

## HOUSE FISH AND GAME COMMITTEE

February 8, 1983

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 12:30 p.m., with all members present.

Chairman Nilson opened the meeting to a hearing on House Bills: 567, 515, 541, and 564.

### HOUSE BILL 567

REPRESENTATIVE VERNER L. BERTLESEN, District 27, Ovando, opened by saying this bill you have before you will be familiar to many of you who were on this committee before. It makes it unlawful to destroy, disturb, or move any traps that belong to another person. The reference is back to the fact that removing game or disturbing traps would be a misdemeanor. This means it is a sentence imposed upon conviction with imprisonment, or a fine, or both. When no penalty is specified, which would be in this case, the penalty would be to not exceed six months in jail or a fine of \$500. This is protection they should have had for years, and we ought to grant it. There is going to be a slight amendment proposed in order to make it legal for the game wardens to enforce these acts.

### PROPOSERS

LES HOSTETLER, Montana Trappers Association, said I am reading and submitting the testimony of Will R. (Bud) Moore. (see exhibit 1)

JANET MOORE, Condon, said my husband (Will Moore) walks 10 to 12 miles to check trap lines. Usually he is not harrassed at all, but once in a while there are conflicts. It is very disturbing to him to have his traps tampered with. This bill would clean up the problem of misunderstanding. Many recreationists don't realize trapping is a legal activity.

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written testimony to committee members. (see exhibit 2)

### OPPONENTS

CHARLES GRAVELY, representing self, said in the current draft of this bill, there is no provision for a trapper who is trespassing on private property. If an amendment were added to make it so it was not possible to remove traps on property where the trapper had no business to be, I would have no objection to it. If they have no permission, they should have no protection.

HOUSE FISH AND GAME COMMITTEE MINUTES  
February 8, 1983, page 2

Rep. Bertlesen closed by saying no bonified, first class trapper is going to trap on someone else's property without permission. I think this problem is covered under the trespass laws. I have several friends who are trappers, and this means a great deal to them. This is one of the oldest occupations in the State of Montana, and one of the least protected.

Questions from committee. Rep. Ellison asked Mr. Gravely if the traps on his property were tagged with the name of the owner. This is another requirement we have right now. We have a law on the books that says a trapper has to have permission, I believe if you would contact the local game warden, he could be of assistance to you. Mr. Gravely responded no, the traps were not tagged.

Rep. Ryan asked Mr. Flynn if he felt the department could enforce this. The response was we understand and sympathize with the problems trappers have, and we are willing to help where we can. My concern is that there is a great expectation from the trapping industry for us to expend a great amount of time in the trap lines.

Rep. Ryan asked Mrs. Moore if the extra license fee would generate enough money for this extra enforcement. The reply was I don't see the need for that much extra time and enforcement. The trappers want to be able to go to the fish and game warden when something happens, we just want this option.

Rep. Ryan asked Mrs. Moore if they would resist a considerable increase in trapping fees to help fund this. The answer was we would not resist a \$15 license fee, which is an increase of \$5.

Rep. Veleber asked Mrs. Moore what kind of traps she is talking about. The reply was we trap with leg hold and connibar traps. A leg hold trap is steel with jaws that come up and grab the animal's foot. The connibar trap is a killer trap which is set up under water to catch the beaver, it gets him around the neck, chokes him, and he dies quickly. We want to defend our right to keep the leg hold trap because we could never catch a cyote if we didn't have them, the cyote would never stick his head in a connibar.

Chairman Nilson closed the hearing on House Bill 567 at 12:55 p.m.

HOUSE BILL 564

REPRESENTATIVE ORREN C. VINGER, District 3, Wolf Point, opened by saying House Bill 564 would repeal Sections 81-4-401, and

HOUSE FISH AND GAME COMMITTEE MINUTES  
February 8, 1983, page 3

81-8-402. 401 deals with the sale of baby animals. It is unlawful for any person other than a hatchery, breeder, or feed store to sell, barter, or give away for commercial purposes, baby chickens, ducklings, or other fowl under three weeks of age, or rabbits under two months of age as pets, toys, or novelties.

PROPOSERS

JIM NUDGENT, Wold Point, said I have a Ben Franklin store. I have sold ducks every year at Easter time for the last 25 years. Last year I found out I was breaking the law. My Easter business starts when I start selling ducks, and I would like to continue. The mortality rate of a duck while it is in my store is practically nil. The mortality rate after they leave my store is higher, but I have customers that buy ducks every year so the old man can have duck eggs for breakfast. I have had ducks that are three years old. This year I had a call for 100 chicks, this would be against the rules and regulations too.

JOHN REDENBERG, Wolf Point, said I think this is a hinderance to business. If people want and desire to have live animals, I believe it is important that we are able to sell them.

OPPOSERS

JIM GLOSSER, Department of Livestock, submitted written testimony. (see exhibit 3)

CURTIS HANSEN, Montana Veterinary Medical Association, said I appear here today for the association. I can honestly find no redeeming features for selling these baby animals as novelty items. Mr. Hansen then submitted a prepared statement. (see exhibit 4)

MIKAL KELLNER, Lewis and Clark Humane Society, submitted a written copy of his testimony. (see exhibit 5, and 5-A)

DIANE LANE, Humane Society of Gallatin Valley, presented a copy of her testimony for the record. (see exhibit 6)

JUDY FENTON, Lewis and Clark Humane Society, submitted a copy of her testimony. (see exhibit 7)

SENATOR THOMAS O. HAGER, District 30, Billings, said I was formerly in the hatchery business. This is not the first time I have been exposed to this legislation. I think the bill has worked pretty well. We are much more concerned with the protection and treatment of animals today than we were 10 years ago. If we keep this law, it will prevent some inhumane treatment.

HOUSE FISH AND GAME COMMITTEE MINUTES  
February 8, 1983, page 4

Rep. Vinger closed by saying this bill would provide some small rural businesses with the opportunity to sell baby chickens and ducklings to the community. The present law says that they could not sell or order in ducklings that are under three weeks of age. When these ducklings or chickens are shipped, they are not that old. They ship them immediately, before they are ever fed. I question how good this law is working if there are these problems going on. How are these people getting a hold of these baby chicks and ducklings to mistreat. I don't think this law is necessary, and I hope you give a do pass on House Bill 564.

Questions from committee. Chairman Nilson asked Rep. Vinger if in the event this bill should pass, do you need an effective date? The answer was the effective date would be immediately.

Chairman Nilson closed the hearing on House Bill 564 at 1:20 p.m.

HOUSE BILL 515

REPRESENTATIVE RAY JENSEN, District 25, St. Ignatius, said line 15 refers to a specific policy to protect, preserve, and manage grizzly bears. We have a law that protects and manages grizzly bears, but we don't have one that protects livestock. This is an act to bring something in to manage this a little better. Rep. Jensen then said he would like to have David Rockwell, a staff person working within the legislature, who had done extensive study in this area give testimony.

Chairman Nilson asked committee members if there would be any objection to this. There was no objection from any member.

DAVID ROCKWELL

I have had grizzly bears in my back yard. I would like to start by saying I don't think the issue is whether grizzly bears are good or bad, whether they cause problems, or whether they should be preserved. I think we recognize that grizzly bears do cause problems to farmers and ranchers. We should concern ourselves with how we can help the rancher, farmer, and property owner. What can we do that is an equitable arrangement for them? Montana is one of the last states in the union that has a viable grizzly bear population, and they are protected by the Federal Endangered Species Act. The policy of the State of Montana is to preserve, protect, and manage the grizzly bear. It is also the policy of the State of Montana that a landowner can shoot a bear if that bear is destroying his property or killing his livestock. This bill does not change any of those existing laws. Mr. Rockwell presented the committee members with a flow chart diagraming the steps that would be followed in order for the rancher to be compensated for damages. (see

HOUSE FISH AND GAME COMMITTEE MINUTES  
February 8, 1983, page 5

exhibit 8) Right now, if you are losing livestock to a grizzly bear, you have two choices. You can go out and kill the bear, or you can call the department. The landowner feels he should take care of the problem right away. If they do kill the bear, they are usually investigated by the Fish and Game Wildlife Services. There is usually two or three headline stories in the newspapers over a two or three week period, and the press is usually on the side of the bear. This is a situation that landowners would just as soon avoid. The problem is that if they call the department, it could be anywhere from a couple of hours to a couple of days before they get the help they need. I think this prevention agreement is needed because it is not aimed at the experienced ranchers who have lived there for a number of years. They know what draws bears and they don't want them around. It is aimed at the people who haven't lived in bear country, or the occasional sloppy rancher who doesn't really care. We have a lot of bear habitat that is being subdivided and people are moving in. It is important to orient any compensation program toward prevention. Without a prevention agreement, it could actually be encouraging people to be negligent. The state should only be paying for damage that could have been avoided. The federal government is trying to gain control of the management of the grizzly bear through the Endangered Species Act. It helps to preclude the need for federal intervention. It asserts the state's responsibility for threatened and endangered species. Finally, I don't think the fiscal note is accurate, and I would be happy to answer questions concerning this.

PROPONENTS

BUD CHEFF, Ronan, said I have lived here for 68 years. I was born in this vicinity, and I have been around grizzlies all my life. We have had nothing killed by grizzly bears. It seems as though most people want to get rid of them. They live on berries and roots of all kinds. Most live a complete lifetime without killing an animal. There is very little danger unless people start attracting them to their places. I feel they should be protected in every way we can.

WAYNE GOLLEHEN, Choteau, said our families ranched in this area for about 38 years. We have seen a lot of bears. We raise cattle, and haven't had any problems. If ranchers are reimbursed for loss, they are a lot less likely to shoot the first bear they see. The state could help lessen tension between ranchers and the department with this prevention agreement. I urge passage of this bill because the grizzly bear is a threatened species and this law should help in the prevention and preservation of the grizzly.

HOUSE FISH AND GAME COMMITTEE MINUTES  
February 8, 1983, page 6

WILL BROOKE, Montana Stockgrowers and Woolgrowers, submitted a written copy of his testimony. (see exhibit 9)

DUNCAN GILCHRIS, Ravalli County Fish and Wildlife Association, submitted a prepared statement. (see exhibit 10)

PAT UNDERWOOD, Montana Farm Bureau, said the Montana Farm Bureau has policy on this issue, and we support House Bill 515.

LES HOSTETLER, Montana Trappers Association, presented the written testimony of Bud Moore. (see exhibit 11) Mr. Hostetler added, on his own behalf, I too spend a lot of time in the wilderness. Without those bears, it just wouldn't be the same.

RICHARD HARRIS, Alberta, submitted a written copy of his testimony. (see exhibit 12)

CHARLES JONKEL, Missoula, submitted written testimony. (see exhibit 13)

TAG RITTER, Montana Outfitters and Guides, presented a written copy of his testimony. (see exhibit 14)

SMOKE ELSE, Missoula, submitted written testimony. (see exhibit 15)

JANET ELLIS, Montana Audubon Council, submitted a written copy of her testimony. (see exhibit 16)

REPRESENTATIVE BOB REAM, District 93, Missoula, said there are going to be grizzlies in the future, and there are also going to be wolves in Montana. Both are federally listed, the wolf as an endangered species, and the grizzly as a threatened species. Recovery plans have been written for both. In both of these recovery plans, a zone management concept has been applied. We have recognized that most of Montana should not have wolves or grizzlies, and we have recognized there areas as agricultural zones. There are also places where we can have either of these two. In the process, we have recognized there will be problems. We have two alternatives, we can pretend that there isn't a problem, or we can try to do something about it. I think we can set a precedent here in Montana and perhaps in the process, get the federal government interested in this problem, and they could come through with these damage payments. We are dealing with the only two species on the federal list of endangered species that are large predators. I would go along with most of the amendments for this bill, but I think we should not strike the wolf out of the bill. If we don't do something, we will have the federal government taking over because these animals are listed in Montana as endangered species.

HOUSE FISH AND GAME COMMITTEE MINUTES  
February 8, 1983, page 7

CINDY OSMUNDSON, University of Montana Student Chapter of the Wildlife Society, presented a written copy of her testimony. (see exhibit 17)

OPPONENTS

JIM FLYNN, Department of Fish, Wildlife, and Parks, presented the committee with written copies of his testimony. (see exhibit 18)

Rep. Jensen closed by saying I would like to thank the committee for their time, because as you can see, everyone would like to talk about the grizzly bear.

Questions from committee. Rep. Swift said I see that there is some \$399,000. designated for the next biennium on the fiscal note. Rep. Jensen replied the annual costs in the past have been around \$4,000. to \$5,000. I don't anticipate near that much money in the second draft of the fiscal note.

