

MINUTES OF THE MEETING OF THE FISH AND GAME COMMITTEE
February 19, 1981

The meeting was called to order at 12:30 p.m. by Chairman Ellison. All committee members were present.

HOUSE BILL 731

Representative Daily, sponsor of HB 731, said HB 731 is an act to require the Department of Fish, Wildlife, and Parks (F, W, & P) to limit the number of outfitter and guide licenses issued or renewed for fishing and floating outfitters when the Fish and Game Commission finds detriment to the fishing resource or to the public health, safety, or welfare.

Proponents

Mr. Jim Flynn, Director of F, W, & P, spoke in support of HB 731. (EXHIBIT 1)

Opponents

Tag Rittel, Montana Outfitters and Guides Association, said the association would like more time in working with the outfitters concerning this bill. He said they would like more time to come up with a moratorium and then come back to the legislature in two years with a proposal. (EXHIBIT 2)

Jack Wemple, President of the Montana Outfitters Association, spoke in opposition to HB 731. (EXHIBIT 3)

Ralph Holman, representing the Montana Outfitter Council, spoke in opposition to HB 731. (EXHIBIT 4)

Smoke Elser, representing himself, said the bill is too ambiguously written to have any authority. The authority that is given in this bill is too broad.

Jack Atcheson also spoke in opposition to HB 731.

Gary Nesse spoke in opposition to HB 731. He said with the way this bill is written, his source of income could be cut out from underneath him at anytime.

C. B. Rich, an outfitter, said he doesn't feel the state agency should be given the power to deny or revoke a license.

Mr. Flynn said this bill doesn't give F, W, & P any unique authority they do not already have. This bill was drafted to solve the Madison Valley River problem.

Representative Devlin asked Mr. Nesse if he floats the Madison River. Mr. Nesse said he does. Representative Devlin asked Mr. Nesse if he believes there is a problem now. Mr. Nesse said there is a social problem. The heaviest use of the river is during a three week period that coincides with salmon fly hatch. There is a management technique available to F, W, & P now without having to gain additional legislation authorizing them to accomplish goals designed to alleviate pressure. He said there are alternatives available that outfitters can agree to in order to improve overcrowding on the river. Mr. Nesse said 75% of the use of the river is from outfitters and guides. He feels outfitters and guides should be able to work with each other to solve this problem.

Representative Phillips asked if F, W, & P anticipated not renewing licenses. Mr. Flynn said no, but there are a number of different approaches to solve the problems. Nonrenewal of licenses is a management tool that may or may not be used.

Mr. Flynn suggested to the committee that a sunset date be put on this legislation (of 2 years, for example) and then the F, W, & P would have to come in and, if a better method of control is needed, present a different proposal at that time.

Mr. Wemple agreed with the sunset idea but said he thinks there is an easier way. He said everyone is in favor of a moratorium and asked if a committee bill could be drafted to establish a moratorium.

Chairman Ellison said this committee doesn't have the time needed to submit a committee bill.

Representative Jacobsen asked if it would help the situation to put a freeze on any additional licenses issued during the next two years. Mr. Wemple said it would help as long as it referred to the Madison River.

Representative Daily said he is amazed at the opponents of HB 731. He said they recognize there is a serious problem but they do not want to do anything about the problem. He said he doesn't want to do anything to affect the free enterprise system. Representative Daily said this committee has to consider sportsmen. If there is a problem and the rivers are being overfished, we need to address that problem. He said he has talked with Spence Hegstad, from the Fish and Game Commission, and he said if this bill doesn't pass, the moratorium will be lifted.

The hearing on HB 731 was closed.

HOUSE BILL 738

Representative Ryan, sponsor of HB 738, said this bill is an act to clarify that it is lawful to take wildlife to protect persons or livestock. He said there have been problems with bears killing sheep. Representative Ryan said there will have to be an amendment in this bill. The bill will have to be amended to read chapter 3 instead of chapter 5 on lines 18 and 19.

Proponents

Keith Cable, a rancher, told the committee a story of the problems he has been faced with concerning bears killing his sheep.

Mr. Cable said he was in favor of HB 738 and said the livestock people will not take advantage of the proposed law. He said the F, W, & P people cannot protect livestock because the F, W, & P people are not around when the bears cause the problems.

Joe Helle spoke in support of HB 738. He said when there is a problem with livestock killings, there is an immediate need for action and the situation has to be taken care of then. He feels the farmers and ranchers should have the ability to take care of those problems.

John Baucus, a rancher, told the committee his ranch has lost over \$6,000 in livestock because of bears killing his sheep. He said he has to be able to protect his livelihood.

Teddy Thompson gave written testimony in support of HB 738.
(EXHIBIT 5)

Opponents

Mr. Jim Flynn read a prepared statement in opposition to HB 738.
(EXHIBIT 6)

Mr. Flynn said the F, W, & P feels there already is a process whereby persons who have to kill an animal that threatens their livestock can do so. He said there is game management of bears in Montana. There is a season every year which calls for the taking of 25 bears. If a bear is killed as a result of threat to livestock, that bear is counted as one of the 25 limit.

The hearing on HB 738 was closed.

HOUSE BILL 766

Representative Ellison, sponsor of HB 766, told the committee that

HB 766 is a committee bill. This bill has been heard in essentially the same form.

Proponents

Glen Childers, representing himself, said he endorses HB 766.

