

MINUTES  
FISH AND GAME COMMITTEE  
MONTANA STATE SENATE

February 3, 1979

The eighth meeting of the Fish and Game Committee was called to order by Chairman Smith at 12:30 P.M., in Room 402 of the State Capitol Building.

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

CONSIDERATION OF HB 29, A BILL FOR AN ACT ENTITLED:  
"AN ACT TO INCLUDE WOLVERINE, NORTHERN SWIFT FOX, AND LYNX AS FUR-BEARING ANIMALS AND TO REMOVE WOLVERINE AND LYNX FROM THE LISTING OF NONGAME WILDLIFE IN NEED OF MANAGEMENT.

Chairman Smith introduced Chief Sponsor, Representative Gerald R. Kessler, who explained the bill. Chairman Smith asked for the proponents of the bill to speak.

Mr. Gene Allen, Administrator of the Wildlife Division of the Montana Department of Fish and Game, spoke in favor of HB 29. (Attachment #1)

Mr. Allen said the fur-bearer classification has more stature than that of a nongame animal. He said we should be very careful before placing an animal on the endangered species list, since it carries with it some potentially dangerous aspects. At the present time, he said, closing the season is the only protection we can give the swift fox.

Senator Galt wanted to know how to recognize the swift fox. Mr. Allen said they are a very small, prairie animal. They usually are between 4 and 5 pound in weight, about one-third the size of the red fox.

Chairman Smith called for other proponents. There were none. He asked if there were any opponents; there were none.

The hearing was closed on HB 29.

CONSIDERATION OF SB 259, A BILL FOR AN ACT ENTITLED:  
"AN ACT TO MINIMIZE TRANSMISSION OF RABIES BY PROHIBITING  
THE POSSESSION OF BATS, SKUNKS, FOXES, RACCOONS, OR ANY  
OTHER WILD ANIMAL SPECIES KNOWN TO BE CAPABLE OF TRANSMITTING  
RABIES TO HUMAN BEINGS."

Chairman Smith introduced Chief Sponsor of the bill, Senator Cornie Thiessen, who explained it. He said the bill would help to eliminate the problem of rabies, and he thought there should be some regulation concerning making pets out of wild animals.

Senator Thiessen then introduced Dr. Martin D. Skinner, Chief of Preventive Health Services, Department of Health and Environmental Sciences; Dr. James W. Glosser, State Veterinarian with the Department of Livestock; Dr. Bradford F. Newcomb, Chief of the Disease Control Bureau of the Livestock Department, and Dr. Robert Painter, local veterinarian.

Dr. Skinner spoke first, in favor of the bill. (Attachment #2) He brought out that vaccination is not feasible for the general public. Dr. Skinner felt wild animals such as skunks and raccoons should be banned as pets, as well as should any other animal which could potentially expose children to rabies.

Dr. Glosser spoke in support of the bill, saying he concurred with Dr. Skinner's testimony. He said information has been distributed to the public concerning the risks involved in having wild animals as pets. (Attachment #3)

Dr. Newcomb spoke in favor of the bill; he presented a statement and resolutions in this regard passed at the June, 1975 meeting of the Montana Veterinary Medical Association. (Attachment #4)

Dr. Painter said in the past he has de-scented skunks, but since then he has decided it is too dangerous to have them for pets. He does not think it wise to have any wild animals as pets.

Chairman Smith called for any other proponents. There being none, he asked the opponents of the bill to speak.

Mr. David Majors, of Stevensville (owner of the Burnt Fork Game Farm), testified, saying the bill could undoubtedly be amended to allow wild animals as pets providing they have been vaccinated against rabies. (Attachment #5)

Mr. C. Fredrick Frey, member of "Outdoor Action" of Missoula, testified in opposition to the bill since it proposes a ban on ownership of wild animals categorized as being capable of transmitting rabies to humans. He would favor other means to control the disease that will be more fair to all concerned. (Attachment #6)

Ms. Susan Lyons of Stevensville spoke in opposition to the bill.

Senator Theissen called on Dr. Skinner to close the hearing. Dr. Skinner said his main concern was to protect public health. He said the only reliable way of testing for rabies was to kill the animal and examine the brain. Mr. Majors asked if there had been any recent cases of rabies in humans. Dr. Skinner said there are usually 2 or 3 cases each year. Mr. Majors said there have also been instances of vaccine-induced rabies in wild animals and asked if this were possible with dogs and cats. Dr. Glosser replied that it was possible.

Chairman Smith said he recently received a letter from a lady who has a pet skunk. He wanted to know who would go and pick up the animal. Dr. Skinner said, in most cases, if the animal had been contained for several years, there would be no problem.

Ms. Mikal Kellner of the Humane Society asked if she could speak as a proponent of the bill. Chairman Smith allowed this. She said she has seen the deplorable conditions in which some of these wild animals live when they are taken out of the wild and owned by individuals.

Mr. Newby said the Department issues game farm permits and also fur farm permits. He suggested the Committee might want to consider including game farms in this bill, since fur farms are included in the exceptions portion. Mr. Newby said the Department does not approve of people taking these animals from the wild.

Senator Theissen asked if domesticated animals that have lived in a home for a length of time become immune to rabies. Dr. Glosser said "no," but the risk is much less.

Chairman Smith closed the hearing on SB 259.

CONSIDERATION OF HB 37, A BILL FOR AN ACT ENTITLED:  
"AN ACT TO AMEND SECTION 87-1-602, MCA, TO CLARIFY THAT ALL  
FISH AND GAME EXPENSES AND TO GENERALLY REVISE ITS WORDING."

Representative Bill Hand, Chief Sponsor of the bill, explained it to the Committee. He then introduced Mr. Tom Rippingale, Accounting and Finance Bureau Chief of the Department of Fish and Game, who presented a written statement in regard to the Department's support of the bill. (Attachment #7) He said the law is very out of date and badly in need of repair. Mr. Newby commented that the present law is at least 35 to 40 years old.

Chairman Smith called for other proponents. There were none. There were no opponents who wished to speak. He then asked Representative Hand to present his closing remarks. He urged the support of the Committee to amend Section 26-123, R.C.M., 1947, to allow expenditures from all Department funds.

CONSIDERATION OF SB 134, A BILL FOR AN ACT ENTITLED:  
AN ACT TO PROHIBIT THE SALE OF RESIDENT AND NONRESIDENT  
DEER AND ELK HUNTING LICENSES AFTER THE OPENING DAY OF THE  
GENERAL SEASON FOR WHICH THE LICENSE IS ISSUED."