Rep. Devlin asked Mr. Flynn to comment on the fiscal note. The response was the primary cost is departmental administration, it is not due to the amount of game damage.

Rep. Ream asked Mr. Rockwell to comment on the fiscal note and the concerns raised by Will Brook and the Stockgrowers. The response was I think every one of Will's concerns have been incorporated into the gray copy of the bill. (see exhibit 19) The department is assuming there will be 1,020 people entering the program the first year. When you consider that this is a voluntary program, and that we are just getting started, I think that is unreasonable and probably wouldn't happen. I would be surprised if it was much over 100. The department fiscal note assumes that these game wardens are not going to be familiar with people's property. Most game wardens are familiar with these areas. It is not the same time as hunting season. This is when the department has slack time, and the wardens can handle it as part of their other duties.

Rep. J. Jensen asked Mr. Flynn if he would agree that spring is slack time for the staff. The answer was this would be an additional burden on our staff. There is going to be administration out of Helena that is going to have to be incorporated.

Chairman Nilson closed the hearing on House Bill 515 at 2:25 p.m.

HOUSE BILL 541

REPRESENTATIVE JOHN PHILLIPS, District 43, Great Falls, opened by stating this is a bill concerning some clean-up language

HOUSE FISH AND GAME COMMITTEE MINUTES  
February 8, 1983, page 8

the issuing of licenses. It does four things. Section 1 provides that the military folks who are assigned to Montana on a change of station, who are going to reside in Montana, are afforded the privilege of becoming a resident for license purposes at the end of the 30 day period. The language in the old statute addresses a military member and members of their immediate family; this is pretty loose. We have tightened it up to say their dependents who reside in a Montana household with them. Section 2 talks about a more legal way to license. This is language that gives them the authority to do this. Section 3 deals with the procedure for issuing a license or application for a license. You would have to go see an officer or somebody in the department in order to get a license. This incorporates procedures by mail. This is how you can go about getting a license by mail. Section 4 says the department wants to change the expiration date of all licenses from the last day in April until the last day in February. This gives more time to get permits in June, when they are working with out-of-staters.

PROPONENTS

JIM FLYNN, Department of Fish, Wildlife, and Parks, presented the committee with written copies of his testimony. (see exhibit 20)

There were no opponents to House Bill 541.

Rep. Phillips closed.

Questions from committee. Rep. Ellison asked Mr. Flynn if you set all the licenses up, aren't we going to have a lot of mad fishermen? The answer was we'll have to ease into that Rep. Ellison, but that would be the only difficulty.

Rep. Swift asked Rep. Phillips if he would be averse to an amendment on Page 1, line 25, to insert any citizen of the United States. The response was are you saying we do not want to issue a permit to a person unless he is a United States citizen. Rep. Swift replied basically, that is what I am saying.

Rep. Daily asked Mr. Flynn if he would mind if the fishing license were excluded. The response was I would mind, if the fishing license is that much of a problem, I would rather see it stricken out rather than different ending dates for different licenses.

Rep. Ream commented we could do the same thing by making the effective date for this year.



HOUSE FISH AND GAME COMMITTEE MINUTES  
February 8, 1983, page 9

Chairman Nilson closed the hearing on House Bill 541 at 2:35 p.m.

EXECUTIVE SESSION

HOUSE BILL 564

Rep. Jenson moved House Bill 564, DO NOT PASS, the motion carried unanimously.

HOUSE BILL 567

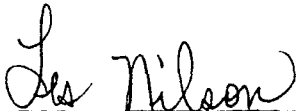
Rep. Ellison moved House Bill 567, DO PASS, the motion carried unanimously.

HOUSE BILL 463

Rep. Devlin moved House Bill 463, DO NOT PASS, I feel the law takes care of this and it can be handled on the local level. The motion passed 15 to 2, with Representatives Manuel and Saunders voting no.

Rep. Spaeth passed out material from the subcommittee working on House Bill 335, concerning the fee increases. (see exhibit 21)

The meeting was adjourned at 2:50 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

## VISITOR'S REGISTER

HOUSE *Fish and Game* COMMITTEE

BILL  564

DATE 2/8

SPONSOR Venger

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE Fish and Game COMMITTEE

DATE 2/8

DATE 2/8

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE Fish & Game

COMMITTEE

BILL 541

DATE 2/8

SPONSOR Phillips

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Helena, Montana  
February 8, 1983

HOUSE BILL 567: "AN ACT TO PROHIBIT DESTRUCTION, DISTURBANCE, OR REMOVAL OF WILDLIFE FROM TRAPS BELONGING TO ANOTHER."

...Testimony favoring HB-567 by William R. (Bud) Moore

P.O. Box 1017, Condon, MT.

HB-567 SHOULD BE ENACTED INTO LAW BECAUSE THE THEFT AND 59826  
DISTURBANCE OF TRAPS AND THEFT OF FURS CAUGHT IN LEGALLY-SET  
TRAPS HAS IN THE PAST 10 YEARS BECOME A SERIOUS PROBLEM FOR  
MONTANA'S TRAPPERS. FUR AND TRAP THIEVES ARE HARD TO CATCH BUT  
EVEN WITH GOOD EVIDENCE, TRAPPERS AND LAW ENFORCEMENT OFFICERS  
ARE HAVING TROUBLE BRINGING THIEVES AND HARASSERS TO JUSTICE.

THAT'S BECAUSE MONTANA'S CRIMINAL MISCHIEF CODE IS THE LAW  
USED TO PROSECUTE THESE VIOLATORS OF LEGAL TRAPPING. THIS LAW  
IS COMMONLY ENFORCED BY COUNTY SHERIFFS AND THEIR DEPUTIES WHO  
ARE ~~USUALLY~~ <sup>OFTEN</sup> UNFAMILIAR WITH TRAPPING AND, WITH A FEW NOTABLE  
EXCEPTIONS, ARE NOT IN CLOSE TOUCH WITH TRAPPERS. ON THE OTHER  
HAND, THE WARDENS EMPLOYED BY THE DEPARTMENT OF FISH, WILDLIFE  
AND PARKS WORK CLOSELY WITH TRAPPERS. THAT DEPARTMENT SETS  
TRAPPING SEASONS AND TAKE LIMITS, CARRIES ON SOME FUR MANAGEMENT  
PROGRAMS, TAGS PELTS TAKEN BY TRAPPERS AND THE WARDENS PATROL THE  
WOODS AND PERSONALLY ARE ACQUAINTED WITH MOST ~~OF THE~~ TRAPPERS.  
WHEN ANY PROBLEM RELATED TO TRAPPING OCCURS IT IS NATURAL FOR ~~THE~~ <sup>THEIR</sup> MOST  
TRAPPER TO TURN TO ~~THE~~ <sup>THEIR</sup> LOCAL WARDENS FOR HELP YET THESE WARDENS  
DO NOT HAVE AUTHORITY TO ENFORCE CRIMINAL MISCHIEF LAWS EXCEPT  
ON CERTAIN PRIVATE LANDS OPEN FOR PUBLIC RECREATION.

HB-567 WOULD EXPEDITE THE BRINGING TO JUSTICE OF OFFENDERS AGAINST THE ACTIVITY OF LEGAL TRAPPERS BY EXPANDING SECTION 87 OF THE FISH AND GAME CODES TO MAKE IT UNLAWFUL FOR ANY PERSON TO DESTROY, DISTURB OR REMOVE ANY TRAP OR SNARE BELONGING TO ANOTHER PERSON OR REMOVE WILDLIFE FROM A TRAP OR SNARE BELONGING TO ANOTHER PERSON WITHOUT PERMISSION OF THE OWNER OF THE TRAP OR SNARE. THAT WOULD GIVE GAME WARDENS, AS WELL AS SHERIFFS, AUTHORITY TO ACT IN THE TRAPPERS BEHALF.

THIS SMALL BUT IMPORTANT BILL HAS A LONG LEGISLATIVE HISTORY BEGINNING IN 1979 WHEN THE MONTANA TRAPPERS ASSOCIATION WROTE A PROPOSAL THEY HOPED WOULD BECOME LAW. BUT WOODY WRIGHT, THEN LEGAL COUNSEL FOR THE DEPARTMENT OF FISH, WILDLIFE AND PARKS, ADVISED THAT THE WARDENS COULD TAKE CARE OF THE PROBLEM THROUGH ENFORCEMENT OF THE CRIMINAL MISCHIEF ACT. SO THE MTA NEVER TRIED TO INTRODUCE THEIR BILL.

DURING THE NEXT TWO YEARS THE LIMITATIONS OF THE WARDEN'S AUTHORITY TO ENFORCE THE CRIMINAL MISCHIEF ACT BECAME CLEAR AND, AT MTA'S REQUEST, REPRESENTATIVE NILSON INTRODUCED THIS BILL IN 1981. BUT THE BILL DIED IN COMMITTEE BECAUSE THE TRAPPERS, DISSATISFIED WITH THE STATE'S FURBEARER MANAGEMENT PROGRAM, HAD RESISTED A LICENSE FEE INCREASE AND THE DIRECTOR OF FISH, WILDLIFE AND PARKS WOULD NOT SUPPORT A BILL THAT MIGHT INCREASE THE COST OF SERVICES TO TRAPPERS.

THANKS TO REPRESENTATIVES BERTELSEN, ELLISON, TEAM AND CONNELLY, WE ARE CONSIDERING THE BILL AGAIN. IT'S PASSAGE WOULD HELP CLEAR UP SEVERAL PROBLEMS OUT THERE IN THE WOODS & PRAIRIES.

LITTLE OR NO ADDITIONAL COSTS SHOULD BE INCURRED IN ITS ADMINISTRATION. THIS TIME THE TRAPPERS HAVE RECOMMENDED AN INCREASE IN THEIR LICENSE FEES AND I THINK WE HAVE THE SUPPORT OF THE DEPARTMENT OF FISH, WILDLIFE AND PARKS.

*AS SHOWN ON THE ATTACHED COPY,*  
I HAVE MADE ONE MINOR CHANGE TO CLARIFY THE BILL AS

WRITTEN. SINCE I HAD NO FISH AND GAME CODES AVAILABLE, I COULD NOT CHECK THE CODING INSTRUCTIONS BUT TO BE EFFECTIVE THIS BILL MUST BE CODED TO ALLOW ENFORCEMENT BY GAME WARDENS ON ALL PUBLIC AND PRIVATE LANDS.

IN ADDITION TO HELPING THE TRAPPERS, THE CLEAR LANGUAGE OF THIS BILL WOULD SERVE AS A DETERRENT TO CRIME BY HELPING OTHER USERS OF MONTANA'S OUTDOORS UNDERSTAND THAT TRAPPING IS AN ACCEPTED, LEGAL ACTIVITY. HB-567 DESERVES TO PASS INTO LAW.

HB-567  
EX-1

HB 567

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

February 8, 1983

House Bill 567 is a bill to prohibit the destruction, disturbance and removal of traps and the wildlife from those traps.

While this prohibition would seem to now exist in the general statutes relating to private property, HB 567 places that prohibition in the Fish and Game Laws.

It is apparent that passage of HB 567 is intended to place this responsibility on the Department's enforcement staff. While we have an appreciation for the problem involved, we are concerned for the ability of our enforcement staff to assume this added responsibility and to respond to the frequency and depth that may be required and expected by those affected.

At present one of the most frequent complaints we hear with current laws and responsibilities is the need for more law enforcement effort. At the same time we hear a certain amount of outcry when more money is requested, in part to address the need for more law enforcement. HB 567 does not include additional revenues for enforcement. As a result we assume it is to be enforced within our current program should the bill pass. With that assumption in mind we can support the bill.

However, if the bill is intended to put the Department into a position of expanding our program to monitor the activities on traplines throughout the state, we question the bill's passage without accompanying funds.



TESTIMONY BEFORE THE HOUSE FISH & GAME COMMITTEE

By

James W. Glosser, D.V.M., M.P.H.

In opposition to HB 564.

My name is Jim Glosser, I am the Administrator of the Animal Health Division, Montana Department of Livestock.

I appear here today in opposition to HB 564. HB 564 would repeal those existing statutes (81-8-401 and 402) which prohibits the sale of baby animals as pets, toys, premiums, or novelties.

Those sections were enacted into law in 1974 based on the following rationale:

1. To prevent the inhumane treatment and disposal of baby chicks, ducklings, and rabbits once the family has tired of them as pets.

