

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

February 15, 1983

The meeting of the Fish and Game Committee was called to order by Chairman Ed B. Smith on February 15, 1983 at 12:30 P.M. in Room 402, State Capitol.

ROLL CALL: Roll was called with Senator Lee arriving late.

CONSIDERATION OF SENATE BILL NO. 383: Senator Etchart, District #2, presented the bill to the committee. The bill was introduced as the result of an incident that happened in Valley County where a senior citizen, who had been a sportsman and outdoorsman who had hunted all his life, got cataracts on his eyes but still wanted to go hunting. He went with a younger man and when it came to the point of discharging the firearm and killing the game his friend shot the game but he put his tag on it. A game warden stumbled on this and did fine him \$100. If a senior citizen is physically active in this type of a situation he should be able to hunt. There is a procedure provided in the bill on page 2 so that the game warden and the Fish and Game Department will know the information and it will be under control. He intended this to be confined to cataracts in the eyes or rheumatism in the hands. This bill will allow senior citizens with a specific physical handicap to enjoy hunting and be able to use the meat for sustenance through the winter.

There were no other proponents to this bill. Chairman Smith asked for opponents.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in opposition to this bill. A copy of his statement is attached as Exhibit 1.

Chairman Smith asked for questions from the committee.

Senator Lee asked Mr. Flynn if there were any restrictions on issuing a license at the present time. If the individual did have cataracts he could still get a license at the present time.

Mr. Flynn said no, there are no restrictions.

Senator Jacobson asked Senator Etchart if there was some reason for the 65 age limit.

Senator Etchart said he looks on this bill as a senior citizens bill. He does not want it to pertain to every person that is disabled.

Senator Jacobson asked if there would be any objection to

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changing the age to 62.

Senator Etchart said 62 would be all right.

Senator Lee asked Mr. Flynn if their main objection on this bill was the fact it would allow somebody else to shoot the deer for the licensee, even with the language on page 2.

Mr. Flynn said that is one of the basics in the Fish and Game, if you have a license you must harvest whatever you are licensed to harvest. His secondary concern is that it is a door opener.

Senator Lee said he has shot someone else's animal because it was wounded and asked if he was in violation when he did that.

Jim Flynn said he does not know the technical aspects to answer that question. Enforcement people would have to address that.

Senator Jacobson asked Mr. Flynn if under this bill the person who is with the handicapped individual has to have the same license.

Mr. Flynn said yes.

Senator Jacobson said she has gone hunting with a group of people and an animal is taken down. The one who fired the gun is not necessarily the one who tags the animal. She asked how that would be much different than what is allowed in this bill.

Jim Flynn said the circumstances she described would be in violation of the law.

Senator Etchart closed by addressing one of the concerns that the Department of Fish, Wildlife and Parks brought up that the Fish and Game Department might have a liability to judge on medical capability. Page 2, line 7, says "in the presence of the warden or employee, sign a certificate that states," and the hunter, by signed this certificate, would take any liability upon himself. The question is whether you feel an exception should be made to these hunting laws in the case of senior citizens, who are deserving of special consideration.

CONSIDERATION OF SENATE BILL NO. 344: Senator Lynch, District 44, said this is a bill everybody can be happy with. This is a way to raise some additional revenue without increasing anyone's fees if the suggested fees go through.

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Jim Flynn, Department of Fish, Wildlife and Parks, testified in favor of this bill. A copy of his written statement is attached as Exhibit 2.

There were no opponents to this bill.

Chairman Smith asked for questions from the committee.

Senator Lee asked if other states do this.

Mr. Flynn said other states sell art work.

Senator Lee said he understands that migratory birds are federal birds and he wonders whether we have the authority to sell a license to hunt federal birds.

Mr. Flynn said there are other states that have migratory water fowl stamps.

Senator Severson asked if this is passed if we would have to have three licenses.

Mr. Flynn said that would depend if you were going to hunt them all.

There was some discussion between committee members on what and how many bird licenses would be required.

