

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on February 9th 1989, at
3:25 p.m.

ROLL CALL

Members Present: All members present

Members Excused: none

Members Absent: none

Staff Present: Doug Sternberg, Legislative Council and Maureen
Cleary, Committee Secretary

Announcements/Discussion: none

HEARING ON HOUSE BILL 426

Presentation and Opening Statement by Sponsor:

REP. WALLON opened to the Committee requesting that the bill
become a permanent program now that the sunset clause is up.

Testifying Proponents and Who They Represent:

Mr. Dale Schendel/ International Aviculture Resources, Inc.,
Bozeman

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena

Rep. Orval Ellison/ representing Mr. Bill Low of his district

Proponent Testimony:

Mr. Dale Schendel: (See Exhibit #1) Persons who raise wild
waterfowl, each person has their own reasons to start a
business, usually rare and endangered species. Many birds
are placed in zoos throughout the country, maintain a
genetic pool of the species, many are turned over to the
State Fish and Game for release for various projects.

Mr. Ron Marcoux: (See Exhibit #2)

Rep. Ellison: I received a phone call last night from an
aviculturist in my district, and he would like to be added

to the record. His name is Mr. Bill Low, he raises birds.

Testifying Opponents and Who They Represent:

Ms. Janet Ellis/ Montana Audubon Legislative Fund

Opponent Testimony:

Ms. Janet Ellis: This is a philosophical disagreement, we do not believe that wildlife should be privatized. We do not think that privatization is a good idea and we oppose the bill.

Questions From Committee Members:

none

Closing by Sponsor:

Rep. Wallon closed to the Committee noting that this is a wonderful service for the State of Montana and urged the Committees support.

DISPOSITION OF HOUSE BILL 426

Motion: Rep. Ellison motioned a "do pass".

Discussion: Question was called for.

Amendments, Discussion, and Votes: none

Recommendation and Vote: The House Fish and Game Committee therefore recommends a 'DO PASS' with a unanimous vote.

HEARING ON HOUSE BILL 551

Presentation and Opening Statement by Sponsor:

Rep. Harrington opened to the Committee, (See Exhibit #3), showing the Committee a list of streams that will allow 12 year old and under to fish with live bait. An amendment could be made to the bill if there are some concerns about the types of live bait that is used. I call this a "Young Peoples Bill".

Testifying Proponents and Who They Represent:

none

Proponent Testimony:

none

Testifying Opponents and Who They Represent:

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena

Ms. Janet Ellis/ Mont. Audubon Legislative Fund

Mr. Scott Snelson/ Mont. Wildlife Federation, Helena

Opponent Testimony:

Mr. Marcoux: (See Exhibit #4)

Ms. Ellis: We believe that it is better for the Commission to make the decisions that this bill is asking the legislature to make. Primarily because you have to look at every stream and become an expert with every stream. We feel that the Commission has a better ability to do that, so we urge a do not pass on this bill.

Mr. Snelson: We oppose the bill because we feel that the Fish and Game Department has a better handle on each stream, and it's specific needs.

Questions From Committee Members:

REP. KASTEN: When do you plan for each river? MR. MARCOUX: We have two different types of opportunities. One is on individual river planning efforts, for example, we are currently developing a Big Hole Management Plan and a Rock Creek Management Plan in great detail. Through that particular process we solicit an intense amount of public review. The other opportunity for the public is every two years we go through a season setting process. Relative to fishing. The issue does come up and we have addressed it in that situation, relative to children's fishing needs. That takes place usually in the fall every other year.

REP. KASTEN: Is there a specific problem or area that you have in mind that he [Mr. Marcoux] is not addressing? REP. HARRINGTON: No, I was carrying this for a gentleman that was unable to be here. I guess the idea behind the bill is that the areas are closed to big fishing.

Closing by Sponsor:

Rep. Harrington closed to the Committee, "I think that this is a simple bill with alot of possibilities."