Most of these baby animals are sold at Easter or given to children as rewards or novelties at carnivals, fairs, etc. As such, these animals never encounter a real or natural home or environment in which they are allowed to mature. What urban home has the necessary facilities or knowledge of the proper nutrition required to allow baby animals reach their maturity. As a result, this adds an undue stress to those animals which were bred and selected for agricultural purposes and places them into an increased risk of illness.

2. To prevent an increased risk to the public, particularly children, of contracting animal diseases which are transmissible to people.

Most fowl raised for agricultural purposes are natural carriers of microorganisms such as salmonellae and the coliforms which can produce human illness. The excretion rate of these microorganisms is increased in stressed animals. As a result, children particularly, are at increased risk of contracting those animal diseases.

In conclusion, most veterinarians, humane societies, and others have been asked by families to dispose of these animals once the novelty of these baby animals as pets has ended.

I urge the Committee to render a "do not pass" on this bill.

BEFORE THE HOUSE FISH AND GAME COMMITTEE

IN OPPOSITION TO:

HOUSE BILL NO. 564

My name is Curtis Hansen. I am the registered lobbyist for the Montana Veterinary Medical Association.

I appear here today for the Montana Veterinary Medical Association in opposition to House Bill No. 564.

We can find no redeeming features within this bill. The sale of baby animals for "NOVELTY" purposes was made illegal for some very simple, humane reasons and those reasons still remain valid today.

Most of these baby animals sold at Easter, etc. never know a real home or environment in which they are allowed to mature.

Most of them are given as gifts to children - who very quickly tire of the responsibility of caring for them.

Many are flushed down toilets. Some are devoured by cats and/or dogs.

Some are killed by literally being loved to death. Hugged or squeezed until they die.

What average city home has the food or facilities required to care for these baby animals at the very time in their life when they require the most care?

We must become concerned with the human care of animals.

We must develop a "SOLEMN STEWARDSHIP" over the animal world.

We believe that allowing this indiscriminate sale of baby animals for novelty purposes is anything but the way to teach our youngsters that responsible "SOLEMN STEWARDSHIP".

Even if ( and the odds are against it ) these baby animals do grow to adulthood - What then ? - What do you do with a pet; chicken or duck around the house? Can you really enjoy eating a pet?

It seems, that the only reasonable action, would not be to legalize such sales, but to leave well enough alone and therefore we would support and urge a "DO NOT PASS" recommendation for House Bill No. 564 !!!

Thank You

## WITNESS STATEMENT

Name Theresa Kellner Committee On Spunk & Dams  
Address 319 Lawrence - Helena Date 2/8/83  
Representing Lewis & Clark Humane Support \_\_\_\_\_  
Bill No. HB 564 Society Oppose ✓  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Comments:

1.

(Copy attached)

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



Ex. 5

HB 564

Animal Shelter: 1712 East Custer Ave.  
P.O. Box 274  
Helena, Montana 59624  
(406) 442-1660

February 7, 1983

Fish & Game Committee  
Testimony in Opposition to H.B. 564

I am speaking for the more than 400 members of the Lewis & Clark Humane Society in Helena. We are opposed to the repeal of this law protecting baby animals because changing this law would be a giant step backward for humane work and for the cause of helpless animals that cannot speak for themselves.

The reason that a law was passed to protect baby animals was that young animals sold or given away as prizes or novelties at fairs, carnivals, grocery stores, etc. often:

1. died because of improper handling.
2. died because of improper care and feeding.
3. died when abandoned too early to survive on their own, or
4. were abandoned when they grew older by people who didn't want them in the first place.

As the law stands now, a person must make a conscious decision to buy a baby animal by going to a breeder or feed store, so the animal has a good chance of getting a responsible owner who is knowledgeable about proper care of the animal(s). Animals given away nonselectively to kids and others at a fair, carnival or grocery have a slim chance of getting a responsible owner or proper care.

Two years ago I received a complaint that baby chicks being given away as prizes at a local carnival were being dropped and stepped on by kids. Upon investigation, the complaint proved to be true, so I got a copy of this law, contacted a deputy sheriff and together we stopped the giveaway of baby chicks. Without the law we could not have prevented the giveaway and subsequent cruelty.

This is a good law and one that has proved necessary to prevent needless suffering of baby animals. We ask you to continue to protect animals by retaining this law. Thank you.

Mikal Kellner, President  
Lewis & Clark Humane Society

## WITNESS STATEMENT

Name Barbara Dahlgren Committee On Fish & Game  
Address 834 Marshall - 7th Floor Date 2/8/83  
Representing Ma Co. Humane Society Support \_\_\_\_\_  
Bill No. HB 564 Oppose ✓  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. (Copy attached)

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



# Missoula County

Ex. 5-A



TELEPHONE 549-3934

1105 CLARK FORK DR.

MISSOULA, MONTANA 59802

February 5, 1983

Re; H.B. 564

Honorable committee members:

Legislation to repeal sections 81-8-401 and 81-8 402, Montana law, will simply place a greater burden on Humane Societies, because of the cruelty involved.

In many cases the novelty of having baby chicks, ducklings, rabbits etc. soon wears off and if the animals survive the often overhandeling by children etc. there is still the lack of knowledge as to what to feed them and how to care for them, plus improper provisions as to where to keep them in City dwellings. Even tho they some how live, Humane Societies end up with them.

Our experience has been that these baby creatures have been placed in garbage cans while still alive, placed in a box and covered with a cloth until they slowly die, down in the basments of apartment houses etc. and in one case these baby chicks were taken out, where children were tossing them up in the air and hitting them with baseball bats as they came towards the ground.

In past years these tiny creatures have been made available in dime stores and other places of business where they were used as a comeon for the public to purchase other merchandise being offered for sale there. Every child wants a baby chick or duck or bunny and parents being what they are, are not prone to deny thier child that living creature and do not think at the time what is to become of it, or perhaps they are pre disposed to the idea that it "will not live anyway". Places of business who offer these baby fowl and animals for commercial reasons have no regard for what is to become of them.

Humane Education and laws have practically irradicated this practice, and it seems ludicrous to revive a practice that has been nearly non existant in Montana for the past few years.

This legislation is needless, and can only serve one purpose, and that would be financial gain for the persons furnishing these tiny creatures to an outlet, at the expense of almost certain death, and inhumane treatment, of baby fowl and rabbits that are too young to fend for themselves.

Please do not consider passage of this bill, there is far too much cruelty in this world already.

Thank you,

Barbara Dahlgren, President Federated Humane Societies of Montana

Home address 834 Marshall Street

Missoula, Montana

Home telephone 54 9 7473

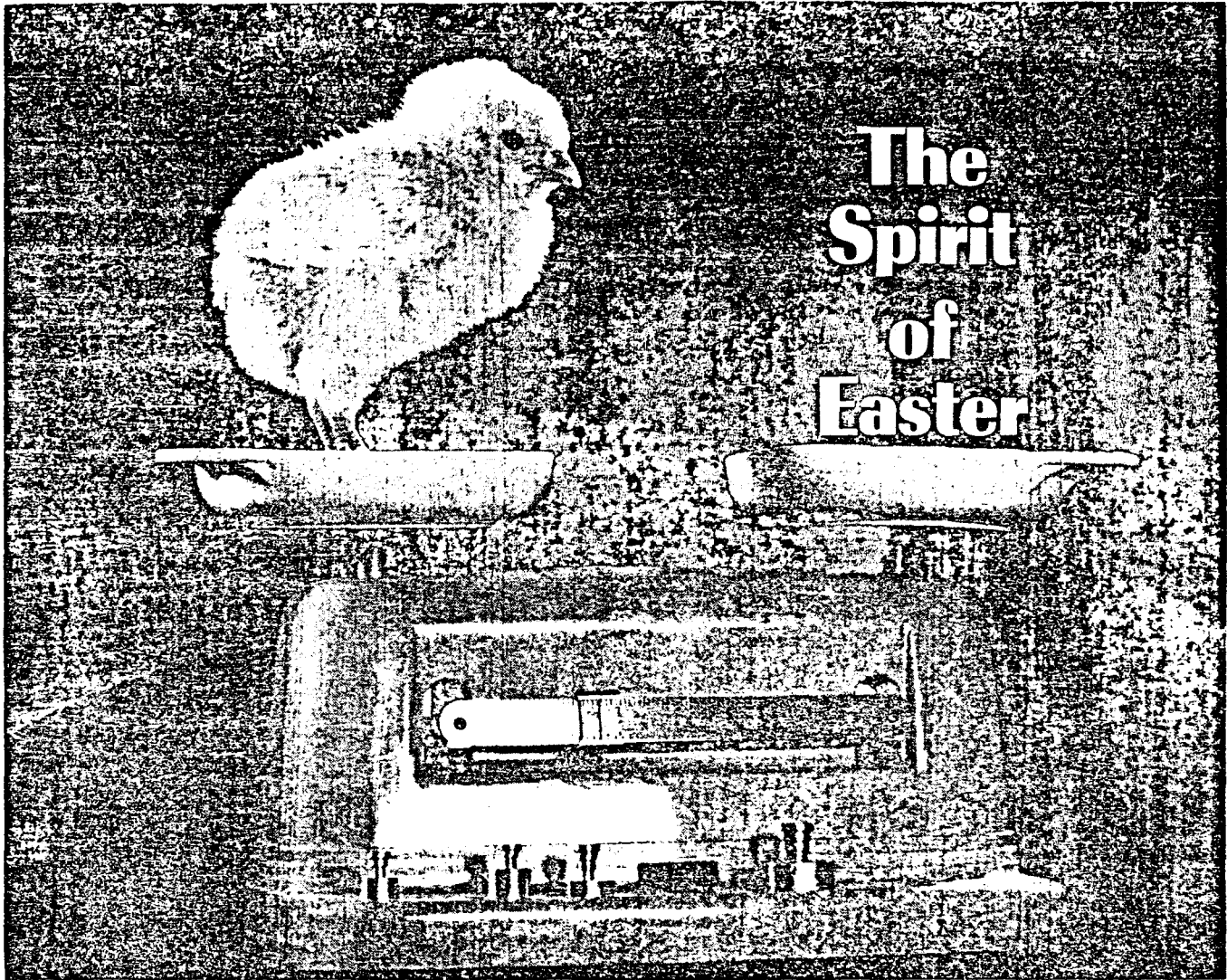


Photo by Harold M. Lambert

**E**ASTER SUNDAY is a day of solemnity; a day of respect; a day that commemorates a miraculous occurrence. How can people continue to defile this day by needless acts of cruelty?

Every holiday has its share of commercialism. But, often, during the Easter period, this commercialism is allowed to override the basic instincts of humanity.

For many years, humane organizations have had a busy, difficult time the week after Easter. Until laws intervened, it was common for children to be given tiny chicks, rabbits or ducklings as Easter presents. In the following week, animal welfare groups were deluged with calls to pick up animals that people suddenly realized could not be cared for in an apartment or a house.

The problem has become less acute in recent years. A majority of the nation's cities have enacted ordinances to outlaw the sale of fewer than six chicks. (By putting a limit on the number of chicks, the ordi-

nances do not interfere with legitimate transactions by farmers and poultrymen.)

The American Humane Association and its affiliated organizations have campaigned against the sale of chicks at Easter for many years. Opposition was strong at first, but through the process of humane education, the general public began to withdraw its support from the merchants handling Easter type animals.

Where, less than a decade ago, nearly every five-and-dime store and pet shop stocked up on brightly colored chicks and ducklings, today many communities show the virtual disappearance of these animals as Easter basket fillers. And, along with the withdrawal of these animals from the stock of major retail outlets, there has been a lessening of opposition by city governments and even state legislators.

Ordinances and laws are still needed in some areas of the country. But the prime job now facing humane organization is education.

Pet shops, and others who handle chicks as Easter merchandise, are not alone to blame for the cruelties during the holiday season. Indulgent parents and relatives can be equally guilty. Parents can do their children a grave injustice when they present animals as playthings rather than as pets. A half-dead baby chick is not a pet.

Raising these Easter presents is almost an impossibility at home without certain precautions, equipment and care. If the animals survive under the unnatural conditions of the home, the parents are faced with another problem, that of disposing of adult chickens, rabbits and ducks that can no longer be handled at home.

The spirit of Easter should require solicitude for all things at all times. This solicitude should include chicks, ducks and rabbits.

A sample ordinance, based on the laws now in effect in various cities, is available on request from AHA headquarters.

## WITNESS STATEMENT

Name Diane Lane Date 2-8-83  
Address 2125 N. Rouse Bozeman Support ?         
Representing Humane Society of Gallatin Valley Oppose ? ✓  
Which Bill ? HB 564 Amend ?       

