph:

XIII-b. Hunting Day: The period of time during the calendar day when the lawful taking of a game animal or fur-bearing animal is allowed.

3 New Section; General Provisions as to Fish and Game; Use of Game Cameras. Amend RSA 207 by inserting after section 62 the following new section:

207:63 Use of Game Cameras.

I. Any person taking or attempting to take a game animal or fur-bearing animal may use a game camera to locate, surveil, aid, or assist in any attempt to locate or surveil any game animal or fur-bearing animal, provided that no person shall take a game animal or fur-bearing animal within 10 hours of remotely viewing any image or video of that animal from a game camera in that area.

II.(a) No person shall place a game camera that records or transmits images or data of any kind while unattended outside on the private property of another without the written consent of the property owner, or the property owner has posted signage on his or her property allowing the placement of such camera as provided in this section.

(b) A person may permit the placement of a game camera by posting signs of durable material with any words describing the physical activity permitted, such as "Game Cameras Allowed," printed with block letters no less than 2 inches in height, and with the name and address of the owner or lessee of such property. Such signs shall posted at gates, bars, and commonly used

entrances. This section shall not prevent any property owner from adding to the language required by this section.

(c) Any written permission granted by a property owner under this section shall expire on December 31 of each calendar year, unless earlier rescinded by the property owner or his or her designee.

III. A person who places a game camera on the private property of another shall label the camera with that person's name and contact information.

IV. A property owner may contact a local or state law enforcement officer or a conservation officer to remove a game camera which was placed in violation of this section.

V. This section shall not prohibit:

(a) The use of a game camera to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked; or

(b) The lawful use of implanted or attached electronic devices by fish and game department staff or other persons holding a scientific permit from the executive director to identify, monitor, and track animals; or

(c) Any device placed or used in accordance with a warrant or in accordance with other lawful actions of law enforcement officers and personnel of the fish and game department in the performance of their official duties.

VI. Any person who violates this section shall be guilty of violation and subject to a fine of up to $1,000 for each offense and, for a second or subsequent conviction under this section, forfeiture of the placed equipment.

4 Effective Date. This act shall take effect 60 days after its passage.

2021-2140h

AMENDED ANALYSIS

This bill adds definitions of "game camera" and "hunting day" and permits the use of a game camera to take or attempt to take a game animal or fur-bearing animal.

HOUSE COMMITTEE ON Fish and Game and Marine Resources

BILL NUMBER: **HB 490**

BILL TITLE: **permitting the use of live-action game cameras.**

DATE: **February 1, 2021**

THE COMMITEE HAS VOTED TO RETAIN THIS BILL.

_____

Rep. Lang, Chair

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/22/2021 10:00:16 AM
Roll Call Committee Registers Report

2021 SESSION

Fish and Game and Marine Resources

Bill #: HB490 **Motion:** Retain **AM #:** **Exec Session Date:** 2/1/21

Members	YEAS	Nays	NV
Lang, Timothy P. Chairman	20		
Khan, Aboul B. Vice Chairman	1		
Klose, John F.	2		
Spillane, James A.	3		
Howard, Raymond J.	4		
Craig, Kevin B.	5		
Love, David C.	6		
Wolf, Dan H.	7		
Kittredge, Mac	8		
Dostie, Donald	9		
Smith, Jonathan H.	10		
Harvey, Cathryn A.	11		
Laflamme, Larry L.	12		
Dontonville, Roger W.	13		
King, Mark R.	14		
Read, Ellen D. Clerk	15		
~~Egan, Timothy T.~~ Jack, Martin	16		
~~Ruprecht, Denny M.~~			1
Shurtleff, Steve J.	17		
Ellis, Donna R.	18		
Oxaal, Ariel	19		

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/22/2021 10:00:16 AM
Roll Call Committee Registers Report