Robert VanDerVere said you would have to buy the Montana bird stamp, the Federal Migratory Stamp and if this passes the state migratory water fowl stamp.

Senator Smith said the first thing you have to do when you buy a federal stamp is to sign your name across the front in ink.

Senator Lynch said collectors do not want them for hunting, they want them for collecting and wouldn't sign their name on it.

Mr. Flynn said we are not going to sell the stamp to gain revenue, we are selling pictures. This is the tool you use to select the outstanding artist and the pictures on the stamps are blown into prints. Then those are sold nationwide.

Senator Smith asked why that couldn't be done without passing legislation.

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Mr. Flynn said this is the process developed around the waterfowl stamps. At the present time Montana does not have an upland game bird stamp.

Senator Smith said this is a revenue bill which will employ funds for the Fish and Game Department.

Mr. Flynn said yes but the funds are earmarked to be utilized in habitat preservation and primarily in the area of wetland preservation.

Senator Smith does not want to see the state get into the process of purchasing wildlife habitats for migratory waterfowl.

Mr. Flynn said their plan does not have any provisions for the purchase of any land for this. There will be no additional lands purchased but it is to preserve the land which is already on hand.

Senator Lynch said that is not our intent and if you want to insure that you may do so.

CONSIDERATION OF SENATE BILL NO. 387: Senator Mohar, District 11, introduced this bill. This bill is to allow the Department of Fish, Wildlife and Parks to set up commercial whitefish fisheries in the Kootenai River and its tributary streams. They intend to smoke the whitefish and market them. This is an economic bill for Lincoln County. He furnished the committee with a copy of a Statement of Intent for SB 387 (Exhibit 3) and a copy of the Administrative Rules of Montana pertaining to Commercial Fishing Permits (Exhibit 4). He stated this would get rid of some of the whitefish to allow more habitat for the trout. The sportsmen are behind this bill.

Chairman Smith asked for further proponents.

Jim Flynn, Department of Fish, Wildlife and Parks, spoke in favor of this bill. A copy of his written testimony is attached as Exhibit 5.

Robert VanDerVere is a proponent to this bill if the net used for trapping the whitefish is defined to allow that the trouts will not be killed in the nets so they may be set free.

Chairman Smith asked for questions from the committee.

Senator Severson asked if there were other rivers in the state with the same problem.

Mr. Flynn said others river do have the same problem. This is not an isolated problem.

Senator Lee asked if we should expand the statement of intent to include other rivers with this problem or if they wanted it limited to the Kootenai.

Mr. Flynn said he would prefer to limit it to the Kootenai for the time being. There is a private party that would like to take the opportunity of the situation on the Kootenai.

Senator Smith asked if the whitefish were crowding the trout out.

Senator Mohar said he has talked with a biologist employed with the Fish and Game Department and he explained the whitefish live in the ripples or faster water where the trout live in the deeper pools. They both eat the same food source. The Kootenai is a clean river and there is a limited amount of food. They could take out 20% of the whitefish a year and still maintain a viable whitefish population and provide for more growth of the trout.

Senator Smith said you wouldn't allow a gill net, you would use a special net.

Mr. Flynn said we are going to be extremely careful it will not be detrimental to the trout population.

CONSIDERATION OF SENATE BILL NO. 357: Senator Jacobson, District #42, requested that the committee table this bill as there is another bill in the House that does essentially the same thing.

DISPOSITION OF SENATE BILL NO. 357: Senator Lee made a motion that SB 357 be tabled as requested by the sponsor.

The motion passed unanimously. Senator Mohar and Senator Tveit had to leave the meeting early and were not present to vote.

DISPOSITION OF SENATE BILL NO. 387: Senator Lee moved the statement of intent to SB 387.

Senator Smith is in agreement with this as long as it will not cause problems with regard to gill nets.

The motion carried unanimously with the members present.

Senator Lee made a motion that SB 387 Do Pass with the Statement of Intent. The motion passed unanimously with the members present.