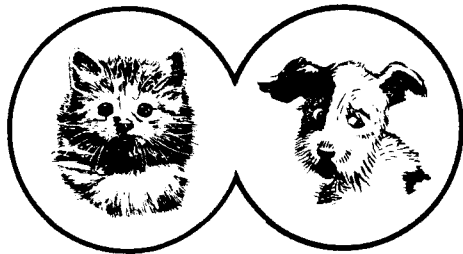
Comments:

Attached.

Please leave prepared statement with the committee secretary.



# HUMANE SOCIETY of Gallatin Valley



P.O. Box 914  
2125 North Rouse

Bozeman, Montana

59715

February 8, 1983

Ex. 6

RE: House Bill 564

On behalf of the Humane Society of Gallatin Valley, I strongly urge you not to repeal Sections 81-8-401 and 81-8-402.

These sections clearly state that they do not apply to feed stores, hatcheries, or breeders.

Instead, they prohibit making baby fowl and rabbits available as novelties and pets. The unnecessary dyeing of these young animals to make them appear and be treated as toys is also prohibited by the sections in review.

The cruelty involved in activities prohibited by these sections is not addressed in 45-8-211, Cruelty to Animals. Repeal of these sections will therefore leave humane society and law enforcement officials legally helpless to prevent the animal suffering that results from baby fowl and rabbits being sold and received as premiums, toys, or pets that quickly lose appeal as they grow into mature animals.

Thank you for your time and consideration of the importance of these sections.

Sincerely,

Diane Lane  
Executive Director

## WITNESS STATEMENT

Name Judith Fenton Committee On Fish & Game  
Address Blue Sky Heights #26 Date 2/8/83  
Representing Federated Humane Societies Support \_\_\_\_\_  
Bill No. HB 564 of Mont. Oppose ☒  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Comments:

1. Result is often inhumane treatment of the baby animals.
2. Teaches children careless & cruel attitude toward living things.
3. Threat of salmonellosis infection to children.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



Ex. 7

Animal Shelter: 1712 East Custer Ave.  
P.O. Box 274  
Helena, Montana 59624  
(406) 442-1660

February, 1983

#### TESTIMONY OPPOSING HB 564

I represent the Federated Humane Societies of Montana, which consists of eight incorporated Societies in the following cities: Helena, Billings, Great Falls, Missoula, Bozeman, Butte, Hamilton and Shelby. We all strongly oppose the repeal of Sections 81-8-402 of the present Montana law.

When live baby animals are sold at Easter time or awarded as prizes to promote business sales, there is no control of the conditions where the animal ends up. The person taking the animal has not prepared for its arrival. Also poultry and rabbits don't make very good pets. They need special care, often including brooders and other devices. Also, they can't be trained or housebroken. When they are no longer adorable babies and have outgrown their homes, the owner often faces the decision of what to do with them. Large numbers are turned in to animal shelters to be euthanized or they are dropped off at local ponds or woods to fend for themselves. They have little chance for survival. From my personal experience last July, I took my niece to the duck pond at our fairgrounds. A couple drove up and tried to release two very frightened ducks into the pond. They admitted they had gotten them at Easter time and now they were too big to keep in a box. The two little ones kept trying to get back to the people that they had evidently been imprinted with. Also, an aggressive male duck from the pond kept chasing the little ones. The couple finally took them around to the other end of the pond.

Young animals are very fragile and a child can innocently break a wing or leg or crush a delicate body. Television is not the only teacher of violence. When we let a child neglect or hurt an animal and get away with it, we are adding to a careless and cruel attitude toward all living things.

Another concern is the threat of salmonellosis, a contagious disease that can endanger a child's life.

For all these reasons as of March, 1980, the sale of baby pets was illegal in 25 states and many cities throughout the country.

Judith Fenton, Secretary-Treasure  
Lewis and Clark Humane Society  
and The Federated Humane Societies of Montana



Animal Shelter: 1712 East Custer Ave.  
P.O. Box 274  
Helena, Montana 59624  
(406) 442-1660

February, 1983

#### TESTIMONY OPPOSING HB 564

I represent the Federated Humane Societies of Montana, which consists of eight incorporated Societies in the following cities: Helena, Billings, Great Falls, Missoula, Bozeman, Butte, Hamilton and Shelby. We all strongly oppose the repeal of Sections 81-8-402 of the present Montana law.

When live baby animals are sold at Easter time or awarded as prizes to promote business sales, there is no control of the conditions where the animal ends up. The person taking the animal has not prepared for its arrival. Also poultry and rabbits don't make very good pets. They need special care, often including brooders and other devices. Also, they can't be trained or housebroken. When they are no longer adorable babies and have outgrown their homes, the owner often faces the decision of what to do with them. Large numbers are turned in to animal shelters to be euthanized or they are dropped off at local ponds or woods to fend for themselves. They have little chance for survival. From my personal experience last July, I took my niece to the duck pond at our fairgrounds. A couple drove up and tried to release two very frightened ducks into the pond. They admitted they had gotten them at Easter time and now they were too big to keep in a box. The two little ones kept trying to get back to the people that they had evidently been imprinted with. Also, an aggressive male duck from the pond kept chasing the little ones. The couple finally took them around to the other end of the pond.

Young animals are very fragile and a child can innocently break a wing or leg or crush a delicate body. Television is not the only teacher of violence. When we let a child neglect or hurt an animal and get away with it, we are adding to a careless and cruel attitude toward all living things.

Another concern is the threat of salmonellosis, a contagious disease that can endanger a child's life.

For all these reasons, as of March, 1980, the sale of baby pets was illegal in 25 states and many cities throughout the country.

Judith Fenton, Secretary-Treasure  
Lewis and Clark Humane Society  
and The Federated Humane Societies of Montana



Ex. 7

Animal Shelter: 1712 East Custer Ave.  
P.O. Box 274  
Helena, Montana 59624  
(406) 442-1660

February 7, 1983

Fish & Game Committee  
Testimony in Opposition to H.B. 564

I am speaking for the more than 100 members of the Lewis & Clark Humane Society in Helena. We are opposed to the repeal of this law protecting baby animals because changing this law would be a giant step backward for humane work and for the cause of helpless animals that cannot speak for themselves.

The reason that a law was passed to protect baby animals was that young animals sold or given away as prizes or novelties at fairs, carnivals, grocery stores, etc. often:

1. died because of improper handling.
2. died because of improper care and feeding.
3. died when abandoned too early to survive on their own, or
4. were abandoned when they grew older by people who didn't want them in the first place.

As the law stands now, a person must make a conscious decision to buy a baby animal by going to a breeder or feed store, so the animal has a good chance of getting a responsible owner who is knowledgeable about proper care of the animal(s). Animals given away nonselectively to kids and others at a fair, carnival or grocery have a slim chance of getting a responsible owner or proper care.

Two years ago I received a complaint that baby chicks being given away as prizes at a local carnival were being dropped and stepped on by kids. Upon investigation, the complaint proved to be true, so I got a copy of this law, contacted a deputy sheriff and together we stopped the giveaway of baby chicks. Without the law we could not have prevented the giveaway and subsequent cruelty.

This is a good law and one that has proved necessary to prevent needless suffering of baby animals. We ask you to continue to protect animals by retaining this law. Thank you.

Mikal Kellner, President  
Lewis & Clark Humane Society



Ex. 7



TELEPHONE 549-3934

• 1105 CLARK FORK DR. •

MISSOULA, MONTANA 59802

February 5, 1983

Re; H.B. 564

Honorable committee members:

Legislation to repeal sections 81-8-401 and 81-8 402, Montana law, will simply place a greater burden on Humane Societies, because of the cruelty involved.

In many cases the novelty of having baby chicks, ducklings, rabbits etc. soon wears off and if the animals survive the often overhandeling by children etc. there is still the lack of knowledge as to what to feed them and how to care for them, plus improper provisions as to where to keep them in City dwellings. Even tho they some how live, Humane Societies end up with them.

Our experience has been that these baby creatures have been placed in garbage cans while still alive, placed in a box and covered with a cloth until they slowly die, down in the basments of apartment houses etc. and in one case these baby chicks were taken out, where children were tossing them up in the air and hitting them with baseball bats as they came towards the ground.

In past years these tiny creatures have been made available in dime stores and other places of business where they were used as a comeon for the public to purchase other merchandise being offered for sale there. Every child wants a baby chick or duck or bunny and parents being what they are, are not prone to deny thier child that living creature and do not think at the time what is to become of it, or perhaps they are pre disposed to the idea that it "will not live anyway". Places of business who offer these baby fowl and animals for commercial reasons have no regard for what is to become of them.

Humane Education and laws have practically irradicated this practice, and it seems ludicrous to revive a practice that has been nearly non existant in Montana for the past few years.

This legislation is needless, and can only serve one purpose, and that would be financial gain for the persons furnishing these tiny creatures to an outlet, at the expense of almost certain death, and inhumane treatment, of baby fowl and rabbits that are too young to fend for themselves.

Please do not consider passage of this bill, there is far too much cruelty in this world already.

Thank you,

Barbara Dahlgren, President Federated Humane Societies of Montana

*Barbara Dahlgren*  
home address 834 Marshall Street

Missoula, Montana

Home telephone 54 9 7473



## The Spirit of Easter

*Photo by Harold M. Lambert*

**E**ASTER SUNDAY is a day of solennity; a day of respect; a day that commemorates a miraculous occurrence. How can people continue to defile this day by needless acts of cruelty?

Every holiday has its share of commercialism. But, often, during the Easter period, this commercialism is allowed to override the basic instincts of humanity.

For many years, humane organizations have had a busy, difficult time the week after Easter. Until laws intervened, it was common for children to be given tiny chicks, rabbits or ducklings as Easter presents. In the following week, animal welfare groups were deluged with calls to pick up animals that people suddenly realized could not be cared for in an apartment or a house.

The problem has become less acute in recent years. A majority of the nation's cities have enacted ordinances to outlaw the sale of fewer than six chicks. (By putting a limit on the number of chicks, the ordi-

nances do not interfere with legitimate transactions by farmers and poultrymen.)

The American Humane Association and its affiliated organizations have campaigned against the sale of chicks at Easter for many years. Opposition was strong at first, but through the process of humane education, the general public began to withdraw its support from the merchants handling Easter type animals.

Where, less than a decade ago, nearly every five-and-dime store and pet shop stocked up on brightly colored chicks and ducklings, today many communities show the virtual disappearance of these animals as Easter basket fillers. And, along with the withdrawal of these animals from the stock of major retail outlets, there has been a lessening of opposition by city governments and even state legislators.

Ordinances and laws are still needed in some areas of the country. But the prime job now facing humane organization is education.

Pet shops, and others who handle chicks as Easter merchandise, are not alone to blame for the cruelties during the holiday season. Indulgent parents and relatives can be equally guilty. Parents can do their children a grave injustice when they present animals as playthings rather than as pets. A half-dead baby chick is not a pet.

Raising these Easter presents is almost an impossibility at home without certain precautions, equipment and care. If the animals survive under the unnatural conditions of the home, the parents are faced with another problem, that of disposing of adult chickens, rabbits and ducks that can no longer be handled at home.

The spirit of Easter should require solicitude for all things at all times. This solicitude should include chicks, ducks and rabbits.

A sample ordinance, based on the laws now in effect in various cities, is available on request from AHA headquarters.

PROPERTY OWNER THAT WANTS TO BE COMPENSATED FOR DAMAGES CAUSED BY GRIZZLY BEARS CONTACTS DEPARTMENT.

DEPARTMENT EMPLOYEE INSPECTS THE PROPERTY AND DRAFTS A PREVENTION AGREEMENT.

BOTH PARTIES SIGN THE AGREEMENT. LAND OWNER COMPLIES WITH THE TERMS OF THE AGREEMENT.

DEPARTMENT AND PROPERTY OWNER ARE UNABLE TO AGREE ON THE TERMS OF THE PREVENTION AGREEMENT.

BOARD OF REVIEWERS (3-MEMBER BOARD CHOSEN BY THE PROPERTY OWNER AND DEPARTMENT) INSPECT THE PROPERTY AND DRAFT A PREVENTION AGREEMENT.

BOTH PARTIES SIGN THE AGREEMENT. LANDOWNER COMPLIES WITH THE TERMS OF THE AGREEMENT.

DAMAGE OCCURS AND IS REPORTED AS SOON AS POSSIBLE TO THE DEPARTMENT.

THE DEPARTMENT INSPECTS THE DAMAGE AND DETERMINES IF IT WAS A GRIZZLY BEAR, THE EXTENT AND VALUE OF DAMAGE, AND IF TERMS OF AGREEMENT WERE FOLLOWED.

COMPENSATION IS PAID.