2021 SESSION

Fish and Game and Marine Resources

Bill #: HB490 **Motion:** Retain **AM #:** **Exec Session Date:** 2/1/21

TOTAL VOTE:	20	0	1

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

SUBCOMMITTEE WORK SESSION on

BILL TITLE: HB 490

DATE: April 28, 2021

Subcommittee Members: Reps. Lang, Khan, Read, Klose, Spillane, Howard, Craig, Love, ~~Wolf~~ McConkey, Kittredge, Dostie, J. Smith, **Harvey, Laflamme, Dontonville, M. King, Egan, Ruprecht, Shurtleff, Ellis and** Oxaal

Comments and Recommendations:

Subcommittee Members: Rep. Khan, Rep. Howard, Rep. Oxaal

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. ___*Ellen Delana Read*___
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

PUBLIC HEARING ON

BILL TITLE: 490

DATE: 2/1/21

ROOM: LOB 210 **Time Public Hearing Called to Order: ___10:32_____**

Time Adjourned: ___11:03_____

(please **bold** if present)

Committee Members: Reps. Lang, Khan, Read, Klose, **Spillane, Howard, Craig, Love, Wolf, Kittredge, Dostie, J. Smith, Harvey, Laflamme, Dontonville, M. King, Rep Jack substituting for Egan,** Ruprecht**, Shurtleff, Ellis and Oxaal**

Bill Sponsors:

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

-Rep. Terry Roy introduces – Allows the use of live action game cameras. Trail cameras left in woods and take pictures of game, but live action means it sends a picture to phone live time. The idea of it being an unfair advantage to hunter, no deer will wait for someone to come out. This is especially helpful for hunters with disabilities. Majority of game cameras are sold with ability to send pictures to cell phone. How do you shut it down and keep it from sending pictures easily without creating ruckus? Saves hunters trips to the woods.

Q Harvey – Why bother with camera if deer won't wait for you?
A Why bother with game cameras at all then? So you can figure out animals' routines, where and when they come.

Q Harvey – Isn't that the definition of fair chase?
A That is subjective. We take advantage of technology. Their patterns change as they get closer to rut season. Not a huge advantage, just general idea.

Q Craig - Would you agree the use of wireless game cams minimizes disruption to wildlife by reducing number of trips?
A Yes. You don't need to constantly go in to check on camera, less people disrupting.

Q CHAIR – Would you agree this codifies that you can only take a deer next calendar day?
A Yes

Q Spillane – As an archery hunter that hunts early and late in season I understand changes in patterns, and have found game cameras useful. Would you agree that knowing if it is buck or doe and the travel routes in hard to access areas is useful?

A Yes, aside from rubs on trees it is hard to tell signs of a buck versus a doe. A lot of people, in north, hunt in areas nowhere near their home, so it is almost impossible to check cameras.

Q Spillane – So this bill is a green bill since you are reducing trips to the north.
A Not intent

Q CHAIR – Clarifying that you would be ok to have an amendment to restrict take to no sooner than next calendar day
A That's what I understood, yes

Q Smith – If you accidentally take the same animal as on the camera on the same day, wouldn't this fix the problem
A My understanding is that it is about the camera, not the animal

*Robert Johnson –NH Farm Bureau Federation. Opposed. Our opposition stands on the lack of requirement of land owner permission to put up surveillance equipment. Maine has such a law. Any move forward on this bill should have such an amendment. Requires removal if placed on property without permission. Penalty is fine of not more than $500. We as landowners are increasingly concerned about it, feel it is unconscionable cameras placed on property without permission. Term is private property for a reason.

*Col. Jordan – Disagree with Rep. Spillane. This is a situation where we don't have a law so can be addressed in rule. Rules is more nimble. We looked at this in 2015, we get a lot of complaints from landowners. We do have a law that says we have to have permission to bait, but no such requirement for cameras. I would not be comfortable with cameras on my own private property. We felt we needed to oppose, because as tech advances the question becomes at what point is it too much. We made several cases where people were shooting from their backyard. Principles of fair chase are important here. We need to protect that because that's why people attack hunting. What's next, drone with a rifle so we don't have to go outside? We have gotten away from the experience of hunting and went to the experience of taking. Successful hunt is not an 8 point buck, it is being in the peach and quiet. That is the joy of hunting. These technologies just make us more effective at taking. Not hunting. North American wildlife model would be appalled by this technology. I am not even a fan of the camera…yes we should maybe go back to bow and arrow. So many advances on scopes and other technology. At some point when is the technology not appropriate. We have pursued camera cases, usually tied to illegal bait. This would be the camera for illegal bait. The written testimony has some of the current technologies available. It is as far away from fair chase as you can get. We shouldn't be teaching this to children. I've never used a camera and get a nice buck every year. We do a lot for disabled hunters, and they still have to get out to where the animal is. It flies in the face of fair chase. If you want to move forward, please consider the landowner permission, same day take, and doing it in rules.