Opponents

Mr. Jim Flynn submitted written testimony in opposition to HB 766. (EXHIBIT 7)

Mr. Flynn said this bill may be short circuiting a good review process by inserting "governor". He said that would insert more pressure into the process that is not necessary. Mr. Flynn feels the process now in effect is good and democratic; the legislature has input and the F, W, & P has input.

Larry Fasbender, legislative liaison for the Governor's Office, said there are some problems with HB 766. Mr. Fasbender said if HB 766 is passed, the Fish and Game Commission would be completely bypassed. He said the Governor should not have to be lobbied. Mr. Fasbender said the Governor's Office would prefer to have the process go through the commission and then to the Governor.

Wilbur Rehmann, Executive Director of the Montana Wildlife Federation, said he is concerned with the proposed review process. He feels the current process is adequate. Mr. Rehmann said there may be some political ramifications on acquisition if the acquisitions have to be approved by the Governor.

Representative Burnett said with the amount of money involved, there should be a different review process. Mr. Flynn said the concern of F, W, & P is that if a piece of property is requested, people could go right to the Governor. Representative Burnett said it is not the intent of the bill to go to the Governor first. The intent is to make the acquisition more viable to the public. Mr. Flynn said there will be people who will beat the Governor's door down to get land acquisitions.

Representative Phillips said the bill states, "with the consent of the commission and.....the approval of the governor". Mr. Flynn said, in reality, it cannot be mandated for everyone to go through that process.

Chairman Ellison said this bill has been before this committee for years. There is a reason. People want some elected official to take responsibility of land purchases.

The hearing on HB 766 was closed.

At this time, the committee went into EXECUTIVE SESSION.

HOUSE BILL 200

Representative Devlin went over the proposed amendments as drawn up by the subcommittee on HB 200. (EXHIBIT 8)

Representative Devlin moved the AMENDMENTS TO HB 200 DO PASS.

Representative Hart told the committee there is no fee, right now, for catching paddlefish. She said F, W, & P would like to issue tags for tagging paddlefish immediately after being caught. Once a paddlefish is caught, it cannot be let go. Representative Hart feels the \$5 fee being proposed is too high. She feels \$2 would be more appropriate.

Representative Roush said there is a problem with the mess left from "gutting" a paddlefish. He feels the \$5 fee would be a fair amount to help with the clean up costs.

Representative Daily moved an amendment on line 18 of page 3. He moved the \$4 fee be increased to \$5.

The motion was voted on and FAILED.

Representative Jensen moved an amendment on line 3, page 4. He moved the \$5 fee be decreased to \$3.

The motion was voted on and PASSED.

Mr. Flynn said the Fish and Game Commission has authorized 1,000 licenses to be sold separately for Eastern Montana hunting.

Representative Daily asked if those 1,000 licenses were over and above the 17,000 currently sold. Mr. Flynn said that was correct.

Mr. Flynn said, with the addition of the 4,000 licenses, there will be an administrative cost and it will be expensive to administer the new concept. Mr. Flynn said he would like funding to be appropriated for the administration of the new concept.

Representative Phillips moved an amendment to HB 200. He moved the \$5 on page 3, line 2, be amended to \$6.

The motion was voted on and PASSED.

Representative Feda made a motion to have this subcommittee allow Mr. Flynn to address any problems with the proposed amendments that he might have.

The motion was voted on and PASSED.

Mr. Flynn told the committee that it costs F, W, & P \$32,000 per year to clean up 40 tons of paddlefish "leftovers". There are three bills that will impact F, W, & P negatively (approximately \$300,000 per year). Mr. Flynn said the appropriations subcommittee for the F, W, & P budget is only allowing for a 9% pay plan increase. The employees' unions are saying there will be a 12% increase. That represents a negative \$100,000, if passed at 12%.

Mr. Flynn said the F, W, & P has "eaten" over \$2 million over the last two years and now they are being asked to "eat" another \$3 million to \$4 million over the next two years.

Mr. Flynn said there are two reasons for the proposed increase in the conservation licenses. One reason is because of income and the second reason is that the conservation licenses are what F, W, & P use as a basis to get federal funding from the Pittman-Robertson funds. The federal government has said \$1 is not a serious fee and F, W, & P may lose some of that funding if the conservation license fee is not increased.

Mr. Flynn said the F, W, & P is not coming up with requests to "sit in luxury"; there are serious problems which deserve serious consideration.

The meeting was recessed until the House of Representatives adjourn for the day.


ORVAL ELLISON, Chairman

vml

PRESENTED BY: James W. Flynn, Director
Dept. Fish, Wildlife, & Parks

February 19, 1981

HB 731

Mr. Chairman, members of the committee, my name is Jim Flynn. I appear today on behalf of the Montana Department of Fish, Wildlife, & Parks, and I speak in favor of HB 731.