PROPERTY OWNER AND DEPARTMENT ARE UNABLE TO AGREE ON COMPENSATION.

BOARD OF REVIEWERS INSPECT DAMAGE AND MAKE FINAL DETERMINATION.

COMPENSATION IS PAID.



## WITNESS STATEMENT

Name Will Brooke Date 2/8/83  
 Address 420 No. California Support ? X  
 Representing Mt Stockgrowers / Mt Woolgrowers Oppose ?         
 Which Bill ? H.B. 515 Amend ? X

## Comments:

1. MSCA/MWGA requests that the pending gully be removed and not be permitted to continue to pull livestock even though the landowner is compensated for that damage
2. The prevention agreement is too restrictive particularly for the livestock producer who is calving or lambing and is therefore unable to keep up w/ dead lambs or calves.
3. HB 515 does not recognize principles of good husbandry.
4. P. 5 sec. 7 sub(b) change 24 hrs to 7 days
- 5 P. 5 sec 7 sub(c) change \$100 to \$50
6. The gully ~~be removed~~ should be removed if it contains livestock  
in the same area more than once

Please leave prepared statement with the committee secretary.

## WITNESS STATEMENT

Name DUNCAN GILCHRIS Date 2/8/83  
 Address Box 477 Corvallis, OR Support ? ☒  
 Representing RAVALLI CO FISH & WILDLIFE ASSOC Oppose ? ☐  
 Which Bill ? 515 Amend ? ☐

## Comments:

VIABLE

AS MONTANA CONTAINS THE ONLY GRIZZLY POPULATION  
 SOUTH OF CANADA, WE SHOULD DO ALL POSSIBLE  
 TO KEEP HIS NUMBERS, INCLUDING A HUNTABLE POPULATION.  
 WITH HIS NUMBERS NOW MINIMAL, DISCOURAGING  
 KILLING OF PROBLEM BEARS SHOULD BE ENCOURAGED  
 AS IN HB 515 WHICH SHOULD REDUCE INCIDENTAL KILLING;

Please leave prepared statement with the committee secretary.

Helena, Montana  
February 8, 1983

HOUSE BILL NO. 515: "AN ACT TO AUTHORIZE THE DEPARTMENT OF FISH, WILDLIFE & PARKS TO COMPENSATE PROPERTY OWNERS FOR DAMAGE DONE BY GRIZZLY BEARS AND WOLVES."

...Testimony favoring passage of HB-515 by William R.

(Bud) Moore ...

*P.O. Box 1017, Condon, MT. 59826*

IT IS A PRIVILEGE FOR ME AND A CREDIT TO THE CONGRESSMEN AND WOMAN WHO SUPPORT HB-515, THAT WE ARE TODAY ASSEMBLED TO DISCUSS LEGISLATION THAT WILL HELP CONCERNED CITIZENS WORK MORE CONSTRUCTIVELY WITH THEIR GOVERNMENT TO PROTECT THE LAST REMNANTS OF MONTANA'S ONCE PROLIFIC WOLF AND GRIZZLY BEAR POPULATIONS.

MUCH OF MY LIFETIME HAS BEEN SPENT WORKING AND TRAPPING IN THE MOST REMOTE MOUNTAINS OF WESTERN MONTANA AND NORTHERN IDAHO AND IN ALL THOSE YEARS I NEVER SAW A WOLF OR A TRACK THAT I COULD BE SURE WAS MADE BY A WOLF. I UNDERSTAND, HOWEVER, THAT REMNANT WOLF POPULATIONS HAVE RECENTLY BEEN DISCOVERED IN THE BITTERROOT MOUNTAINS, THE BOB MARSHALL WILDERNESS, THE WHITEFISH RANGE AND PERHAPS ELSEWHERE. MY TESTIMONY, THEN, IS BASED ON EXPERIENCE IN DEALING WITH GRIZZLIES INSTEAD OF WOLVES BUT IT SEEMS TO ME THAT THE PRINCIPLES OF HB-515 WOULD APPLY EQUALLY WELL TO BOTH SPECIES.

I FAVOR PASSAGE OF THIS BILL FOR SEVERAL REASONS.

FIRST, THE CIRCUMSTANCES LEADING TO THE END OF THE GRIZZLIES OF THE BITTERROOT MOUNTAINS DEMONSTRATE THE FUTURE OF PRESENT POPULATIONS IN MONTANA TO BE UNCERTAIN AT BEST.

I SPENT MY BOYHOOD AND EARLY MANHOOD IN THE BITTERROOTS WHERE GRIZZLIES WERE COMMON DURING THE 'TWENTIES AND EARLY 'THIRTIES.

2 Ex. 11  
HB 515

IN THOSE DAYS THOSE BIG SILVER BEARS RARELY BOTHERED LIVESTOCK OR DAMAGED PROPERTY ON THE RANCHES IN THE VALLEYS BUT ONE COULD SEE THEM AND FEEL THEIR PRESENCE IN THE HIGH BASINS AND IN THE DEEP CANYONS OF THE BACKCOUNTRY.

AT AGE 13, I TENDED CAMP, GUIDED AND HERDED SHEEP FOR THE WESTERN MONTANA LIVESTOCK ASSOCIATION WHO TRAILED THE FIRST BANDS OF SHEEP INTO THE NORTHERN END OF THE BITTERROOT RANGE. TO PROTECT OUR SHEEP WE KILLED LOTS OF BEARS, GRIZZLIES AND BLACKS ALIKE. BECAUSE OUR SHEEP ATTRACTED THEM, BEARS SEEMED ABUNDANT TO US. WE BELIEVED THE FURTHER ONE PENETRATED THOSE MOUNTAINS THE MORE NUMEROUS THE BEARS WOULD BE FOUND.

NOW, IN RETROSPECT, WE KNOW BETTER. MY PERSONAL EXPERIENCE, INTERVIEWS WITH EARLY-DAY MOUNTAIN MEN AND HISTORICAL RESEARCH HAS SHOWN THE GRIZZLIES MADE THEIR LAST STAND IN THE NORTHERN PART OF THE BITTERROOT RANGE. HUNTED HEAVILY AS TROPHY ANIMALS SINCE BEFORE THE TURN OF THE CENTURY, TRAPPED EACH SPRINGTIME FOR THEIR PELTS, THEIR FOOD SOURCE OF SALMON AND STEELHEAD CUT OFF BY A DAM AT LEWISTON, IDAHO, KILLED BY FOREST RANGERS AND MOUNTAIN MEN TO PROTECT PERSONAL PROPERTY; THE BEARS BACKED INTO THE UPPER LOCHSA, THE NORTHERN FORKS OF THE SELWAY AND TO THE HEADS OF STREAMS FLOWING FROM THE CREST OF THE MOUNTAINS INTO THE BITTERROOT VALLEY. AND THERE THEY FOUND OUR BANDS OF SHEEP AND WE KILLED THE LAST OF THE BITTERROOT GRIZZLIES. WE REDUCED THEIR POPULATIONS TO THE POINT WHERE THEY COULD NO LONGER PERPETUATE THEIR SPECIES IN THOSE MOUNTAINS.

THEY ARE GONE NOW. AND SINCE THEIR DEPARTURE FROM THE BITTERROOTS WE HAVE LEARNED THAT TO REDUCE A GRIZZLY POPULATION IN EVEN BIG WILDERNESSES LIKE THE BOB MARSHALL, OR GLACIER NATIONAL PARK TO, SAY, 50 TO 75 BEARS IS TO BRING THEM TO THE BRINK OF EXTINCTION. BEARS IN SMALLER AREAS LIKE THE CABINETS AND THE MISSIONS ARE EVEN MORE VULNERABLE.

GRIZZLIES ARE NO LONGER ABUNDANT ANYWHERE IN MONTANA. THOSE THAT REMAIN NEED SPACE. PEOPLE LIVING, FARMING OR RANCHING ON THE FRINGES OF GRIZZLY COUNTRY CANNOT TOLERATE LOSS OR SEVERE DAMAGE OF PROPERTY FROM THE BEARS. OCCASIONAL CONFLICT IS INEVITABLE AND HB-515 PROVIDES A SOLUTION THAT SEEMS FAIR TO BEARS AND PROPERTY OWNERS ALIKE.

I COULD NOT SUPPORT A BILL THAT WOULD OPEN OPPORTUNITIES FOR WIDESPREAD CLAIMS AGAINST DAMAGE BY WILDLIFE. BUT THE "PREVENTION AGREEMENT" IN HB-515 ESTABLISHES A SOUND BASIS FOR QUALIFYING FOR PAYMENT OF DAMAGES. THE STATE WOULD NOT BE INVOLVED UNTIL THE PROPERTY OWNER HAS DONE ALL IN HIS POWER TO PREVENT CONFRONTATION AND SAVE THE BEARS OR WOLVES. SOME LANDOWNERS WILL NOT PARTICIPATE. BUT MANY WILL. THE BILL PROVIDES A FAIR DEAL FOR LANDOWNERS WHO WANT TO PROTECT THE ANIMALS AND AT THE SAME TIME MAKE THEIR LIVING IN OR NEAR GRIZZLY OR WOLF HABITAT.

SINCE GRIZZLIES ARE SCARCE AND WOLVES EVEN SCARCER, DAMAGE CLAIMS SHOULD BE INFREQUENT.

Northern Montana's

MY WIFE, JANET, AND I LIVE IN <sup>^</sup>GRIZZLY COUNTRY. DURING THE  
LAST SEVEN YEARS WE HAVE INVESTED ABOUT \$500.00 IN PROPERTY  
DAMAGE TO THE FUTURE OF GRIZZLY BEARS. NONETHELESS, WE CONSIDER  
IT A RARE PRIVILEGE TO LIVE IN ONE OF THE FEW PLACES ON EARTH  
WHERE ONE MIGHT CONFRONT A GRIZZLY. IF WE AND OUR FUTURE  
GENERATIONS ARE TO HAVE THEM, AND I THINK WE SHOULD, THEN  
MONTANA'S GRIZZLIES NEED ALL THE HELP THEY CAN GET. ENACTMENT  
OF HB-515 WOULD BE A POSITIVE STEP IN THE RIGHT DIRECTION.

My name is Rich Harris. I am a graduate student in wildlife biology at the University of Montana. I formerly taught for three years in the public school system of a small town in Representative Jensen's district.

In the course of my wildlife research I have spent a considerable amount of time in the province of Alberta, Canada. In Alberta, damage to livestock caused by grizzly bears has been compensated by the provincial government since 1974. My many discussions with ranchers and Fish and Wildlife officials have given me a good perspective of their compensation program.

In short: the system works. The ranchers who I spoke with were consistently moderate and open-minded in their attitudes toward grizzly bears. While few of them could be considered great fans of the bear, all agreed that grizzlies were worth living with. They appreciated the uniqueness of the animal, and felt that the burden of living in close association with it was not an impossible one.

I also found that Fish and Wildlife officers had cordial relations with landowners. Ranchers were generally cooperative with Fish and Wildlife efforts to manage the wildlife resource. Further, Fish and Wildlife officials told me that illegal shooting of grizzly bears was no longer considered a problem in Alberta.

I believe that this situation has resulted, in large part, from the fact that ranchers are no longer being asked to single-handedly assume the costs of living near grizzly country. The "sting" of being hit is no longer quite so painful.

I had occasion to work for 5 months with a man who knew these issues first hand. He grew up on a Hereford ranch south of Pincher Creek, in the heart of Alberta's grizzly-livestock conflict area. After he finished high

school, he got a job with the provincial Fish and Wildlife division as a predator control specialist. His job was to remove offending bears. He entered problem situations when it was already too late - the damage had been done. He saw first hand how some problems could have been avoided with good communication between land-owners and wildlife officials.

After a time, he grew weary of his job of disposing animals, of being too late to prevent conflicts. He was able to get a job with the problem wildlife research department, where he helped work on ways to minimize conflict situations before they arose. We often had long talks about these issues, and he was continually amazed when I would tell him that here in Montana we have no program to compensate ranchers for their losses to the bear. As a rancher, he knew that losing livestock was losing one's living. As a wildlife researcher, he knew that without a program to spread the burden around, grizzlies would be getting shot, and that the population would suffer.

He was often critical of the policies in his own province, and spoke highly of what we were doing here in the U.S. But when it came to our policies of letting the rancher go it alone in grizzly country, he felt strongly that Alberta had the right answer.