Q Spillane – If people are using it for their backyards, cant they use home security camera?
A I am sure people do that but I don't want to make it easier for them

Q Spillane – Does FG use these for law enforcement?
A Not commonly, we used them on the coast for elver poaching. I am a little hinky about cameras because of officer safety because poachers may be able to see officers checking bait.

Q Spillane – Couldn't you currently codify in rules disability needs and landowner permission?

A We could.

Q Spillane – Why haven't you?
A No handicapped hunter has asked. As for permission concerns, this is the first time the Farm Bureau has raised this. But we should be doing that, but it's not good to be in law.

Q Dontonville – Do you see a possibility of hunters abusing having multiple cameras? Can this bill be easily abused and hard to track?
A Yes. They sell kits that allow 16 cameras to network without service, synch together a daisy chain up to 4 miles. Don't we want hunters coming up to the North country and buying dinner and getting a room?

House Remote Testify

Fish and Game and Marine Resources Committee Testify List for Bill HB490 on 202

Support: 10 Oppose: 34 Neutral: 0 Total to Testify: 4

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	S
Spillane, James	james@jamesspillane.org	An Elected Official	Rockingham 2	Support	Yes (0m)	No	
Roy, Terry	terry.roy@leg.state.nh.us	An Elected Official	Myself	Support	Yes (0m)	No	
Johnson, II, Robert	robj@nhfarmbureau.org	A Lobbyist	NH Farm Bureau Federation	Oppose	Yes (0m)	No	1
Roy (Sponsor), Terry	Terry.roy@leg.state.nh.us	An Elected Official	Myself	Support	Yes (0m)	No	
Arguien, Richard	arguien197@gmail.com	A Member of the Public	Myself	Support	No	No	
Richardson, Diane	Workingclasscanine@msn.com	A Member of the Public	Myself	Support	No	No	
Switzer, Bob	macswitz@gmail.com	A Member of the Public	Myself	Oppose	No	No	1
Poole, David	fish4fun.dp@gmail.com	A Member of the Public	NH Guide's Association	Oppose	No	No	1
Glenn, Cynthia	cglenn410@gmail.com	A Member of the Public	Myself	Oppose	No	No	1
Cloutier, John	jocloutier@comcast.net	An Elected Official	Myself	Oppose	No	No	1
Scrofano, Gina	GScrofano@live.com	A Member of the Public	Myself	Oppose	No	No	1
O'Brien, Joan	joanlobrien@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1
Egan, Timothy	timohtytegan@gmail.com	An Elected Official	Myself	Oppose	No	No	1
Coleman, David	dmcoleman38@gmail.com	A Member of the Public	Myself	Support	No	No	1
Bruno, Darla	rockitgirly@aol.com	A Member of the Public	Myself	Oppose	No	No	1
Snyder, Kristina	khsnyder22@yahoo.com	A Member of the Public	Myself	Oppose	No	No	
Sanderson, Paul	paul.sanderson@wildlife.nh.gov	State Agency Staff	NH Fish and Game Department	Oppose	No	No	
Bourbeau, Joanne	jbourbeau@humanesociety.org	A Lobbyist	The Humane Society of the United States' NH office	Oppose	No	No	
Dionne, Linda	voicesofwildlifeinnh@gmail.com	A Member of the Public	Voices of Wildlife in NH	Oppose	No	No	
Reid, Natalie	meatme@gapmountaingoats.com	A Member of the Public	Myself and my household	Oppose	No	No	
Herrick, Liz	lherrick@outlook.com	A Member of the Public	Myself	Oppose	No	No	
Hawkes, Lydia	lydiahawkes@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Conroy, Rosemary	hello@rosemaryconroyart.com	A Member of the Public	Myself	Oppose	No	No	
Reid, Karen	karenreidreiki@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Blanchard, Sandra	sandyblanchard3@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Reagan, Senator John	kathryn.cummings@leg.state.nh.us	An Elected Official	Myself SD #17	Support	No	No	
Coder, William	wcoder@aol.com	A Member of the Public	Myself	Oppose	No	No	
Miller, Virginia Lee	smsharps@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Wahl, BJ	bjwahl@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Arone, Joseph	Joe@aroneexteriors.com	A Member of the Public	Myself	Oppose	No	No	
Freilich, Pam	pam@gmavt.net	A Member of the Public	Myself	Oppose	No	No	
Cadot, Meade	cadot@harriscenter.org	A Member of the Public	New Hampsahire Wildlife Coalition	Oppose	No	No	
Marino, Elizabeth	bethmarino@comcast.net	A Member of the Public	Myself	Oppose	No	No	

