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## Warning: Don't get lost in New Hampshire

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By Jim Cole, AP

Eagle Scout hiker Scott Mason of Halifax, Mass., is rescued April 28 near Pinkham Notch, N.H. He is seeking to reduce the \$25,000 fine he incurred from New Hampshire for the three-day search for him.

By **Martha T. Moore, USA TODAY**

When New Hampshire lawmakers decided to bill negligent hikers for their rescues, they figured they would solve some budget problems and teach hapless tourists a lesson. Then a 17-year-old Eagle Scout got lost on Mount Washington and ended up with a bill for \$25,000.

Now New Hampshire officials, facing possible litigation, are defending a law that hasn't solved their budget troubles and puts the state at odds with national search-and-rescue groups that say billing hikers is dangerous.

"It certainly has put us on the hot spot," says Lt. Todd Bogardus, head of search and rescue for the state Fish and Game Department.

Few other states bill those who are rescued — and most of the other laws target skiers who stray off marked slopes.

Oregon caps the amount that can be billed at \$500. Hawaii requires there be an "intentional disregard" for safety, and Idaho limits reimbursement to rescues from lands that are closed to the public. A Maine law that permits the state to recover costs of a search and rescue is seldom enforced.

The National Association for Search and Rescue opposes billing for rescue, contending people won't seek help if they're afraid they'll have to pay for it. "The public needs to understand that there's going to be someone there to help them and you shouldn't worry about downstream consequences," spokesman Howard Paul says.

In April, Scott Mason, then a high school junior from Halifax, Mass., set out on a 17-mile day hike in the White Mountains. The popular hiking destination includes Mount Washington, where unpredictable conditions have earned it the title "home of the world's worst weather."

When he didn't return by nightfall, his parents called for help. Teams from four search-and-rescue groups searched for four days, assisted by helicopters rented from Maine and Vermont.

Mason had hurt his ankle and tried to take a shortcut, only to get stranded by melting snow and swollen streams that also hampered the searchers. During his three nights on the mountain, he had built a rock shelter and started a fire using hand sanitizer as an accelerant.

Bogardus says Mason was negligent because he did not turn back on the trail after he was injured.

Mason, who declined comment, is in negotiations with the state Attorney General's office over the fee, his lawyer Jed Callen says.

Since the negligent hiker law took effect in June 2008, the state has billed 13 hikers other than Mason an average of \$203 for their rescues.

"People (who) make poor judgments at some point in time have to be responsible for their actions," says Democratic state Rep. Dennis Abbott, who sponsored the law. "You don't rent helicopters for nothing."

National groups say billing for rescue is like a firefighter dousing the flames and then billing the homeowner.

Sometimes hikers are foolish, says Charley Shimanski, president of the Mountain Rescue Association. "But at the same time, you also have people who don't know how to use a welding torch ... burning down their garage. And they still need the help of the fire department."

Bogardus and other New Hampshire officials point out that while everyone's taxes pay for the firefighters, search-and-rescue teams are funded by a \$1 surcharge on snowmobile, boat and off-road vehicle licenses.

That covers only 84% of the annual cost of search-and-rescue missions, a department performance audit shows. The state averages 138 rescue missions a year and spent \$258,000 on them in 2007.

Almost half of the missions are to help hikers, Bogardus says. And almost half of those hikers are from out of state, department records show.

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An earlier New Hampshire law allowed the state to recoup expenses in rescuing "reckless" hikers. The new focus on negligence, Bogardus says, "is a much easier standard to prove."

Freddie Wilkinson, a climber and writer who was part of the search party that found Mason, calls the new standard a dangerous precedent because "the government assumes the authority to regulate personal decisions made in the wilderness."

Says Bogardus: "Take care of yourself and don't expect big brother."

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[y\\_p\\_w](#) (0 friends, [send message](#)) wrote: 10/15/2009 7:34:56 PM

A little late, but for anyone still reading this as an archived story - the \$25,000 was the bill because they didn't have access to their own helicopters. They had to borrow a helicopter from out of state which cost NH a small fortune in fuel and fees. If their own helicopters were still available, it probably would have been a fraction of what they paid.

