#### MINUTES

#### FISH AND GAME COMMITTEE

#### MONTANA STATE SENATE

March 11, 1977

The nineteenth meeting of the Fish and Game Committee was called to order by Vice-Chairman Warden at 8:00 A.M., in Room 405 of the State Capitol Building.

ROLL CALL: All members were present, with the exception of Senator Dunkle, who was excused.

DISCUSSION OF HB 299, an act to prohibit hunting the same day following a flight to locate game and the use of citizen band radios for hunting and the use of aircraft, including helicopters, for transporting hunters, hunting equipment, or wildlife and harassing certain wildlife.

Representative Orval Ellison, Chief Sponsor of the bill, spoke, saying he had seen several bills go through the session, trying to tighten up on game regulations, and this is one of them.

Representative Russell Baeth spoke, saying it was not his intention to restrict the use of citizen band radios, except in the case of harassing game.

Senator Warden called for other proponents.

Mr. Wes Woodgerd of the Montana Fish and Game Department spoke. He said he would like to support the bill, but in the House he testified against the use of two-way radios. He mentioned that Fish and Game Wardens have no way of monitoring them. Mr. Woodgerd said the bill would be difficult to enforce the way it is presently written.

Mr. Ralph Holman, Legislative Chairman of the Montana Outfitters and Guides Association, spoke, saying that fish and game, which is a valuable resource of Montana, will benefit from this bill if it becomes law. He also said that most western states have similar laws, in one form or another, restricting or making unlawful the use of aircraft, including helicopters, for hunting or fishing purposes. (Attachment #1).

Senator Warden announced that Senator Joe Roberts had another meeting and couldn't stay to testify, but he left proposed amendments to the bill, which she offered to the committee. (Attachment #2). Mr. Jim Byrde of Libby, testified in opposition to the bill, saying the FCC already governs citizen band radios and they shouldn't be governed by the state.

Mr. Allan Ovitt of Thompson Falls, representing the C.B. Club of Thompson Falls, read a letter from a spokesman of the Mountain Loggers C.B. Radio Club. He spoke in opposition to the bill, saying the citizen band radios save lives during the hunting season. He also mentioned that hunters and others in the woods notify families of their location and the approximate time they will be out, so that if they are not out at a reasonable time, help can be sent to their location. (Attachment #4).

Mrs. Marjorie J. Knight of Libby testified against the bill, saying that if passed, it would make every citizen band radio owner who is a sportsman a potential law breaker, and this part of the bill overlooks the real purpose and use of citizen band radios. (Attachment #5).

Mr. Richard Wick, representing the David Thompson Search and Rescue Association of Libby, spoke in opposition to the bill. He stated citizen band radios are a tremendous help in all types of rescue missions and, without them, the jobs of search and rescue personnel would be much more difficult and more lives would be jeopardized. (Attachment #6).

Mr. Joe Crosswhite spoke, saying he is opposed to the bill. Mr. Crosswhite is from Columbia Falls, and he said to be without a citizen band radio in that part of Montana would be like driving a pickup truck without a spare tire. He felt a different situation exists in the western part of the state.

Senator George McCallum spoke in opposition to parts of the bill.

Mr. Bob Wilson, who is a hunter safety instructor at Libby, spoke in opposition to the bill. He feels it would make law enforcement too difficult for Fish and Game Wardens. He said he would support the bill as far as the helicopters were concerned, but he is definitely against the ban on citizen band radios. (Attachment #7).

Mr. Scott Thompson of Libby spoke in opposition to the bill. He feels it is necessary to have citizen band radios to save lives and protect hunters. (Attachment #8).

Ms. Sharren Cohenour, representing the Barefoot Castaway Citizen Band Club of Libby, spoke in opposition to the bill. She feels the bill would infringe upon constitutional rights as a citizen of the United States and upon freedom of speech in regard to who can use a radio. (Attachment #9).

Senator Warden called on Representative Ellison to close. He said he felt people opposing the bill were reading a lot of things into it that aren't there. He said there is no way the legislature can forbid the use of citizen band radios when they are licensed by the federal government. He pointed out the bill simply says you can't use them in the hunting of game animals. Representative Ellison felt Mr. Woodgerd had the only legitimate opposition, and that is whether the bill would be enforceable.