Moore, Trois	mooretrois@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Hurley, Margaret	mdaisshurley@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Hurley, John	jrhurjd@aol.com	A Member of the Public	Myself	Oppose	No	No	
Ploszaj, Tom	tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	
Chouinard, Victor	vchouinard@gsinet.net	A Member of the Public	Myself	Oppose	No	No	
Rauter, Linda	lcr80@tds.net	A Member of the Public	Myself	Oppose	No	No	
Tate, Bill	wdtatenh@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Tate, Joanna	joannatate112@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Rathbun, Eric	ericsrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	
snyder, patricia	penguinbird2@hotmail.com	A Member of the Public	Myself	Oppose	No	No	
Kreis, Kenneth	kkreissr@gmail.com	A Member of the Public	Myself	Support	No	No	

Archived: Thursday, April 15, 2021 1:37:51 PM
From: Sanderson, Paul
Sent: Friday, January 29, 2021 1:47:26 PM
To: ~House Fish and Game Committee
Cc: Mason, Scott; Ellingwood, Mark; Jordan, Kevin J; Smith, Jason; LaBonte, Kathy; Buzinski, Timothy; Patterson, Cheri; Whitley, Nicola; Bruce Temple (bkt514@yahoo.com); Christina Luppi (RCCommissioner321@gmail.com); Christopher Hodgdon (Chris_Hodgdon@comcast.com); David Patch; Eric Stohl (EricStohl@myfairpoint.net); Fred Bird (commissionerBirdnhfg@gmail.com); John Caveney (nhfgcommcheshirectyjcaveney@gmail.com); Marc Lachance (belknapnhfg@gmail.com); Paul DeBow; Paul McInnis; Ray Green
Subject: Testimony for Feb 1 bills
Importance: Normal
Attachments:
Testimony HB 192_342_2-1-21rev.pdf estimony HB 490 game camera_2-1-21rev.pdf estimony HB 529_2-1-21.pdf estimony HB 241 trout_2-1-21_rev.pdf

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Members of the Committee, Thank you for reviewing the attached written testimony of the NH Fish and Game Department on 5 of the bills to be heard on February 1, noting the following:

A. The Department has not filed testimony for HB 118, as members of the NH Fish and Game Commission will advocate for that bill.
B. While I have signed up on each of the above 5 bills, I have not sought to speak to them in the hearings. I will, however, be on the Zoom platform and would be happy to try to answer any questions members might have at any point during the day.
C. We expect Colonel Jordan to represent us in person before the committee.
D. Our testimony is based upon the bills as introduced, as that is the language reviewed by staff and Commission members. Our positions are those voted by the Commission. We understand that there are multiple possible amendments to these bills that may be offered. We also understand that any decisions made by the Committee on amendments will cause us to bring the language as amended back to the Commission, to be reviewed in a public hearing, and that as staff we must follow that procedure before adopting a new position on the bill(s) as amended.