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[jascss](#) (0 friends, [send message](#)) wrote: 9/28/2009 1:03:10 PM

This comment is to Martha Moore. In the printed edition of this article Moore states that "Mt. Washington, the highest peak east of the Mississippi". This is clearly an error as Mt. Mitchell in North Carolina is 396 feet higher than Mt. Washington. Mt. Washington is the highest point in New England but not east of the Mississippi. The people of the state of North Carolina would appreciate a retraction of this error.

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[stargatebabe](#) (1 friends, [send message](#)) wrote: 9/27/2009 12:39:51 PM

I haven't read all the comments but surely I'm not the only one who noticed that they bill a 17 y/o \$25,000 and "the state has billed 13 hikers other than Mason an average of \$203 for their rescues"

That seems to be a HUGE difference and I doubt anyone can give me a good explanation for it

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[emerald85](#) (0 friends, [send message](#)) wrote: 9/26/2009 3:01:02 PM

I believe people that engage in dangerous (hobbies) outdoor activities should have to purchase special insurance. To help offset the cost of rescue and recovery. I know a few people that have bought it. Its not real expensive like for 1 month, to cover their outing. Some rescues can cost over 100,000. espically if they have to search, then use helicopters for rescue then flown to hospital. I also acknowledge my own stupidity went to Great Smoky Mtn. Natl. Park in July. Hiked up to clingmans dome not very far 1/2 mile. Shorts and T-shirt my sister also. The temperature was probably in the 40's, no jacket, storm coming in. Visibility almost nil. Could have ended bad. Next time I will check into some type of insurance

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**mjsty2** (0 friends, [send message](#)) wrote: 9/25/2009 7:30:57 PM

As an Eagle Scout this young man should have been prepared. He also should have known that it is extremely unwise to attempt such an arduous hike alone. He should have known better than to stray from a trail and venture off into unknown territory. He should be thankful that he is alive. I wonder if he feels that his life is worth 25,000.? Perhaps he doesn't. Maybe he was trying to kill himself and now he is angry that they found him and saved him, so he's going to make them pay? Who knows, but four days of search and rescue teams would be extremely expensive and instead of spending astronomical amounts of money paying an attorney he should send something to the kind people that searched for his sorry butt. That's gratitude for you. If people have to pay for an ambulance to rush them to the hospital, why shouldn't this individual have to pay for the emergency services he received?

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**Imars** (0 friends, [send message](#)) wrote: 9/25/2009 3:13:22 PM

Listen I live in New Hampshire. This young man was an Eagle Scout as he bragged. He was not prepared at all. Look at the earlier newsletter. I think that he wanted the attention. The weather was not good, not predicted to be good. He should have to pay stupid ignorant. I do not care how long it takes he should pay every dime putting others at risk. Dumb move. I go one step further he should loose his Eagle Scout status for being such a poor example.

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**FrankL183** (0 friends, [send message](#)) wrote: 9/25/2009 2:01:52 PM

People are missing the point of this article. The kid got injured and actually worked to make sure he was safe; built a shelter, started a fire. The intent of this law was to bill people for stupidity like day trippers from Boston or New York that start a hike with flip-flops and t-shirt. Yes, these type of people should be fined. The other question, is why the over the top response! If all the other rescues cost and average of \$203, why was this one so much? Did someone in authority panic?

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**jagahe** (0 friends, [send message](#)) wrote: 9/25/2009 1:36:30 PM

You are alive! So pay the bill! It appears you have enough money to pay for lawyers so stop being ungrateful and stop wasting more of the state money. If your life is not worth \$25000 get lost again and stay lost.

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**dixongirl0915** (0 friends, [send message](#)) wrote: 9/25/2009 1:19:46 PM

it's a shame that the government can spend so much money on unnecessary mess but seems to feel that it's ok to charge people for getting lost. No one plans on getting lost. Things happen. Everyone should be praying and thanking GOD that the young man was found alive and well. It could have turned out worst. Cut down on the city, state and local employees flying across the country to vacation, host parties or whatever, at the expense of the citizens and apply those funds to the rescuers fund. This is a much needed team. It never cease to amaze me how people find a way to take what little pleasure from simple people who likes doing simple things in life like hiking. We are slowly becoming a government like other third world countries but no one sees that huh!

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