ADJOURNMENT

Adjournment At: 6:15 p.m.

A handwritten signature in cursive script that reads "Bob Ream". The signature is written in dark ink and is positioned above a horizontal line.

REP. BOB REAM, Chairman

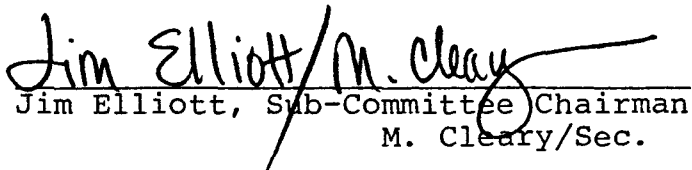
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FISH & GAME

February 6th 1989

PLEASE NOTE THAT THERE WILL BE A SUB-COMMITTEE MEETING ON
FEBRUARY 7th (TUESDAY) AT 8:00 a.m. IN ROOM 132 FOR DISCUSSION
ON HOUSE BILL 289 (Paddlefish roe).


Jim Elliott, Sub-Committee Chairman
M. Cleary/Sec.

copies: Janet Ellis/Aud. Soc.
Doug Sternberg
Rep. Kasten
Rep. Johnson
Rep. Raney
file HB289

DAILY ROLL CALL

FISH AND GAME

COMMITTEE

51st Session - Legislative Council

Date

2/29/89.

NAME	PRESENT	ABSENT	EXCUSED
Bob Ream, Chairman	✓		
Jim Elliott, Vice-Chair	✓		
Robert Blotkamp	✓		
Ben Cohen	✓		
Fritz Daily	✓		
Gene DeMars	✓		
Bob Pavlovich Rob Genais	✓		
Bob Raney	✓		
Bill Strizich	✓		
Roger DeBruycker	✓		
Orval Ellison	✓		
Ralph Eudaily			
Marian Hanson	✓		
Betty Lou Kasten	✓		
Vernon Keller	✓		
John Phillips	✓		

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/09 BILL NO. HB 186 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars		✓
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson		✓
Rep. Kasten	✓	
Rep. Keller		✓
Rep. Phillips		✓
Rep. Raney	✓	✓
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(12)

(4)

maureen Cleary

Secretary

Bob Ream

Chairman

MOTION: Ream: "DO PASS"

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/09/89 BILL NO. HB289 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen		✓
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott		✓
Rep. Gervais		✓
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney		✓
Rep. Ream		✓
Rep. Strizich	✓	

TALLY

(11) (5)

maureen Cleary

Secretary

Chairman

MOTION: DeBrucker "do pass"
Elliott reports to comm. on sub-comm.
Kasten: "move amendments" (2/08/89) unan.

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/09/89 BILL NO. HB 342 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen		✓
Rep. Daily	✓	
Rep. DeMars		✓
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily		✓
Rep. Elliott		✓
Rep. Gervais		✓
Rep. Hanson	✓	
Rep. Kasten		✓
Rep. Keller		✓
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(9)

(7)

maureen Cleary

Secretary

Bob Ream

Chairman

MOTION:

DeBrucker "DO PASS"

Question called.

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/09/89 BILL NO. HB403 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

16

maureen Cleary

Secretary

Bob Ream

Chairman

MOTION: Ellison: "DO PASS" "AS AMENDED"

Cohen: Amends pg 2 line 9 follow "for"
insert "property purchased,"
pg. 3 line 7 strike "weapon" insert "arm"
pg 3 strike "safety"
Amends - "passed"

Raney: Discussion; 1/4 mill. asked & available
unless you cut out other programs.