Chairman Smith read the proposed amendments to the bill, which were prepared by Debbie Schmidt. (Refer to attached Standing Committee Report)

Senator Goodover mentioned that it was previously proposed to take the nonresident out of the bill. The Committee felt this would be unnecessary. Mr. Newby was asked about the special seasons. He replied that the special "damage" hunts conducted after the close of the regular season were very tightly regulated and controlled; he didn't feel there would be a problem with them. However, Mr. Newby said, it might be well to exclude the special seasons from this bill.

Senator Theissen said it was intended to apply only to the general season.

Senator Stimatz asked where nonresidents could purchase a license. Mr. Newby replied only through the Department. He said this is a Department regulation. In regard to the "nonresident" wording in the bill, he felt there was potential benefit in treating the residents and nonresident in the same way.

Senator Severson suggested amending the bill title to apply only to the general season. Senator Goodover said he didn't think the bill would solve the problem; if people are going to poach, they will find some way to do it.

Senator Stimatz said the Fish and Game Commission is holding a public hearing in Helena on February 24th, concerning this very problem. He felt perhaps the Committee should not make a decision until the input from that hearing was received. It was brought out that transmittal deadline would preclude waiting for that hearing.

DISPOSITION OF SB 134: Senator Anderson made a motion that the Committee accept the proposed amendments (refer to Standing Committee Report), adding that this would apply only to the general season. The motion was seconded by Senator Goodover and carried unanimously.

Senator Anderson made a motion that SB 134, AS AMENDED, DO PASS. Chairman Smith announced that Senator Van Valkenburg wanted his vote recorded "yes," if the amendments were accepted.

Chairman Smith announced there would be no executive action on SB 227, since not all of the Committee members were present. (Senator Van Valkenburg had been excused a few minutes earlier, and Senator Manley was excused for the entire meeting.)

DISPOSITION OF HB 37: Senator Anderson made a motion that HB 37 BE CONCURRED IN. The motion carried unanimously.

DISPOSITION OF HB 29: Senator Anderson made a motion that HB 29 BE CONCURRED IN. The motion was seconded by Senator Goodover and passed unanimously.

DISPOSITION OF SB 259: Senator Stimatz made a motion that SB 259 DO PASS. Senator Anderson seconded the motion. A roll call vote was conducted, with Senator Galt voting "no." Senators Van Valkenburg and Manley were not present. The motion carried 4 to 1. Senator Stimatz instructed the secretary to obtain a letter of intent on this bill from the Department of Health and Environmental Sciences.

ADJOURNMENT: The meeting was adjourned by Chairman Smith at 1:50 P.M.

*Ed B. Smith*

SENATOR ED B. SMITH, CHAIRMAN

Date 1-3-79

## ROLL CALL

FISH AND GAME COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
SMITH, Ed, Chairman	✓		
GALT, Jack E., Vice Chairman	✓		
ANDERSON, Mike	✓		
GOODOVER, Pat M.	✓		
MANLEY, John E.			✓
STIMATZ, Lawrence G.	✓		
VAN VALKENBURG, Fred	✓		

Each Day Attach to Minutes.

SENATE Fish & Game COMMITTEE

BILL \_\_\_\_\_

VISITORS' REGISTER

DATE 12-1-59

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
David L. Majors	Bear & Fish Comm. F.	SB 259		X
C. Frederick Frew	Self	SB 259		X
John Thorpe	Self	SB 259	X	
Robert W. Dickson	Writer			
Fletcher Newby	Fish & Game	HB 29 HB 37	X	
Gene Allen	" "	HB 29	X	
GARY STAKER	Mont. Wildlife Fed.	HB 29 HB 37	X	
J. G. Newcomb	Writer	SB 259	X	
B. F. Newcomb, DVM	Assoc. Veterinary Medical Assoc.	SB 259	X	
REP. to DVM	Self	SB 259	X	
Samuel Johnson	Mont. Dept. of Livestock	SB 259	X	
Marion D. Skinner	Mont. Dept. of Health	SB 259	X	
Tom Tappan	Fish & Game Dept	HB 37	X	
David Bissell	E.T.C.	HB 29		
Thelma Kellner	Human Society	SB 259	X	
John Linnell	Research Associates	SB 259 HB 37		
Leah Harper	Human Society	SB 259	X	

SENATE COMMITTEE FISH AND GAME

Date 1-3-79 Bill No. 18259 Time 2:10

NAME	YES	NO
SMITH, Ed, Chairman	✓	
GALT, Jack E., Vice Chairman		✓
ANDERSON, Mike	✓	
GOODOVER, Pat M.	✓	
MANLEY, John E.		
STIMATZ, Lawrence G.	✓	
VAN VALKENBURG, Fred		

Sherri R. Smith  
Secretary

ED B. SMITH  
Chairman

Motion: No Pass

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



NAME: GARY STUKER DATE: 2-3-79

ADDRESS: Box 282 HAORE

PHONE: 265-4405 BUS 265-6601

REPRESENTING WHOM? MONT. WILDLIFE FED

APPEARING ON WHICH PROPOSAL: HB 29

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: FED SUPPORTS CATEGORY FOR  
POSSIBLE FUTURE MANAGEMENT

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

*Attachment #1*

MONTANA DEPARTMENT OF FISH AND GAME

Testimony in Favor of HB-29

February 3, 1979

Mr. Chairman, committee members, I am Gene Allen, Administrator of the Wildlife Division of the Montana Department of Fish and Game, and I am here on behalf of this Department to speak in favor of HB-29. It is the intent of this bill to add lynx, wolverine and swift fox as fur-bearing animals and to drop the current designation for lynx and wolverine as nongame animals in need of management.

The lynx, wolverine and western Montana bobcat are ecologically similar, sharing common habitats and foods. They are all hunted and trapped, and represent desirable trophies and valuable furs.

At the present time the bobcat is classified as a fur-bearing animal while the lynx and wolverine are classified as nongame animals in need of management. This inconsistent classification has resulted in confusion and licensing problems. As a fur bearer the taking of bobcat requires a general trapping license. As nongame animals, no legal authority exists for requiring such a license for the taking of lynx or wolverine. A free permit is also required for the taking of these three species. This permit is the only legal mechanism by which we can currently regulate the harvest of lynx and wolverine.