Paul G. Sanderson
Legal Coordinator
NH Fish and Game

Archived: Thursday, April 15, 2021 1:37:51 PM
From: David Poole
Sent: Friday, January 29, 2021 8:13:21 AM
To: ~House Fish and Game Committee
Subject: HB 529 HB 241 HB 490
Importance: Normal
Attachments:
HB 241 Trout.docx HB 490 live action game cameras.docx HB 529 cruelty to wild animals testimony.docx

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Members of the Fish and Game Committee,

Please find attached written testimony submitted on behalf of the New Hampshire Guide's Association for the bills noted. Thank you in advance for your consideration of our comments.

Respectfully,

Dave Poole, Legislative Liaison
New Hampshire Guide's Association

New Hampshire Guide's Association

Your best source for Dedicated Professional Hunting, Fishing, and Outdoor Guides!

www.NHGuidesAssociation.com

Chairman Timothy Lang
House Committee on Fish and Game and Marine Resources
New Hampshire House of Representatives
107 North Main Street
Concord, NH 03301

January 22, 2021

Chairman Lang and Honorable Members of the Committee,

My name is David Poole, I am a resident of Rumney, and I am the Legislative Liaison for the New Hampshire Guides' Association. We are a professional organization of hunting, fishing and recreational guides that offer services to the citizens and visitors of our great state. We would like to submit this written testimony to voice our opposition to HB 490.

We oppose the proposed immediate use of information provided by game cameras as not being in keeping with the long held principle of fair chase. This principle is one of the basic tenets of modern hunting laws, rules and in most cases ethics.

The Boone and Crockett Club defines fair chase as ", is the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, native North American big game animal in a manner that does not give the hunter an improper advantage over such animals."

Webster defines the word hunt as: "1a: to pursue for food or in sport, b: to manage in the search for game, 2a: to pursue with intent to capture, b: to search out : 3: to drive or chase especially by harrying 4: to traverse in search of prey". Nothing in this definition would include receiving a text on the phone in your pocket from your camera in the field, walking out your back door and shooting the animal that is standing in front of that camera.

The current rule regarding live action game cameras, FIS 312.04, allows the use of the information from the captured image after that calendar day, much like the laws in Alaska that prohibit someone from hunting or assisting someone else until 3:00 AM the day after they fly in. The information someone could get from flying over game and then immediately hunting those animals has been deemed to not be "fair chase".

Maintaining the concept of fair chase is critical to preserve the traditions of hunting and the responsible management of our state's wildlife resources. Technology will only continue to increase our apparently insatiable need to see and control the world around us. Just because we can employ this technology, it doesn't mean we should.

On behalf of the New Hampshire Guide's Association, I want to thank you for allowing us to be heard on this matter. We would request that the Committee find this bill inexpedient to legislate.

Respectfully submitted,



David Poole
New Hampshire Guides' Association

supports & opposes

Inbox ×

Alexandra Moffat samoffat28@gmail.com via nhgeneralcourt.onmicrosoft.com

Sat, Jan 30, 3:50 PM (1 day ago)

to HouseFishandGameCommittee

A big YES to HB 118 & 529. Special strong support for Silane, Read & Howard amendment

NO NO NO to HB 192

241, 342, 490

Way past time to support wild life, to conserve, preserve. Global heating may doom many species so we MUST save what we have, humanely, wisely, ethically.

Alexandra Moffat 77 Upper Stonehouse Mt Rd Orford NH 03777

Hb 490 game cameras

Inbox ×

Diane Richardson workingclasscanine@msn.com via nhgeneralcourt.onmicrosoft.com
to HouseFishandGameCommittee@leg.state.nh.us

Thu, Jan 28, 10:31 AM (3 days ago)

Dear committee
Please attach to the bills permanent record

Hb490 legalizing live action game cameras

Please support and vote yes on this bill

Current law that forbids usage in same calendar day during hunting season is virtually unenforceable without witness tips or self incrimination or a warrant to get camera records from provider

This bill hb490 simply fixes that

Thank you

Diane Richardson
Springfield

Archived: Friday, July 16, 2021 11:33:03 AM
From: dan williams
Sent: Sunday, February 7, 2021 5:04:19 PM
To: ~House Fish and Game Committee
Subject: RE: HB 342 and HB 490
Importance: Normal