Form CS-31
Rev. 1985

ron marcoux: (212) shooting grants program.
need authorization to chng appropriations. We'd
like to dev. grants program - anticipate fee ↑

ellison: (280) wildlife program funds.
Pitman/Robinson program
wildlife restoration

phillips: proper to pass & leave approp
send to approp and adjust

Ream: would have to go to approp.

raney: send \downarrow \approx 250 thous.

ellison: send to approp.

ream: dngs of losing the whole thing

motion: ellison: move to amend, pg 4 line 7; "dept may not
grant..." \bar{p} facility insert "any one
bienioium"

Disc: Kasten: could dep finance big project if no
one came in \approx proposals. No limit on one proj.?

ellison: problem is cut \downarrow funds will have to come
back next session.

ream: wording is limiting 15% for ea. facility.

ellison: Sec. 3 = matching funds.

Kasten: doesn't limit fund dep. can grant?

ream: process go to approp. / pull \$ out of another
project / up to Approp. comm — some risk
reduce approp. here.

Marcoy: Pitman \$\$ funds used for many wildlife programs.

ream: 170 thous Avail for matching dollars.
 \bar{p} that we can't go over. Spend most of
170 Thous already.

cont'd.

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/09. BILL NO. HB 426 NUMBER _____

NAME	AYE	NAY
Robert Blotkamp	✓	
Ben Cohen		
Fritz Daily	✓	
Gene DeMars	✓	
Bob Pavlovich Gervais	✓	
Bob Raney	✓	
Bill Strizich	✓	
Roger DeBruycker	✓	
Orval Ellison	✓	
Ralph Eudaily		
Marian Hanson	✓	
Betty Lou Kasten	✓	
vernion Keller	✓	
John Phillips	✓	
Bob Ream, Chairman	✓	
Jim Elliott, Vice Chairman	✓	

TALLY

(14)

Maureen Cleary
Secretary

Bob Ream
Chairman

MOTION: Rep. Ellison: "DO PASS"

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/09/89. BILL NO. HB478 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily		
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(15)

maureen Cleary

Secretary

Chairman

MOTION: raney "do pass"
disc: cohen / gervais

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 2/01/89 BILL NO. HB 551 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson		✓
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(15)

(1)

maureen Cleary

Secretary

Chairman

MOTION: Rep. raney: do not pass.
Disc: pt. of info per Gervais

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
HOUSE BILL 186 (first reading copy -- white) do pass .

Signed: _____

Bob Ream
Bob Ream, Chairman

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 3

Mr. Speaker: We, the committee on Fish and Game report that HOUSE BILL 289 (first reading copy -- white), with statement of intent attached, do pass as amended.

Signed: Bob Ream
Bob Ream, Chairman

And, that such amendments read:

1. Title, line 7.

Following: "USED;"

Insert: "INCREASING RESTITUTION ON ILLEGAL KILLING OR POSSESSION
OF PADDLEFISH;"

Following: "SECTIONS"

Insert: "87-1-111,"

2. Title, line 8.

Following: "87-3-111"

Insert: ","

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION
DATE"

3. Page 1, line 9.

Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because 87-4-601(3) grants rulemaking authority to the department of fish, wildlife, and parks to implement the paddlefish roe donation program. The legislature intends that the priority in implementing the provisions of this bill be on maintaining the paddlefish fishery. At a minimum, it is intended that the rules address the following:

(1) a process for the selection of a Montana nonprofit corporation to accept roe donations and to process and market the paddlefish roe;

(2) recordkeeping required of the selected corporation and commercial buyers to assure proper administration of the program;

(3) a process for development of recommendations and review

of projects in expending funds raised through the paddlefish roe program; and

(4) any other topics necessary for administration of the program."

4. Page 2, line 16.

Following: "who"

Insert: "legally"

5. Page 2, line 19.

Following: "corporation"

Insert: "as specified in subsection (3) (b) "

6. Page 2, line 21.

Following: "(b)"

Strike: the remainder of line 21 through line 4 on page 3.

Insert: "The department shall develop rules for selecting one Montana nonprofit organization to accept paddlefish egg donations, process and market the eggs as caviar. The department shall also develop rules for the marketing and sale of caviar.