One of the most frustrating aspects of our current licensing procedure concerns nonresidents. Under current law there is no provision for a non-resident trapping license and it is illegal for nonresidents to take fur-bearing animals in Montana. But since no license is required for the taking of lynx or wolverine (nongame animals), we cannot prevent nonresidents from obtaining free permits for the taking of these two species.

Another complication concerns ESSA - the Endangered Species Scientific Authority. This is a recently created government agency with authority to regulate the international export of furs from animals on the endangered species list. Both the lynx and bobcat are included in Appendix II of that list. Last year we were assigned arbitrary quotas by ESSA limiting the number of these species that could be sent out of Montana. Although we have convinced ESSA that no quotas are necessary this year, classifying the lynx as a fur bearer would help guarantee that no quotas will be assigned in the future.

With the existing complex of skyrocketing fur prices and increased demands, export quotas and management complications, the present classification seems inconsistent and inappropriate.

The swift fox is an animal of the prairie grasslands and was quite common in northern and eastern Montana until the late 1800's and early 1900's. The homestead era and the plowing of the prairie resulted in the extinction of the swift fox in Montana during the early part of this century. A swift fox was trapped in southeastern Montana last winter (1978). Because the swift fox is not specifically classified, it is a nongame species; as such it has no protection unless declared in need of management by the Fish and Game Commission.

February 3, 1979

We believe that if Montana has more of these animals, they should be protected. There are three ways we can do this: 1) declare it a nongame species in need of management and taking would be prohibited; 2) classify it as a fur-bearing animal and close the season; or 3) place it on the State's endangered species list.

We recommend the fur-bearer classification for the following reasons: 1) the fur-bearer classification has more stature than nongame species in need of management; 2) we should determine the status of the animal before taking the relatively serious action of declaring it endangered; 3) the endangered listing carries with it some potential drawbacks and hazards, especially if it is accompanied by a critical habitat designation. Since most of Montana's potential swift fox habitat is in private ownership, we do not believe the endangered classification is in the best interest of either the landowner or the swift fox; 4) closing the season is the most important protection we can offer regardless of the classification; and 5) it was the recommendation of the Citizen's Nongame Advisory Council to classify the swift fox as a fur-bearing animal.

The December 11, 1978 Federal Register listed the "Northern Swift Fox" as endangered in the Northern Great Plains of the USA. This listing was made without state involvement and without following established procedure, in contradiction to policy established September 7, 1978 by the Endangered Species Office (attached). We intend to question this listing and have already started the process with other states through the International Association of Fish and Game Agencies. Classifying the swift fox as a fur bearer with a closed season could influence the outcome of the state's challenge of this listing.

Thank you for the opportunity to speak in favor of this bill. I would be glad to answer any questions you may have.



# United States Department of the Interior

*Newly*

FISH AND WILDLIFE SERVICE

WASHINGTON, D.C. 20240

September 7, 1978

To: Service Directorate and Chiefs of Divisions and Offices  
From: Associate Director  
Subject: Policy -- State Involvement in the Endangered Species Listing Process

The purpose of this memo is to establish policy and procedures for increased involvement of the States and other local experts in the listing process for Endangered and Threatened species and their Critical Habitats.

It is desirable that the States play an integral role in this process by providing expertise and data.

Effective October 1, 1978, the following actions will be implemented:

- 1) Periodically, at least annually or more often, the Program Manager will provide the Regional Directors with a list of candidate species which are under consideration for listing.

Program Advices will be amended if necessary.

For species occurring in more than one Region, a lead Region will be designated.

- 2) Upon receipt of the list of candidate species, the Regional Directors will advise the respective States and seek their assistance, together with that of other private or governmental experts, in gathering biological data. This may be accomplished at a special meeting called for this purpose or by other means as the Regional Director deems appropriate. At this point, only biological data will be requested or considered, not whether the species will be proposed for listing. Extreme care must be exercised not to do otherwise because to do so could be construed as a violation of the Administrative Procedures Act.

If a decision is made to propose a species for listing, the State and others will be officially consulted on their views, during the 90 day comment period (Item 5) provided for by the Act.



The States should be requested to provide us with their biological data on each of the candidate species referred to them.

The Regional Director will take necessary steps to assure coordination of Regional office and State staff efforts.

- 3) The Regional Director will be responsible for the compilation and analysis of the data, including that received from the States and other sources. A status report will be prepared and submitted to the Washington Office, with recommendations of the Regional Director, on whether or not the species should be listed as endangered or threatened and where the critical habitat should be designated. A format for status reports will be distributed before October 1.

A status report must be submitted for each candidate species.

- 4) The Program Manager will review the status report and develop the necessary documents for action by the Director; and for publication in the Federal Register if an affirmative decision is made for a proposed rulemaking.
- 5) The normal 90 day period for the Governors of affected States to comment on proposed rulemakings will continue, providing each State the additional opportunity to review and comment on each completed proposal. The letter sent to the governor will be copied to the State Game and Fish Director as usual.
- 6) Upon completion of the comment period, the Program Manager will review and analyze all comments; modify the proposal as appropriate; and submit the revised package, with recommendations to the director for decision as to whether it will be published as a final rulemaking.

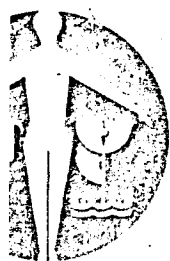
Please make certain that this policy is understood by all personnel.

Regional Directors should advise each State in their region.

This policy will not apply to rulemakings which are presently being prepared in the Washington Office.

*Keith M. Schreiner*

9/27/78 copies to: Orville Lewis, Regional Supervisors,  
Wildlife Div., Ecological Services Div.,  
Law Enforcement Div., Fisheries Div.,  
Weigand, Greer, Flath, Newby, FWS files.  
of



*Attachment #1*

Department of Health and Environmental Sciences  
STATE OF MONTANA HELENA, MONTANA 59601

A. C. Knight, M.D., F.C.C.P.  
Director

February 2, 1979

TO: Chairman and Members,  
Senate Fish and Game Committee

FROM: Martin D. Skinner, M.D. *MS*  
Chief, Preventive Health Services Bureau

SUBJECT: Purpose of Proposed Legislation: SENATE BILL 259 "AN ACT TO MINIMIZE TRANSMISSION OF RABIES BY PROHIBITING THE POSSESSION OF BATS, SKUNKS, FOXES, RACCOONS AND OTHER WILD ANIMAL SPECIES KNOWN TO BE CAPABLE OF TRANSMITTING RABIES TO HUMAN BEINGS."