I've been a resident of Concord since moving here from VT in 2006 and am a lifelong hunter, angler, and member of various conservation organizations. I'm writing to try and get more information on the aforementioned bills, and to add my thoughts:

HB 342

I can sort of see both sides of the argument on this one, but am in favor of it. As a hunter in Concord, I've long wondered why I'm not allowed to use my Ruger M77, chambered for 280 Remington, during deer season, and have to opt instead for my Remington 870 and Accutip slugs. They do the job, mind you, but my M77 is a tack-driver in terms of accuracy and thus, more ethical and humane. The reason I wonder is because I'm still allowed to use my M77 for bear in September, and other center-fire cartridges for coyotes all winter long. So the "shotgun-town" designation in Concord has always puzzled me. I hunt some of the largest tracts of undeveloped land in Merrimack country - within the borders Concord. That's why this bill interests me. Since the calibers mentioned in the bill are already legal, why not allow hunters to use a delivery system that is more accurate (long rifle, vs pistol?). I get that lever action rifles have a longer effective range than pistols, and that some of the aversion to this bill may stem from the fact that some might think lever guns "more dangerous." But who are they kidding? If they're real aim is "safety" (as I suspect is the reason for not permitting high powered rifles during deer season), then why do they allow high powered rifles for Bear and coyotes? I would argue that there's apt to be just as many - if not more - hikers, mt. bikers, etc. in the woods during September bear season as there are during the November rifle season. So, to conclude, I'm in favor of this bill, and can you please explain to me why this is even an issue at all, given the hypocrisy of the "no centerfire rifles for deer" rule in Concord?

HB 490

This one I'm not so sure about. One of the conservation groups I'm a member of authored a position on live action game cameras some years ago, and came out against them, along with use of drones for hunting and "remote rifles." As I understand it, the legislation that was arrived at as a result, and is currently the law, is that you can use them, but that you can't "hunt/harvest an animal in an area where you are currently using a live action cam" within a certain period of time from getting a pic from said cam. I don't remember if it's 24 or 48 hours. That law is flat-out unenforceable, so I'm not in favor of it as it stands. But I also think that live action cams blur the lines between what's ethical. I know this is a can of worms, because if we decide that these aren't ethical - what next, isn't ethical? But on the other hand, if we decide these are ok, what's next - a bill to rewrite the laws about using drones. There's many times I've walked the edge of a cornfield and wished I could just fly a drone over the whole damn thing to see exactly where that bear is plopping down in the middle of the field to eat corn, and exactly the route they're taking to and from - but that to me, would be unethical and I think that in some areas of F&G law, we should value real knowledge of our quarry, it's habits and habitat, over the newest "shiny object" from the sporting goods manufacturers. So I'd love to hear more about the reasoning behind this bill.

Sincerely.

Dan Williams

Concord, NH

Archived: Friday, July 16, 2021 11:33:03 AM
From: Elise Caplan
Sent: Monday, February 1, 2021 9:49:10 AM
To: ~House Fish and Game Committee
Subject: HB 490- support- public- Elise Caplan
Importance: Normal

All,

I oppose the use of “live action game cameras, i.e., drones, to locate and assist the taking of game animals.

Some hunting groups claim that by obeying laws and killing free-range animals in a manner that does not give humans an “improper advantage” over their prey, the activity constitutes “fair chase.” Of course, these same groups encourage hunters to shoot game with rifles, shotguns, and bows and arrows—weapons that no animal has any chance of outrunning, let alone fighting. Furthermore, “free range” as defined today rarely implies the vast wilderness that large game once roamed.

Any equipment I would consider a complete unfair advantage. I oppose the use of all cameras and or any watchful technology for hunting, searching or researching.

Furthermore,

Because wildlife agencies are funded by excise taxes on hunting and fishing equipment and by revenue from the sale of licenses, hunters—who constitute a tiny percentage of Americans—enjoy a disproportionate say in how wild areas and the animals who inhabit them are managed. Because money talks, Americans who choose to participate in humane, nonlethal activities such as hiking and bird-watching are given little to no role in decisionmaking.

