

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN JIM ELLIOTT**, on January 17, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Jim Elliott, Chair (D)
John Johnson, Vice-Chair (D)
Beverly Barnhart (D)
Fred "Fritz" Daily (D)
Roger DeBruycker (R)
Orval Ellison (R)
Gary Forrester (D)
Bob Gilbert (R)
Marian Hanson (R)
Vernon Keller (R)
Bea McCarthy (D)
Bruce Measure (D)
John Phillips (R)
Ted Schye (D)
John Scott (D)
Wilbur Spring (R)
Bill Strizich (D)

Staff Present: Doug Sternberg, Legislative Council
Ginger Puntteney, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON HOUSE BILL 88

Presentation and Opening Statement by Sponsor:

REP. BARRY STANG, House District 52, St. Regis, said this bill would allow a season for hunters to use dogs to chase bears. Proposed amendment might make it more palatable for FWP, because it would take the burden off their shoulders. He supports an amendment that gives the Fish and Game Commission the right to set the chase seasons for black and brown bears. This bill would allow dogs to chase only black and brown bears, not grizzly bears.

Proponents' Testimony:

K.L. COOL, FWP, said the Department supports the season setting process, giving the Fish and Game Commission the authority to regulate hunting black or brown bears with dogs. **EXHIBIT 1**

CHAIRMAN ELLIOTT asked Mr. Cool if he was a proponent or opponent of this bill. Mr. Cool said the definition of allowing the Commission the authority to regulate in this area is the Commission's responsibility. It is the authority for season setting. If you give us that authority, the Commission will exercise that authority to the best of their abilities. It is unlikely that the Commission will provide the seasons that are requested, but we cannot oppose giving the Commission authority that they were provided in terms of legislation. So we must support the legislation, based on the concept that this is an area we are designated to regulate.

Tom Heacock said he uses hounds to hunt and would like this bill passed.

Scribner Denzil supports this bill and said a person should be able to hunt in the woods with dogs.

Dick Wilson felt hunting should be allowed with dogs due to the increasing bear population.

Vaughn Thurston supports HB 88.

Opponents' Testimony:

Judith Fenton, Federated Humane Societies of Montana, said the Humane Society opposes this bill due to the welfare of the dogs.
EXHIBIT 2

Claire Evans, Helena, stated her concerns regarding ethics, cruelty to dogs, and the stress on bears. Hunting of bears needs to be done humanely.

Janet Ellis, Montana Audubon Legislative Fund, said the Audubon Fund opposes HB 88 for many reasons. **EXHIBIT 3**

Brad Molner raises hounds but does not support hunting bears with dogs. It would be an insult to hunters due to negative public comments.

Tony Schoonen has used hounds to hunt. Montana does not have enough public land for additional recreational use. To allow another form of hunting could cause even less land to recreate on; also, this type of hunting could interfere with other hunters.

Don Chance, Montana Bow Hunters Association, said the Bow Hunters Association is opposed, as it is not a sporting activity and could hurt natural resources.

Bob Carlson, Butte, felt houndsmen have other opportunities to hunt with their dogs, and this type of hunting may hurt the bear population.

Kathleen Hadley, Montana Wildlife Federation, voiced concern about the impact hunting with dogs would have on the bear population, especially in the spring.

Joe Gutkoski, Montana Wildlife Association, does not support this bill.

John Royland is against hunting with dogs because dogs can't tell the difference between black bear, grizzly bear, and bears with or without cubs.

Questions From Committee Members:

REP. WILBUR SPRING asked Mr. Cool for clarification of HB 88, Subsection(C). Who else is authorized to enforce these laws besides the game wardens? Mr. Cool was not able to clarify this, but said any Montana peace officer should have the authority to execute his duties under this title of the law.

REP. VERNON KELLER asked Doug Sternberg about the harassment statute. Mr. Sternberg said it pertained to livestock but not game animals.

REP. JOHN SCOTT asked Mr. Cool if the Department favored this bill so it would be able to regulate it. Mr. Cool said that would be a decision for the Legislature, but the Department cannot step aside of its regulatory responsibilities. REP. SCOTT asked if the Legislature provides the Commission with the authority to regulate, is the Commission in favor of this bill. Mr. Cool said my answer is yes to the regulatory authority.