DISPOSITION OF SENATE BILL NO. 383: Senator Jacobson made a motion that SB 383 be amended on lines 4 and 13, from 65 to 62.

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Senator Lee agrees with the bill but thinks we should strike the age limit completely. Although, for this session, he is afraid that might be going too far.

Senator Jacobson's motion passed unanimously with the members that were present.

Senator Lane asked how much this is going to cost the Fish and Game Department to enforce this.

Senator Jacobson feels the cost would be minimal due to the number of people that this will affect.

Senator Severson made a motion that SB 333 do pass as amended. A Roll Call Vote was taken. The motion passed unanimously with the members present. A copy of the Roll Call Vote is attached.

CONSIDERATION OF SENATE BILL NO. 336: Senator Lee made a motion that SB 336 do not pass.

Senator Smith said we have requested amendments to the bill and they have been prepared. He would suggest that we go through the amendments, act on the amendments and then decide what to do with the bill. He asked Andrea Merrill, Staff Researcher, to go through the amendments and explain them to the committee.

Andrea Merrill said the amendments that she prepared and handed out to the committee were a meshing of the two sets of amendments that were passed out at the hearing by the Trappers Assn. and Les Graham. A copy of the amendments is attached as Exhibit 6. She went through the amendments and explained them to the committee.

Some of the committee members questioned the fine of up to \$1500, plus the ability to seize the plane and sell it at a sheriff's auction.

Senator Lee made a motion to adopt the amendments. The motion passed unanimously with the members present.

Senator Lee feels we should strike the new section 6 from the bill. He made a motion that on page 4, line 3, strike all of that section.

Senator Smith said the testimony was that because of some of the illegal action this section might be necessary.

Les Graham said there is some concern about that from the enforcement standpoint. The enforcement officers would be concerned with the language.

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Senator Lee's motion passed unanimously with the members present.

Senator Smith said we would wait to take action on this bill until the full committee is present.

CONSIDERATION OF SENATE BILL NO. 344: Senator Severson said if this is a revenue bill it does not have to be out of committee by the 45th day.

Senator Smith said there is more to the bill than just an appropriation bill. This also is changing the license structure.

Senator Lee said he has some problems with this bill and he would just as soon wait until he has more time to look at it.

Senator Smith said the House has already acted on the fee increase and it might be a good idea to see what kind of increases were made and act on this bill when we have that information.

REQUEST FOR A COMMITTEE BILL: Senator Smith said there is a request for a committee bill with regard to taking more cow elk with a special permit.

Mons Teigen, Montana Stockgrowers Assn., met with the Fish and Game as they are concerned over the harvest of enough cow elk in areas where there is a real problem. They would like a special cow tag that would help the situation. A new Class 5 elk tag, sold for \$8.00, which would allow only a cow elk to be harvested. There is a possibility this could be put in HB 335 as a new section, which would also require a change in the title. It was also suggested this could be introduced as a committee bill from this committee.

Chase Hibbard said he discussed this at a meeting last week and it is the general feeling of landowners affected by elk that there has not been an adequate cow harvest for the number of permits issued. This proposed legislation would address that issue whereby a hunter of a cow license would have to shoot a cow and not a bull. The Department now has tools available to be used to control the elk population. One is the special elk tag which you can draw during the regular season. This legislation would allow them to give a special cow license to only kill a cow. This will increase the number of cows killed by the hunters. According to the 1981 statistics from the Department of Fish, Wildlife and Parks on cow elk permits, 88% hunted, 12% did not hunt, and of those 88% that did hunt 40% killed an elk. Of those 40%, 80% killed a cow elk and

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20% killed a bull. This would result in 28% of the cow permit hunters actually killing a cow. He feels this would eliminate those hunters who are not serious about killing a cow.

Senator Smith said under the present law if you are issued a permit you can kill either sex.

Jim Flynn said yes, in that particular district.

Senator Smith said this would allow the person to shoot a cow and not a bull elk.