The upper Madison River has had a boat fisherman/bank fishermen conflict for several years. A boat passing through an area (whether or not people are fishing from it) disrupts the fishing in that area for a short time. Occasional boats are tolerable to bank and wading anglers, but steady boat traffic severely degrades the quality of their fishing. In 1978, the Fish & Game Commission set up a Madison River Boat Regulation Study Committee to advise them on possible solutions to this problem. This committee, which was composed of sportsmen, guides and outfitters, and state and federal fisheries workers, held seven meetings and conducted two public hearings in the Ennis area and gave their final report to the commission in November, 1979. One of the committee's recommendations was that the commission impose a one year moratorium on new commercial guides and outfitters on the upper Madison River. In other words, they asked that the commission not allow the commercial use on the upper Madison to expand beyond what it was in 1979. The commission set up this moratorium in March, 1980 to last for one year. It also expanded the Madison Committee to a Statewide Boat Regulation Study Committee with the expectation that the moratorium on the Madison would very likely make boating use increase faster on other waters. The new committee has met six times and held three public hearings, one each in Livingston, Ennis, and Butte. Public comment at the hearings was generally to keep the Madison moratorium in effect for the

coming year and also to impose a similar moratorium on the Big Hole. While the committee's final recommendations have not yet been made, they will almost certainly include some geographical limitations on numbers of commercial guides and outfitters in heavy use areas.

A very recent legal interpretation indicates that such limitations on commercial activities, including the present Madison moratorium, are in potential violation of a federal statute unless the authorization to impose such limitations is specifically granted to an agency or board by state law. If it is proven that the federal statute is violated, then personal liability may result for the Fish & Game Commission. That is the reason we request this bill.

This bill makes two changes in the outfitter law. The first adds floating to the type of outfitters the commission may regulate. The second allows the commission to limit the number of fishing and floating guides and outfitters for the protection of the fishing resource, or for the protection of public health, safety, or welfare.

The Fish & Game Commission may regulate certain types of boating activities. However, it cannot regulate general boating traffic by the public. The department and commission can regulate commercially guided fishing trips but not commercially guided floating trips for other purposes such as scenic touring or whitewater rafting. The state's rivers are used commercially for fishing, floating, and whitewater floating. Regulations to reduce crowding on the rivers must be applicable to all commercial uses if they are to be effective.

If passed, HB 731 would allow the commission to continue in its attempt to solve boat problems in heavy use areas. Without this legislation, the

commission cannot address the problem. We recommend HB 731 do pass.

Although it addresses only the commercial aspect of increasing boating use on rivers, we believe it is a necessary and logical step at this time. Eventually, some agency is going to receive the authority to regulate general public boating use as well as commercial, but we doubt the need for this authority at this time. We feel that the commercial uses must be fully regulated before the majority of river users will accept regulation of the private sector.

NAME Tad Ritter BILL No. 731
ADDRESS Wolf Creek DATE 2/19
WHOM DO YOU REPRESENT Montana Outfitter & Guide Assoc
SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

M.O.G.A. Opposes This Bill We
Would Like To Have More Time In
Working A Law With All Outfitters

NAME Jack Wemple BILL No. 731
ADDRESS Victor, MT. 59875 DATE 2-19-81
WHOM DO YOU REPRESENT President Montana Outfitters Assn
SUPPORT _____ OPPOSE ✓ AMEND _____
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This Bill, if passed, would only curtail some more of the Free Enterprise System. The Outfitting Industry contributes substantially to the \$900, million dollar Travel/Tourism Industry of Montana. Our Industry does not need Legislation of this nature.

This Bill was designed to alleviate a problem on the Madison River. This bill would only add to the problem, not alleviate it. This bill has been designed to release the legal liability of the persons who instituted the Madison River Moratorium. Under the Sherman Anti Trust Laws of the U.S., the Moratorium was illegally instituted. We do not want our Industry to be the scapegoat for a Managing Agency's illegal acts.

Our industry is currently working together to come up with viable solutions to this problem.

I strongly recommend a do not pass on this Bill.

Jack Wemple

Re: H.B. 731

The Montana Outfitter Council is on record as opposing the Madison River Moratorium effective during 1980. At our last (February 3, 1981) Council meeting, the Council was unanimous in opposing legislation designed to control the guided public thru boat/float outfitters unless said legislation also provided controls for the non-guided public.

We recognize that boat/floating on some rivers currently is a problem; also that said problem requires a solution. However H.B. 731 does not administer a solution to the problem. It merely treats one of the symptoms. To be effective a solution must give fair consideration to all aspects. To be effective, use by the public in general must also be regulated. Why should the outfitter be the scapegoat? The outfitter is only involved because one segment of the general public require and demand his services. This same segment could also bring their own boats, rent boats in a nearby town or float with friends. H. B. 731 will encourage this practice. An outfitter is also a member of the public and as such, is free to float alone or with a group of friends on a non commercial basis. Who has been stopped? What has been accomplished?

The outfitter plays an important part in Montana's tourist industry, a 900 million dollar industry that is second only to agriculture for jobs provided. These are the people who come to Montana to enjoy our Blue Ribbon fishing, scenic beauty, etc. These are the people who spend a lot of dollars in Montana in the course of their enjoyment. To limit the outfitter is to limit the pleasure of the nonresident who makes this contribution to our economy possible. How many wouldn't come to Montana if they were turned away? What would the effect on our economy be? How many licenses wouldn't be sold?

The outfitters or guides are generally not fishing, so they are not damaging the resource. They are only providing a service to that segment of the general public who prefer to have that service available and pay generously for it. This same segment of the general public can bring their own boats or rent them or go with friends.

If there is damage to our resource, we as outfitters and guides are extremely concerned. We would recommend that over-all numbers be reduced or seasons shortened.

H. B. 731 as written, discriminates against the outfitter who is only providing a service and really is only part of the problem because of this. He doesn't fish, but he does play an important role in the economy of Montana.