CHAIRMAN ELLIOTT asked Mr. Cool, if line 2, page 2, can be interpreted to mean that the bear may not be taken, but only pursued. Mr. Cool said yes. This bill only allows the pursuit.

Closing by Sponsor:

REP. STANG said if the Committee would consider this bill, "Department" should be changed to "Commission" (page 1, line 25). This is a chase bill, not a hunting bill. The Fish and Game Commission could use this bill to help control and regulate the bear population and will enable the Commission to designate hunting areas. No dog owner wants their dog to get hurt, and less sows would be killed if hunted with dogs.

HEARING ON HOUSE BILL 81

Presentation and Opening Statement by Sponsor:

REP. JOHN COBB, House District 42, Augusta, gave the history of this bill in past legislative sessions and also Supreme Court cases regarding this bill. He explained the amendments regarding no overnight camping, unless it's necessary for utilization of

the water itself and no campfires, except portable stoves, unless mandated by an emergency. A landowner should have the right to have restrictions on campfires and camping in order to protect his property.

Proponents' Testimony:

Knute Heveim, Montana Stockgrowers Association, stated support in order to protect private property rights. EXHIBIT 4

Kay Norenberg, WIFE, supports this bill.

Opponents' Testimony:

Stan Bradshaw, Trout Unlimited, said this has been an issue for 7 years. There are problems with the language referring to camping and with the amendments. This issue has taken up too much time in past years and to date no problems have arisen. Therefore, kill HB 81 in this committee.

Jim McDermid, Medicine River Canoe Club, opposed this bill.
EXHIBIT 5

Ray Warren opposed this bill from a floater's viewpoint.

Bob Lane, FWP, said the Department is not in favor of this bill.
EXHIBIT 6

Tony Schoonen said he is a float guide and fisherman. He would like to be able to build a campfire along a stream. There is no need to raise this issue now as it has not caused any problems.

Bill Holdorf, Butte, objects to HB 81.

John Gibson, Billings Rod and Gun Club, said membership is opposed to HB 81.

Kathleen Hadley, Montana Wildlife Federation, said there have not been any serious problems with campfires and camping and that HB 81 is too controversial, so kill it.

Joe Gutkoski, said adjacent landowners have not been bothered with campfires and camping, so kill HB 81.

John Royland, Montana Wildlife Federation, said it is absurd to think a streambed is an unsafe place to build a fire. A floater sometimes gets caught in adverse weather and needs to build a fire.

Questions From Committee Members:

REP. ORVAL ELLISON asked Mr. Lane about property rights above the stream. Mr. Lane said there had not been a need to determine this as there had not been any problems. REP. ELLISON asked Mr.

Lane what caused landowners to start posting additional land. Mr. Lane said there have been no problems with the issues contained in this bill, so saw no reason to open it up unless there's a problem.

REP. BOB GILBERT asked Mr. Lane if there were problems, what would be FWP's position. Mr. Lane said FWP does not have a policy since there had not been any problems. REP. GILBERT asked if camping and wood gathering should be done on private property. If you allow camping you encourage other problems. Mr. Lane said the Department's wardens would investigate any trespassing.

CHAIRMAN ELLIOTT said that Mr. Lane would be invited back for further questions on HB 81 when the committee took Executive Action.

Closing by Sponsor:

REP. COBB stated concerns regarding fires on private land and said this is a fairness issue. Fish and Game needs more camping facilities and eventually will be faced with a problem if restrictions aren't placed on campfires and overnight camping.

HEARING ON HOUSE BILL 107

Presentation and Opening Statement by Sponsor:

REP. JOHN JOHNSON, House District 23, Glendive, said safety instruction requirements need to be revised to have safer bow hunting. This bill would place bow hunting safety training at the same level as the hunter safety education courses. There are proposed amendments to this bill.

Proponents' Testimony:

Don Chance, Montana Bow Hunters Association, summarized the bill and said there is a difference between bow hunting and hunting with a gun. Required hunter education will help get unqualified or uneducated people out of the sport. Making this sport safer will benefit landowners.

K.L. Cool, FWP, said the Department supports HB 107. EXHIBIT 7 FWP proposed two amendments so the effective date would be consistent with the Department's license year and clarifies the law regarding archery license records.

Jan Hamer, Montana Bow Hunters Association, explained the bow hunter's safety training program. Without this program, FWP would be forced to regulate bow hunting.