(c) The department may enter into an agreement with the organization selected pursuant to subsection (3) (b) specifying times, sites, and other conditions under which paddlefish eggs may be collected. The agreement must require the organization to maintain records of revenue collected and related expenses incurred and to make the records available to the department and the legislative auditor upon request.

(d)(i) One-half of the proceeds from the sale of paddlefish egg caviar products, in excess of the costs of collection, processing, marketing, and administration must be deposited in a state special revenue fund established for the department. The fund and any interest earned on the fund must be used to benefit the paddlefish fishery, including fishing access, improvements, habitat, and fisheries management or to provide information to the public regarding fishing in eastern Montana, which could include the design and construction of interpretive displays.

(ii) The other half of the proceeds from the sale of paddlefish egg caviar products in excess of the costs of collection, processing, marketing, and administration must be paid to the nonprofit organization that processes and markets the caviar. An advisory committee shall be established consisting of one member from the organization selected under subsection (3) (b), two area local government representatives, and two representatives of area sportsmen. The advisory committee shall solicit and review historical, cultural, recreational, and fish and wildlife proposals and

fund projects. The committee shall notify the commission of its actions. Proceeds may be used as seed money for grants."

7. Page 4, line 12.

Following: line 11

Insert: "Section 3. Section 87-1-111, MCA, is amended to read:

"87-1-111. Restitution for illegal killing or possession of certain wildlife. In addition to other penalties provided by law, a person convicted of the illegal killing or possession of a wild bird, mammal, or fish listed in this section shall reimburse the state for each such bird, mammal, or fish according to the following schedule:

(1) bighorn sheep, mountain goat, caribou, buffalo, grizzly bear, moose, and endangered species, \$1,000;

(2) elk, mountain lion, black bear, lynx, and wolverine, \$500;

(3) deer, antelope, fisher, raptor, swan, bobcat, and pallid and white sturgeon, paddlefish, \$300;

(4) ~~paddlefish~~, grayling, and furbearers not listed in subsection (1), (2), or (3), \$100;

(5) game bird (except swan), \$25;

(6) game fish, \$10."

Renumber: subsequent section

8. Page 4, following line 15.

Insert: "NEW SECTION. Section 5. Effective date -- termination.

[This act] is effective July 1, 1989, and terminates June 30, 1993."

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
HOUSE BILL 342 (first reading copy -- white) do pass.

Signed: _____

Bob Ream

Bob Ream, Chairman

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that HOUSE BILL 403 (first reading copy -- white) do pass as amended.

Signed: Bob Ream
Bob Ream, Chairman

And, that such amendments read:

1. Page 2, line 9.

Following: "for"

Insert: "property purchase,"

Following: "earthwork"

Insert: ", "

2. Page 3, line 7.

Strike: "weapon"

Insert: "arm"

Strike: "weapons"

Insert: "arms"

3. Page 3, line 11.

Following: "hunter"

Strike: "safety"

Following: "classes"

Strike: "on an occasional basis"

4. Page 4, line 7.

Following: "facility"

Insert: "in any one biennium"

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
HOUSE BILL 478 (first reading copy -- white) do pass .

Signed: _____

Bob Ream
Bob Ream, Chairman

Mr. Speaker: We, the ~~of~~
HOUSE BILL 426 ~~(1925)~~

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
HOUSE BILL 551 (first reading copy -- white) do NOT pass.