Chase Hibbard said this is another tool the Department can use to help the elk harvest and landowner problem in certain areas.

Senator Smith asked if there could be opposition to the bill if the Fish and Game Department were to issue too many cow permits.

Chase Hibbard said that is a matter of negotiation.

Senator Smith asked Jim Flynn if he had any comments on how this is going to be handled.

Mr. Flynn said there is definitely a problem and we did give some serious consideration to introducing this sort of legislation this fall. There are a variety of administrative problems with introducing such a bill. There could be potential enforcement problems. We can issue permits that are only available the first two weeks of the season, which would encourage the hunters to get a cow. The other thing we can do is issue more cow permits and the averages go up higher. He does not feel too comfortable with this proposal but he can't say it won't work. He would hope the committee would allow ample time at the hearing for people affected to give their viewpoint, if this is introduced as a bill.

Senator Severson said they can issue damage permits or have a special season.

Mr. Flynn said he believed what they are talking about, as we do issue damage permits right now, is getting the harvest the first two weeks in the season so they do not get into a damage hunt situation.

Chase Hibbard said the hunting season is long enough and they do not want to extend it past the posted date or open it up early to kill a cow.

Mons Teigen said we have had a problem for the last four years and we have left it up to the Fish and Game Department and if anything there is more damage. In another two years, if something isn't done, there will be a real problem.

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Senator Jacobson asked if we could have Andrea Merrill look at HB 335 to see whether we could get this into that bill.

Senator Smith agreed.

ADJOURNMENT: There being no further business the meeting adjourned at 2:26 P.M.

Ed B. Smith

ED B. SMITH, Chairman

SB 383

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

February 15, 1983

Mr. Chairman, my name is Jim Flynn, and I appear before you in opposition to SB 383.

As written, the bill would allow a person 65 years of age or older, who is disabled with cataracts on the eyes or rheumatism of the hands or arms, to receive a license certificate which would permit a second person to shoot upland game birds, deer, elk, or bear, for the disabled person. Such specialized legislation presents us with concerns we would share with the Committee.

First is the question of whether special license and certificate provisions should be extended to disabled people. Second, whether the Legislature wants to introduce the legal proposition of allowing one hunter to shoot game animals for another person. The Department opposes the introduction of either philosophy into substantive Montana law.

The Department opposes the notion of providing for special licenses and certificates based upon age and disability. Followed to its logical conclusion, there is no reason to distinguish between disability of a person age 65 or over, or the disability of a person who is less than 65 years of age. It would make just as much sense to allow individuals confined to a wheelchair to shoot game animals from their vehicle, a practice which is currently prohibited under Montana law.

Many people have different types and degrees of disabilities which somehow hinder their hunting ability. However, that does not mean that each and every type of disability should be addressed so that special regulations apply for each and every one of these disabilities.

Because of the Pandora's box that will be opened through the passage of this legislation, the Department would respectfully urge this Committee to reject the philosophy of providing special hunting opportunities for individuals with disabilities.

The second point is, perhaps, more important than the first. It is whether the Legislature is willing to endorse the notion of allowing one person to shoot another person's game animal. The Department's position on this issue was perhaps best summarized by the Montana Supreme Court in 1968 in the decision of Visser v. Fish & Game Commission, wherein the court stated, "In Montana, big game hunting is a sport. The licensed sportsman-hunter must kill his own animal; he cannot have it done for him."

Once again, carried to its logical extent, would it not make just as much sense to allow a father to shoot a deer for his 12-year old son? When the Department sells a hunting license, it is selling a recreational opportunity. The recreational opportunity which is afforded an individual who is over 65 years of age and disabled is not enhanced through the use of a special certificate, any more than if that same individual simply accompanied another person on a hunt. The Department would therefore encourage this Committee to reject the philosophy of allowing one person to shoot game animals for another individual.