Scott Snelson, Montana Wildlife Federation, supports HB 107.

Dick Solem, Montana Bow Hunters Association, said the Association wants to clean up its own act, and hunter safety education helps do that.

Brad Molna, SESA, requested support of this bill.

Lyle Nagel, Montana Bow Hunters Association, said the need is to educate more and regulate less.

Closing by Sponsor:

REP. JOHNSON requested a favorable vote for HB 107.

EXECUTIVE ACTION ON HOUSE BILL 89

Motion:

CHAIRMAN ELLIOTT said that REP. ED GRADY requested that HB 89 be placed on the Consent Calendar.

REP. SCOTT MOVED HB 89 BE PUT ON CONSENT CALENDAR

Recommendation and Vote:

HB 89 BE PLACED ON CONSENT CALENDAR - UNANIMOUS

EXECUTIVE ACTION ON HOUSE BILL 88

Motion:

REP. MARIAN HANSON MOVED HB 88 BE TABLED.

Recommendation and Vote:

HB 88 BE TABLED - (14 - 3)

EXECUTIVE ACTION ON HOUSE BILL 107

Motion:

REP. JOHN PHILLIPS MOVED HB 107 DO PASS

Amendments, Discussion, and Votes:

REP. DEBRUYCKER MOVED AMENDMENTS TO HB 107 DO PASS

Mr. Sternberg explained the amendments further (EXHIBIT 8) and suggested FWP's concerns be addressed. REP. ROGER DEBRUYCKER agreed. REP. ELLIS had concerns regarding the grandfathering of these licenses.

AMENDMENTS TO HB 107 DO PASS

Recommendation and Vote:

HB 107 DO PASS AS AMENDED - UNANIMOUSLY

EXECUTIVE ACTION ON HOUSE BILL 91

Motion:

REP. DEBRUYCKER MOVED HB 91 DO PASS

Discussion:

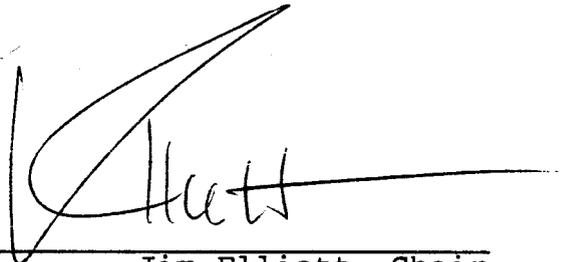
REP. GILBERT questioned the need for a fiscal note, but the committee felt the amount was minimal.

Recommendation and Vote:

HB 91 DO PASS - UNANIMOUSLY

ADJOURNMENT

Adjournment: 4:50 P.M.



Jim Elliott, Chair



Ginger Punttenney, Secretary

JE/gp

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL

DATE 1-17-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓		
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER	✓		
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

HOUSE STANDING COMMITTEE REPORT

January 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that House Bill 89 (first reading copy -- white) do pass as amended and be placed on consent calendar.

Signed: _____

Jim Elliott, Chairman

And, that such amendments read:

1. Page 2, line 17.

Following: "fish,"

Insert: "parks,"

2. Page 2, lines 18 and 19.

Following: "of" on line 18

Insert: "wildlife,"

Following: "fish," on line 18

Strike: "game, game birds, animals"

Insert: "parks"

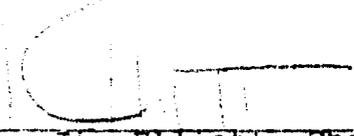
HOUSE STANDING COMMITTEE REPORT

January 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that House Bill 107 (first reading copy -- white) do pass as amended

Signed: _____


Jim Elliott, Chairman

And, that such amendments read:

1. Page 2, line 5.

Following: "foundation."

Insert: "Neither the department nor the license agent is required to provide records of past archery license purchases."

2. Page 3, line 10.

Strike: "July"

Insert: "March"

HOUSE STANDING COMMITTEE REPORT

January 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
House Bill 91 (first reading copy -- white) do pass .

Signed: _____
Jim Elliott, Chairman

EXHIBIT 1
DATE 1-17-91
HB 88

HB 88
January 17, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks

The department supports the principle of vesting authority for season setting with our commission. HB 88 would provide our commission oversight and rule making authority to regulate any future request to hunt black or brown bear with dogs. Before any such season would be authorized, biological and social considerations would have to be studied, discussed and deliberated. Fish and Game Commissions do this kind of work.