One good point of H. B. 731 is that it will place a definite "Blue Sky" value on an outfitter's business.

We respectfully request that you do not pass H. B. 731.

*Ralph M. Holman,
Chairman
Montana Outfitter Council*



Teddy Thompson

Box 283 976

Phone (406) 932-2551

Big Timber, Montana 59011



Mr Chairman and members of the House Fish and Game Committee:

My name is Teddy Thompson and I reside on a ranch in Sweet Grass County.

I have come to Helena to give my support to H. B. 738.

We have had sheep in the mountains in South Central Montana, Just north of the Yellowstone National Park since the early twentys. I personally spent from 1933 to 1946 tending camp for different herders. We made alot of contributions of lamb and mutton to hungry animals. In those days we were able to take the stock killing animals without a fear of being arrested. The only animals that were taken were the one who followed our sheep from camp to camp. The most simple way to get rid of stock killing animals is to do it when they are in the act. As you all know from the past accounts of killings and maulings, the officials will come running in after the damage has been done and they usually shoot several animals in hopes they are going to get the right one. This is not good business for the people and the animals involved.

In the early seventys when the Park Service, Montana Fish and Game Department and the Forest Service decided to haul out problem grizzly bears to the high Absaroka sheep ranges there was no consideration given to the herders, who were in the area with their flocks. This action by the Government agencies caused a grizzly bear to be shot in the middle of a band of sheep. The people in charge of the sheep were arrested. A group of stockman went together and hired a lawyer to defend the herders. The case was heard in Park County in front of a Justice of the Peace jury. The herders were found not guilty due to the fact they were up there to protect their sheep.

In closing I would urge all members of the Fish and Game Committee to vote for H. B. 738.

Thank you

Teddy Thompson

PRESENTED BY: James W. Flynn, Director
Dept. Fish, Wildlife, & Parks

February 19, 1981

HB 738

Mr. Chairman, members of the committee, my name is Jim Flynn. I appear today on behalf of the Department of Fish, Wildlife, & Parks, and I speak in opposition to HB 738.

My testimony on this bill is brief. The legislation is not needed. To the extent the bill is designed to permit the killing of wildlife that is threatening people or livestock, current law so permits. Section 87-1-225, MCA, provides for taking wild animals which damage property or crops by permits to property owners or by special seasons. It further removes wild and ferocious animals which damage property or endanger life from the permit or special season requirement. Section 87-5-109, MCA, provides for removal by capture of state listed endangered species in emergencies involving immediate threat to human life. Even federal statutes permit taking of endangered or threatened species when a person has a good faith belief that he was acting to protect himself or another individual from bodily harm.

To the extent the bill is designed as a game damage bill, present law and Fish & Game Commission rules provide adequate authority to address those situations.

If this bill is to get the department's attention, consider it done.
I recommend a do not pass on HB 738.

PRESENTED BY: James W. Flynn, Director
Dept. Fish, Wildlife, & Parks

February 19, 1981

HB 766

Mr. Chairman, members of the committee, my name is Jim Flynn. I appear today on behalf of the Department of Fish, Wildlife, & Parks, and I speak in opposition to HB 766.

Earlier this session, this committee considered HB 251. HB 251 was designed to do essentially the same thing as HB 766. However, the limitations on acreage and dollars were different. HB 766 has increased the dollar limit to \$100,000 and the acreage limit to 100 acres. While this increase in limits removes much of the sting from HB 251, it does not take away the essential objections to stacking another level of approval on the department's land purchases.

For purposes of this testimony, please consider the information presented on HB 251, particularly the amount of lands purchased and leased by the department, the small percentage of those lands are of 94 million acres within the state of Montana, and the purposes of these lands such as wildlife habitat, recreational opportunity, and fishing access. I would like to reiterate that the department does not purchase these lands without due consideration. After contact from a willing seller, a real estate agent, or department employees, land acquisition is reviewed by regional supervisors and wildlife, parks, or fisheries personnel for their potential as viable wildlife habitat. It is reviewed to determine whether it meets requirements under federal aid statutes and I must approve and make the final decision on purchase before final action is taken. My decision is taken to the Fish & Game Commission for their approval before any acquisition of land is carried out.

We would like to point out Commissioner Spence Hegstad's comments on HB 251 that the Fish & Game Commission is a citizen commission which oversees the department's land acquisition program. They review and question each acquisition before final action.

As you know, the department is not going to have a major budget for large land purchases in the upcoming biennium, but to the extent that a willing seller appears with the potential for protecting wildlife habitat and providing fishing and other recreation opportunity which may be determined as essential in a given area, this bill will add to the bureaucracy necessary in making that acquisition.

It will also create a potential of reverse pressure. By this, I mean that instead of individuals coming to the department to purchase land and to learn if the department is interested, they would be encouraged by this bill to go to the governor and seek to encourage him to talk to the department and commission about purchase of the land. At the present time, lands are purchased for their present and potential wildlife and recreational values.

For these reasons, we recommend HB 766 be given a do not pass recommendation.

