

HOUSE FISH AND GAME COMMITTEE

March 8, 1979

The meeting was called to order by Chairman Staigmilller at 12:30 p.m. with all members present except Representatives Conroy, Curtiss, and Johnson.

SENATE BILL NO. 504

SENATOR ROBERT D. WATT, Chief Sponsor, introduced the bill. He explained that this bill would make it a misdemeanor to leave snares and traps unattended and to waste fur-bearing animals. With the passage of this bill we hope to stop some of the careless trappers from leaving these traps unattended during and after the trapping season.

The Fish and Game Department will enforce the provision of this act.

PROPOSERS:

FLETCHER NEWBY, Department of Fish and Game, rose in support of the bill on behalf of the Department.

JANET MOORE, Montana Trappers Association, stated that this bill had resulted from a meeting of the association, in Missoula. This organization is made up of over 500 trappers and they are in full support of this bill.

WILLIS KENT, Montana Trappers Association, explained that there are a lot of trappers in his area that have been leaving their traps unattended. Last year there were 300 unattended traps left after the season was over. "I feel something has to be done to stop these people."

Questions were asked by the committee and the hearing on SB 504 was closed.

SENATE JOINT RESOLUTION NO. 21

SENATOR GREG JERGSON, Chief Sponsor, introduced the bill. He explained that hydatid tapeworm is a very serious problem concerning the infestation of foxes and coyotes. If animals and humans get this tapeworm it will effect a humans liver and death is possible.

Dr. Werley, MSU, has been working on a control for the tapeworm. This resolution is asking the Governor and Montana's Congressional delegation to find \$25,000 for research in the control of this worm. Attached is a sheet submitted by the Senator explaining the tapeworm.

PROPOSERS:

ZACK STEVENS, representing the Farm Bureau and other farm organization explained that the tapeworm is a danger to humans. A man recently died in Utah from infestation by this worm.

ALICE FRYSLIE, Montana Cattlemen's Association, rose in support of the resolution.

Questions were asked by the committee and the hearing on SJR 21 was closed.

SENATE BILL NO. 456

SENATOR BILL THOMAS, Chief Sponsor, introduced the bill. He explained that the problem in some areas were that violations of traffic and fish and game laws by youth were not being handled quickly enough in the youth courts. This bill will allow their cases to be handled through the justice department.

The County Attorney Association and the probation people are in full support of the bill.

He concluded by stating that the original bill was much shorter but the Senate had amended it to read as it is. "I felt it did the job before amendments were added."

Questions were asked by the committee and the hearing on SB 456 was closed.

SENATE BILL NO. 497

REPRESENTATIVE MANUEL moved to have the Department of Livestock present SB 497, for Senator Van Valkenburg, sponsor. The motion was carried unanimously.

CHARLES BROWN, Department of Livestock, explained that this bill had been drafted by the trappers association after the Federal Airborn Hunting Act was declared unconstitutional. This bill will provide for a permit system for the aerial hunting of predatory animals. The permit will be valid for three years, costing \$50 per year. This bill also provides the Department the rule making authority. It provides a maximum fine of \$500 for violations of this act. Enforcement of this act shall be done by an agent of the Department or any peace officer.

He concluded by stating that this was kind of a trespassing act.

PROPONENTS:

MONS TEIGEN, Montana Stockgrowers and Montana Woolgrowers Associations, stated that if we are going to have an aerial hunting act this one will have to do.

STANLEY V. PECK, Aerial Hunter from Cascade, stated that at this time they have no control over who was or is aerial hunting. "I feel this is a weak bill but we need something and it is better than nothing. We have farmers that are threatening to shoot aerial hunters."

ALICE FRYSLIE, Montana Cattlemen's Association, stated that the people in Eastern Montana are really having problems with aerial hunters and if something is not done there is going to be range wars developing.

LES GRAHAM, Department of Livestock, submitted amendments to the bill. He stated that these amendments fit the Letter of Intent passed by the Senate. It stiffens the penalties and makes the act enforceable. "We feel it is totally unenforceable as written. Out-of-state pilots will flood Montana. Mixups will be blamed on the Montana people and the slap on the hand penalties won't be worth the time to even look into the violation." (prepared testimony and amendments attached)

Chairman Staigmiller submitted a petition from people in the Grass Range area, in support of controlled aerial hunting. (petition attached)

OPPONENTS:

HANK FISCHER, Defenders of Wildlife, stated that the federal act that was declared unconstitutional was set up to protect wildlife. The federal bill said that there should not be aerial hunting. Our organization fully supports licensing and restrictions for aerial hunting. However, we can not support the bill as written. "We urge the committee to take a careful look at the bill and take care of it's weakneses. We would be willing to help."