Under present circumstances, it is unlikely that such a season would be approved. We are already finding it necessary to restrict the taking of black and brown bears to assure the conservation of the bear population. Hunting bears with dogs increases the hunters' efficiency and could only be accommodated at the expense of hunting opportunity for other hunters. This would be contrary to our current bear management objective.

Today's social environment is also a very demanding place. Other western states have seen lion and bear hunting opportunity lost because of negative public perceptions of those activities. We can and must be sensitive to these social tendencies. Fish and Game Commissions are in a position to give these items the time and attention they need, and therefore we can support giving them the authority.

WITNESS STATEMENT

NAME Judith Fenton BILL NO. 88

ADDRESS Blue Sky Heights #20 Clancy, MT 59634

WHOM DO YOU REPRESENT? Federated Humane Societies of Montana

SUPPORT _____ OPPOSE ✓ AMEND _____

COMMENTS: Three concerns

1) It is unnecessary to hunt bear with dogs

2) We are concerned about the welfare of the dogs to be used during their training and during hunting.

3) Animals ^{raised and} trained to hunt bear may ~~later~~ later become a threat to the general public. They could become a ~~health~~ problem and expense that animal control will have to deal with.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Montana Audubon Legislative Fund

EXHIBIT 3
DATE 1-17-91
HB 88

Testimony on HB 88
House Fish & Game Committee
January 17, 1991

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of nine Chapters of the National Audubon Society and represents 2,500 members throughout the state.

The Audubon Fund opposes HB 88 for many reasons, including:

1. Dogs cannot distinguish between black bears and grizzly bears. Because of their threatened status, grizzly bears should not be hunted by hounds. Currently only 20 grizzly bears may be taken each year.

Black bears have a spring hunting season. The hunting season for grizzly bears does not begin until October 1. Because of the differences in these dates and because dogs cannot distinguish between the two species, grizzly bears could be unduly harassed.

2. Grizzly bears do not climb trees. Dogs following these bears would hence be likely to get involved in a face-to-face confrontation with a grizzly. Depending upon how large the bear is and how many dogs are in pursuit, the confrontation could result in either the bear being unnecessarily hurt or the dogs being hurt. If the dogs are hurt, a hunter is more apt to shoot the grizzly - regardless of the season.
3. It is illegal to shoot a sow bear with cubs. Black bear females keep their cubs with them for 1-1/2 years. Dogs cannot distinguish between single bears and those with cubs. A study done in Maine indicates that when sows with cubs are pursued with dogs, cubs were only seen in one out of five chases: the cubs were treed early in the chase and the sows took the dogs further along in the hunt. This situation should be avoided at all costs.
4. Hounds are very efficient at hunting bears. A recent study of bear hunting in California (May 4, 1990, Bear Hunting, Department of Fish & Game), revealed that houndsmen took approximately 70% of the bears harvested. At least some houndmen in Montana are known to use transmitters on their dogs, increasing their efficiency at keeping track of their dogs - and finding bears.

It is unclear if Montana's bear populations can withstand additional hunting pressures because bears are very susceptible to over-hunting. Montana has experienced declines in bear populations in several areas because of over-

hunting. In 1987 the Dept. of Fish, Wildlife & Parks (DFWP) established a quota system for black bear hunting in the 500 Series Hunting Districts after a study revealed that bear populations were declining in this area because of over-hunting. The bear population in this area seems to be recovering now because of careful management.

In other areas of the state, the DFWP has changed hunting season dates to reduce the number of bears taken. This also seems to be working as a management technique. It is questionable whether or not bear populations could withstand the intensive hunting pressure applied by houndsmen.

6. Running bears with hounds: No study has been done to determine the effect of running bears with hounds. Bears do not normally run for extended periods at a time. Even if animals aren't killed by hunters with hounds, the bears may suffer because of exhaustion.

The spring is a particularly sensitive time of year for many animals: bears are no exception. Black bears do not start to have a stable weight until June - mainly because they haven't eaten all winter. Spring would not be a good time of year to hunt bears with hounds - they can't afford a long chase because of their weakened condition.

In the Fall, bears are feeding heavily to put on extra weight for the winter. A stressful run could mean the difference between having enough fat stored for the winter and not having enough fat: but no one really knows.