INTRODUCED BY HILL BILL NO. 266
E. Olson

BY REQUEST OF

THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FUNDS
 AVAILABLE FOR MANAGEMENT OF THE STATE'S WILDLIFE RESOURCES
 BY INCREASING THE FEES FOR HUNTING, FISHING, TRAPPING, AND
 RELATED LICENSES AND PERMITS; REMOVING THE 7-YEAR KILL
 LIMITATION ON CERTAIN GAME ANIMALS; AND REMOVING THE
 PRIORITY STATUS FOR UNSUCCESSFUL SPECIAL ELK AND ANTELOPE
 LICENSE APPLICANTS; AMENDING SECTIONS 87-2-104, 87-2-202,
 87-2-301, 87-2-302, 87-2-304, 87-2-401 THROUGH 87-2-403,
 87-2-501, 87-2-505, ~~87-2-508~~, 87-2-508, 87-2-601, 87-2-701,
 87-2-702, 87-2-705, 87-2-706, 87-2-711, ~~87-2-803~~ AND 87-2-903,
~~87-2-904~~ MCA; REPEALING SECTIONS 87-2-303, 87-2-703,
 AND 87-2-721, MCA; AND PROVIDING SEPARATE EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-2-104, MCA, is amended to read:
 "87-2-104. Number of licenses allowed. Only one
 license of any one class, except Class B-3 and B-4 licenses,
 shall be issued to any one person. The department may
 prescribe rules and regulations for the issuance or sale of
 a replacement license of the same class in the event the

original license is lost, stolen, or destroyed upon payment
 of the sum of \$3--of--the--cost--of--the--original--license
 whichever is the smaller amount of the original price of the
 lost, stolen, or destroyed license, not to exceed \$25."

Section 2. Section 87-2-202, MCA, is amended to read:
 "87-2-202. Application -- stamp attachment -- fee --
 expiration. (1) A wildlife conservation license shall be
 sold upon written application. The application shall contain
 the applicant's name, age, occupation, place of residence,
 post-office address, and length of time in the state of
 Montana; state whether the applicant is a citizen of the
 United States or an alien; and be subscribed by the
 applicant. The applicant shall present a driver's license or
 other identification to substantiate the information."

(2) Hunting, fishing, or trapping licenses in the form
 of tags or stamps issued to a holder of a wildlife
 conservation license must be affixed to or recorded on the
 wildlife conservation license according to such rules as the
 department may prescribe.

(3) Resident and nonresident wildlife conservation
 licenses may be purchased for a fee of \$13, ~~12~~ ¹².

(4) Licenses issued shall be void after April 30 next
 succeeding their issuance."

Section 3. Section 87-2-301, MCA, is amended to read:
 "87-2-301. Class A--resident fishing license. Any

1 resident, as defined by 87-2-102, upon payment of a fee of
 2 ~~\$5.00~~ ^{insert \$6} ~~or, after April 30, 1992, a fee of \$10~~, shall
 3 receive a Class A license which shall entitle the holder
 4 thereof to fish with hook and line or rod as authorized by
 5 regulations of the department."

6 Section 4. Section 87-2-302, MCA, is amended to read:
 7 "87-2-302. Class B--nonresident fishing license. Any
 8 person not a resident, as defined in 87-2-102, upon payment
 9 of the sum of ~~\$20~~ ^{\$30} to any agent of the department
 10 authorized to issue fishing and hunting licenses, shall be
 11 entitled to a Class B license which shall entitle the holder
 12 thereof to fish with hook and line as authorized by the
 13 rules and regulations of the department."

14 Section 5. Section 87-2-304, MCA, is amended to read:
 15 "87-2-304. Class B-4--one-day ~~two-day~~ nonresident
 16 fishing license. Any person not a resident, as defined in
 17 87-2-102, who is a holder of a valid wildlife conservation
 18 license, upon payment of the sum of \$2 ~~14~~ to any agent of
 19 the department authorized to issue fishing and hunting
 20 licenses, shall be entitled to a ~~1-day~~ ^{2-day} nonresident
 21 fishing license which shall authorize the holder to fish
 22 with hook and line as prescribed by rules and regulations of
 23 the department for ~~2~~ ³ calendar ~~day~~ ^{days} as indicated on the
 24 license."

25 **NEW SECTION.** Section 6. Paddlefish tags. The

1 department may issue paddlefish tags to holders of valid
 2 Class A, Class B, and Class B-4 fishing licenses for a fee
 3 of ~~\$5~~ ³. Each tag authorizes the holder to fish with hook and
 4 line for paddlefish as prescribed by rules of the
 5 department.

6 Section 7. Section 87-2-401, MCA, is amended to read:
 7 "87-2-401. Class A-1--resident game bird license.
 8 Except as otherwise provided, a resident, as defined by
 9 87-2-102, who is 12 years of age or older may, upon payment
 10 of a fee of ~~\$4~~ ^{\$3} ~~or, after April 30, 1992, a fee of \$5~~,
 11 receive a Class A-1 license which will entitle the holder to
 12 pursue, hunt, shoot, and kill game birds and possess the
 13 carcasses of game birds as authorized by department rules."

14 Section 8. Section 87-2-402, MCA, is amended to read:
 15 "87-2-402. Class B-1--nonresident game bird license.
 16 Except as otherwise provided in this chapter, a person not a
 17 resident, as defined in 87-2-102, but who is 12 years of age
 18 or older, upon payment of a fee of \$30 ~~\$50~~ ^{\$40} may receive a
 19 Class B-1 license which shall entitle the holder thereof to
 20 pursue, hunt, shoot, and kill game birds and possess the
 21 carcasses of game birds as authorized by department rules."