Senator Warden opened the meeting to questions from the committee.

Senator Manley stated he endorsed Senator Roberts' proposed amendments.

Senator Smith mentioned that as the bill is presently written, you could not hunt the same day you were airborne. Mr. Woodgerd said this was his interpretation also.

Senator Smith asked Representative Baeth if he was familiar with Federal Communication Commission regulations relating to citizen band radios. He replied that he was not.

Mr. Ovitt said FCC rules and regulations already cover what is in the bill.

Senator Warden asked Debbie Schmidt, Legislative Council Researcher, to check the FCC regulations.

At 8:45 A.M., Senator Warden closed the hearing on HB 299. She accepted written testimony from William Journot, representing the Big Sky Vigilante'e CB Club of Libby; Frances Rosenquist, representing the Barefoot Castaways's Citizen's Band Radio Club of Libby; and Barbara Prophet, representing the Mountain Loggers Radio Club of Trout Creek, Montana, all who were opposed to the bill. (Attachments #10, #11, and #12).

CONSIDERATION OF HB 126, an act to provide for the destruction of dogs pursuing, harassing, attacking, or killing hooved game animals.

Representative Ralph Eudaily, Chief Sponsor of the bill, spoke, saying that at the present time the Fish and Game Department doesn't have the authority to destroy dogs harassing game animals. He stated the wording in the bill is patterned after the Idaho law. (Attachment #13). He reiterated that the bill would simply give the Fish and Game Department the right to protect game animals that belong to the people of Montana which are being harassed by dogs.

Mr. Woodgerd said this has always been a problem, and the Montana Fish and Game Department supports the bill strongly. He noted that the Idaho law has been enforced for some time, and it is a very workable law.

Mr. Joe Crosswhite, a rancher, said that people come out from California and other states and seem to bring at least two dogs, then let them run loose, and they kill deer in the winter. There should be, he felt, some kind of law to keep them penned up, at least at night. He voiced his support of the bill.

Representative Baeth said he strongly supported the bill, and that he wanted to make it even stronger and let anyone kill dogs observed harassing wildlife.

Mr. Ralph Holman spoke as an individual, saying he would like to support the bill. He mentioned he has seen dogs tear a deer apart in deep snow, and that all dogs can be trained by their owners not to chase deer.

Mr. Robert Olson of Libby spoke in support of the bill.

Senator Warden asked if anyone wished to speak in opposition to the bill.

Representative Ellison, upon request of Senator Warden, closed the discussion, and mentioned an article from OUTDOOR LIFE, concerning wild dogs. (Attachment #14). He mentioned the bill was restricted to game wardens and enforcement officials who witness such acts, and said he feels it is very restrictive. He said it was not intended to be an open season on dogs, but rather to provide one more legal tool for the Fish and Game Department to protect game animals that belong to all Montana citizens. Representative Ellison concluded by saying he would appreciate the committee's support of the bill.

Senator Warden called for questions from the committee.

Senator Manley said he wondered why <u>OUTDOOR LIFE</u> would run an article and picture of dogs, but no mention was made about coyotes, who can run much faster than dogs.

DISPOSITION OF HB 126: Senator Lowe made a motion that HB 126 BE CONCURRED IN. The motion was seconded by Senator Manley and carried unanimously.

RECONSIDERATION OF HB 299: Senator Warden mentioned line 9 of the title of the bill, where fishermen, etc. where deleted. She asked Mr. Woodgerd if this is not something the committee should be concerned with.

Mr. Woodgerd replied that the House felt it was too broad and that it should go out of the House as it presently is and then something could be done with it in the future.

ACTION ON PROPOSED AMENDMENTS PRESENTED BY SENATOR
ROBERTS: Senator Smith made a motion to adopt the amendments
proposed by Senator Roberts. The motion was seconded by
Senator Manley.

Senator Lensink said he felt everyone was reading too much into the bill and that he would abstain from voting.

Senator Manley asked if a hunter shoots an elk or deer and then uses a citizen bandradio to contact his friend who is in a pickup five miles away, asking him to help get the animal out, could that be construed as breaking the law?

Senator Lowe replied that it couldn't be, since the bill says, "take, capture, shoot or kill."

Senator Smith felt this would create a problem for people who perhaps have heart problems and need a citizen band radio.