The Montana Audubon Legislative Fund sees no reason to add the bear to the list of animals hunted by dogs in Montana. We do, however, know of several reasons why these animals should not be hunted by dogs. For this reason, the Audubon Fund is asking this Committee to give HB 88 a "DO NOT PASS" recommendation. Thank you.

CLOSED TO ALL BEAR HUNTING

GENERAL RANGE OF GRIZZLIES IN MONTANA

Quotas

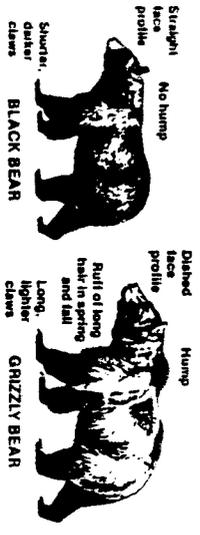
NOTICE OF BLACK BEAR CLOSURE
Portion of Hunting District 141

By order of the Montana Fish and Game Commission, the following designated area in Flathead County shall be closed to all hunting of black and grizzly bear.

Beginning at the Java railroad trestle crossing U.S. Highway 2 at the Glacier National Park entrance, thence easterly along U.S. Highway 2 to U.S. Great Service trail number 488 (Edna Creek - Tranqui Basin trail), thence easterly along said trail to the divide between Spruce Creek and Tranqui Basin, thence easterly along said divide and continuing easterly along the divide between Devil, Moose, Goat, and Lynx creeks to a point above Geller Lake, thence northerly along the divide between Devil Creek and Grizzly Creek to U.S. Highway 2 at the Geller Creek bridge, thence northerly along said highway to the Fielding Road, thence northerly along and road to the Glacier National Park boundary, thence southwesterly along said boundary to the point of beginning.

BEAR HUNTERS — Know Your Target!

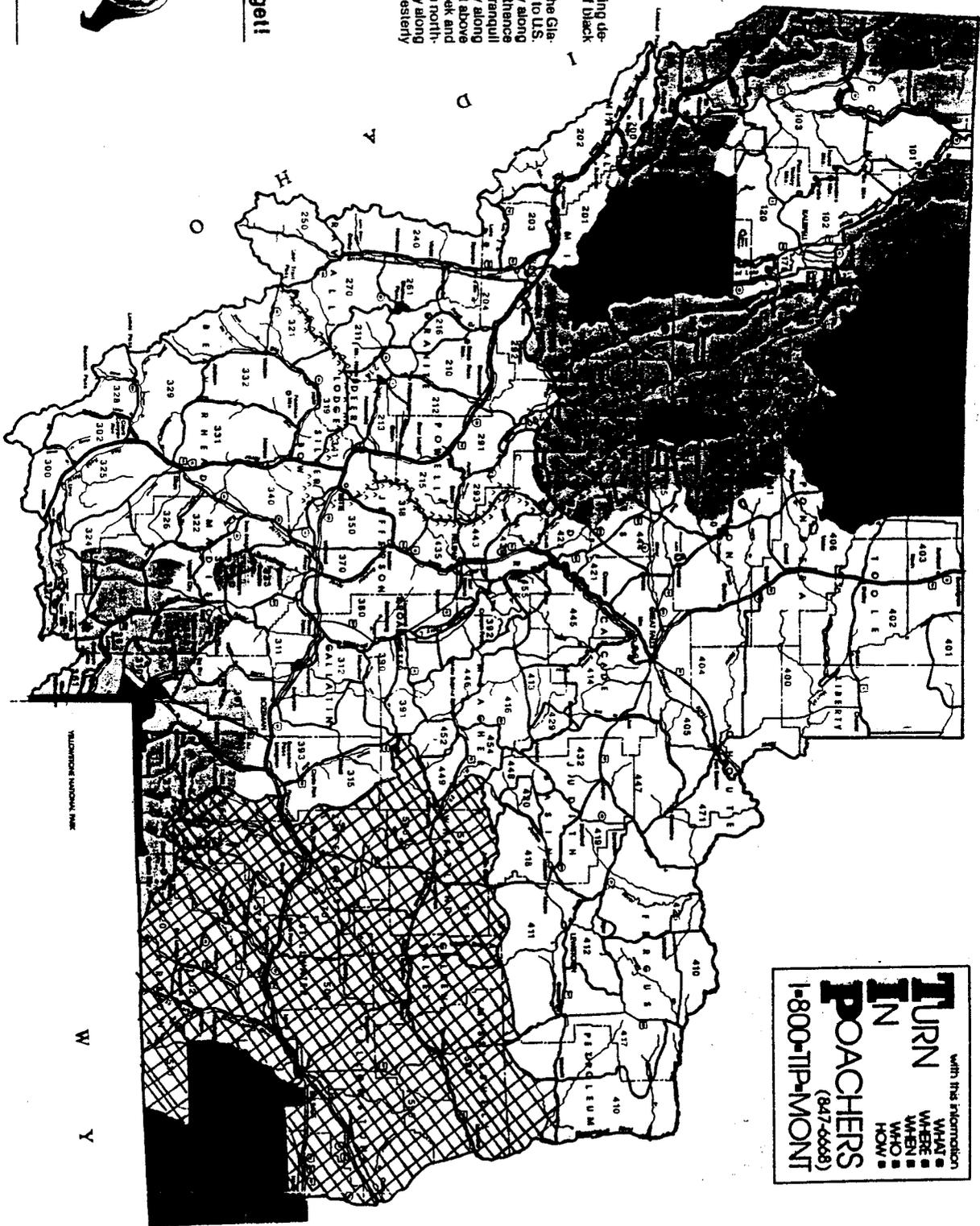
Look for a combination of characteristics