Signed: _____

Bob Ream
Bob Ream, Chairman

Amendments to House Bill No. 283
Introduced Reading Copy

Requested by Representative Harper
For the Committee on House Fish and Game

Prepared by Doug Sternberg, Committee Staff
February 9, 1989

1. Page 1, line 13.
Strike: "killing"
Insert: "harvesting"
2. Page 1, line 23.
Strike: "mink, fox,"
3. Page 1, line 24.
Following: "purposes."
Insert: "The term does not include mink or fox."
4. Page 2, lines 17 through 19.
Following: "(3)" on line 17
Strike: the remainder of line 17 through "containers" on line 19
Insert: "Feeding areas"
5. Page 2, line 23.
Following: "animals"
Insert: "at all times"
6. Page 2, line 24.
Strike: "and be kept open in winter"
7. Page 3, lines 8 through 11.
Following: "(1)"
Strike: the remainder of line 8 through "species." on line 11
Insert: "The department shall regulate the vaccination of fur
farm animals according to the most current standards adopted
by the American veterinary medical association."
8. Page 3, line 25.
Following: line 24
Insert: "(a) electrocution;"
Renumber: subsequent subsections
9. Page 4, line 12.
Following: line 11
Insert: "NEW SECTION. Section 8. Humane treatment of mink and fox
-- standards. The department shall regulate facility and
operating standards, feeding, sanitation, health, and
euthanasia relating to mink and fox farms according to the
most current guidelines promulgated by the fur farm animal
welfare coalition."
Renumber: subsequent sections

10. Page 6, line 9.
Following: "instruction."
Insert: "(1)"

11. Page 6, line 14.
Following: line 13
Insert: "(2) [Section 8] is intended to be codified as an
integral part of Title 81, and the provisions of Title 81
apply to [section 8]."

EXHIBIT #1
DATE 2/09/89
HB 426

WITNESS STATEMENT

NAME Dale Schendel BUDGET
ADDRESS 217 Ridge Trail
WHOM DO YOU REPRESENT? International Aviculture Resources, Inc.
SUPPORT ☒ OPPOSE ☐ AMEND ☐
COMMENTS: HB 426

Four years ago a group of Montana Aviculturists proposed a bill to allow aviculturists to share in Montana's waterfowl resource. At that time, consulting with then director Jim Flynn, we found that the State had two questions we could not answer. They were, what would the impact be on the resource, and what would the cost be for the state to administer this law. We agreed to address those issues by amending the bill to restrict permits to Montana residents only, and setting a four year trial period with a sunset provision.

Four years have now passed.

I have been advised by the Dept. of Fish, Wildlife and Parks that aviculturists have not had an impact on the resource, and administrative costs have been minimal.

I therefore request that you give favorable consideration in making statute 87-2-807 a permanent part of Montana law.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HB 426
February 9, 1989

EXHIBIT #2
DATE 2/09/89
HB 426

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

The Department of Fish, Wildlife & Parks supports HB 426. Although the department had reservations about the implications relative to the taking of migratory game birds for avicultural purposes, the impact on the resource and the department has been minimal for the years the law has been in effect. We have issued four permits to date, all to the same individual. That individual has collected the following:

- 6 Common mergansers
- 5 Harlequin eggs
- 4 Harlequin downy young for avicultural purposes.

Under this statute, all captured waterfowl remain the property of the state and may be disposed of as authorized by the department. The offspring become private property and may be used for commercial purposes.

These are all waters Fish and Game designated for lure & fly fishing.

WILL ALSO KIDS 12 YRS + UNDER TO FISH WITH
LIVE BAIT IN ALL WATERS SR MONT
WESTERN FISHING DISTRICT

1. Anaconda Settling Pond System
2. Bitterroot River
From Stevensville Bridge to Florence Bridge
3. Bootjack Lake
Near Whitefish, T31N, R23W, S26
4. Clark Fork River
Anaconda Co. Settling Pond spillway to Perkins Lane Bridge
5. Metcalf Lake
6. Spencer Lake
7. Swan River
8. Woods Lake

EXHIBIT #3
DATE 7/09/89
HB 551

CENTRAL FISHING DISTRICT

1. Big Hole River
Dickey Bridge (highway 43 crossing west of Wise River in T1N,
R12W, S11) to Melrose Bridge.
2. Bighorn River
3. Haypress Lakes
4. Madison River
Earthquake Lake outlet to Varney Bridge
5. McDonalds Pond (Beaverhead Co.)
6. Nelson Spring Creek
7. Smith River
8. Yellowstone River
Emigrant Bridge to Pine Creek Bridge

EXHIBIT #04
DATE 2/09/89
HB 551

HB 551
February 9, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife and Parks

The Fish and Game Commission currently has the authority to establish regulations governing fishing (Section 87-1-301, MCA).