Rabies in wild animals has become the most serious source of human rabies since effective veterinary vaccines and animal control measures became available in the 1950's, and rabies in domestic animals has become uncommon to rare. The chief reservoirs of rabies in Montana are bats (state-wide), and skunks and possibly raccoons (east of the Divide); foxes are important sources in other parts of the U.S.

Exposure to a rabid wild animal in the wild is uncommon and would be limited to generally one person. A rabid pet animal could expose all the members of the household, probably extensively expose the children, and possibly expose any other persons who might come in contact with it. A rabid wild animal will expose far more people, and especially children, if it is a pet in a home, rather than in the wild.

There is no way to guarantee that any skunk is not rabid, or potentially not rabid; the most reliable test involves killing the animal and examining the brain. Descending will increase the degree of human contact, and vaccination will provide a false sense of security. The Montana Veterinary Medical Association has for many years urged its member practitioners against descending or vaccinating skunks.

For these reasons, wild animals such as skunks and raccoons should be banned as pets, as well as any other animal which could potentially expose children to rabies.

The legislation sought would not merely ban pet skunks (and other animals) but make clear the authority to confiscate and test such animals, and establish the necessary and desirable inter-agency cooperation between the Department of Livestock (Animal Health Division) and the Department of Health & Environmental Sciences (Preventive Health Services Bureau).



## Veterinary Public Health Notes

Prepared by the Bureau of Epidemiology and Veterinary Public Health Coordinator, Office of Center Director, CDC, primarily for persons interested in problems of animal diseases in human health. Some reports are preliminary in nature and should be so identified if quoted. Any reproduction of extracts of articles from the literature should indicate the original published source.

October-November 1977

### VIRAL DISEASES

#### Oklahoma Makes It Illegal to De-Scent and Vaccinate Skunks Against Rabies

After rabies in 3 pet skunks had been reported in Oklahoma, the State Commissioner of Health amended the rules and regulations for the control of rabies to make it unlawful for anyone to de-scent a skunk for the purpose of domesticating it or to vaccinate a skunk against rabies. The amendment became effective October 3, 1977. The Commissioner may exempt recognized research institutions and publicly supported zoos upon written request.

The 3 pet skunks that were reported rabid in a 5-week period by the Oklahoma State Department of Health exposed 42 persons to rabies.

Source: Oklahoma Communicable Disease Bulletin Vol. 77, No. 39, 1977

#### Rabid Skunk Exposes 10 Persons in Montana

In late summer 1977 a pet skunk, born in the spring and de-scented by someone who was not a veterinarian, exposed 10 persons in 3 families to rabies. A positive fluorescent antibody test diagnosis of rabies was made on August 10, and on the same day the exposed persons started antirabies treatment.

Two litter mates of the rabid skunk were identified, but it was determined that they had died "from causes other than rabies."

Montana veterinarians have long supported the policy of the Montana Veterinary Medical Association that skunks would not be surgically de-scented, and clients should be discouraged from keeping such animals as pets.

Source: Department of Livestock Animal Health Division's Monthly Letter, September 1977

Editorial Note: CDC strongly advises against keeping exotic or wild animals as pets. Long and variable rabies incubation periods in some wild animals kept as pets have been reported. In addition, rabies has been induced by modified live vaccines given to some exotic pets. None of the vaccines currently available are effective in immunizing wildlife against rabies. Recently the U.S. Animal Health Association promulgated a strongly worded recommendation against interstate shipment of wild animals that may have been collected in rabies enzootic areas.

Because of the novelty of an exotic pet, more persons come in contact with the animal in captivity than would be the case if it were left in the wild. When rabies develops in captive wild animals, many persons may be exposed and need antirabies treatment.

Even though this incident occurred in spite of the Montana veterinarians' stance against keeping pet skunks, CDC believes the policy of refusing to de-scent skunks to be kept as pets is commendable and should be encouraged.

Table 3—Reported Rabies in Pet Skunks 1959-1970

Year	State	Total skunks	No. Skunks confirmed rabid	No. Human contacts reported	No. Humans bitten	Source of skunk	Length of* contact	Reference
1959	Louisiana	4	1	1	0	LC	2 mos.	15
1960	Alabama	7	2	7	4	Pet shop in Ky.	1 wk.	16
	Washington	2	1	2	1	LC	7 mos.	17
1961	Michigan	8	NR	21	21	NR	NR	Unpublished
	Arkansas	2	1	2	2	LC	3 wks.	18
1962	Ohio	5	5	5	5	NR	3 wks.- 18 mos.	7
	Michigan	1	NR	4	4	NR	NR	Unpublished
1963	Kentucky	5	3	10	10	Pet shop	NR	Unpublished
1964	Michigan	4	3	8	8	NR	NR	Unpublished
1965	Illinois	1	1	1	1	NR	NR	Unpublished
1966	Michigan	3	2	5	5	Pet shop in Iowa	NR	Unpublished
	Illinois	3	3	10	10	Pet shop in Iowa	NR	Unpublished
1968	Tennessee	1	1	1	1	Pet dealer in Fla.	NR	8
	Illinois	2	2	3	3	NR	NR	Unpublished
1969	Kentucky	7	2	10	10	LC	NR	Unpublished
	Georgia	4	1	4	2	Pet shop in Okla.	2 wks.	19
	Washington	1	1	20	11	Pet shop	4 mos.	20
	Illinois	1	1	2	2	LC	NR	Unpublished
1970	Oregon							
	Washington	69	1	366	80	Pet shop	2 mos.	
	Illinois	1	1	2	2	LC	NR	Unpublished
Totals		131	32	484	182			

NR=Not reported

LC=Locally captured skunk

\*Duration skunk was kept as a pet prior to onset of rabies.

Table 4—Skunk Rabies Prevalence Selected Studies

State	Year	Known epizootic activity	Associated human case	No. examined	No. positive	% positive	Technique
Oregon	1970	No	No	47	0	0	Trapping
Illinois	1959-60	No	No	122	0	0	Trapping
Arizona	1970	Yes?	Yes	290	3	1	Trapping
Illinois	1960-62	Yes	No	124	20	16.1	Trapping
Illinois	4-5/61	Peak period	No	18	10	55	Trapping
Ohio	1962	Yes	No	502	311	62	Various
California	1950-63	Yes	Yes	1,988	1,028	51.7	Various
California	1964-68	Yes	No	3,003	927	30.9	Various
California	1969	Yes	No	1,045	245	24	Various



Statement Presented Before the Senate Fish & Game Committee  
in Support of Senate Bill 259

by James W. Glosser, D.V.M.