Questions were asked by the committee and the hearing on SB 497 was closed.

EXECUTIVE SESSION:

SENATE BILL NO. 504

Representative Keedy moved, TO AMEND, striking, "fur-bearing," throughout the bill. The motion failed 8 to 7. Favored: Daily, Ellison, Jensen, Johnston, Keedy, Marks, Ken Robbins

Representative Ellison moved, BE CONCURRED IN.

Representative Marks made a substitute motion, TO AMEND, as follows:

1. Title, lines 5 and 6.

Following: "UNATTENDED"

Strike: "AND TO WASTE FUR-BEARING ANIMALS"

2. Page 1, line 1.

Following: "Section 1."

Strike: "Wasting of fur-bearing animals"

Insert: "Failure to attend traps -- penalty"

3. Page 1, line 10 and 11.

Following: "to"

Strike: "pick up traps or snares at the end of the trapping season or attends"

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Insert: "attend"

4. Page 1, line 11.
Following: "snares"
Strike: "so that"

5. Page 1, line 12.
Following: "ef"
Strike: "fur-bearing animals are wasted"

The motion was carried 9 to 6. Opposed: Jensen, Metcalf, Ken Robbins, Thoft, Manuel, Staigmiller

The motion to BE CONCURRED IN AS AMENDED was carried 14 to 1. Opposed: Staigmiller

SENATE JOINT RESOLUTION NO. 21

Representative Daily moved, TO AMEND, as follows:

1. Title, line 6.
Strike: "AND LIMITING THE AUTHORITY OF COURTS RELATING TO IMPOUNDMENT OF VEHICLES"

2. Title, line 8.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 61-12-601"

3. Page 1, lines 23 and 24.
Strike: "OR VIOLATIONS OF 61-8-401"

4. Page 2, lines 1 through 5.
Strike: lines 1 through 5 in their entirety

5. Page 2, line 6.
Strike: Section 2 in its entirety

The motion was carried unanimously.

Representative Daily moved, BE CONCURRED IN AS AMENDED. The motion was carried unanimously.

SENATE BILL NO. 497

Representative Thoft moved, BE CONCURRED IN.

Representative Marks made a substitute motion, TO AMEND, as follows:

1. Page 4, line 14.
Following: "[THIS ACT]"

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Insert: "who is permitted to engage in aerial hunting pursuant to [this act]."

2. Page 5.

Following: line 8

Insert: "(3) Any person who is not permitted to engage in aerial hunting pursuant to [this act] who violates any provisions of [this act] is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$500 nor more than \$1,000. A subsequent conviction under this subsection is punishable by a fine of not less than \$1,000 or more than \$1,500."

(4) The justice court has jurisdiction over violations of [this act]."

3. Page 6, line 13.

Following: "10"

Strike: "9"

Insert: "7"

Renumber: subsequent subsections

The sponsor of the bill was present at this time and was asked how he felt about amending the bill. Senator Van Valkenburg stated that he would encourage the amendments. This bill was amended so bad in the Senate that my intent was changed.

The amendments were carried unanimously.

Representative Keedy moved, TO AMEND, as follows:

1. Page 3, line 12.

Following: "a-year"

Insert: "a year"

The motion was carried unanimously.

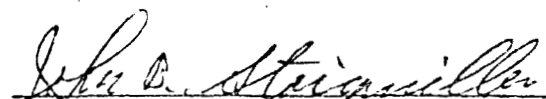
Representative Marks moved, TO ACCEPT THE STATEMENT OF INTENT. The motion was carried unanimously.

The motion to, BE CONCURRED IN AS AMENDED, was carried unanimously.

The following Representatives will carry the Senate Bills on the House floor.

SJR 21 - Jensen
SB 504 - Marks
SB 456 - Daily
SB 497 - Ellison

The meeting was adjourned at 2:10 p.m.


John B. Staigmler, Chairman