Montana regulations already allow anglers of all ages to use lures in any water open to fishing. All special management areas that have gear restrictions are worded, "Artificial lures only," and include flies.

Artificial lure only regulations have been enacted on some heavily used stream reaches where special regulations require that large numbers of fish must be released. Without these special regulations, heavy fishing pressure would reduce the fish population to undesirable levels. Use of bait is restricted in these areas because many studies have shown that mortality of fish caught and released using bait is much higher (4-6 times higher) compared to fish caught and released on lures or flies.

Currently, only 325 miles (or about 1.5% of the state's 21,000 miles of stream) have regulations restricting the use of bait. Department and commission policy has been to place special regulations only on stream reaches where fishing pressure significantly affects fish populations and where public sentiment is favorable. In most cases, relatively short stream reaches are selected for special regulations, leaving the remainder of a stream under standard regulations. This provides for a variety of angling experiences including the opportunity for people of all ages to use bait.

The department and commission are sensitive to the impact of bait restrictions on children. On some streams, where long reaches have been put under special regulations, the commission has allowed children to use bait (Rock Creek near Missoula, Smith River). On other waters, where long reaches of stream were under special regulations, no bait restrictions were imposed (Jefferson and Yellowstone Rivers). Although this increases fish mortality, it was done to increase angler opportunity.

There are other considerations. Enforcement of no bait restrictions for adults is more difficult when children are allowed to use bait. In some areas (e.g. Bighorn River) illegal use of bait is already an enforcement problem. This concern could worsen if this bill were passed.

Also, as written, the bill would allow juveniles to use any live bait, including live fish, in or on any Montana waters. Commission

regulations currently allow the use of minnows only in specified waters. Other live baits may be used in all waters except where specifically prohibited. The proposed bill would lead to many unintentional introductions of species that could be damaging to the fishery resource.

The department is in the process of developing management on all major waters in the state. Public involvement is strongly encouraged during the management plan development process. Issues such as the need for special regulations, bait restrictions and exemptions for children are reviewed in the planning process.

In summary, we believe the issue addressed by this bill is currently being addressed in a responsible and appropriate manner.

HB 478
February 9, 1989

EXHIBIT # 5
DATE 2/09/89
HB 478

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

The Montana Department of Fish, Wildlife and Parks supports this bill.

HB 478 gives the Montana Department of Revenue the authority to furnish Fish, Wildlife & Parks with certain information to verify a license applicant's legal qualifications to hunt, fish or trap with resident licenses. In a recent amendment to fish and game licensing statutes, the proper payment of Montana income tax was listed as one of the qualifications of an applicant entitled to purchase a resident Montana hunting, fishing or trapping license. However, no authority was granted to the Department of Revenue to share tax record information.

On each Montana individual income tax return the taxpayer declares himself a nonresident for the full year, resident for the full year, or resident for part of the year. A part-year resident is required to list the date he establishes or severs his residency in Montana as well as the state he moved from or to in his change of residence.

On each resident license application to Fish, Wildlife & Parks, the applicant makes an affirmation that he has been a Montana resident for the previous 6 months and states the number of years and months of residency in Montana.

It would be beneficial for Revenue and Fish, Wildlife & Parks to exchange information to investigate cases of tax evasion and license fraud. Both agencies use the same rules for determining residency as listed in Section 1-1-214, MCA. With the exception of some members of the military and their dependents, resident license applicants would be residents for tax purposes and vice versa.

This bill would also extend the statute of limitations from one to five years for affirming to a false statement in the application for any Montana license issued by Fish, Wildlife & Parks. This change would allow the department to derive the maximum benefit from residency status information received from Revenue because tax return information is often not complete until the present statute of limitation has expired.

