

# Senate Energy and Natural Resources Committee

*Nikolas Liamos 271-3469*

**SB 14-FN**, relative to the use of game cameras.

**Hearing Date:** January 10, 2023

**Time Opened:** 9:40 a.m.

**Time Closed:** 10:55 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell and Watters

**Members of the Committee Absent :** Senator Altschiller

**Bill Analysis:** This bill adds a definition of "game camera" and permits the use of a game camera to take or attempt to take a game animal or fur-bearing animal.

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**Sponsors:**

Sen. Watters

Sen. Gendreau

Rep. Goley

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**Who supports the bill:** Senator David Watters (SD 4), Mandy Mobley, Kevin Jordan, Daniel Dockham, Kyle Baker, Walt Lacey, Mark Ledgard, Jay Phinizy, Jasen Stock, Stephen Wood, Tom Thompson, Representative Jeff Goley (Hillsborough 21), Glenn Cardelli (Carroll 7), Susan Price, Senator Carrie Gendreau (SD 1), Henry Ahern, Erick Sawtelle, Kristina Snyder, Cheryl Woodbury, Deborah Munson, Sean Trombly, Victor Chouinard, Barbara Lovett, Linda Dionne, William Trently, Pam Freilich, Robert Johnson II, Annie Kelly, Lauren Hoffman, Keith Thompson, Cynthia Glenn, Joseph LiPetri, Charlotte Cody, Jean Slepian, and Jennifer Gerber

**Who opposes the bill:** Michael Amaral, Stanley Tatro, Armand Archibald, Roberta Aldrich, Daniel Narinkiewicz, John McCubrey, Andre Larochelle, Tim Psaradelis, Mark Kenney, Nick Spadaro, Joe Cacciatore, Ericka Vashaw, Steven Cutter, Jason Lyle, Michael Jackman, Jared Lover, Scott Morse, Josh Godbout, Ryan Dube, Scott Moore, Dan Williams, Jay Routhier, Joseph Dinsmore, Michael Colby, Robert Parkhurst, Diane Richardson, Patricia Anastasia, and Brian Tobine

**Who is neutral on the bill:** None

**Summary of testimony presented in support:**

**Senator David Watters**

**Senate District 4**

- Senator Watters introduced the bill and noted the purpose of the bill. The purpose of this bill is (1) a person must wait 24 hours after surveying a game or fur bearing animal on a game or trail camera to make an attempt to hunt said animal, (2) a persons must obtain written permission from the owner of the land they wish to mount a camera on,

(3) any camera mounted must have the camera owners' name and contact information clearly labeled.

- Senator Watters referred to this bill to define a game or trail camera as, "Any device capable of recording and transmitting photographic or video data, with or without wire, to a remote device, such as a computer, smartphone, or other viewing device. The term shall also include a device that merely records photographic or video data and stores such data for later use".
- Senator Watters added that the written permission given to a person by a landowner for game camera use, will expire on December 31<sup>st</sup> that calendar year, unless the permission is revoked or extended by the land owner.
- Senator Watters finalized his testimony that any fine incurred for violating the above actions will not exceed \$1,000.

### **Colonel Kevin Jordan**

#### **New Hampshire Fish and Game**

- Colonel Kevin Jordan began his testimony by stating that this bill is not an anti-hunt bill.
- Col. Jordan stated that he has heard many complaints concerning trail cameras, and that many landowners are appalled when they learn a camera can be placed on their property without their permission.
- Col. Jordan also argued against the claim that it is hard to find who owns what land to obtain landowners permission with today's technology and resources.
- Col. Jordan said that because many landowners feel disrespected by hunters who do not ask their permission to use their land for sport, this causes many landowners to make their land private property, so hunters are unable to hunt on it.
- Col. Jordan reinforced his statement by recounting a story of how the southeastern corner of the state is starting to see an overpopulation of deer, but it is difficult for him to incentivize hunters to hunt there due to much of that area being private property.
- Col. Jordan stated that every citizen has a right to know who is taking videos and pictures on their property.
- Senator Pearl asked the question, "Amendment 0003s, which calls for a 300 ft privacy boundary around all residences, where inside the boundary a hunter must ask permission to place a trail camera - this amendment I believe satisfies both landowners and hunters. Would you say with this bill, including the amendment, could be passed on a privacy standpoint?" Col. Jordan replied, "I believe so, landowners just want to know who is on their land".
- Senator Pearl continued, "Would having owner identification on trial cameras be acceptable with landowners without written permission?", Col. Jordan replied, "I believe so but, I do not want to make landowners responsible to patrol their land for trail cameras which can be hard to spot".
- Senator Watters asked a question, "Would you want to lower the fine for violating this bill to \$100?", Col. Jordan replied "Currently the law says we can charge up to \$1000, I have no problem with changing the fine amount".
- Col. Jordan following the questioning stated that he does not want landowners to remove cameras they find on his land because, this can create an altercation between the landowner and the hunter who owns the camera if the camera is damaged during the

removal. Col. Jordan stated that in the bill it says that landowners will call Fish and Game who will send a uniformed officer to remove and seize any camera in violation.