My name is Jim Glosser. I am State Veterinarian with the Department of Livestock; I also serve as State Public Health Veterinarian in a consultative basis with Dr. Skinner, other state and local health officials, doctors, veterinarians, and other involved persons on the zoonoses-animal diseases which may be transmissible to man. I concur with the testimony offered by Dr. Skinner concerning the rationale and need for the passage of Senate Bill 259. In addition, I offer the following reasons for its adoption.

Wild animal pets have become a source of increased health concern both as potential sources of rabies and because of extensive bite injuries they may inflict. The Center for Disease Control in Atlanta, Georgia is currently conducting a survey of states, at their request, to determine how many states currently have or are proposing legislation or regulations controlling the sale, importation, exportation, or ownership of wild animals as pets. To date 35 states have responded to this survey. Those states presently banning the possession or sale of wild animals are: California, Colorado, Louisiana, Oklahoma, and Washington. The State of Georgia has a comprehensive law regulating and licensing the pet stores. One rule based on this law prohibits the sale of wild pets that are not indigenous to the state. New Mexico and Oregon are also considering legislation banning the sale of wild animals. Montana was a nonrespondent to this survey.

Much of the support for this type of legislation stems from the following national organizations: (1) Center For Disease Control, U.S. Public Health Service, Atlanta, Georgia; (2) National Academy of Sciences; (3) The Association of State and Territorial Epidemiologists; (4) The Association of State and Territorial Public Health Veterinarians; (5) The U.S. Animal Health Association; (6) The American Veterinary Medical Association (AVMA).

The American Veterinary Medical Association in a special council report entitled "Inadvisability Of Descending Skunks" was published in 1972. The report summarized its recommendations as follows: "In view of the growing threat skunks pose to public health, veterinarians should assume the responsibility for giving advice and direction: (1) Veterinarians should refrain from performing descending operations; (2) when asked to descend skunks, or to treat them as patients, or to provide advice or medical care, veterinarians should apprise owners of the dangers of maintaining skunks as pets; (3) Veterinarians through their local and state associations should initiate action to prohibit skunks as pets."

In 1973, the General Assembly of the AVMA adopted a resolution opposing the keeping of wild animals as pets. The major problems relating to veterinary medicine are: (1) lack of proper care by owners of these species in providing adequate diet, exercise, kennel space, etc; (2) once the owner tires of the pet, finding a proper home for the animal becomes a problem and in many cases the animal is abandoned; (3) but of utmost importance is that none of the currently licensed veterinary rabies vaccines are authorized or licensed for use in wild life. The safety and more important, the efficacy data for the use of these products in wild life are not available. The problem compounds itself

with the unauthorized use of rabies vaccines by: (a) one type, the modified live products can and have induced rabies in wild animals. There are numerous reports of such events occurring in skunks; recently vaccine induced rabies in a fox in California was reported and in July of 1978 a raccoon in Utah also occurred; (b) the inactivated product can prolong the incubation period of rabies into months particularly in skunks. Therefore, when a health official or doctor is confronted with a patient in which a bite exposure resulted from a wild animal which had been vaccinated with rabies; it is truly a dilemma to know whether the animal may be rabid either from the vaccine strain virus or the field strain virus.

All of this information and much more have been disseminated by various governmental agencies, groups, and associations to the public, yet the public information programs have not been successful in preventing undue hazards to the public. Dr. Skinner's and my experience confirms this statement. Also, the active public information program that has been carried out in North Dakota has had the same general experience.

In summary, the maintenance of wild animals is truly the physicians and veterinarians dilemma in dealing with their clients. Therefore, I thank you for the opportunity of presenting the information before this committee.

*Attachment # 14*

MONTANA DEPARTMENT OF LIVESTOCK  
Animal Health Division  
Helena, Montana 59601

MONTHLY LETTER - OCTOBER, 1973

1973 - MONTANA'S MOST SERIOUS RABIES YEAR

The diagnosis of a rabies positive skunk in Wibaux County, taken in a farmyard as it attacked the family dog on September 19, 1973, marked the 30th rabid skunk in Montana this calendar year. The previous high was in 1966 when 14 skunks were found to be rabies positive. This animal was on premises 7 miles west of the Montana-North Dakota state line. The last case of rabies in Wibaux County was a bovine in 1967.

It is significant that these 30 rabies positive skunks have all been found proximal to our state borders adjacent to known skunk rabies endemic areas. In the four counties involved (Sheridan, Daniels, Blaine and Wibaux) most of the cases have been within 20 miles of the Dakota or Saskatchewan border; the most distant were the clustered 3 cases in Blaine County 35 miles from the Canadian line.

Beginning June 6, 1973, the Montana Skunk Rabies Control program was re-initiated and has now been applied by specially trained employees of the Brands-Enforcement Division of the Department of Livestock to all areas where positive skunks were taken this year. Eggs containing strychnine were used as baits. In the near future, a full report of this program will be released by that Division.

A very large number of specimens taken from all species have been submitted to the Diagnostic Laboratory at Bozeman this year indicating serious concern for rabies by our alerted Montana citizens. Four positive bats and one positive muskrat were found in this assortment of 464 specimens. The muskrat brain was FA positive and mouse negative.

Two Montana children have received anti-rabies treatment this year for having been bitten by a rabid skunk and a rabid bat.

AVMA ADOPTS RESOLUTION OPPOSING WILD ANIMALS AS PETS

The following is quoted from the "CDC Veterinary Public Health Notes", July 1973:

"At the 110th Annual Meeting of the American Veterinary Medical Association held in Philadelphia on July 17-19, 1973, the House of Delegates adopted a resolution opposing the keeping of wild and exotic animals as pets. The resolution, presented by the Association's Council on Public Health and Regulatory Veterinary Public Health and the Council on Veterinary Services, reads as follows:

'The AVMA strongly opposes the keeping of wild and exotic species of animals as pets and believes that all commercial traffic of these animals for such purposes should be prohibited.'

Two reasons the councils offered in support of the resolution were that exotic species, which people like to own because they are unusual or are regarded as status symbols, create disease, diet and exercise

problems different from those encountered with domestic animals. They also pose a difficult problem when the owner tires of them and wants to dispose of them. Frequently zoos will not take the animals, and they are "too domesticated" to return to the wild. Euthanasia may be the only answer.