Color and size are sometimes misleading

Be Sure Before You Shoot!!!

BLACK BEAR HUNTING DISTRICTS



with this information
TURN IN POACHERS
 (847-6668)
1-800-TIP-MONT

WHAT
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TESTIMONY

MONTANA STOCKGROWERS ASSOCIATION

HOUSE BILL 81

AN ACT PROVIDING THAT OVERNIGHT CAMPING AND CAMPFIRES ARE NOT
PERMISSIBLE RECREATIONAL USES OF SURFACE WATERS

THURSDAY, JANUARY 17, 1991

HOUSE FISH AND GAME COMMITTEE

GOOD AFTERNOON CHAIRMAN ELLIOT AND COMMITTEE MEMBERS. MY NAME
IS KNUTE HEREIM. I AM REPRESENTING THE MONTANA STOCKGROWERS
ASSOCIATION AND AM A MEMBER OF THEIR BOARD OF DIRECTORS.

A RECENT SURVEY OF OUR MEMBERSHIP INDICATED THAT PROTECTING
PRIVATE PROPERTY RIGHTS IS THE NUMBER ONE ISSUE ON THEIR MINDS.

THEREFORE, ANY BILL THAT PROTECTS OUR MEMBERS PROPERTY RIGHTS,
WE WHOLE HEARTEDLY SUPPORT.

MR. CHAIRMAN, THE MONTANA STOCKGROWERS RESPECTFULLY URGES. A
DO PASS ON HOUSE BILL 81.

THANK YOU.

Medicine River Canoe Club
Great Falls, Montana

EXHIBIT 5
DATE 1-17-91
HB 81

January 17, 1991

pg. 1 of 3

House Fish and Game Committee
State Capitol
Helena, Montana

Chairman Elliott and Members of the Committee:

My name is Jim McDermid and I am the spokesman for the Medicine River Canoe Club in Great Falls. Our club has been involved with the stream access issue for an entire decade now--since 1981.

We wish to express our OPPOSITION to SB 81. There is no legitimate reason to ban either camping or campfires on our waterways. Both are a justifiable necessity for the enjoyment of the rivers.

Why camping should be allowed:

There are a significant number of river segments in Montana where the distance from one public access point to the next is greater than a one day float. If you plan to float that segment, overnight camping becomes a necessity.

For instance, on the Marias River, a beautiful prairie float, the distance from the Circle Bridge to Loma is 57 miles. On the Judith River, from Samples Crossing to the Anderson Bridge is 38 miles. We could cite many more examples throughout the state.

In fact if any river segment is over 20 miles in length it may be too great a distance to cover in one day depending on the circumstances. For skilled paddlers in a fast craft this would be an easy distance to cover. However, many floaters in Montana are casual paddlers who own slower craft such as rafts or recreational canoes.