- Col. Jordan told a story, where a landowner removed a trail camera and damaged it in the process and when the hunter found out, there was an altercation between both parties.

### **Daniel Dockham**

#### **Landowner**

- Daniel Dockham stated that he sees hunting as a privilege not a right.
- Mr. Dockham continued by saying that asking for permission to use land is a courtesy to the landowner.
- And that it should be the hunter's responsibility to ask permission from the landowner.
- Mr. Dockham told a personal story that reinforced his point that, the use of trail cameras is a privacy matter
- Senator Watters asked if Amendment 0003s is satisfactory to Mr. Dockham. Mr. Dockham replied, "No, a hunter should have to ask permission if he is on another person's land."

### **Kyle Baker**

#### **NH Wildlife Federation**

- Kyle Baker began his testimony by explaining that the NH Wildlife Federation advocates for outdoor sportsmen, and that outdoor sports should be protected and advocated for.
- Mr. Baker would like to see this bill passed so landowners know their rights are being respected.
- Mr. Baker stated that the NHWF would like to see the boundary increased and the NHWF does support the lowering of the fine

### **Walt Lacy**

#### **Landowner**

- Walt Lacy began his testimony by stating that he had a problem of anonymous tree stands and cameras which damage the trees on his property
- Mr. Lacy claimed he even provided his own information near hunting hot spots on his land but still no hunter has reached out to him.
- Mr. Lacy said this bill is a matter of common courtesy.
- Senator Pearl asked Mr. Lacy if Amendment 0003s is satisfactory. Mr. Lacy replied that he wants permission for all devices on his land no matter where they are located.

## **Mark Ledgard**

### **Certified Fish and Game Hunter Safety Instructor and Landowner**

- Mark Ledgard stated that trail cameras can capture landowners in private moments and who knows where these images may end up in today's world.

## **Jay Phinizy**

- Jay Phinizy stated that he believes the bill should be passed without any change.
- Mr. Phinizy also stated that he is the former chair of the House Environmental and Agricultural Committee.
- Mr. Phinizy claimed he does not think a \$100 fine is that bad.

## **Jasen Stock**

### **Executive Director of the NH Timberland Owners Association**

- Jasen Stock began his testimony by stating that members of his association include natural resource managers.
- Mr. Stock said that this bill is a privacy issue.
- Mr. Stock claims that people who live in rural areas use their land as a buffer from other people, and that landowners do not like feeling watched on their own land.
- Mr. Stock continues by saying the boundary set in Amendment 0003s does not take into account that landowners may have private areas on their land further than the 300 ft boundary.
- Mr. Stock said his members see this bill as catching up to technological advances.
- Senator Avard asked, "Should this bill include drones?", Mr. Stock replied, "Drones are a whole other issue".

## **Steven Wood**

### **Landowner, Owner of Poverty Land Orchards**

- Steven Wood is the owner of a pick your own apple orchard.
- Mr. Wood has said that his customers and himself have seen hunters from his orchards.
- Mr. Wood said the signs he has posted on his property, which state that anyone who wishes to engage in recreational activities on his land must ask his permission first, have been largely effective.
- Mr. Wood stated that this bill is a property rights issue in his eyes.

## **Tom Thompson**

### **Landowner, Owner of Thompson Family Tree Farm**

- Tom Thompson first stated that he owns numerous acres which he allows anyone to engage in recreational activities on.
- Mr. Thompson said he would like the common courtesy to be notified of when hunters place hunting accessories on his land.
- Mr. Thompson continued by saying that his wife is concerned that any private moments may be captured on a trail camera that has been mounted without their knowledge.
- Mr. Thompson said that he asks for no cost from the people who use his land except that they ask for permission to use his land.
- And that liability for those on his land is his main concern.

**Susan Price**

**Commissioner of Fish and Game for Carroll County**

- Susan Price began by saying that she has spoken to many stakeholders, and they do not understand why this bill hasn't been passed.
- She continued by saying that she has seen and heard from others that hunters leave trash and damage trees, and landowners would like to know who is responsible.
- Ms. Price continued by stating that her personal driveway is almost 500ft long so the boundary set in Amendment 0003s would not even cover her whole driveway, which she says is an issue.
- Ms. Price stated that she has heard of stories of people mounting trail cameras not for hunting reasons but for the intent to try and capture inappropriate images of others.
- Ms. Price finished her testimony by saying that she is an avid hunter and that you do not need a trail camera to bag a ten-point buck.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:** None

NPL

Date Hearing Report completed: January 12, 2023