Senator Lowe felt this bill would create a nightmare for Fish and Game Wardens to enforce.

Senator Warden called for a roll call vote on the proposed amendments presented by Senator Roberts.

ROLL CALL VOTE ON AMENDMENTS TO HB 299: Senators Galt and Lensink abstained, and the vote carried 5-0.

At 9:20 A.M., Senator Galt asked to be excused to attend another hearing.

Senator Warden announced that Debbie Schmidt would research this bill further and discuss it with Mr. Woodgerd.

ANNOUNCEMENTS: Senator Warden announced that HB 299 would be discussed at the next committee meeting, to be held Monday, March 14.

ADJOURNMENT: Senator Warden adjourned the meeting at 9:30 A.M.

SENATOR FRANK DUNKLE, CHAIRMAN

### ROLL CALL

#### FISH AND GAME COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 3 //- //

NAME	PRESENT	ABSENT	EXCUSE
DUNKLE, Frank, Chairman			
WARDEN, Margaret, V. C.	<u> </u>	·	
GALT, Jack	<u> </u>		
LENSINK, Everett	<b>\</b>		
LOWE, Bill	/	(8:45)	
MANLEY, John	-		
SMITH, Richard	_		
BERGREN, Russell	/		
			,

	 			C
DATE		 <del></del>	1/	77
			,	
			- X 632	$\gamma$

COMMITTEE ON FISH AND GAME BILL NO. 370

	VISITOR'S REGISTER		
	ATICIDAN & NOTICION	Check	
NAME	REPRESENTING	Support	Oppose
Brad Allick	David Housen Sparch + Tirriche		X
V V V V V V V V V V V V V V V V V V V	Concert Cetizing of Mastern		X
and By of the	T80 CONTroa		X
nursone & Knight	I.80 Controll CB Chil		X
haven Cohenaux V	Barefort Custeway C. B. Click		1
aren Wheremand	Baloly 711 Breaker CBclut.		X
and Coleman	Boldy my Brechen CB Cheb		X
Wided California	Bally Int Breaker & Bole	V.	X
English Francisco	Dr. Cityand a. Carteways C Bolat		
illian E. Journet	Big Ily Visitate C. P. Club	· · · · · · · · · · · · · · · · · · ·	X
of Wilson V	180 CON Roll Hunter Sadety		1
Laker Michipet	Mountage hogger finter Vice		
Wand. Oniet	Mountain Lagrers Balis Clas		
Malph M Solma	Mand autilles frides.	X	<u> </u>
			<u> </u>
			-

NAME: 4	Palps	Holm	un.		DATE:	3/11/2
ADDRESS:	me	Holm Leod				
		3359		and an address of the state of		and the second state of the second space of th
REPRESENT	ING WHOM?	self	<b>/</b> .			nd Modernov maje forga una dissponsazione, paparo capazione, para capazione
		PROPOSAL:		,-126	7	
DO YOU:	SUPPORT?		AMEND?		OPPOSE?	
COMMENTS:						
			N			
		<del></del>			4	
· · · · · · · · · · · · · · · · · · ·						•

FLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: W	illian ?	E. Journet DATE: 3-11-77
ADDRESS:	Ry Boy	x 1298 I Libby mont
PHONE:	293-74	
REPRESENT	ING WHOM?	Big Shy Vigelante E.B. Clus
APPEARING	ON WHICH PRO	POSAL: H.B. 299
DO YOU:	SUPPORT?	AMEND? OPPOSE?
COMMENTS:		
	•	
errendender van den in den de vergegen gegen gewennende		•
	•	
, annaetis - mingriori u - magabilinus auchti		

# STANDING COMMITTEE REPORT

			March 11,	19 <b>7</b> .;
Preside				
e, your committee		ISH AND GAME	<b>HB</b> E	iii No <b>126</b>
ctfully report as fo	llows: That		<b>u</b> s	3III No12

BE CONCURRED IN

third reading bill,

ZZAKKON

Chairman.

STATE PUB. CO. Helena, Mont. This testimony is given on behalf of the Montana Outfitters and Guides Association.

For several years we have watched with growing concern the increased use of aircraft, including helecopters, for hunting and fishing purposes, planes and choppers are now quite often used to spot game and then to radio location to hunters on the ground or land either in the field or return to the airport and then proceed to where the game was located. Trophy animals have even been shot from a helocopter while hovering overhead.