Hunting also disrupts migration and hibernation patterns and destroys families. For animals such as wolves and geese, who mate for life and live in close-knit family units, hunting can devastate entire communities.

The fear and the inescapable, earsplitting noises from the gunfire and other commotion that hunters create cause hunted animals to suffer tremendous stress. This severely compromises their routine and their eating habits, making it hard for them to store the fat and energy that they need to survive the winter. Loud noises can also disrupt mating rituals and can cause parent animals to flee their dens and nests, leaving their young vulnerable to natural predators.

I used a combo of written papers and my own words. Thank you for your attention to this grave and critical matter.

Elise Caplan

Archived: Friday, July 16, 2021 11:33:03 AM
From: Diane Richardson
Sent: Thursday, January 28, 2021 10:31:24 AM
To: ~House Fish and Game Committee
Subject: Hb 490 game cameras
Importance: Normal

Dear committee
Please attach to the bills permanent record

Hb490 legalizing live action game cameras

Please support and vote yes on this bill

Current law that forbids usage in same calendar day during hunting season is virtually unenforceable without witness tips or self incrimination or a warrant to get camera records from provider

This bill hb490 simply fixes that

Thank you

Diane Richardson
Springfield

New Hampshire
Fish and Game Department

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New Hampshire Fish and Game Department
Fish and Game and Marine Resources Committee
February 1, 2021
Testimony on HB 490, permitting the use of live-action game cameras

We write to express the position of the New Hampshire Fish and Game Commission and the New Hampshire Fish and Game Department to oppose this bill, and recommend that it not be approved for passage as introduced.

This proposal would create a new section in statute that would authorize the use of live action game cameras. The images could be used immediately for the purpose of take, but as drafted, it appears that use would only be allowed during the open season for the animal sought, and not at other times of the year. The proposal would, if passed, supersede the administrative rule which has been in place since 2015, which adopts a completely different standard, as follows:

Fis 312.01 Definitions.

(a) "Unmanned Aerial Vehicle (UAV)" means any device capable of flight which is remotely, automatically, or otherwise piloted without an occupant, including, but not limited to, drones.

(b) "Smart rifle" means any firearm that is equipped with one or more of the following:

(1) A target tracking system;

(2) An electronically-controlled, electronically-assisted, or computer-linked trigger; or

(3) A ballistics computer.

(c) "Live-action game camera" means any device capable of recording and transmitting photographic or video data wirelessly to a remote device, such as a computer or smart phone. "Live-action game camera" does not include game cameras that merely record photographic or video data and store such data for later use, as long as the device cannot transmit data wirelessly.

(d) "Take" or "taking" means pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting wildlife, and all lesser acts, such as disturbing, harrying, worrying, wounding, or placing, setting, drawing, or using any net or other device commonly used to take wildlife,

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(603) 788-3164
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REGION 2
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REGION 3
225 Main Street
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FAX (603) 868-3305
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REGION 4
15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov

whether they result in taking or not, and includes every attempt to take and every act of assistance to every other person in taking or attempting to take wildlife, in accordance with RSA 207:1, XXVII.

Fis 312.04 Live-Action Game Cameras.

No person shall use a live-action game camera to locate, surveil, or aid or assist in any attempt to locate or surveil any game animal or fur bearing animal, for the purpose of taking or attempting to take said wildlife during the same calendar day and during the open season to take said wildlife.

Source. #10823, eff 5-4-15

Let us take a moment to define the capabilities of these devices, from information taken from ads on the internet:

A. A kit containing four Long Range Infrared cameras in a private camera-to-camera network that allows you to link up to 16 cameras that communicate with each other and don't require Wi-Fi or cellular service. Each photo that's taken in your camera network is sent directly to your home camera, allowing you to view them all in one place without spooking game or disrupting your hot spot. Each Trail Camera has a typical range of a quarter mile in dense forest, and more than a mile in open terrain. For scouting larger properties, the cameras will sync together automatically, creating a daisy chain that extends photo transmission up to 4 miles.

