

TESTIMONY OF THE UNIFIED SPORTSMEN OF PENNSYLVANIA
ON HOUSE BILL 251

June 12., 2007
N. Charles Bolgiano

The Unified Sportsmen of Pennsylvania supports HB 251. The support is based on the provision that hunters need to know exactly what is legal and what is not legal when walking through a baited or feeding area. They deserve no less consideration, but that hasn't always been the case, as law abiding hunters have been arrested in instances where they were completely unaware that they were in violation of a Game Law pertaining to being in a baited area. HB 251 removes the discretionary authority of Wildlife Officers to make arbitrary decisions relative to whether or not a hunter is using bait illegally in reference to his/her distance from bait when walking through an area. The proposed legislation clarifies what is legal and what is not legal. If enacted into law, HB 251 would be welcomed by hunters many of whom had no knowledge at the time that they were violating the Game Law and later discovered that their hunting license privileges would be revoked.

Pennsylvania sportsmen must be assured that the Pa Game Commission (PGC) will be required to enforce the statute in a fair and reasonable manner. The current statute must be amended to define boundaries that are clearly understood by the sporting community before they walk into a feeding or baited area. Current ambiguity of Title 34, Section 2308 (a) (8) creates a situation that promotes the opportunity for inconsistent, arbitrary and capricious enforcement of the law.

Unified's position is that hunting over bait, except in Special Regulation Areas where baiting is permitted, does not comply with fair chase and should remain illegal. The amendment to HB 251 is clearly in the best interest of hunters, to our judiciary and to law enforcement because it provides a definitive distance. Having heard the testimony on HB 251 on May 24, 2007, we do not wish to or is there need to revisit all the arguments put forth at that hearing. We do want to emphasize that as the statute now exists, the law is vague and provides for the advancement of PGC policies, which are not law as the statute comprises PGC policy that provides for wide discretionary powers....just what the PGC is in favor of. The PGC does not want a defined distance. It shouldn't be such that if a hunter steps over a vague line that he then falls into the category of "I gotcha game." When hunters do not understand what exactly is required the statute does not comply with the Statutory Construction Act.

Without taking this opportunity to amend HB 251, the discretion of law enforcement is essentially sealed to provide for the PGC to conform in the same manner under rules that suit themselves. We can tell you some first hand horror stories when it comes to bait arrests, but they are too many to do so now.

We do not oppose feeding wildlife provided it is done in a reasonable and lawful manner. There is no prohibition against feeding wildlife in Pennsylvania. Feeding wildlife, especially deer and turkey during the winter time often provides needed nutrition to carry them through that season and also provides opportunities for sportsmen and others to establish a bond of respect and care for wildlife when food is scarce and hard to come by. Feeding deer and turkeys during the winter months can be a factor in reducing winter mortality. We urge the Commission to define what constitutes reasonable, responsible and appropriate regulations for feeding deer and turkey, much like West Virginia is doing. We do not believe that prohibiting all feeding of deer and turkey during winter months is reasonable except in the event that there is a CWD outbreak, which there is no evidence at the present time. It can be done safely without the fear of spreading diseases if done in a reasonable, responsible and appropriate manner.

We want to conclude with several comments. The first one is that in 2005, serious irregularities were occurring in Army recruitment centers across the nation. The government's solution to this problem was to close down all recruitment offices and to require recruiters to take a course in ethics to learn right from wrong. Lee Iococca, former president of Chrysler recently said, "What this nation needs is better leadership that knows right from wrong." For the PGC to say that HB 251 legalizes baiting is wrong and we aren't surprised to hear several sportsmen's clubs take up that same chant. It's all about responsible leadership.

Secondly, we wish to express our appreciation to the HG&FC for holding these hearings on Representative Godshall's HB 251. The time and effort involved certainly serves the needs of sportsmen and will make hunting a more friendly experience.

Thank you, and I'd be glad to answer any questions that you may have.

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