22 Section 9. Section 87-2-403, MCA, is amended to read:
 23 "87-2-403. Wild turkey tags and fee. (1) The
 24 department may issue wild turkey tags to the holder of a
 25 valid Class A-1 or Class B-1 license. Each tag shall entitle

1 the holder to pursue, hunt, shoot, and kill one wild turkey
 2 and possess the carcass thereof, during such times and such
 3 places as the department shall authorize an open season on
 4 wild turkey.
 5 (2) The fee for a wild turkey tag shall be \$2 ^{\$3} ~~5~~.
 6 Turkey tags shall be issued either by a drawing system or in
 7 unlimited number as authorized by department rules."

8 Section 10. Section 87-2-501, MCA, is amended to read:
 9 "87-2-501. Class A-3, A-4, A-5, A-6--resident deer,
 10 elk, and bear licenses. Except as otherwise provided in this
 11 chapter, a resident, as defined by 87-2-102, who will be 12
 12 years of age or older prior to September 15 of the season
 13 for which the license is issued may, upon payment of the
 14 proper fee or fees, be entitled to purchase one each of the
 15 following licenses which will entitle the holder to pursue,
 16 hunt, shoot, and kill the game animal or animals authorized
 17 by the license held and to possess the carcasses of those
 18 game animals as authorized by department rules:

19 (1) Class A-3, deer A tag, \$7 ~~10~~ ⁸ ~~until April 30, 1983~~
 20 ~~then \$10~~ ^{Strike everything after 8.}

21 (2) Class A-4, deer B tag, \$5; ⁸⁹

22 (3) Class A-5, elk tag, \$8 ~~10~~ ⁸ ~~until April 30, 1983~~

23 ~~then \$12~~

24 (4) Class A-6, black or brown bear tag, \$6 ~~10~~ ⁸

25 Section 11. Section 87-2-505, MCA, is amended to read:

1 "87-2-505. Class B-10--nonresident big game
 2 combination license. Except as otherwise provided in this
 3 chapter, a person not a resident, as defined in 87-2-102,
 4 but who will be 12 years of age or older prior to September
 5 15 of the season for which the license is issued may, upon
 6 payment of the fee of \$225 ²⁵⁰ ~~200~~ ~~or, after April 30, 1983, a~~
 7 ~~fee of \$225~~, and subject to the limitations prescribed by
 8 law and department regulation, apply to the fish and game
 9 office, Helena, Montana, to purchase a B-10 nonresident big
 10 game combination license which shall entitle the holder to
 11 all the privileges of Class B, Class B-1, Class B-7, and
 12 black bear licenses, and an elk tag. This license includes
 13 the nonresident conservation license as prescribed in
 14 87-2-202. Not more than ^{15,000} ~~17,000~~ Class B-10 licenses may be
 15 sold in any one license year."

16 ^{insert new section} Section 12. Section 87-2-507, MCA, is amended to read:

17 "87-2-507. Class D-1--nonresident mountain lion
 18 license. Except as otherwise provided in this chapter, a
 19 person not a resident, as defined in 87-2-102, but who is 12
 20 years of age or older, upon payment of a fee of \$100 ^{\$100} ~~225~~
 21 may receive a Class D-1 license which shall entitle the
 22 holder thereof to pursue, hunt, shoot, and kill mountain
 23 lion and possess the carcass thereof as authorized by
 24 department rules."

25 Section 13. Section 87-2-508, MCA, is amended to read:

1 "87-2-508. Class D-2--resident mountain lion license.
 2 Except as otherwise provided in this chapter, a person who
 3 is a resident, as defined in 87-2-102, and who is 12 years
 4 of age or older, upon payment of a fee of \$5 ~~\$25~~ may receive
 5 a Class D-2 license which shall entitle the holder thereof
 6 to pursue, hunt, shoot, and kill mountain lion and possess
 7 the carcass thereof as authorized by department rules."
 8 Section 14. Section 87-2-601, MCA, is amended to read:
 9 "87-2-601. Class C--trapper's license. Except as
 10 otherwise provided in this chapter, a resident, as defined
 11 in 87-2-102, upon making application and payment of a fee of
 12 \$10 ~~\$25~~ to the department, may receive a Class C license
 13 which shall authorize the holder thereof to trap fur-bearing
 14 animals and hunt bobcat, wolverine, and Canada lynx within
 15 the state of Montana at such times and in such manner as may
 16 be lawful so to do under the laws of the state and the
 17 regulations of the department and at such places as may be
 18 designated in said license."

19 Section 15. Section 87-2-701, MCA, is amended to read:
 20 "87-2-701. Special licenses. (1) Any applicant who
 21 will be 12 years of age or older prior to September 15 of
 22 the season for which the license is issued and is the holder
 23 of a resident wildlife conservation license or a nonresident
 24 wildlife conservation license may apply for a special
 25 license which, in the judgment of the department, is to be

1 issued and shall pay the following fees therefor: ~~\$25~~ ^{\$175}
 2 (a) moose--resident, \$25 ~~\$50~~; nonresident, \$150 ~~\$250~~;
 3 (b) mountain goat--resident, \$15 ~~\$50~~; nonresident,
 4 \$115 ~~\$250~~;
 5 (c) mountain sheep--resident, \$25 ~~\$50~~; nonresident,
 6 \$115 ~~\$250~~;
 7 (d) antelope--resident, \$5 ~~\$10~~; nonresident, \$100;
 8 (e) grizzly bear--resident, \$25 ~~\$50~~; nonresident, \$150
 9 ~~\$250~~;
 10 (f) black or brown bear--nonresident, \$100.
 11 (2) In the event a holder of a valid special grizzly
 12 bear license kills a grizzly bear, he must purchase a trophy
 13 license for a fee of \$25 within 10 days after date of kill.
 14 Such trophy license shall authorize the holder to possess
 15 and transport said trophy.