If the Stream Access Law were amended as in HB 81 it would allow camping and campfires ONLY with the permission of the landowner. If you choose a possible campsite from a map of the river you plan to float, it can be very difficult to establish ownership. Even if you locate the owner he might not allow camping.

However, a bigger problem may be in not arriving at the chosen site because many factors can affect your progress down the river. One of the primary ones is time-out to fish, perhaps one of the main reasons that people float our rivers. Inclement weather such as cold, rain, thunderstorms and, especially, wind can impede headway. Unforeseen mishaps may temporarily stall a float trip. Taking children along always seems to involve more stops.

Dangerous situations could be created if paddlers, especially the less experienced, try to cover these longer river stretches in only a day float. Please keep in mind that camping is only allowed on Class I rivers anyway. No camping is permitted on any Class II river without the specific permission of the landowner.

Why campfires should be allowed:

Bank fishermen would often suffer without the opportunity to build warming fires, especially early in the season when the weather can be quite miserable. In our area it is not unusual for fishermen to have small warming fires along the Missouri and also the lower Marias.

Because of the Montana climate, our nights are almost always cool, even in the summer. Our rivers are commonly cold and this chills the air along the rivers even further, making the warmth of a campfire a real necessity for river campers and fishermen.

Inclement weather can strike at anytime regardless of what the weatherman may be saying. One year some members of our club were floating the North Fork of the Flathead during the first week in July. It snowed on their first night out and remained very cool the rest of the trip.

On another trip involving canoe club members on the Dearborn River, the forecast was for a high approaching 60°. A last minute call to the people at the weather service verified that the forecast was unchanged but looking at the sky the paddlers were dubious. However, they were well prepared so continued with their plans to float the river. The air temperature never exceeded 43° with a drizzling rain all day.

By lunch time people were somewhat soggy and chilly. They built a small fire, made soup and thereby warmed themselves both inside and out. They proceeded down the river and encountered a group not as well prepared. It was two families, including younger children, who had punctured one of their rafts. For them a fire was not only a necessity to ward off hypothermia but also needed to dry the damaged area of the raft before patching material would hold.

Forestfire and grass fire danger are often cited as reasons campfires should be disallowed. Remember, campers must remain below the ordinary high water mark when camping, unless they are on public land. Riverside campfires are probably the safest fires built because they are most often on bare sand or gravel bars.

Most floating is done in late spring or early summer when the water levels are appropriate and the fire danger is not yet hazardous. Later in the season, when a fire danger may exist, most rivers are too low to float except for the larger ones such as the Missouri and Yellowstone. All counties, of course, have the authority to ban open fires at any time there is a risk and have often done so, especially in recent drought years.

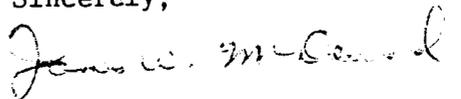
EXHIBIT 5 p. 38
DATE 1-17-91
HB 81

-3-

To reiterate, we have been involved in this issue since 1981. The Stream Access Bill, passed in 1985 after four exhausting years of debate, was a good compromise. It has worked well since its implementation as there have been very few documented problems associated with this law.

Please, lets not reopen this debate; lets not alter a law that is serving us well; lets not pass HB 81.

Sincerely,



James W. McDermid, Spokesman
Medicine River Canoe Club
3805 4th Ave. South
Great Falls, MT 59405

EXHIBIT 6
DATE 1-17-91
HB 81

HB 81
January 17, 1991

Testimony presented by Bob Lane, Dept. of Fish, Wildlife & Parks

The amendment proposed by HB 81 to the stream access law to prohibit camping is not consistent with the ruling of the Montana Supreme Court. The amendment to prohibit campfires addresses an activity that has not been a problem in our experience working with the existing law.

In a 1987 test of constitutionality our Supreme Court affirmed the major elements of the law after careful consideration of the rights of both landowners and the recreating public. The Court specifically found that the public had a right to camp, where necessary to the utilization of the water itself and where the camping had minimal impacts on private property. To prohibit camping would conflict with the Court's recognition of a public right to limited camping within the ordinary high-water marks of navigable or class I rivers.

Neither the law nor the Court has addressed the use of campfires. Campfires between the ordinary high-water marks of the class I rivers have not caused problems, in the experience of the department.

The Department understands that the sponsor intends to amend his bill to restrict campfires and overnight camping rather than prohibit them outright.