Helocopters are now being used quite extensively to fly fishermen into back country lakes for fishing, they will fly you in early in the morning and back out that evening if wanted or leave you in there for several days. In 30 minutes you and your equipment can be at a high country lake that would take you a day to reach by horse back or back pack. Fish numbers in many lakes have been seriously depleted due to over fishing, especially some of the Golden Trout lakes. A few years ago when A. C. M. were using helocopters on mimeral exploration in the Boulder River country south of Big Timber, on several occasions shopper pilots offered to fly me to different locations if I would show them the good lakes; I refused but others accepted thier offer.

Hunting and fishing in Montana has reached the point where we desperately need to restrain in order to preserve. Seriously depleted game hards need all the protection they can get to avoid further depletion.

Some Outfitters and some hunters have started moving camps, equipment, hunters and game in and out of the back country by helocopter and this is catching on fast. "It's almost an instant hunt".

We could soon have regular fly in service and our fish and game cannot withstand the dded pressure.

At our December Convention this subject was thoroughly discussed and considerable concern was expressed. It was the unanimous decision of M. O. G. A. to recommend the provisions of this bill. The door is left open for emmergency use, for predator control and for flying to and from regular established air fields and heleports.

We firmly believe that, an invaluable resource of Montana, our fish and game, will greatly benefit from this bill when it becomes law. Consider too that most Western states have similar laws, in one form or another, restricting or making it unlawful to use air craft including belocopters for hunting or fishing purposes.

Thank you,

Montana Outfitters and Guides Assoc.

with a will process of

Chairman Legislative Committee

P.S. Predator control, search and rescue, and emergency conditions are excluded from the bill to permit use under these circumstances.

	9 . d ?
	9 . d. C
NAME	NO
	<del></del>
DUNKLE, Frank, Chairman	
WARDEN, Margaret, Vice Chairman	
GALT, Jack abstain	
GALT, Jack alistain LENSINK, Everett alistain	\
LOWE, Bill	
MANLEY, John	
SMITH, Richard	
BERGREN, Russell	
	. '
Sharon (Risken) Smith FRANK DUNKLE	
Secretary	
Motion: 20 adopt amend ments as	
assached	<u> </u>

(include enough information on motion—put with yellow copy of committee report.)

attackment #12

#### PROPOSED AMENDMENTS TO HOUSE BILL 299

amend third reading copy as follows:

1. Amend title, line 7. Following: "PROHIBITS,"

Strike: "THE USE OF CITIZEN BAND RADIOS FOR HUNTING"

2. Amend page 1, section 1, lines 23 and 24.
Following: "light,"
Strike: "citizens' band radio,"

3. Amend page 1, section 1, line 25.
Following: "light,"
Strike: "citizens' band radio,"

Asia Maria

a Tochond

Sinator Frank Dunkle and Honorable Members of the Sinate Pixh and Hame Committee.

The reason Dam apposed to House Bill 299, is the mention of Citizen Band Radios. These raction have alot of important reasons for being in most people is rigo and on their persons. Accidents, car trouble, last hunters or just to be there when some one needs help is just a few reasons for the great need of Citizen Band Radios.

Should this Bill become a law, in my opinion it would then be illegal for Highway Patrolman, County and City Policeman, Same Wardens and etc, to have C. B.s and guns in their possession at the same time. This stupic regulations would deprive the law officers from using their C. B.

CARENCH MINE BY M

Company of the State of the Sta

To the Senate Concerning H.B. 299

As spokesman for Mountain Loggers C.Ber's and surrounding area's, I, Mr. Allen Ovitt, will discuss the following reasons for oppossing H.B. 299.

We oppose the portion of the bill which would make it illegal to have C.B. & Walkie Talkies in our vehicles during hunting season, for these reasons.