The councils urged that veterinarians exert their influence to discourage the keeping of wild or exotic animals as pets.

#### DIAGNOSTIC LABORATORY APPROVED FOR CF TEST FOR BT

The Department of Livestock Diagnostic Laboratory at Bozeman has received approval from Dr. E. E. Saulmon, Deputy Administrator, USDA/APHIS/VS, to conduct the Complement Fixation test for Bluetongue. As detailed in the "For Your Information" section, this test will now be made on serum samples submitted to our Diagnostic Laboratory from those animals required to be tested for international movement.

#### MEASLES VACCINE APPROVED FOR USE

Under date of September 19, 1973, Canine Distemper-Measles Vaccine, MLV, Canine Cell Line Origin was permitted to be marketed in Montana by Norden Laboratories, Lincoln, Nebraska. This company received a Special License in August from the USDA Veterinary Biologics Division for a one-year field trial on pups from 6 to 12 weeks of age to protect them against distemper.

#### DR. BROSZ RETURNS TO STAFF

Dr. Herbert A. Brosz (W.S.U. '51) has accepted the position of District Deputy State Veterinarian and will be located at Miles City. We are pleased to have Dr. Brosz return to Montana from South Carolina after 2 years absence. He has previously practiced at Hardin and was in charge of the Department's Meat Inspection Division until 1971 when that service was turned over to the USDA.

#### NEW DEPUTY STATE VETERINARIANS

The following have been appointed to the position of Deputy State Veterinarian during the month of September:

C. BEN BAKER, D.V.M. -----	Billings
ROBERT C. BURGMATER, D.V.M. -----	Brady
RAY W. RANDALL, D.V.M. -----	Bridger
DONALD R. THURSTON, D.V.M. -----	Belle Fourche, S.D.



MONTANA VETERINARY MEDICAL ASSOCIATION  
~~XXXXXXXXXXXXXXXXXXXX~~ • BOZEMAN, MONTANA 59715  
J. E. CATLIN, D.V.M. - SECRETARY-TREASURER

August 5, 1975

Dr. Glenn C. Halver  
Animal Health Division  
Department of Livestock  
Helena, Montana 59601

Dear Dr. Halver:

The following report and resolutions were passed at the June meeting of the Montana Veterinary Medical Association. This is to inform your office regarding this report.

The Joint Report of the Committees on Public Health and Zoonoses and Small Animal and Therapeutics

These committees met in joint session to discuss the problem of distribution and sale of modified live rabies vaccines to the general public in Montana. Evidence is available that two immediate concerns arise: 1) The distribution of Jen-Sal's ERA vaccine to pharmacies and livestock supply houses for sale to the general public; and 2) The policy of some veterinary clinics to dispense rabies vaccines to their clients to vaccinate their animals against rabies. The true extent of this problem in Montana is unknown, but despite this, the consensus of this meeting was that the Montana Veterinary Medical Association should strongly denounce these practices and initiate appropriate steps to stop such sales.

These recommendations are based upon the public health and animal health implications due to the issues involved when rabies is a possibility in an unofficially vaccinated animal. From the animal health aspect, the effectiveness of rabies vaccination is dependent upon many factors. Of prime importance are the factors of storage and handling of the vaccine before administration and the proper administration of the vaccine. Therefore, little or no consideration can be given to the vaccination status of an owner vaccinated animal that has been exposed to a rabid animal or one who has bitten a person.

From the public health aspect, misuse of the vaccine by a person who vaccinates a domestic or wildlife species for which no safety or efficacy data exists makes the availability of the vaccine to the general public an undesirable and unnecessary risk. Moreover, accidental injection of a person with a MLV vaccine who has not had the pre-exposure series of vaccination would in most cases require that person to receive the post exposure treatment of rabies prophylaxis.

The committees also recommend that the MVMA take an active role through client education and public information calling for public support in the passage of laws establishing a state rabies control law and a law controlling the importation, distribution and sale of exotic or wildlife

species to the general public as pets. Therefore two resolutions are submitted for consideration and adoption:

Resolution Number One

Whereas rabies is now endemic in many areas of Montana and there is evidence that the disease is spreading to the recreational areas of the state and Whereas there is a need for uniform rabies control throughout the United States and

Whereas the United States Public Health Service and the United States Health Association committees on rabies have established uniform guidelines for a national rabies control program and

Whereas officially recognized rabies control programs have been shown to be extremely effective in control of the disease in dogs and cats and

Whereas the Montana Veterinary Medical Association endorses these efforts toward the control of rabies in both pet and food producing animals.

Now therefore be it resolved that the recommendations of the United States Animal Health Association be adopted and enforced in Montana including:

"the distribution of all rabies vaccine be restricted to use only by veterinarians and certain designated local and state (governmental) officials".

And be it further resolved that the Montana Veterinary Medical Association request the Director, Montana Department of Health and Environmental Services and the State Veterinarians, Montana Department of Livestock to jointly draft and sponsor legislation for a state rabies control law and that the Montana Veterinary Medical Association will actively support the passage of such legislation.

Resolution Number Two

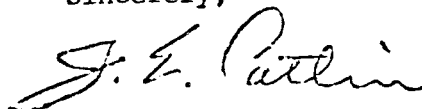
Whereas the Montana Veterinary Medical Association recognize the threat of transmission of zoonotic diseases to man from exotic or wildlife species such as hepatitis, tuberculosis, rabies and many other serious illnesses and Whereas the MVMA recognizes the existence of a very high mortality rate in these species due to improper care and nutrition and Whereas the popular demand for these species may lead to their extinction in certain cases.