If the sponsor's amendment on camping conforms to the Supreme Court's ruling, it would be acceptable, but unnecessary. Because the legislature, in adopting HB 265 in 1985, attached a severability clause to that law, it has been our opinion that further legislation on the subject was not needed. An amendment restricting fires would still address an incidental use that has not been a problem.

In summary, we submit that the law is working well and does not need an amendment.

HB 107
January 17, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
To the House Fish and Game Committee

The department supports HB 107. We applaud the Montana Bowhunters Association for their efforts to improve the proficiency of all bowhunters and to address the issue of hunting ethics.

We anticipate only incidental additional costs. Those costs would be associated with the purchase of additional manuals and training materials. We can cover those expenses within our existing budget.

Archery stamp purchases from previous years are difficult for us to verify. They are catalogued by license dealer and the month purchased. Because of the difficulty and expense that would be associated with our verification, we agree with the MBA that bowhunters should be responsible for providing previous years' stamps.

We offer two suggested amendments.

The first deals with the effective date. In order for us to implement the suggested change for the 1992-93 license year, the effective date would need to be consistent with our license year which runs from March 1 through February 28.

The second suggested amendment clarifies in the law that archers are responsible for providing a previous year's archery license and that the department and/or license agents are not responsible for providing records of purchase from a previous year.

AMENDMENT TO HB 107
INTRODUCED (WHITE) COPY

Ex. 7

1-17-91

HB 107 pg 206

1. Page 2, line 5

Following: "foundation."

Insert: "It is the applicant's responsibility to provide any archery license issued for a prior hunting season to the person authorized to issue the license. The department of fish, wildlife and parks or license agents are not required to provide records of past bow and arrow license purchases."

2. Page 3, line 10

Strike: July

Insert: March

EXHIBIT 8
DATE 1-17-91
HB 107

Amendments to House Bill No. 107
First Reading Copy

For the House Committee on Fish & Game

Prepared by Doug Sternberg
January 17, 1991

1. Page 2, line 5.

Following: "foundation."

Insert: "Neither the department nor the license agent is required
to provide records of past archery license purchases."

2. Page 3, line 10.

Strike: "July"

Insert: "March"

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Fish and Game COMMITTEE

BILL NO. 88

SPONSOR Rep Stang

DATE 1-17-91

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY.

WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU WANT TO SUBMIT WRITTEN TESTIMONY.

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	SUP-PORT	OPP-POSE
CLAIRE EVANS Helena	self	88		✓
Judy Fenton Clancy	Federated Humane Society of Mont	88		✓
Janet H Ellis	Audubon	88		✓
Valerie Horton	MT Wildlife Fed.	88		✓
Richard E. Wilson Newton P.O. 59430	self	88	✓	
Mike Benthamsen Lincoln Mt.	Pine Hills Outfitters	88	✓	
Vaughn Houston Great Falls Mt	SELF / Reduce Rescriptions	88	✓	
SCRIBNER DENZIL	SELF	88	✓	
Byron Noncross		88		✓
PAT BRADLEY	SELF	88		✓
RUSSELL WARD	SELF & SELF	88		X
Linda Lee	Audubon	88		X
Ben CUNY	SELF			
Tony Schaefer	SELF	88		✓
Brad Malcom	SESA			✓

VISITORS' REGISTER

Fish and Game COMMITTEE

BILL NO. 81

DATE 1-17-91

SPONSOR Rep. Cobb

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Knute Heveim	MT Stockpover Medina Dale MT	✓	
Kim Entelund	MT Stockpover	✓	
Stan Bradshaw	Tarrant Unlimited		✓
Alan Rollo	Med. River Canoe Club		✓
Jim McDermand	Medicine River Canoe Club		✓
KAY NORENBURG	WIFE	✓	
Valerie Horton	MT. Wildlife Fed.		✓
Bob Lane	FWXP		✓
Dianne McDermand	Medicine River Canoe Club		✓
Jack Schron	MWF		✓
Bill Holdorf	Skutumpahorsmen		✓
John M. (K) Johnson	MWF		✓
KORNA FRANK	Farm Bureau	✓	
Ken Mesaros	MT Stockpover	✓	
Susan Land	Adena MT		
Tang Schronen	Pzmsz		✓
David Solon	Booth	✓	
Paul Malross	Federal		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