First: I would like to point out a few instances where widester combat in case acceptable property. While the co-C.B.'s & Walkie Talkies in our surrounding areas have saved and the contract of the contra lives during hunting season. Three years ago the second The Property are a second and the second week of hunting season in a mountain canyon in our area, a र्वेष्ट्रम केल्प्रै कर्रहरूकार पाँचे जिल्ला गाँउ के देवादा बाव पर man was completely stuck in the mud and it took 4 men and a Dig - 開放開展 - 12 重 - 6 25 4 wheel drive to get him out. "Little Pine." Ester Faulkner, from Thompson Falls took this call in the late evening and relayed the message to "Tamarrack." Walt Faulkner and "Trail Breaker," Dave Grant, who where in a mobile and they along the contract of the property of the property of the property of the contract o with a couple other people went up to get him out. Withencing to be in a a sixted woods. out the help of his radio this man would prebably have reserve the second of the second of the second seco frozen to death on top of that mountain. The Committee of Champan and Committee of the Committee o

Second: Instance: "Pondarosa Papa," Richard Brotherton from Thompson Falls answered a distress call on the C.B. radio from a three man party on bushnell mountain who get stuck up there and couldn't get out. They spent the night up there because no one came by to help them get out. The call was received in the morning and he got in touch with the sheriffs office and they took a wheel drive outfit up and got them out. These 3 men would have frozen to death on that mountain too if they hadn't had that C.B.

Chesant marsh

Senator Frank Dunkle and Honorable Members of the Senate Fish and Hame Committee.

Devould like to voice my objections to the mention of Citizen Band Radios, in House Bill 299, If passed this Bill evould make every O.B. owner, that is a sportsman, a potential law breaker, and this part of the Bill over looks the real purpose, and use of C.B. radios.

Most Montanans are outdoors people, they enjoy and respect the many kinds of outdoor recreations. Montana has to offer. Outdoor sports and recreations have many hazards, and as we all know Mature has very little sympathy for the last, y injured, or

On behalf of David Thompson Search & Rescue Assn. I'd like to say they do oppose the portion of house Bill 299 that concerms C.B. Radios. They are a tremdous help to us on all types of rescue missions. For instance if a hunter has a radio or walkie talkie of some type and has an accident or becomes lost he can lead help directly to his location without delay. This is also true of fisherman boaters, trappers, hikers or almost anyone doing any type of outdoor sport. Several times during our rescue missions in the past C.B.ers have been a great deal of help to us, with their base stations as well as mobiles. They save valuable time when there is a life at stake.

In closing I would like to mention that Senater Joe Roberts is a member of David Thompson Seach & Rescue Assn. and I'm sure he would have to agree that if hunters, trappers & etc. are not allowed to carry radios, our job will be much more difficult and more lifes will be jeopardized.

Thank-you for your time and attention.

Yours Truly.

Richard A. Wick

treasurer

3/10/17

Frank Dunkle

Os a hunter safty unstructure, how can clepplain a law that we believe is unenforceable, and removes one of the best safty measures from the woods.

I hanha for your time and consideration.

Bot Wilson 271037 Litty, mont

Allaspment & P

#### SENATE COMMITEE

REGARDING HOUSE BILL 299

"Break 19" 10-33 a hunter has been shot!!! All of A sudden the speaker on the C.B. radio goes dead and only Emergency Traffic comes through.

Forbidden use of A C.B. radio during hunting season could very well cost the life of a fellow sportsman. Or maybe save a young man who has wanderd off track and can't find his vehicle, a cold and lonly stay out in the wood's. I'm sure I don't have to go to other examples to show some of the good poin'ts of a C.B. radio.

Scott Thompson

Linky

Retark ment

等包括建筑 医阿里丁萨德匿

lim a C.F. er and a member of the Barefoot Gesteway C.E. Club of Libby, Foreign, and very concerned with the H-209 as assign the G.E. radio as a wearon, when it is an instrument of administration. We already have laws, as stated in this bill for hunting in a vechile from the road, from the air, and the use of artifical light.

I feel you are impending on my Constitutional Rights, as a citizen of the U.S., on my Freedom of Speech, and Discrimination, as to whom can use the radio.

The C.B. radio is used for Communication in "Isolated Areas" when hunting, fishing, trapping, camping, or much ever one may be doing, and is a big instrument of "Saving Energy and Time" which is very valuable today.

I feel the C.B. radio will not be used as a weapon' to hunt, fish, trap, but a very important factor when used as a "Safety Precaution" to save a human life or limb.