Now therefore be it resolved the MVMA request the Montana Departments of Health and Environmental Services, Livestock and Fish and Game and other appropriate state agencies to draft and sponsor legislation controlling the importation, distribution and sale of exotic and wildlife species in Montana and

Page 3  
Dr. Glenn C. Halver  
August 5, 1975

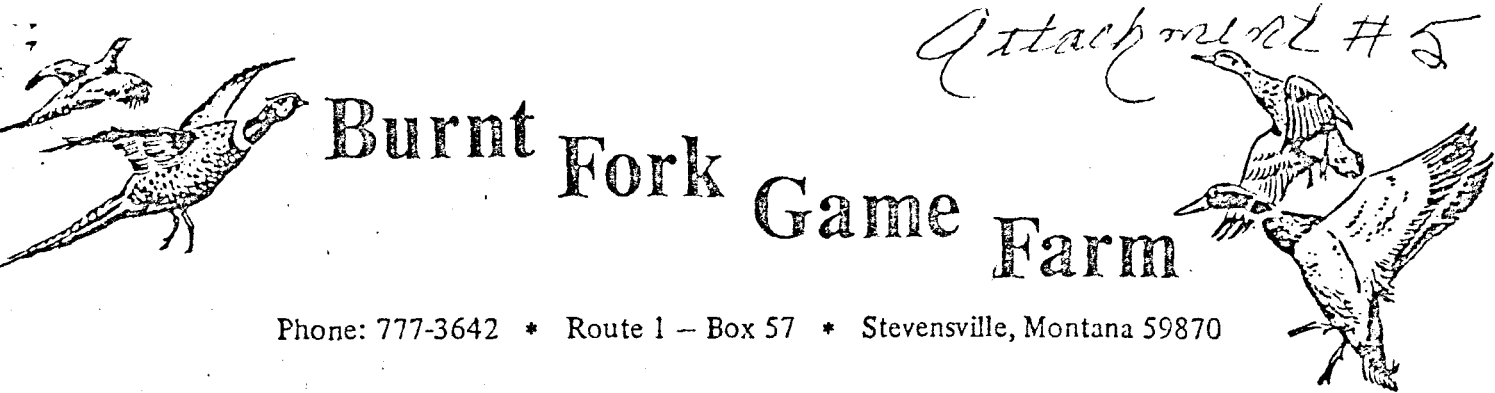
Be it further resolved that MVMA will actively support the passage of such legislation.

Sincerely,

A handwritten signature in cursive script, reading "J. E. Catlin". The signature is written in dark ink and is positioned above the printed name.

J. E. Catlin, D.V.M.

JEC/bf



Phone: 777-3642 \* Route 1 - Box 57 \* Stevensville, Montana 59870

January 29, 1979

State Senator Ed Smith  
Chairman Fish & Game Committee  
State Capitol Building  
Helena, Montana 59601

Dear Senator Smith:

In the January 27 edition of the Missoulian there appears a small section on SB 259 (Thiessen, others) concerning the prohibition of possession of any species of wild animals known to be capable of transmitting rabies to humans.

Would you please have someone send me a copy of this proposed bill. I currently have skunks, raccoons, and some other animals which would fall into the type covered by this bill. While I think the idea of reducing the possible spread of rabies is commendable, this bill is not the way to do it.

Practically all 'wild animals' which would fall into the category covered by this bill would be caged. This is something that can not be said for the many stray dogs and cats which abound in many areas.

Many of my animals have been vaccinated for rabies. I am certain that a greater per centage of my skunks and raccoons have been vaccinated that the average dog which is kept by someone outside an area which requires a recent rabies certificate as a prerequisite for a dog license.

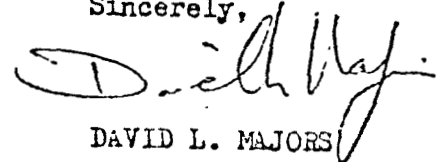
In checking with one of our local veterinarians I was advised that to



his knowledge there is not <sup>a</sup> state law which requites the vaccination for rabies of dogs or cats which are within the state. There does exist a requirement for these animals to be vaccinated if they are brought into the state. I was also advised that the rabies vaccination policy was left up to the counties to decide. In other words I believe there are for more dogs and cats in Montana without the rabies vaccination than the few 'wild animals' which are kept by people like myself.

The bill could possibly be amended to allow these animals to be kept providing they have been vaccinated for rabies.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. L. Majors", written in a cursive style.

DAVID L. MAJORS

NAME: David L. Moyas DATE: Feb 3, 1979

ADDRESS: Rt 1 Box 57 Stearnsville, Mt 58020

PHONE: 777-3642

REPRESENTING WHOM? Burnt Fork Game Farm

APPEARING ON WHICH PROPOSAL: SB 259

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS: Please see attached letter L

Senator Ed Smith

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



## OUTDOOR ACTION

C. FREDRICK FREY

ROUTE 2 PHONE 548-0530

MISSOULA, MONTANA 59801

*Attachment #6*

February 2, 1979

Senator Smith  
Montana State Legislature-Senate Fish and Game Committee  
Capital Station  
Helena, Montana

Dear Sir,

It has recently come to my attention that Senate Bill 259 was introduced in an effort to prohibit the possession of skunks, raccoons, foxes, and any other wild animal species known to be capable of transmitting rabies to humans, except for zoos, scientific research, and fur farms. I am opposed to the passing of any bill that would be this restrictive.

I feel that such a law would not be fair to those that wish to possess these animals either for a hobby or for breeding. In my part of the state, there does not seem to be any evidence that would support this kind of action. I do understand that rabies is a significant problem in the eastern part of our state, and the probable reason this bill has been proposed. It is my contention that the problem is with animals in the wild, not animals found in captivity, and I question the need to limit who can possess them.

I would recommend that a different approach be taken on this matter. Consideration should be given to the many people who receive a great deal of satisfaction from owning pets that belong to this group of animals, and they should be expected to provide protection to these pets from rabies through such methods as vaccination in areas of high incidence of the disease. Also, some number of people earn part of their income from breeding these animals for the purpose of providing pets. As a game farm permit holder, I can foresee the time that I may desire to expand into different species of this group to provide healthy stock to pet stores and pet owners in an effort to make my operation profitable and more diverse. Therefore, a compromise is needed based on the actual seriousness of the situation. I would much rather see each county develop regulations on vaccination programs in order to control the disease in captive populations based on the need for such control, and see some limits on who can take animals from the wilds of certain parts of the state.

I hope that your committee will vote against this bill as long as it proposes the ban of ownership of wild animals categorized as being capable of transmitting rabies to humans in favor of other means to control the disease that will be more fair to all concerned.

