

HOUSE FISH AND GAME COMMITTEE

January 23, 1979

The meeting was called to order at 1:30 p.m. with all members present. The following bills were scheduled for hearing this day: House Bill No. 30, House Bill No. 38, and House Bill No. 145.

HOUSE BILL NO. 30

REPRESENTATIVE DAN YARDLEY, Chief Sponsor, explained that this bill was a request from the Department of Fish and Game. It provides for commercial selling of Whitefish.

PROPOSERS:

JOHN BAILEY, Dan Bailey's Trout Unlimited, stated that there is an overpopulation of Whitefish in the Yellowstone River. With the passage of this bill some of this overpopulation would be eliminated. Also, it would give a small income to the retired and older people who do a lot of fishing on the river. The provision in this bill that requires the commercial fisherman to report their catches, would enable the Department to close that particular area if the area becomes depleted.

I would suggest an amendment that Section 5 be stricken from the bill.

JOHN WILSON, Montana Council of Trout Unlimited. Many of our famous sport fishing rivers are now seemingly overpopulated with Whitefish to the detriment of both those who guide fishermen commercially, and those who simply fish for pleasure. Take my word for it, some days all you catch are Whitefish, even though the trout are there and trout are what you are fishing for. This we believe has a detrimental effect upon our sport fishing industry and the resulting tourism, which, as you know, is a big chunk of the states' revenue.

Also, we would recommend striking Section 5. (complete testimony attached)

ART WHITNEY, Department of Fish and Game. The purpose of this legislation is to enable the Department of Fish and Game to allow limited commercial fishing for Whitefish by angling in areas where Whitefish are abundant and underutilized by sport fishermen. Such commercial fishing would better utilize a resource that is now vastly underutilized and also has the potential of improving sport fishing for trout.

We assume the commission would initially open only one area, the Yellowstone River near Livingston, to commercial Whitefishing. We estimate about 20 persons would want to engage in this activity. (complete testimony attached)

OPPOSERS:

ROBERT VANDEWVERE, Sportsman, explained that when he was in his early 20's his dad had a commercial fishing industry on Lake Michigan. His fears were that the trout and other fish in the Yellowstone River may be lost because of the nets that are set at night. This would and often does kill fish not actually wanted, such as the trout. For this reason

I recommend a DO NOT PASS.

REPRESENTATIVE YARDLEY closed, addressing Mr. VanDewVere's comments. This bill only provides for commercial fishing with a pole and line. The fishermen would not be allowed to use fishing nets in the rivers. I urge the committees support.

Questions and comments by the committee.

Some of the committees concerns were the \$15 annual fee that would be charged for the commercial license, how the Fish and Game would control the areas fished, and how many commercial licenses would be issued?

HOUSE BILL NO. 38

REPRESENTATIVE ROBERT DOZIER, Chief Sponsor, introduced the bill stating that this bill would clarify provisions of the laws relating to the powers and duties of the Department of Fish and Game as to fish, game, game animals, birds, fur-bearing animals, and nongame wildlife of the state. This bill would give them the power to supervise over all the above mentioned species, whether they are privately or publicly owned.

PROPOSERS:

JOHN WILSON, Montana Council of Trout Unlimited, stated they feel the essence of House Bill No. 38 would give the Department of Fish and Game the authority to supervise the fish hatcheries. It is a good investment to have the hatcheries checked and it will also benefit the fish hatcheries.

F. WOODSIDE WRIGHT, Department of Fish and Game, spoke in behalf of the Department. The general intent of this proposed legislation is to clarify the status of the state and particularly the Department of Fish and Game, as to the supervision and regulation of the wildlife of the state of Montana. (complete testimony attached)

HUGH ZACKHEIM, Montana Wildlife Federation, explained that the primary concern was to give the Department of Fish and Game the control over private hunting preserves. Without control over the private game ranges there is a lot of unfair hunting going on.

WES WOODGARD, individual, stated that his bill give the Department the authority that we thought we always had. If we are going to have private hunting ranges the Department of Fish and Game should provide their rules and regulations.

OPPOSERS:

FRANK DUNKLE, Game Breeder, I feel that this bill will take away private property rights. These game farmers pay for the animals and they belong to them. They pay taxes on them just like you pay taxes on cows and horses. The Department of Fish and Game should not have the authority to tell these people how to run their own property. I recommend a DO NOT PASS.

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Questions were asked by the committee.

Some of the questions raised were; will this bill effect the private fish ponds? Reply: yes. How many private game ranges are there? Reply: 132 game ranges in the state of Montana, 15 of these are pay-to-hunt type game ranges.

The hearing on House Bill No. 38 was closed.

The hearing on House Bill No. 145 will be posponed until a later date.

EXECUTIVE SESSION:

HOUSE BILL NO. 30

Representative Curtiss moved DO PASS.

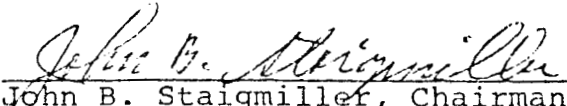
A substitute motion was made by Representative Metcalf TO AMEND, by striking Section 5. The motion passed unanimously.

Representative Robbins made a substitute motion to DO NOT PASS.

Representative Marks made a substitute motion over all motions pending TO AMEND, striking "Commercial Whitefish" on lines 13 and 14 and in the title. Motion withdrawn.

Representative Johnston moved House Bill No. 30 be put in a subcommittee for further consideration. The motion passed unanimously. Members of the subcommittee are as follows: Representative Marks-Chairman, Representative Thoft and Representative Daily.

The meeting was adjourned at 3:15 p.m.


John B. Staigmiller, Chairman

Judy J. Mook, Secretary