A final major concern that the bill presents is enforcement. The bill provides that the applicant for a certificate must sign a statement setting forth his or her specific disability. No medical certificate is required. Thus, from an enforcement viewpoint, the Department is placed in the awkward position of having to prove that the individual does not suffer from the alleged disability.

Additionally, the bill also provides that the disability must be severe enough to discharge a firearm in a safe manner. Thus, the Department has the burden of proving that the disability is not severe enough to interfere with the sport of hunting and is not severe enough to interfere with the ability to discharge a firearm. It is questionable that even a doctor could make the determination that the Department is expected to make.

For the above reasons, the Department would urge you not to pass this bill.

SB 344

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

February 15, 1983

Senate Bill 344 provides for a new and separate license to hunt migratory waterfowl in the State of Montana. This proposed waterfowl stamp would be an additional requirement over the present system.

At present a person over 15 years of age may hunt upland game birds and migratory waterfowl in Montana with a state bird license and a federal migratory waterfowl stamp. Senate Bill 344 would alter this to require a state bird license, a state migratory waterfowl license costing \$2.00, and a federal migratory waterfowl stamp.

The proposed state migratory waterfowl license at a cost of \$2.00 should not be considered as an increase since had the new license not been proposed a request to increase the state bird license from \$4.00 to \$6.00 would have been forthcoming.

The primary purpose of this proposal is to generate revenues to be used for waterfowl habitat improvement. Of secondary benefit the proposal would provide a means for completing more accurate surveys of waterfowl numbers and hunters.

The fundraising aspect of the bill would not necessarily come from the sale of licenses. In fact, it would be our intent that the two state licenses not cost the consumer more than the normal one license.

Rather, the fundraising aspect of the bill is contained on page 4, lines 7-21. This section authorizes the Department to sell artwork, specifically prints, based on the designs each year for the two stamps. This activity, conducted in other states, has been most successful in generating revenues for habitat improvement.

A process would be undergone whereby contests amongst the art community would take place with the best work for upland game birds and migratory is chosen. The stamps for licensing purposes would be produced and copies of those stamps would be converted to prints available for sale on a commission basis.

The proceeds from these prints would be earmarked to be utilized in habitat preservation and primarily in the area of wetland preservation. It would be our intent to work closely with the private sector in preserving that habitat.

I would point out that Section 1 of this bill also allows an exception to the state bidding process for those artists whose work may be chosen as the model for each stamp.

We feel this program can be interest to the art enthusiasts, the sportsmen, and the landowners. We urge your favorable consideration.

§ 1-1.201
Exhibit 3
Submitted by Senator Mohar
February 15, 1983

Note for Statement of Legislative Intent

The Department's rulemaking authority under this statute would encompass rules concerning the method of taking fish, permit requirements for those taking fish, and times of taking fish.

FISHERIES

12.7.103

Sub-Chapter 1

Commercial Fishing Permit

12.7.101 APPLICATION (1) Any person desiring to harvest nongame fish from any body of water in the state for sale or commercial distribution must make written application to the director for a commercial fishing permit upon a form furnished by the department.

(2) The form must be signed by the applicant including mailing address and residence of applicant and stating specifically the waters and species of nongame fish desired for harvest and equipment owned or controlled by applicant. *Whitefish nongame fish*

(3) If an application is approved, applicant must then give a bond to the department in favor of the state of Montana in the sum of \$1,000 with corporate surety, conditioned on the faithful carrying out of the provisions of the application and permit. The department will then issue a license describing approved waters, species, seasons, and fishing methods. (History: Secs. 87-1-201, 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; NEW, 1978 MAR p. 994, Eff. 7/15/78.)

12.7.102 COMMERCIAL FISHING LIMITATIONS (1) On any water of the state, except Fort Peck reservoir, commercial fishing will be limited to one operator unless the department determines that additional harvest would be beneficial. Also special regulations regarding gear, limits, seasons, closures, etc., may be imposed on any water. Existing fishermen will receive first priority for retaining present permits. If additional waters are approved for commercial fishing or existing fishermen terminate their operation, the following criteria will be used to select permits for each water:

(a) ability of applicant to provide desired level of harvest;

(b) number of years of commercial fishing under Montana contract or permit;

(c) adequacy of equipment and facilities and investment in land and facilities in Montana for commercial fishing;

(d) previous fishing experience;

(e) state of residence.