B. Universal Cellular Trail Camera Adapter adds LTE cellular technology to any trail camera so you can view photos instantly from your smartphone, compatible with any brand or model trail camera, connects to your trail camera's SD card slot (MicroSD card required for capturing photos/videos)

C. Solar Battery Pack: Say "goodbye" to replacing batteries! Designed for set it and forget it convenience, the Solar Battery Pack will keep your trail camera powered up and ready to take photos and videos around the clock. Built-in battery attaches easily to any trail camera and is powered by a 12V amorphous solar panel that keeps things charged up even in low lighting conditions.

D. Cellular Trail/Game Camera, 32MP
Powered by advanced technology and Cellular service, the Cellular Trail Camera allows you to quickly view photos, see wind and weather information, and have real-time camera control. Trail Camera features a 32MP photo resolution and fast trigger speed, plus invisible no-glow IR LEDs for high-quality nighttime photos. Advanced technology allows you to connect up to 9 cameras to 1 base unit and data plan, up to 1,100 Yards Transmitting Distance.

A cornerstone of the North American Model of Conservation is the principle of “fair chase”, which requires a sportsperson to seek only the take of free ranging wild animals in a manner that does not give a hunter an improper or unfair advantage over such game animals. The Department believes that live action game camera technology creates that sort of unfair advantage if the images captured are allowed to be used immediately in the process of take. The use of this new technology will violate our tradition of fair chase and in so doing, will erode the broad public support that sustains NH’s proud hunting traditions.

If the use of these devices were allowed in the process of take, the efforts of individual hunters would be made more efficient, and it would be more likely for an individual licensed hunter to take the number of animals allowed by the license in a shorter period of time. Since there is a limited number of game animals that may be taken statewide without having negative impacts upon the health of each species, achievement of that number in a shorter period of time would mean a long term reduction in the number of days hunters could take to the field, and a reduction in opportunity to practice the sport in the state. Fewer days afield also means a reduction in the need to acquire gear for hunting, fewer days spent

in lodging, fewer days for sportsmen to patronize guides, and fewer meals purchased away from home. That is, the overall positive economic impacts of hunting as outdoor recreation would be reduced.

A question has been raised as to whether such a provision would assist individuals with disabilities in their effort to engage in the sport of hunting. Please note that the legislature has already provided for special permits to assist such individuals in RSA 207:7-a. In addition, as an agency that is the recipient of federal funds, we make annual assurances that our programs do not engage in prohibited forms of discrimination, including against individuals with disabilities. We have provisions in our rules, Fis 900, for the issuance of special use permits at wildlife management areas to make reasonable accommodations to assist such persons, and thus a new statute on this issue is not required.

If it is the decision of this committee that the rule cited above should be altered in some fashion, we have the ability to work with the committee, and the NH Fish and Game Commission, in that regard in an effort to resolve such questions within a rulemaking proceeding. For all of the above reasons, we respectfully request that this proposed legislation be found inexpedient to legislate, and that those concerned with the issue work with the department to propose appropriate adjustments in the context of a rulemaking proceeding.

Respectfully submitted,

Paul G. Sanderson
NH Fish and Game Department
603-271-1136.

HB 490 - AS INTRODUCED

2021 SESSION

21-0807
04/10

HOUSE BILL ***490***

AN ACT permitting the use of live-action game cameras.

SPONSORS: Rep. Roy, Rock. 32; Rep. Spillane, Rock. 2; Sen. Reagan, Dist 17

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill permits the use of a live-action game camera to take or attempt to take a game animal or fur bearing animal.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
21-0807
04/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT permitting the use of live-action game cameras.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; General Provisions as to Fish and Game; Use of Live-Action Game Camera Permitted. Amend RSA 207 by inserting after section 3-e the following new section:
207:3-f Use of Live-Action Game Cameras Permitted. Any person taking or attempting to take a game animal or fur bearing animal may use a live-action game camera to locate, surveil, or aid or assist in any attempt to locate or surveil any game animal or fur bearing animal during the same calendar day and during the open season to take such animal.
2 Effective Date. This act shall take effect 60 days after its passage.