Being able to prosecute a license application violation within five years will allow the department to pursue the individual who may purchase a license one year, leave and not return for two or three years before purchasing another fraudulent license.

Under present statutes, misdemeanor violations have a one-year statute of limitation. If the violation is not filed in the courts within one year of the violation, the agency has lost its ability to prosecute. Frequently it takes more than one year to merely locate the person who lives outside Montana and may have purchased a resident license fraudulently.

We believe this legislation would provide for better enforcement by providing opportunities to identify those who fraudulently purchase Montana resident licenses.

HB 283

WITNESS STATEMENT

SUPPORT ✓ OPPOSE AMEND 0

COMMENTS; _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Testimony in support of HB 283
House Fish and Game Committee
February 9th, 1989, 3PM

By Judith Fenton, Blue Sky Heights #26, Clancy, MT 59634
Owner of Kanine Kondo, 390 Norris Road, Helena, MT 59601
Sec./Treasurer of the Federated Humane Societies of Montana

These changes in our State laws concerning the licensing of fur farms by the Department of Fish and Game are necessary because at the present time the only important requirement before a license is granted is that the property be fenced. The current law has no provision to require even minimal humane care of the animals. The changes proposed provide for minimum standards for operating any fur farm. Any legitimate fur farm owner will have no difficulty meeting these standards. It is only good business to protect the health and welfare of the animals on which their business is based.

The inadequacy of the present laws came to our attention several years ago, even before a beaver farm moved into the State near Hamilton. Our animal welfare organizations were notified that this particular company had a reputation in other states of letting their animals die in order to take a tax write off for them. We watched hundreds of animals slowly die, while everyone in authority told us there was nothing they could do. Even after we had won a cruelty case against the company, nothing changed. The animals were still dying and the Bitterroot Humane Association never received one cent of the over \$2700 court judgement. Those were expenses that this Humane Society had incurred feeding and taking care of the beavers that were left. The time and the mental anguish that many humane society volunteers suffered trying to save these animals was all to no avail.

Hopefully if this legislation is passed, never again will the people who should have some responsibility in a case like this, be able to tell us that there is nothing they can do.

Thank you for your attention to this matter which is very important to all of us who value the quality of every animal's life.

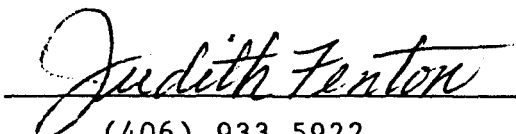

(406) 933-5922

EXHIBIT #7
DATE 2/09/89
HB 283

WITNESS STATEMENT

NAME Barbara Hillgren BUDGET _____

ADDRESS 834 Marshall St. Menasha, Wis. 54951

WHOM DO YOU REPRESENT? Federated Nurses Association of Wisconsin

SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS: See attached copy

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Federated Humane Societies of Montana

I am Barbara Dahlgren, 834 Marshall Street, Missoula, Montana.

This is a breif chronology of the happenings at the Stevensville beaver farm, as I know them and worked with them. During November & December of 1985 our Humane Society received reports that there were dead and dying animals at the beaver farm, we were told that the problem would be taken care of, and in checking back, were told that it had been taken care of, 1100 animals had died. We also learned that more than 200 animals had died at a fur farm near Orem Utah, owned by the same Corporation as the Stevensville farm.

Feb. 6, 1986 another report of starvation & cruelty, assured that it would be corrected.

November, 1986, Dennis Crum, pres. of International Furs applied for economic development bonds for 4 million dollars, with which to put in place 5000 new pens and refurbish 850 more in Missoula and Ravalli Counties. That plan went all the way to the State Economic Development Board with an OK, until they learned of the applicant's track record, and thier decision was overturned.

Dec., 1986 I received more reports that there were many dead animals.