16 (3) Special licenses shall be issued in a manner
 17 prescribed by the department."
 18 Section 16. Section 87-2-702, MCA, is amended to read:
 19 "87-2-702. Restrictions on special licenses. (1) A
 20 person who has obtained a grizzly bear or moose mountain
 21 goat or mountain sheep license is not eligible to apply for
 22 another such license for the next succeeding 7 years if such
 23 person has killed or taken an animal of the species for
 24 which the special license was issued. A person who has
 25 obtained a grizzly bear or moose mountain goat or mountain

1 ~~sheep--license--but--did--not--kill--or--take--an--animal--of--the~~
 2 ~~species--for--which--the--special--license--was--issued--is--eligible~~
 3 ~~to--apply--for--another--such--license--in--any--succeeding--year--if~~
 4 ~~he--returns--his--unused--special--license--to--the--department~~
 5 ~~before--or--at--the--time--application--is--made.~~

6 ~~†††~~ A person who has received a special permit for
 7 elk is not eligible to receive a second special permit for
 8 this species of game animal during any license year.
 9 However, in the event the number of applications received is
 10 not equal to the number of game animals desired to be killed
 11 by the department, reapplication may be made by those valid
 12 license holders of the current year who may fall within
 13 these limitations.

14 ~~†††~~ A person who has killed or taken any game
 15 animal, except a deer or an antelope, during the current
 16 license year is not permitted to receive a special license
 17 under this chapter to hunt or kill a second game animal of
 18 the same species."

19 Section 17. Section 87-2-705, MCA, is amended to read:
 20 "87-2-705. Drawing for special elk permits. In the
 21 event the number of valid applications for special elk
 22 permits for a hunting district exceeds the quota set by the
 23 department for the district, these permits shall be awarded
 24 by a drawing. Persons making valid application who did not
 25 receive a special elk permit during the season--immediately

1 preceding the drawing shall receive first preference in this
 2 drawing--for--first--second--and--third--choice--hunting
 3 districts. The department shall provide for those persons
 4 making valid application for special elk permits a method of
 5 selecting first, second, and third choice hunting districts
 6 for any drawing held pursuant to this section. The
 7 department may promulgate the rules necessary to implement
 8 this section."

9 Section 18. Section 87-2-706, MCA, is amended to read:
 10 "87-2-706. Drawing for special antelope licenses. In
 11 the event the number of valid applications for special
 12 antelope licenses for a hunting district exceeds the quota
 13 set by the department for the district, such licenses shall
 14 be awarded by a drawing. Persons making valid application
 15 who did not receive an antelope license during the season
 16 immediately preceding the drawing shall be given first
 17 preference in such drawing--for--first--second--and--third
 18 choice hunting districts. The department shall provide for
 19 those persons making valid application for special antelope
 20 licenses a method of selecting first, second, and third
 21 choice hunting districts for any drawing held pursuant to
 22 this section. The department shall have the authority to
 23 promulgate such rules and regulations as are necessary to
 24 implement this section."

25 NEW SECTION. Section 19. Drawing fee. (1) When the

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1 department determines a drawing is necessary prior to
2 issuance of hunting licenses for any game species during a
3 hunting season, it shall collect a \$5 drawing fee with each
4 application submitted.

5 (2) This fee must be deposited in the earmarked
6 revenue fund to the credit of the department as set forth in
7 87-1-601.

8 (3) The payment of a drawing fee confers no hunting
9 rights or privileges.

10 (4) The commission may waive the provisions of
11 subsection (1) when a drawing is required for a special
12 season under 87-1-304.

13 Section 20. Section 87-2-711, MCA, is amended to read:

14 "87-2-711. Class AAA--sportsman's license. Any
15 resident, as defined by 87-2-102, who will be 12 years of
16 age or older prior to September 15 of the season for which
17 the license is issued, upon payment of the sum of ~~\$35~~ ^{\$35} ~~per~~ ^{year}
18 shall be entitled to a sportsman's license which shall
19 permit the holder to exercise all rights granted to holders
20 of Class A, A-1, A-3, A-5, A-6, and resident conservation
21 licenses as prescribed in 87-2-202. The department shall
22 furnish each holder of a sportsman's license an appropriate
23 decal."

24 Section 21. Section 87-2-805, MCA, is amended to read:
25 "87-2-805. Persons under fifteen years of age. (1)

1 Minors under 15 years of age may fish for and take fish
2 during the open season without a license. However, no
3 nonresident person under the age of 15 years may fish in or
4 on any Montana waters without first having obtained a Class
5 B, B-3, or B-4 fishing license unless the nonresident person
6 under the age of 15 years is in the company of an adult in
7 possession of a valid Montana fishing license. The limit of
8 fish for the nonresident person and the accompanying adult
9 combined may not exceed the limit for one adult as
10 established by law or by rule of the department.