(History: Secs. 87-1-201, 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; NEW, 1978 MAR p. 994, Eff. 7/15/78.)

12.7.103 CLASSES OF PERMITS AND FEES (1) Permit fees for a commercial fishing permit and species that may be taken are as follows:

(a) Class A--\$500 per year which authorizes the taking of all nongame species designated by the department for commercial purposes;

(b) Class B--\$200 per year which authorizes the taking of all nongame species designated by the department except smallmouth buffalo and largemouth buffalo for commercial purposes;

(c) Class X--may be granted for not more than 12 months with no fee required, which authorizes the taking of specific nongame species for commercial purposes on an experimental basis.

(2) The Class X permit must be replaced by a Class A or Class B permit after 12 months' operation unless a renewal is specifically authorized in writing by the commission.

(3) Class X permits may be issued to those persons who desire to determine the feasibility of a commercial fishing operation in waters and for nongame species for which there has been no history of commercial fishing. Criteria for issuance of a Class X permit are:

(a) the method of harvest is new and untried; or

(b) the operation will be carried out in waters which are difficult to run a commercial operation; or

(c) the nongame species that is to be taken is not usually handled in the commercial trade.

(History: Secs. 87-1-201, 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; NEW, 1978 MAR p. 994, Eff. 7/15/78; AMD, 1979 MAR p. 1487, Eff. 11/30/79.)

12.7.104 RECORDS (1) The permittee shall keep written records of all his operations and transactions relating to the taking, sale of, or other disposal of fish. The permittee shall make reports on commercial fishing activities to the director on forms provided by the department. These reports shall be submitted within 30 days following the end of each month. (History: Secs. 87-1-201, 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; NEW, 1978 MAR p. 994, Eff. 7/15/78.)

12.7.105 DISPOSAL OF FISH (1) All species of fish except those taken as provided in 12.7.103 shall be returned alive and unharmed to the waters from which they came. All dead game fish shall be cut and sunk. (History: Secs. 87-1-201, 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; NEW, 1978 MAR p. 994, Eff. 7/15/78.)

SB 387

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

February 15, 1983

Most of western Montana's streams contain far greater numbers of whitefish than they do of trout. Fishing pressure on these streams is much heavier for trout than it is for whitefish.

For over 30 years the Department has periodically liberalized fishing regulations for whitefish and restricted them for trout in an attempt to get anglers to apply more equal fishing pressure on the two groups of fish. Today most of our better trout streams have an extended whitefish season on all days of the week for the entire winter and spring and the limit is 100 fish. In addition, any licensed angler can now obtain authorization to sell his 100 per day limit of whitefish. Unfortunately, none of these liberalized limits have brought fishing pressure on whitefish to the levels it has reached on trout and consequently whitefish still vastly outnumber trout in all of our better streams.

About 50 years ago whitefish could be taken commercially and reportedly a number of small operations developed around smoking whitefish and selling them to local outlets. These operations did not redevelop when commercial whitefishing was again allowed by the 46th Legislature. Apparently health rules today on food processed for sale require a far greater investment in sanitary facilities than most operations can afford. A processing plant equipped to meet today's health standards requires a larger and more continuous supply of whitefish than can be provided by a few people taking whitefish by hook and line at the rate of up to 100 per day.

Following the solution of the gas supersaturation problem below Libby Dam, the Kootenai River has developed one of the heaviest whitefish populations of any river in Montana. It is so dense that we are contemplating artificial means to reduce it to improve conditions for trout.

