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SB 100

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LEGISLATURE 2007

Bill goes after illegal outfitting

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The illegal outfitter thought he'd figured out the perfect scam.

His clients wouldn't pay him a dime for the deluxe hunting trip into the fabulous backcountry of Montana's Big Hole Valley. Instead, they'd send him gift certificates from Cabelas around the time of his birthday.

Montana Fish, Wildlife and Parks Warden Captain Jeff Darrah remembers walking into the man's hunting camp.

"Everything in his camp was brand new," Darrah said. "He didn't have one set of brand new hobbles for his horses. He had 12. It could have been an advertisement for Cabelas."

The man was charged with illegal outfitting. He was found guilty after a lengthy court trial to a misdemeanor. The illegal outfitter paid the fine for the misdemeanor charge, but he kept all of his equipment.

"He got it all back," Darrah said. "He got to keep the fruit of his ill-gotten gains."

Illegal outfitting is a growing problem in Montana that's fueled by people willing to pay whatever it takes to bag a trophy

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Outfitters

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animal. It's all about big money and little risk.

In Montana, illegal outfitting is currently a misdemeanor punishable by no more than a $1,000 fine and one year in jail.

"Right now the penalty isn't much more than a slap on the wrist," said Jean Johnson, lobbyist for the Montana Outfitters and Guides Association. "If their clients take their game across a state border, they can be charged with a felony and yet the enabler doesn't face the same penalty. It doesn't seem right."

Sen. Larry Jent, D-Bozeman, has introduced legislation to change that.

Jent's SB100 revises the law relating to outfitting without a license, including making the crime a felony punishable with fines up to $50,000 and five years of prison. On Thursday, the Senate Fish and Game Committee unanimously voted to move the measure out of committee.

The bill is part of "poacher's package" of four different bills supported by outfitters, game wardens, conservationists and ranchers.

Montana's outfitters are the most regulated in America, said Johnson.

"We also have one of the best reputations," she said. "Illegal outfitters don't have to worry about the very expensive and limiting factors that licensed outfitters operate under. If you have a little bit of larceny in your blood, you'll do well as an illegal outfitter."

It's not easy for legitimate outfitters to compete with those who believe the law doesn't apply to them.

"Legally licensed outfitters aren't just competing for clients. They're not just competing for wildlife. They're competing for their reputations, too," Johnson said. "That's the problem. The public doesn't understand the difference between licensed and unlicensed. They just understand success."

Over the years, Darrah has seen plenty of illegal outfitters in action.

"Illegal outfitters will do just about anything they have to to be successful," Darrah said. "They're already breaking the law and it doesn't take much for them to let their clients do whatever they want in order to shoot a trophy-class animal."

"It's all driven by money. The greed factor has just taken over. The resource pays the price. Legitimate outfitters pay the price. And Montana's sportsmen pay the price."

On a case near Wise River, Darrah was surprised to hear an illegal outfitter's client joking about Montana's apparent lawlessness. Darrah was tapped into a body wire worn by a FWP agent.

"I was literally sitting in a van down by the river when I heard this outdoor newspaper editor from Birmingham say to our agent, 'Bob, you know what I like about Montana. There's no law out here,' " Darrah said.

The agent apparently leaned in closer to make sure the conservation was picked up on tape.

"He said, 'What did you say?' The guy laughed and said, 'There's no law out here. A guy can get away with whatever he wants.' "

The clients of this particular illegal outfitter had been provided with fraudulently obtained licenses.

Russ Kipp, an outfitter with 30 years of experience in Montana's Grasshopper Valley, knows how frustrating it can be trying to compete with someone who doesn't follow the law. An illegal outfitter operated just down the road from Kipp's headquarters for years before a FWP covert operation shut him down.

Even then, Kipp said the fines the man paid wouldn't cover the costs of legally setting up an outfitting business for a single year.

"He paid something like $7,000 in fines," Kipp said. "I pay close to $20,000 every year for licenses, insurance and taxes and he was an illegal outfitter for years and years and years. His fines were less than what I pay on annual basis. That's just not right."

The outfitting industry pumps $167 million a year into Montana's economy according to a new University of Montana study, Kipp said.

"It needs to be protected from those masquerading as legitimate outfitters," he said.

Jack Rich, a longtime Seeley Lake outfitter, hopes the "poacher's package" will put poachers and illegal outfitters on notice.

"We think this will send a clear message to poachers and outfitters – not in Montana," Rich said.

The other bills included in the poacher's package are:

- SB115: The restitution bill. This legislation redirects all restitution back to Montana Fish, Wildlife and Parks to help pay for regional investigators who would pursue major poaching cases.
- SB205: Vacancy savings for game wardens. This bill would exempt game wardens from the state's vacancy savings program, which in the past has allowed that up to four districts vacant of a warden. There are 72 warden districts in Montana, each roughly the size of Delaware.
- SB226: Duplicate licenses. The number of duplicate licenses in Montana has risen from 4,000 to 7,000 a year. Wardens often find duplicate licenses involved in large-scale commercial poaching operations. The legislation would prohibit the transfer of a replacement license to another.

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