In Montana we are blessed to still have grizzlies. But we are asking the livestock industry to shoulder the burden that comes with that blessing all by themselves. The benefits of living in a state that still contains grizzlies accrue to all Montanans. I believe that all Montanans would be willing to take their share of the cost. Accordingly, I would suggest to the committee that it amend the bill as presently written to indicate that damage compensation should be paid for out of the state's general fund. Admittedly, the general fund will be heavily strained by the requests put upon it, but it is only in this way that the entire citizenry, not just the sportsmen of



Montana, will be helping to protect both the landowner and the grizzly. I would also point out that even if the compensation fund suggested in this bill were to increase 10-fold it would amount to only 12 or 13 cents per Montanan each year.

It will be argued by some that this bill brings us a new expense, a new cost which we can't afford. I would argue that the cost is already with us. The cost is presently being paid by the rancher who loses a calf, or the bee-keeper who loses a bee-box. And the cost is being paid by the fragile grizzly population in our state when a landowner feels he has no other choice but to strike back.

This bill won't solve all of our grizzly bear problems, or all of our rancher - wildlife problems. But it will go a long way toward building a consensus that we care about both a thriving livestock industry and a healthy grizzly bear population by removing the unfair financial burden felt by just a few and letting the entire state share in it.

## WITNESS STATEMENT

Name Charles Jonkel Date Feb. 8, 1983  
 Address 830 Evans Support ? X  
 Representing Self Oppose ?         
 Which Bill ? #515 - grizzly compensation Amend ?         
 Comments:

Grizzlies are an excellent measure of what Montana's call "our quality of life." Good grizzly habitat is good people habitat. If we can keep grizzly bears in Montana, we can keep Montana a great place to live. HB 515 will help to do this.

It should be supported because:

1. Even though the grizzly is big and tough, it has a nutritional problem - it needs to use the rich foods on flood plains where ranches are located, at least for short periods of each year. Sometimes they get into problems there. They need understanding and better management at that time. HB 515 does that.
2. Paying compensation for losses will reduce the mindless backlash when people are not compensated - this leads to needless and vicious deaths.
3. The rate of damage is grossly exaggerated because grizzly attack, depredation, etc., scare newspapers.
4. The grizzly has been around for 900,000 years, at least 50,000 in North America. They ruled the continent. They deserve our understanding and better management.
5. Grizzlies are important in the religion of many native Montanans; they deserve a better deal for their sacred animals.
6. If Montana does not improve grizzly management, the Feds will take over through classification as an endangered sp. Both Montanans and the grizzly will suffer.

Please leave prepared statement with the committee secretary. because of the "backlash."

Ex. 13  
HB 515

# REWARD



Every individual grizzly bear is important for the survival of the species. Although grizzlies are protected by federal law, they are threatened by illegal killing and loss of habitat.

Because the population of grizzlies in the Lower 48 states is alarmingly small, the **National Audubon Society** will pay up to \$10,000 for information leading to the arrest and conviction of anyone *illegally killing* a grizzly bear.

If you have such information, contact the U.S. Fish and Wildlife Service at (303) 234-4612 or (406) 657-6340, or your nearest state fish and game office.



## WITNESS STATEMENT

Name TAG RITTEL Date FEB 8-83  
 Address WOLF CREEK Support ? X  
 Representing MONT OUTFITTER & GUIDE Oppose ?       
 Which Bill ? H. R. 515 Amend ? X

## Comments:

MONTANA OUTFITTERS SUPPORT THIS BILL  
 WISHING TO ADD A AMENDMENT BY ADDING  
 THE ~~BROWN~~<sup>WOLF</sup> EAGLE AND MOUNTAIN LION TO  
 THE GRIZZLY AND TIMBER WOLF REASON'S  
 BEING THAT BOTH PREY ON LIVESTOCK AND  
 CAUSE DAMAGE FROM TIME TO TIME  
 TO LIVESTOCK. THE EAGLE KILLS ~~BAMBS~~  
 AND YOUNG CALVES. WHILE THE LION  
 CAN RAISE ALOT OF LOSS TO COLTS  
 IN THE SPRING, BEING A GAME ANIMAL IT  
 CAN ONLY BE HUNTED IN THE FALL.

Please leave prepared statement with the committee secretary.

## WITNESS STATEMENT

Name Smoke Elser Date 2/8 1983  
Address Missoula MT. Support ? X  
Representing SELF Oppose ?         
Which Bill ? H. 515 Amend ? X

## Comments:

We need this preventive measure for those  
specific endangered animals.

We would like to amend to enclure  
The <sup>1) eagle</sup> ~~lynx~~ & <sup>2) wolf</sup> lion To This bill,

Please leave prepared statement with the committee secretary.

# Montana Audubon Council

Testimony HB 515

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Council. The Council is composed of 8 Chapters, with 2400 members throughout the state.

The Council supports HB 515<sup>as amended by the sponsor</sup>. We realize the importance of private land in supporting Montana's wildlife. We also realize that with this support, undue hardships can occur when animals destroy livestock and crops. The grizzly bear ~~and wolf~~<sup>is a</sup> are particularly controversial animals because of ~~their~~<sup>its</sup> status under state and federal law.

HB 515 offers a solution to a problem. The "Grizzly Bear ~~and~~ Wolf Compensation Act" sets up a program with checks and balances: it requires landowners to practice preventative medicine so that excessive damage will not occur to their properties; when that damage seems unavoidable, however, the State pays the landowner for damage done by the State's wildlife. The program seems equitable because the landowner and the State are working together to prevent property damage--ensuring that neither the state or landowner encourage monetary compensation when it is not necessary.

The Montana Audubon Council supports HB 515 realizing that there needs to be work done on this legislation before it is approved. For example, the question of "what happens if the \$20,000 yearly ceiling level for the program is reached and there are more claims to be filed?" needs to be answered?--as well as the question of "where are the funds for this program to come from?" We support this bill realizing it is not perfect, yet hoping that this committee can iron out the problems through discussion and consideration of the parties specifically involved: the Department of Fish, Wildlife and Parks and the landowners. - Thank you

While I have your attention, I would like to have you look at one final aspect of HB 515: the first "Whereas" on lines 11 to 16. The Audubon Council has done some research on what is and what is not a nongame animal in Montana law. Grizzly bears and wolves are not nongame animals as this section indicates. If this section is attempting to reclassify these animals as nongame, we oppose this

My name is Cindy Osmundson. I am here representing the University of Montana Student Chapter of the Wildlife Society. In addition to field training in biology, participants in The Wildlife Society experience the recreational and aesthetical benefits of Montana's wildlife. Our activities and believes have created an interest in House Bill No. 515. We feel that land owners are justified in being compensated for damage done to their property by grizzly bears.

It is unquestionable that Montanans appreciate and respect the presence of the grizzly bear in our state; however, it is also unquestionable that the grizzly bear is a predator. In the past, Montana landowners, also a valued part of Montana, have had to absorb expenses for damage done by grizzly bears. The Wildlife Society sees this as an unreasonable policy when considering that all people of Montana own the state's wildlife.

We all recognize the conflicts between the grizzly bear and the landowner. The goal of ranching is to market a product, not feed grizzly bears. However, since grizzly bears and livestock live in such close association, compromises must be made by both landowners and defenders of grizzly bears. Members of The Wildlife Society, who live in all areas of the state, are willing to have their tax dollars used to help assume responsibility for the damage done by grizzly bears to private property.

House Bill No. 515 suggests a sum of \$20,000 to compensate for damages. The Wildlife Society proposes that the \$20,000 be issued from the state's general fund. Under this funding policy, the costs of compensation would be shared by all people in Montana. Again, our justification for this is that people throughout the state value the presence of the grizzly bear.

As a final point, we want to stress the possible long term benefits of House Bill No. 515. As a result of this bill The Wildlife Society foresees better education and information on how a harmony can be established between livestock and grizzly bears, as well as as a workable harmony between biologists, landowners, and watchers of wildlife.

## HB 515

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

February 8, 1983

The Department has spent a considerable amount of time discussing the context of HB 515. While we can't agree with all the provisions of this bill, we do recognize the problem it seeks to address and we support the concepts contained within the measure.

The matter of damage caused by wildlife has been before this Committee earlier in the Session. At that time our concern lay primarily with the embarking into a new area for the State of Montana without a lot of thought and consideration given to that venture. That same concern exists within House Bill 515.

I would report that last week the Fish and Game Commission requested that the Department develop a program and options for its implementation to address the issues of : game damage, landowner incentives, sportsmen's access, and ownership of lands by the Department. The request included developing a schedule for the Department to complete its work, for the public to offer its comments and to present a viable program to the 1985 Legislative Session.

This request was stimulated by the concerns expressed in the presentation of HB 4 and HB 515. I would add that it coincides with a fledgling internal effort we started a few months ago within the Department. It is our intent to respond to this request and arrive at that viable program.

Therefore in considering HB 515 we see some good things in the bill. Among those are the call for education, the need for preventive measures, the voluntary interchange between the landowner and the Department. And perhaps the most important benefit being an alternative to killing of the species involved.

At the same time we see some not so good aspects of the bill. Among these are the potential for an extremely large number of applications which will require attention, the requirement for reimbursement found on page 7, lines 5-7, the ability to affix a cost to the physical damage aside from livestock losses, which might occur.

These aspects concern us when it comes to imprinting this idea into state law. As an alternative we would propose incorporating this subject into the work we will be doing in response to the Commission's request.

We would initiate a pilot program whereby we would attempt to work with cooperative landowners in a chronic problem area and focus primarily on livestock damage areas, we would work towards an agreement to achieve the goal of prevention first and reimbursement second should the need arise. We would also include other affected agencies in the process.



It would be our intent to monitor this pilot program for its strengths and weaknesses in order to include it as part of our overall program to the 1985 Session.

As I have mentioned, HB 515 has a good amount of merit, it is well intentioned. However, we offer an alternative with the hope of approaching the problem area with some practical experience as a reference point.

Exhibit 19

## 1 HOUSE BILL NO. 515

2 INTRODUCED BY R. JENSEN, SOLBERG, RYAN, STOBIE,

3 ASAY, ELLISON, MANUEL, DEVLIN, J. JENSEN,

4 SAUNDERS, REAM

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE  
7 DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO COMPENSATE  
8 PROPERTY OWNERS FOR DAMAGE DONE BY GRIZZLY BEARS AND  
9 WOLVES."

10  
11 ~~WHEREAS, according to section 87-5-103, MCA, it is the~~  
12 ~~policy of the state of Montana to manage certain nongame~~  
13 ~~wildlife, including grizzly bears (Ursus arctos horribilis)~~  
14 ~~and wolves (Canis lupus), for human enjoyment, for~~  
15 ~~scientific purposes, and to insure their perpetuation as~~  
16 ~~members of ecosystems; and~~

17 WHEREAS, according to section 87-5-301, MCA, it is the  
18 specific policy of the state of Montana to protect,  
19 conserve, and manage grizzly bears as rare species of  
20 Montana wildlife; and

21 WHEREAS, the grizzly bear and wolf are IS listed as A  
22 threatened species in Montana and IS protected by the  
23 federal Endangered Species Act of 1973; and

24 WHEREAS, the current state law regarding the regulation  
25 of wild animals damaging property, section 87-1-225, MCA,

Ex. 19

1 does not adequately recognize the special rare and  
2 threatened status of the grizzly bear and--wolf and  
3 consequently does not adequately protect ~~these animals~~ THIS  
4 ANIMAL; and

5 WHEREAS, grizzly bears,--wolves, and Montana property  
6 owners would benefit from a program to reduce the risk of  
7 damage caused by grizzly bears or--wolves and compensate  
8 those persons suffering unavoidable damage; and

9 WHEREAS, the Department of Fish, Wildlife, and Parks  
10 has exclusive power to spend, for the protection,  
11 preservation, and propagation of fish, game, fur-bearing  
12 animals, and game and nongame birds, all state funds  
13 collected or acquired for that purpose, whether arising from  
14 state appropriation, licenses, fines, gifts, or otherwise.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Short title. [This act] may be cited as the  
18 "Grizzly Bear and--wolf Damage Compensation Act".

19 Section 2. Purpose. The purpose of this act is to  
20 ~~preserve-grizzly-bears-and-wolves~~ IMPROVE THE MANAGEMENT OF  
21 GRIZZLY BEARS, TO MINIMIZE THE POTENTIAL FOR CONFLICTS  
22 BETWEEN GRIZZLY BEARS AND PROPERTY OWNERS, to educate  
23 Montana property owners with respect to minimizing the risk  
24 of damage caused by grizzly bears and--wolves, and to  
25 compensate property owners for unavoidable damage caused by

Ex. 19

1 ~~these animals~~ GRIZZLY BEARS.