A businessman in Libby reports he has developed a market for whitefish that will justify the required expense for processing equipment if he can obtain a large dependable supply of whitefish. We recommend the Montana Fish and Game Commission be authorized to regulate the commercial netting of whitefish in the Kootenai River so that this business can be allowed to try to develop. If it succeeds it has the possibility of using a resource that is now vastly underutilized, improving conditions for trout in the Kootenai River, and benefitting the local economy in northwest Montana.

Amendments to SB 336

1. Title, line 8.

Following: "81-7-501"

Strike: "THROUGH"

Insert: ", "

Following: "81-7-503"

Insert: ", "

2. Page 2, line 1.

Strike: Section 2 in its entirety

Renumber: subsequent sections

3. Page 3, line 13.

Following: "81-7-101,"

Strike: "within his own aircraft and"

4. Page 3.

Following: line 19

Insert: "Section 5. Section 81-7-511, MCA, is amended to read:

"81-7-511. Penalties - jurisdiction - revocation of permit. (1) Any person violating any provision of this part who is permitted to engage in aerial hunting pursuant to this part is guilty of a misdemeanor.

(2) A conviction for a violation of subsection (1) is punishable by a fine of not ~~more~~ less than \$500.

(3) Any person who is not permitted to engage in aerial hunting pursuant to this part who violates any provisions of this part is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$250 or more than ~~\$1,000~~ \$1,500. A subsequent conviction under this subsection is punishable by a fine of not less than \$500 or more than ~~\$1,000~~ \$1,500.

(4) The justice court has jurisdiction over violations of this part.

(5) The department may revoke or suspend the permit of anyone violating its terms."

Renumber subsequent sections.

5. Page 3, line 25 through line 2 on page 4.

Following: "livestock."

Strike: remainder of line 25 through line 2, page 4

STANDING COMMITTEE REPORT

February 15, 19...83...

MR. **PRESIDENT**.....

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

having had under consideration..... **Statement of Intent, SENATE**..... Bill No. **387**.....

Respectfully report as follows: That..... **Statement of Intent, SENATE**..... Bill No. **387**.....
be adopt.

STATEMENT OF INTENT RE: SB 387

A statement of intent is required for Senate Bill 387 because rulemaking authority is granted to the Montana Fish and Game Commission to prescribe rules and regulations for the taking of Whitefish by nets or traps in the Kootenai River and in its tributary systems within one mile of the Kootenai River. It is proposed that such rules will encompass the following:

1. Method of taking the fish;
2. permit requirements for those taking the fish; and
3. the times of taking the fish.

DOCS8X

Ed B. Smith
.....
ED B. SMITH,

Chairman.

STANDING COMMITTEE REPORT

February 15,

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MR. **PRESIDENT**

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

having had under consideration **SENATE** Bill No. **387**

Respectfully report as follows: That **SENATE** Bill No. **387**

DO PASS

Statement of Intent Attached.

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STANDING COMMITTEE REPORT

February 15, 19 83

MR. **PRESIDENT**

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

having had under consideration **SENATE** Bill No. **383**

Respectfully report as follows: That **SENATE** Bill No. **383**

introduced bill, be amended as follows:

- 1. Title, line 4.
Strike: "65"
Insert: "62"
- 2. Page 1, line 13.
Strike: "sixty-five"
Insert: "sixty-two"
Strike: "65"
Insert: "62"

And, as so amended
DO PASS

ED B. SMITH, Chairman.

Y.C.

SENATE COMMITTEE Fish & Game

Date February 15, 1983 Bill No. SB 383 Time 1:20 P.M.

| NAME | YES | NO |
|------------------|------------------------|----|
| Senator Severson | ✓ | |
| Senator Lee | ✓ | |
| Senator Tveit | Left the Meeting Early | |
| Senator Lane | ✓ | |
| Senator Mohar | Left the Meeting Early | |
| Senator Jacobson | ✓ | |
| Senator Smith | ✓ | |
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Agnes Hamilton
Secretary

Senator Ed Smith
Chairman

Motion: Senate Bill No. 383 Do Pass As Amended

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