Sincerely yours,

*C. Fredrick Frey*  
C. Fredrick Frey

NAME: C. FREDRICK FREY DATE: 2-3-79

ADDRESS: RT 2 Millers Rd Missoula, MT 59801

PHONE: 549-0520

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: SB 259

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS: will submit a brief letter in opposition  
to the bill as it stands. Feel that banning  
the right of private ownership of the animals  
included, such as skunks, raccoons, fox, etc., is  
too restrictive and unfair to breeders, pet  
owners, and traders. Other means of control of animals  
would seem more appropriate and should be  
investigated. Control should be at a local level  
particularly where there are significant problems  
of rabies.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Fish & Game Department Testimony  
Relating To  
House Bill No. 37

January 16, 1979  
Prepared by  
Tom Rippingale

The Legislative Audit report for the fiscal year ended June 30, 1977, recommended legislation to update and correct Section 26-123, R.C.M. 1947. Without reference to this section, the Department of Fish and Game has been granted spending authority from funds not specifically mentioned in the section. H.B. 37 will correct the situation. An excerpt from the Legislative Audit report follows:

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Expenditure Authority

Section 26-123, R.C.M. 1947, requires that all claims, salaries, and expenses be paid out of the earmarked revenue fund. The department is not currently, nor can it, comply with this statute. The department is funded under appropriations from both the department's earmarked funds and other funds. Under the wording of this statute, the department cannot legally pay claims out of the federal and private revenue fund or general fund even though these funds make up large portions of the department's funding.

RECOMMENDATION

We recommend that legislation be enacted amending Section 26-123, R.C.M. 1947, to allow expenditures from all department funds.

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A large portion of Section 26-123, R.C.M. 1947, would be discontinued if H.B. 37 were to be enacted into law. That portion relates to the payment of claims, salaries, and obligations of the department which are presently controlled centrally through Section 82-109, R.C.M. 1947. (Copies are available for distribution)

administration for publication of the  
of the department of administration  
volume separable from the adminis-

trative rules of Montana for the con-  
venience of state offices which do not  
wish to acquire the entire code."

### 82-109.1. Authorizations for disbursements—submission to department.

authorizations for disbursements, shall be given by the agency con-  
cerned, and a record shall be kept by the agency of all the authorizations  
and expenditures. Claims for any disbursement must be submitted to the  
department and must bear the signature of the authorizing officer or  
employee.

History: En. Sec. 1, Ch. 97, L. 1961;  
L. Sec. 46, Ch. 326, L. 1974.

#### Amendments

The 1974 amendment substituted "de-

partment" for "state controller" in two  
places; deleted from the last sentence the  
form to be used in certifying a claim (see  
parent volume); and made minor changes  
in phraseology, punctuation and style.

### 82-109.2. Pre-audit of liquidated or settled claims—transmittal of un-

liquidated claims. (1) The department may pre-audit a liquidated claim  
against the state, and ascertain that (1) the proper authorizing signature  
is present, (2) the claim and supporting documents are mathematically and  
physically accurate, (3) the proper appropriation and fund is charged, and  
the expenditure is legal. The department may not make any charge  
against any appropriation unless the balance of the appropriation is avail-  
able and adequate. If no appropriation is available for the payment of a  
liquidated claim, the department shall audit it and, if it is a valid claim,  
transmit it to the governor for presentation to the legislative assembly.

(2) An unliquidated claim submitted to the department shall be trans-  
mitted to the state board of examiners to be processed as provided by law.

History: En. Sec. 2, Ch. 97, L. 1961;  
L. Sec. 29, Ch. 271, L. 1963; amd. Sec.  
91, L. 1969; amd. Sec. 47, Ch. 326,

#### Amendments

The 1969 amendment, in the first sen-  
tence, substituted "controller may pre-  
audit liquidated or settled claims" for  
"controller shall pre-audit all liquidated  
settled claims"; in item (3), deleted  
that the appropriation is available  
adequate" after "fund is charged";  
substituted the present second sen-  
tence for the former second and third sen-  
tences, reading, "If the volume of claims  
does not permit such audit of each claim,  
the audit above may be accomplished on a  
check basis. The pre-auditing conduct-

ed by the state controller shall be con-  
cerned only with the form and accuracy of  
the claim and supporting documents, and  
the availability of the funds and in no  
event shall the state controller interpose  
his judgment regarding the wisdom or ex-  
pediency of any item or items of expendi-  
ture."

The 1974 amendment substituted "de-  
partment" for "state controller" and  
"controller" throughout the section; sub-  
stituted "a liquidated claim" for "liqui-  
dated or settled claims" after "may pre-  
audit" in the first sentence of subsection  
(1); substituted "An unliquidated claim"  
in subsection (2) for "Any unliquidated  
or unsettled claims"; and made minor  
changes in phraseology, punctuation and  
style.

### 82-109.3. Form of claims—disapproval by department. The department

may prescribe the claim form and may establish in writing, rules governing  
preparation, submittal, and processing of claims. All claims shall be  
processed in the order of their presentation, and all claims disapproved by  
the department shall be returned to the operating agency with an explana-  
tion in writing of why the claim was disapproved.

# STANDING COMMITTEE REPORT

.....February 3,..... 19..79..

MR. ....PRESIDENT.....

We, your committee on .....FISH AND GAME.....

having had under consideration .....HOUSE..... Bill No. 29.....

Respectfully report as follows: That.....HOUSE..... Bill No. 29.....

BE CONCURRED IN

~~DO PASS~~

# STANDING COMMITTEE REPORT

February 3, 1979

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 37

Respectfully report as follows: That HOUSE Bill No. 37

BE CONCURRED IN

~~DO PASS~~



# STANDING COMMITTEE REPORT

*Helena*

..... February 3, ..... 19 79 .....

MR. .... PRESIDENT .....

We, your committee on ..... FISH AND GAME .....

having had under consideration ..... SENATE ..... Bill No. 259 .....

Respectfully report as follows: That ..... SENATE ..... Bill No. 259 .....

DO PASS

*HC.*

# STANDING COMMITTEE REPORT

February 3, 19 79

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 134

Respectfully report as follows: That SENATE Bill No. 134

introduced bill, be amended as follows:

1. Title, line 4.

Following: "TO"

Strike: "PROHIBIT"

Insert: "RESTRICT"

2. Title, line 6.

Following: "THE"

Strike: "OPENING"

Insert: "FIFTEENTH"

3. Page 1, lines 10 through 14.

Strike: all of the bill following the enacting clause

(continued)

XXXXXX  
DO PASS

*W/C*

February 3, 19 79

Insert: "Section 1. Sale of resident and nonresident deer and elk licenses restricted after 15th day of season. No person may purchase resident or nonresident deer and elk licenses after the 15th day of the general season for which the license is issued, except that such licenses may be purchased from an officer of the department of fish and game after the 15th day of the season."

And, as so amended, DO PASS