2 Section 3. Definitions. As used in [this act], the  
3 following definitions apply:

4 (1) "Claimant" means an individual, association,  
5 partnership, corporation, estate, or other entity that makes  
6 a claim to the state of Montana for compensation for damages  
7 caused by grizzly bears ~~or-wolves.~~

8 (2) "Department" means the department of fish,  
9 wildlife, and parks provided for in 2-15-3401.

10 (3) "Director" means the director of the department.

11 (4) "Prevention agreement" means a contract between  
12 the state of Montana and a property owner for the purpose of  
13 minimizing the risk of damage caused by grizzly bears ~~or~~  
14 ~~wolves.~~

15 Section 4. Prevention agreement required. The  
16 department may enter into a prevention agreement with any  
17 person in the state of Montana for the purpose of minimizing  
18 the risk of damage to private property caused by grizzly  
19 bears ~~or--wolves.~~ A person wishing to be compensated for  
20 damage caused by grizzly bears ~~or-wolves~~ must enter into a  
21 valid prevention agreement with the department prior to the  
22 time the damage occurs. The prevention agreement is not  
23 valid unless signed by both parties. No claim may be paid  
24 unless a valid prevention agreement existed prior to the  
25 time the damage occurred.

Ex. 19

1           Section 5. Prevention agreements -- conditions --  
 2 renewal. (1) When a person notifies the department that he  
 3 wishes to be included in the compensation program, an  
 4 employee of the department shall inspect the premises which  
 5 are the subject of the proposed agreement. Upon a thorough  
 6 inspection of the property, the department employee may  
 7 include specific conditions in the prevention agreement that  
 8 must be met by the property owner before the agreement is  
 9 signed by the director. These conditions must be specific,  
 10 not cause undue hardship, monetary or otherwise, on the  
 11 property owner, and be clearly designed to prevent damage to  
 12 private property by grizzly bears or---wolves. THESE  
 13 CONDITIONS MAY NOT INTERFERE WITH THE NORMAL OPERATIONS OF  
 14 THE PROPERTY OWNER.

15           (2) ~~Reasonable conditions that may be part of the~~  
 16 ~~prevention agreement include:~~

17           ~~(a) removal of boneyards and carcasses from areas~~  
 18 ~~close to living livestock~~

19           ~~(b) avoiding the placement of bees or fruit trees~~  
 20 ~~adjacent to vulnerable livestock~~

21           ~~(c) prompt cleanup of fallen fruit~~

22           ~~(d) proper storage of livestock feed~~

23           ~~(e) other conditions agreed to by the claimant and the~~  
 24 ~~department~~ IF THE DEPARTMENT AND THE CLAIMANT ARE UNABLE TO  
 25 AGREE UPON THE CONDITIONS OF A PROPOSED PREVENTION AGREEMENT

Ex. 19

1 ~~AND THE CLAIMANT WISHES TO ENTER AN AGREEMENT, THE DIRECTOR~~  
2 ~~AND THE CLAIMANT MAY SELECT A BOARD OF REVIEWERS AS~~  
3 ~~APPOINTED UNDER [SECTION 8]. THE REVIEWERS' COMPENSATION IS~~  
4 ~~AS PROVIDED FOR IN [SECTION 9]. THE REVIEWERS SHALL MAKE AN~~  
5 ~~IMPARTIAL EXAMINATION OF THE PREMISES AND MAKE A~~  
6 ~~DETERMINATION OF APPROPRIATE CONDITIONS TO BE INCLUDED IN~~  
7 ~~THE AGREEMENT. THE REVIEWERS' FINDINGS ARE BINDING ON THE~~  
8 ~~DEPARTMENT. HOWEVER THE PROPERTY OWNER NEED NOT ENTER THE~~  
9 ~~AGREEMENT.~~

10 (3) A prevention agreement is void upon breach of any  
11 condition contained therein.

12 (4) A new prevention agreement may be entered into at  
13 any time. Existing prevention agreements must be renewed by  
14 March 31 of each year.

15 Section 6. Investigation of claim -- payment. (1) As  
16 soon as possible after a complaint is received, an employee  
17 of the department must interview the claimant, inspect the  
18 property reported as damaged, and collect any additional  
19 evidence necessary to effect a settlement of the claim. The  
20 department may seize any property offered as evidence to  
21 support the claim, which property must be returned to the  
22 owner upon satisfaction of the claim.

23 (2) If agreement between the department and the  
24 claimant is reached regarding the market value of the damage  
25 sustained and the department is satisfied that the claim is

Ex. 19

1 reasonable and fair, a voucher must be drawn in the amount  
 2 specified in the finding. If the department and the claimant  
 3 cannot agree upon the amount of damage, the department shall  
 4 proceed as provided in [section 8].

5 Section 7. Authority to pay damage claims. (1) The  
 6 department shall pay for damage done by grizzly bears or  
 7 wolves to livestock or poultry, crops, bees or beekeeping  
 8 equipment, structures, or other property, if:

9 (a) the claimant suffering the damage entered into and  
 10 fulfilled the requirements of a prevention agreement between  
 11 the claimant and the department;

12 (b) any incident in which damages occur is reported to  
 13 the department within 24 hours after it is discovered, ~~OR AS~~  
 14 ~~SOON AS POSSIBLE WHERE THE TIME LIMIT IS UNREASONABLE;~~

15 (c) the total value of the damage is greater than \$100  
 16 \$50; and

17 (d) an itemized claim is presented in writing, under  
 18 oath, to the director at Helena within 15 days from the time  
 19 the damage is discovered ~~REPORTED~~ by the claimant.

20 (2) No claim for damage may be paid if:

21 (a) the claimant kills or wounds or attempts to kill  
 22 or wound, by any method, any grizzly bear ~~or--wolf~~ causing  
 23 the damage or any other grizzly bear ~~or--wolf~~ in the area;

24 (b) the claimant fails to cooperate fully with all  
 25 reasonable requests of state or federal officials attempting

Ex. 19

1 to control the grizzly bear or-wolf or its activities†

2 (c)---the-claimant-had-been-advised-by-state-or--federat  
3 officials--of--reasonable--measures--to--prevent-damages-and  
4 these-recommended-measures-were-ignored.

5 Section 8. Adjustment of disputed claims. If the  
6 department and the claimant are unable to agree upon the  
7 amount or cause of the damage, the director and the claimant  
8 may select a board of reviewers. The board must consist of  
9 three disinterested and reputable citizens, one to be chosen  
10 by the claimant, one by the director, and one by mutual  
11 agreement of both the claimant and the director. The board  
12 shall make an impartial examination of the premises and take  
13 such testimony, under oath, as may be submitted. It shall  
14 then make a determination of the amount or cause of damage,  
15 or both, and report such determination to the director. The  
16 findings of the board are final and binding on all parties.

17 Section 9. Oath required -- compensation of reviewers  
18 and witnesses. (1) The director or a person authorized to  
19 administer oaths shall administer an oath to all reviewers  
20 appointed under [section 8] and all witnesses examined by  
21 them. The oath must be of like effect as oaths administered  
22 in any court of law of this state.

23 (2) The reviewers and witnesses must be paid by the  
24 department at the same rate as jurors and witnesses in the  
25 district court.



Ex. 19

1       Section 10. Penalty for filing false claims for  
2 damage. (1) No person, for the purpose of collecting  
3 compensation under [this act], may file a claim:

4       (a) for damage he knows was caused by animals other  
5 than grizzly bears or-wolves;

6       (b) for any livestock which he knows died from other  
7 causes;

8       (c) for property which he knows was otherwise damaged  
9 or destroyed.

10       (2) A person convicted of a violation of this section  
11 is guilty of a misdemeanor and must be fined not to exceed  
12 \$1,000 plus costs of prosecution. If he fails to pay the  
13 fine imposed he must be imprisoned 1 day for each \$10 of the  
14 fine.

15       Section 11. Limitation on payments for damages. No  
16 more than ~~\$10,000~~ \$20,000 may be expended annually by the  
17 department for the payment of grizzly bear or-wolf damage  
18 claims filed and adjusted in accordance with [this act].

19       Section 12. Information to be provided by department.  
20 The department shall produce and distribute a brochure for  
21 the benefit of persons living in areas frequented by grizzly  
22 bears or-wolves. The brochure must contain at least the  
23 following:

24       (1) information on the pertinent portions of [this  
25 act] and any other laws that may apply;

Ex. 19

1 to control the grizzly bear or-wolf or its activities†

2 ~~{c}--the-claimant-had-been-advised-by-state-or--federat~~  
3 ~~officials--of--reasonable--measures--to--prevent-damages-and~~  
4 ~~these-recommended-measures-were-ignored.~~

5 Section 8. Adjustment of disputed claims. If the  
6 department and the claimant are unable to agree upon the  
7 amount or cause of the damage, the director and the claimant  
8 may select a board of reviewers. The board must consist of  
9 three disinterested and reputable citizens, one to be chosen  
10 by the claimant, one by the director, and one by mutual  
11 agreement of both the claimant and the director. The board  
12 shall make an impartial examination of the premises and take  
13 such testimony, under oath, as may be submitted. It shall  
14 then make a determination of the amount or cause of damage,  
15 or both, and report such determination to the director. The  
16 findings of the board are final and binding on all parties.

17 Section 9. Oath required -- compensation of reviewers  
18 and witnesses. (1) The director or a person authorized to  
19 administer oaths shall administer an oath to all reviewers  
20 appointed under [section 8] and all witnesses examined by  
21 them. The oath must be of like effect as oaths administered  
22 in any court of law of this state.

23 (2) The reviewers and witnesses must be paid by the  
24 department at the same rate as jurors and witnesses in the  
25 district court.

Ex. 19

1           (2) a listing of local, state, and federal officials  
2 to whom grizzly bear ~~or-wolf~~ damage or problems should be  
3 reported;

4           (3) prevention measures to minimize problems with  
5 bears ~~and--wolves~~ and information on bear ~~and-wolf~~ behavior  
6 and habitat needs; and

7           (4) information explaining how damage caused by  
8 grizzly bears ~~or--wolves~~ may be distinguished from damage  
9 caused by other animals.

10          Section 13. Cooperative agreements -- application. (1)  
11 To facilitate the implementation of [this act], the director  
12 shall develop cooperative agreements between the state of  
13 Montana and Indian tribes or federal agencies that are  
14 involved in grizzly bear ~~or-wolf~~ management.

15          (2) [This act] does not affect laws specifically  
16 governing grizzly bears ~~or-wolves~~ or their management, nor  
17 does it interfere with existing grizzly bear ~~or--wolf~~  
18 management agreements OR PLANS.

19          (3) [This act] does not apply to any animal other than  
20 grizzly bears ~~or-wolves~~. Nothing in [this act] prohibits the  
21 shooting of a grizzly bear ~~or-wolf~~ for the protection of  
22 human life. [This act] does not provide compensation for  
23 bodily injury or death caused by grizzly bears ~~or-wolves~~.

24          Section 14. Severability. If a part of this act is  
25 invalid, all valid parts that are severable from the invalid

Ex. 19

1 part remain in effect. If a part of this act is invalid in  
2 one or more of its applications, the part remains in effect  
3 in all valid applications that are severable from the  
4 invalid applications.

-End-

## HB 541

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

February 8, 1983

House Bill 541 is a bill which addresses four areas of concern for the Department. Those being the definition of dependents of military personnel stationed in Montana, the issuance of more than one class of license to an individual, the issuance of licenses by mail, and the changing of the license year.

With respect to the dependents of military personnel, the present law refers to "members of their immediate family" who after 30 days are eligible for resident status. We feel that this language is broad enough and vague enough to make it difficult to expect this definition to cover only children and spouses of military personnel which is what was originally intended.

The proposed language is "their dependents who reside in their Montana household with them". We feel this language is more appropriate and that it clears up any vagueness.

With respect to the issuance of more than one class of license, at the present time Montana law states that only one license of any one class, except certain fishing licenses, can be issued to any one person. Generally this means that a person is restricted to one deer on his A license and one deer on his B license.

This restriction has been a detriment to our management of big game herds, particularly deer and antelope, in many parts of the state. In these areas and in these times of high game populations, the ideal management tool is to sustain a high harvest level during the regular season. The next best tool is to achieve the harvest desired through special seasons.

However, to achieve either of these with the present license language in the law requires large numbers of hunters afield with a high success rate.

The large number of hunters afield causes another concern; that being the increased numbers causing pressure on the private landowners. In addition, frequently the hunter is only after the Big Buck and harvests nothing if not the Big Buck.

As a result the Commission has issued surplus permits, usually in a Special Season, to get the harvest and still remain within the law. However, there is some question regarding this current practice.