Sharren Cohenour

Linky

alternatural it is Koom 405 Senator Feank Dunkle Dearthis; We are opposed to House bill 299 the part Concluding the C.B. Radion I In safty keasons Embergenius Il Constitutional Right
Freden Z Spelich III Energy Fall Consumption Jime De bekarf 3-the Big Sky Vigilante's CROCLAN We extend how Thanks for your time William E. Journot

attendensund # 11 Room 405 Denath Frank Dunkle - Chairman Senator of The Fish and Same Committee, We, as concerned C Beis and Cityens of Libby, Montana and members of the Barefoox Castawaya Citizens Band Radio Club are opposed to the parts of House Bill 299 that outlaws Cityins Band Radios for hunting, Lishing and trapping use. We would like to propose an amendment to the bill that would eliminate the Part Concerning the Citizen Bank Radio. With our deepest Concern we give the following Reasons: IT Safty (b) Emergencies (b) Especially in the Isolated areas where there are no other means of Communication It Energy (a) Fuel Consumption (b) Jime Saving III Jeopardiging our Constitutional Kight

Glack Wilson It 1
IAME: Barbare )11 Prophet DATE: Mar 11, 1977
ADDRESS: pt3 Trout Creeks ) 11 out 54854
PHONE: NONE
REPRESENTING WHOM? Mountain Roggers Radio Chil-
APPEARING ON WHICH PROPOSAL: HB 299
IN) YOU: SUPPORT? AMEND? OPPOSE? X
COMMENTS: I approse the term Citizen Band Radios in
COMMENTS: I appose the term Citizen Band Radios en connection with Big Dome hunting en Montana Wa
My husband is disabled and does go out hunting but he cover to be worked in disabled and does go out hunting but
We have also folped many other people with our
I do not say it should be legal to use a radio to
help track down or trap by game animals. But I
where my kindlend connect use a walkie talker
CB radio during hunting season.
그는 그

THEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

in frankally

Attackment H 13

FISH AND GAME LAWS

of the

State of Idaho

January 1, 1977

#### Chapter 11

#### Protection of Animals and Birds

Regulation of dogs. 1. No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by regulations of the commission.

- 2. The owner of any dog found running at large and which is actively tracking, pursuing, harassing or attacking deer or any other big game animal within this state shall be guilty of a misdemeanor. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of their master.
- 3. Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability to the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

RSE:1kl

DEER

Suralar Elleron.

Will attende med

teer-in graph sprofts

to the south blish ones examine and existing the

Then the ordinary topic entending in the continuous for the White may some of the continuous for the continu

other things there therefore starting assumptioning in this line is a constant of the line is a constant of the line is a constant of the line in the line is a constant of th the one inchange to a kineauth more almes which education of the almes a range throughton excepts and policies has decisive and the entire.

who return no double on the big matiles

A tree to continue.

The brokenie me thirt time which this bear one is confidinging is come about it thanks and the figure of a parety little the other and a control of the figure olog kredik epogra opracka liktika kimpila, irbita

consider those compare the flee of the book that the training of the control of t 1111

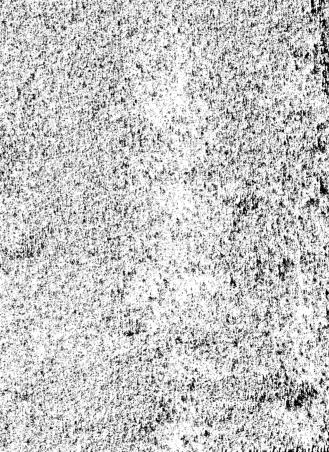
in the prior publication of a product of date. er king property k nggregoryak, go king ngungg ang 1 panggregoryak ngan se olongkap nga Regi end their the spick mut their distance of the transition of the fille their are their their their their think are their appraisement in graph-stope the chappine er en pospital bliek izite tibe dare. Terre and and department and a second

and a status ting throughing their to ANEADAG. The hipperings The status has anomalis and algebraic status in a status in the st hi dipadi

idaiciaia (Filippe Aplific Invalle (Paul) de a

## hunger and unable to yun; deer are often easy prey for dogs. ying, but you can help

Explorer chair thinning presented as a final than the appropriate measurement of the state of the appropriate may be appropriate to the appropriate to the appropriate may be appropriate to the appropriate to the appropriate appropriate to the appropriate appropriate



The all was in a man can be sufficiently and the state of the state of