11 (2) Residents, as defined by 87-2-102, under the age
12 of 15 years may purchase Class A-1, A-3, and A-5 licenses at
13 ~~\$2.50~~ ^{\$2.50} ~~per~~ ^{year} license."

14 Section 22. Section 87-2-903, MCA, is amended to read:
15 "87-2-903. Compensation and duties of agents. (1)
16 License agents, except salaried employees of the department,
17 shall receive for all services rendered the sum of \$5 ~~30~~
18 cents for each license, permit, or certificate issued. On or
19 before the 10th day of each month each license agent shall
20 submit to the department all duplicates of each class of
21 licenses sold during the preceding month and shall accompany
22 the duplicate licenses with all moneys received for the sale
23 of the licenses less a fee of \$5 ~~30~~ cents for each license
24 sold. Each license agent shall keep his license account open
25 at all reasonable hours to inspection by the department, the

1 director, the wardens, or the legislative auditor.

2 (2) For purposes of this section, the term "license"
3 includes any license, permit, and certificate prescribed by
4 the department."

5 Section 23. Section 87-5-204, MCA, is amended to read:
6 "87-5-204. License and rules for falconry. (1) The
7 department may adopt specific rules for the keeping of
8 records and for the trapping, taking, possession, or
9 training of raptors used in the practice of falconry and may
10 authorize the issuance of licenses to persons for the
11 practice of falconry. It is unlawful for any person to
12 possess a raptor or to train a raptor in the practice of
13 falconry without a license.

14 (2) The fee for a falconry license is ~~\$3~~ ^{\$3-revised} a year or
15 any part of a year. A license expires April 30 each year.

16 (3) A license may not be issued to a person under the
17 age of 12 years.

18 (4) Licensees shall have in possession a valid
19 falconer's license when engaged in the practice of falconry.
20 In addition, falconers loosing raptors at game birds shall
21 have in possession a valid resident or nonresident game bird
22 license.

23 (5) Falconry licenses or permits are not transferable
24 and may be revoked for due cause at any time by the
25 department."

1 Section 24. Repealer. (1) Sections 87-2-703 and
2 87-2-721, MCA, are repealed effective May 1, 1981.

3 (2) Section 87-2-303, MCA, is repealed effective May
4 1, 1982.

5 Section 25. Codification instruction. (1) Section 6 is
6 intended to be codified as an integral part of Title 87,
7 chapter 2, part 3, and the provisions of Title 87 apply to
8 section 6.

9 (2) Section 19 is intended to be codified as an
10 integral part of Title 87, chapter 2, part 1, and the
11 provisions of Title 87 apply to section 19.

12 Section 26. Effective date. This act is effective as
13 follows:

14 (1) Sections 2 and 19 are effective May 1, 1981.

15 (2) Section 24 is effective as provided therein.

16 (3) Section 16 is effective July 1, 1980.

17 (4) Sections 17 and 18 are effective on passage and
18 approval of this act.

19 (5) All other sections are effective May 1, 1982.

-End-

(1)
NEW SECTION. B-11 and B-12 nonresident big game license.
Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may upon payment of the proper fee or fees, and subject to the limitations prescribed by law and department rule, purchase one each of the following licenses:

(a) class B-11 nonresident elk license for \$150; and

(b) class B-12 nonresident deer license for \$100.

(2) The licenses^{fees} in subsection 1 include the nonresident conservation license fees for the license prescribed in 87-2-202.

(3) Not more than 2000 class B-11 elk tags or more than 2000 class B-12 deer tags may be sold in any~~one~~ ^{one} license year.

(4) The use of either license specified in subsection (1) is not restricted to any one specific authorized hunting area in Montana.

NAME Jack Atchison BILL No. 200 731
ADDRESS 50 N Ottawa DATE _____
WHOM DO YOU REPRESENT _____
SUPPORT ✓ 200 OPPOSE 731 AMEND 200 731
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Support 200 The people need it

Oppose 731

WITNESS STATEMENT

Name Phil Smith Date 2-19-81
 Address Box 126, Melrose, MT Support ? ☒
 Representing Canyon Creek Ranch Oppose ? ☐
 Which Bill ? 731 Amend ? ☐

Comments:

As The Big Hole is a very fragile stream & cannot take the over pressure, we as Guides & I as a member of Mont. Outfitting Assoc on Board of Directors, I feel we must take first step, but also feel if these restrictions take fact that general¹ public can follow in our Footsteps.

Phil Smith
 Melrose, MT

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Tony Schoonen Date 18 Feb '81
 Address B.x 2, Ramsay Support ? ☒
 Representing T.V. Club Butte Oppose ? ☐
 Which Bill ? 731 Amend ? ☐

Comments:

Guides must be regulated - They will not regulate themselves as past experience has shown.

The Big Hole river as well as other rivers are an important resource that needs protection

Guide pressure on the Big Hole has increased by over 500% and it must be controlled. Not doing anything about it just compounds the problem.

Our club supports this bill

Please leave prepared statement with the committee secretary.

Tony Schoonen
 Butte Chap. Trout Unlimited

NAME John F. Baucus BILL No. 738
ADDRESS Box 167 DATE 2-19-81
WHOM DO YOU REPRESENT myself
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

As I have many losses on my livestock due to predators and in some cases getting poor cooperation from various state and federal agencies, I support this bill to help protect my livestock from this loss