The bill before you would resolve the current question. It would authorize the Commission to grant more than one license and it could continue to use this reasonable management option for controlling large numbers of big game animals with a realistic number of hunters.

The question of issuing licenses by mail arises with the present language found on page 3, lines 9-11 of HB 541. That current language would seem to call for the physical presence of the applicant before either a Department employee or a license agent.

The language proposed in HB 541 would clearly allow for the process which presently exists to take place.

And finally, HB 541 would allow for the license year to end on the last day of February. This is proposed primarily to accommodate the issuance of our Special Licenses and our Nonresident Licenses at an earlier date.

By moving this time period up by about 60 days, we hope to inform people at least 30 days earlier of whether or not they will be hunting their special species in the fall or not. The same applies to non-residents regarding their general license. In both cases, firm plans can be made earlier by sportsmen.

We do not see any negative impacts with this proposal outside of a shorter license year next year.

We urge your support of House Bill 541.

MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS  
1985 BIENNIAL CAPITAL PROGRAM

	<u>Fiscal Year 1984</u>	<u>Fiscal Year 1985</u>
Construction and Renovation	\$2,004,000	\$4,871,500
Total Capital Expenses	<u>\$2,004,000</u>	<u>\$4,871,500</u>
 <u>Funding Sources</u>		
Earmarked Revenue Funds:		
License Fund	\$ 897,000	\$ 886,000
Other ER Funds	640,000	1,214,000
Federal Revenue Funds	-0-	652,500
Resource Indemnity Trust	85,000	515,000
Renewable Resource Development	187,000	881,000
Long Range Building Funds	195,000	723,000
Total Program Funding	<u>\$2,004,000</u>	<u>\$4,871,500</u>

## SUMMARY

License FundFiscal Year 1983-1985

	<u>FY-83</u>	<u>FY-84</u>	<u>FY-85</u>
Unrestricted Fund Bal. 7/1	\$ 4,030,000	\$ 5,175,000	\$ 1,736,000
<u>Add</u>			
Projected Income	11,000,000	11,420,000	11,420,000
Fee Increase	<u>-----</u>	<u>521,000</u>	<u>4,328,000</u>
Total Available	<u>\$15,030,000</u>	<u>\$17,116,000</u>	<u>\$17,484,000</u>
<u>Deduct</u>			
Operations Approps.	\$ 9,855,000	\$12,148,000	\$12,387,000
New/Expanded Programs		1,118,000	1,078,000
Capital			
Reserve		391,000	-----
Bonding		391,000	296,000
Direct Cash Outlay		115,000	590,000
Pay Plan		568,000	1,137,000
Warden Backpay	<u>                    </u>	<u>649,000</u>	<u>160,000</u>
Total Outlays	<u>\$ 9,855,000</u>	<u>\$15,380,000</u>	<u>\$15,648,000</u>
Ending Fund Balance	<u>\$ 5,175,000</u>	<u>\$ 1,736,000</u>	<u>\$ 1,836,000</u>



Ex. 21

Capital Projects Proposed for Direct Cash OutlayLicense Fund

	<u>FY-84</u>	<u>FY-85</u>
1. FAS Protection	\$ 50,000	\$200,000
2. Regional/Helena Headquarters Maintenance	0	25,000
3. Region 1 Headquarters Storage	30,000	
4. Wildlife Management Area Maintenance	25,000	25,000
5. Land and Stream Improvement	10,000	40,000
6. Game Range Acquisition		<u>300,000</u>
	<u>\$115,000</u>	<u>\$590,000</u>

Total Capital ExpendituresLicense Fund

	<u>FY-84</u>	<u>FY-85</u>
1. Bonding	782,000	296,000
2. Direct Cash Outlay	<u>115,000</u>	<u>590,000</u>
Total	<u>\$ 897,000</u>	<u>\$ 886,000</u>

Capital Projects Proposed for BondingLicense Fund

## 1) Fish Hatcheries

Creston Relocation	\$ 455,000
Big Timber Repairs	<u>500,000</u>
Subtotal	<u>\$ 955,000</u>

## 2) Regional Headquarters

Great Falls	\$ 880,000
Glasgow	<u>220,000</u>
Subtotal	<u>\$1,100,000</u>
Grand Total	<u><u>\$2,055,000</u></u>

3) Semi-annual payment; 15 years; 11%;  
accelerated payment.

	<u>FY-84</u>	<u>FY-85</u>
Reserve	\$ 391,000	
FY-84 payment	391,000	
FY-85 payment	<u>                    </u>	<u>296,000</u>
	<u>\$ 782,000</u>	<u>\$296,000</u>

Ex. 21

	Proposed	Current	<u>Additional Revenue</u>	
	<u>Fee</u>	<u>Fee</u>	<u>FY-84</u>	<u>FY-85</u>
<u>Discounted Licenses</u>				
Senior Deer	6	4	---	13,400
Senior Elk	10	4	---	18,000
Youth Deer	6	2	---	31,600
Youth Elk	10	2	---	38,000
Subtotal			<u>0</u>	<u>\$101,000</u>
<u>Miscellaneous Licenses</u>				
Attached Schedule (Page 5)			<u>0</u>	<u>90,000</u>
Subtotal			<u>0</u>	<u>90,000</u>
Grand Total			<u>\$ 521,000</u>	<u>\$4,327,803</u>

Miscellaneous Licenses  
License Fund

<u>License</u>	<u>Proposed \$</u>	<u>Present \$</u>	<u>Additional FY-85 Revenue</u>
Zoo			
5 or less animals	\$25	\$10	\$ -0-
6 or more animals	50	25	125
Res. Fur Dealer	20	10	950
NR Fur Dealer	75	50	525
Fur Dealer Agent	20	10	200
Taxidermist	25	15	1,290
Res. Outfitter	75	50	24,775
NR Outfitter	175	150	325
Res. Guide	25	15	9,330
NR Guide	175	100	1,050
Shooting Preserve			
1st 50 acres	75	50	75
additional acres	25	20	20
Falconers	20	3	901
Minnow Seining	20	10	830
Commercial Fish Pond			
Registration (new)	100	-0-	1,000
Commercial Pond Renewal			
(new)	25	-0-	1,250
Game Farm Registration			
(new)	100	-0-	1,500
Game Farm Renewal (new)	25	-0-	6,250
Trapper	20	10	<u>40,000</u>
		Total	\$ 90,396

Calculation of Additional RevenuesLicense Fund

	Proposed	Current	<u>Additional Revenue</u>	
	<u>Fee</u>	<u>Fee</u>	<u>FY-84</u>	<u>FY-85</u>
<u>Antelope</u>				
Resident	8	5	---	\$ 63,936
Nonresident	110	100	---	13,880
<u>Elk</u>				
Resident	12-15	9	\$256,488	512,976
<u>Deer A</u>				
Resident	10-12	8	270,086	540,172
Nonresident	110	100	---	9,170
<u>Moose</u>				
Resident	50	25	---	13,000
Nonresident	300	175	---	1,250
<u>Bighorn Sheep</u>				
Resident	50	25	---	\$16,750
Nonresident	300	175	---	13,750
<u>Goat</u>				
Resident	50	15	---	12,250
Nonresident	300	175	---	1,875
<u>Grizzly</u>				
Resident	50	25	---	15,400
Nonresident	300	175	---	13,500

	Proposed	Current	<u>Additional Revenue</u>	
	<u>Fee</u>	<u>Fee</u>	<u>FY-84</u>	<u>FY-85</u>
<u>Mountain Lion</u>				
Resident	10	5	---	4,470
Nonresident	300	100	---	12,400
Trophy Fee	50	0	---	5,000
<u>Black Bear</u>				
Resident	10	8	---	21,252
Nonresident	110	100	---	5,970
<u>Turkey</u>	5	3	---	7,920
<u>Game Bird</u>				
Resident Waterfowl	5	new	---	150,000
Nonresident	40	30	---	21,120
<u>Fishing</u>				
Resident	10	7	---	483,339
Nonresident	35	30	---	84,400
Nonresident 2-day	6	4	---	300,000
<u>Combination</u>				
Resident	50	35	---	92,400
Nonresident	350	275	---	1,275,000
<u>Conservation</u>				
Resident	3	2	---	246,743
Nonresident	4	2	---	198,880
	Subtotal		<u>\$526,574</u>	<u>\$4,136,803</u>

WITNESS STATEMENT

Name Wayne Gullett Date 2/8/83  
Address Choteau, Mont. Support ? ☒  
Representing Self Oppose ? ☐  
Which Bill ? 515 Amend ? ☐

Comments:

I urge the passage of <sup>House</sup> Bill 515 because the grizzly bear is a threatened species and this law should help in the preservation of the grizzly. If a rancher knows that he will be reimbursed for a loss he is less likely to kill a bear. We also feel it will help relations between the Dept. of Fish, Wildlife, & Parks and the Ranchers.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name PS Hostler Date Feb 8, 1983  
Address Condon, MT 59826 Support ? ☒  
Representing MONTANA TRAPPERS ASSOC. Oppose ? ☐  
Which Bill ? 515 AND 567 Amend ? ☐

Comments:

I AM READUO AND SUBMITTING THE  
testimony OF HB 567 AS WRITTEN BY  
WILLIAM R. (BUD) MOORE. THE SAME APPLIES  
TO HB 515

Please leave prepared statement with the committee secretary.



WITNESS STATEMENT

Name Bruce Vinger Date 3/8/83  
Address Wolfpoint, MT Support ? ✓  
Representing District #3 Rep. Oppose ? \_\_\_\_\_  
Which Bill ? 564 Amend ? \_\_\_\_\_

Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name James W. Thompson Date 2/8/83  
Address 210 Main Support ? ✓  
Representing Self Oppose ?         
Which Bill ? 564 Amend ?       

Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Jim. Brown Date 2/8/83  
Address Helen Support ?         
Representing Mr. Dept of Limestone Oppose ? X  
Which Bill ? HB 564 Amend ?       

Comments:

*Written Statement*

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name PAT UNDERWOOD Date FEB 8, 82  
Address 502 S. 19TH BOZEMAN, MT. Support ? ☒  
Representing MONTANA FARM BUREAU Oppose ? ☐  
Which Bill ? HB 515 Amend ? ☐

Comments:

THE MONTANA FARM BUREAU HAS  
POLICY ON THIS ISSUE AND SUPPORTS  
HB 515.

*Pat Underwood*

Please leave prepared statement with the committee secretary.

# STANDING COMMITTEE REPORT

February 8 19 93

**SPEAKER:**

MR. ....

**FISH AND GAME**

We, your committee on .....

having had under consideration ..... **HOUSE** Bill No. **463** .....

**first**

**white**

reading copy ( ..... )  
color

"AN ACT TO PROHIBIT THE DISCHARGE OF FIREARMS USING BB SHOT  
OR PELLETS WITHIN CITIES AND TOWNS; AND TO PROHIBIT A PARENT  
OR GUARDIAN FROM ALLOWING AN UNSUPERVISED MINOR UNDER THE  
AGE OF 14 YEARS TO CARRY SUCH A FIREARM IN PUBLIC WHEN THE  
FIREARM IS LOADED; AMENDING SECTIONS 45-8-343 AND 45-8-344,  
MCA."

Respectfully report as follows: That ..... **HOUSE** Bill No. **463** .....

~~XXXXX~~  
~~DO PASS~~

DO NOT PASS

STATE PUB. CO.  
Helena, Mont.

.....  
Chairman.

**LES NILSON,**

COMMITTEE SECRETARY

# STANDING COMMITTEE REPORT

February 8, 83

19

## SPEAKER:

MR. ....

## FISH AND GAME

We, your committee on .....

having had under consideration ..... HOUSE ..... Bill No. 567

first

white

reading copy ( ..... )  
color

"AN ACT TO PROHIBIT DESTRUCTION, DISTURBANCE, OR REMOVAL OF  
TRAPS OR REMOVAL OF WILDLIFE FROM TRAPS BELONGING TO ANOTHER."

Respectfully report as follows: That..... HOUSE ..... Bill No. 567

DO PASS

# STANDING COMMITTEE REPORT

February 8, 1983

**SPEAKER:**

MR. ....

**FISH AND GAME**

We, your committee on .....

having had under consideration ..... **HOUSE** Bill No. **564**

**first** reading copy ( **white** )  
color

"AN ACT AUTHORIZING DEALING IN BABY ANIMALS; ELIMINATING THE  
PENALTY FOR DEALING IN BABY ANIMALS; REPEALING SECTIONS 31-  
8-401 AND 31-8-402, MCA."

Respectfully report as follows: That ..... **HOUSE** Bill No. **564**

**XXXXXX**  
DO PASS

**DO NOT PASS**