Jan. '87 a man helping at the farm reported that there were 27 dead, and the the living were eating each other. He was helping burn the dead. The care taker had left because he was not being paid, and he called the police to tell them.

All of this time the Humane Society could not get permission to go on the premises of the farm, and one could not see a thing from the road, there was no phone, or person in charge to contact.

I called the County attorney's office, and immediatley after that the Sheriff's office visited the farm, and called me to say that "things were really bad at the farm". On that day I ask the Fish Wildlife & Parks about what to do and how to care for the animals since we were all novices. To my knowledge they did not respond. On Oct. 7th we received a court order to to help feed, and check on the animals. The Sheriff Jim Baily asked for our help, to help clean and feed the animals, since the situation was critical. Several more died and were sick.

I again ask for assistance from FW&P, for we were at a loss as to what and how much to feed the animals, since there were no instructions or regulations at the farm. There were no tools with which to work, so brought our own.

We were doing the best we could, with out having any real knowledge of what to do or how to do it. We were willing to do the work, if we only knew what to do, thus we relied on the FW&P for guidance but.....we

Beavers continued

Federated Humane Societies of Montana

received none, tho' I did see one of them at the farm briefly after that.

Oct 11, '87 The October 7th Court order from the Ravalli County Attorney's office enabled us to feed and care for the animals. We hired some people, and organized some volunteers to help with the huge task before us with feeding, cleaning, cutting wood, and disposing of the dead. At this time another caretaker was hired by the Corporation, he was Scott Heeps, it seemed to us that things might go better now, however we continued to check on the farm every few days. Scott quit on Dec. 31st because he was not being paid, and at that time another caretaker was on the scene, he was Doug Volene, who seemed to resent the authority that the Humane Society had via the Court order. We continued to haul wood and help clean and feed. Doug's attitude did not improve, and the care of the beavers diminished.

Early January the Corporation issued orders to pair the animals for breeding.

January 10th 1988 the gate between the residence which was not lived in and the area where the pens were, was locked.

On a visit to the Farm on Mar. 13th I again found some dead animals.

On March 14th a trial was held in Ravalli County Charging Dennis Crum with cruelty to animals, he did not show up for the trial, but was found guilty and ordered to pay a \$2000.00 judgment issued by the Court. Neither of those conditions have been met. We were informed that Dennis Crum had declared bankruptcy.

Conditions at the farm were much less than satisfactory, until we came to early June when more were dying.

On June 5th a representative from a National organization arrived, on June 6th we assisted with the feeding and cleaning of the animals, also transferred our court order over to the PETA representative, and we were relieved of any more responsibility.

I believe it is important to know that a lengthy prospectus of the Corporation boasts that they intend to have the entire beaver industry of the world, they allow that the Russians could have a corner on the Sable. There was no security at the farm, their corporation was not on file in Montana, nor did they have a permit to operate a fur farm, as required by law. A complicated Corporation made up this group, Great Western Equities, Contract Feeders, Domestic Furs Ltd. (Canadian) and International Furs.

I strongly suggest that this bill be passed to prevent such cruelty and waste of living creatures from ever happening again.

HB 283
February 9, 1989

EXHIBIT 8
DATE 2/09/89
HB 283

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

The department supports the humane treatment of all fur-bearing animals being raised commercially. Most Montanans, and the entire game and fur farm industry, suffered unduly from the unfortunate situation that occurred in Stevensville last year.

Because the Montana fur farm statutes do not address the humane treatment and care of such animals, this incident became a cause for People for the Ethical Treatment of Animals. This incident was publicized nationally.

HB 283 is written to include all fur farm species. Fox and mink are exempt from present licensing provisions, but are thought to outnumber all other fur farm species several times over. If the industry is to have standards for humane treatment, fox and mink must be included. That is the reason HB 283 lists fox, mink, raccoon, badger and coyote under the humane treatment act, even though the licensing provisions for fur farms do not apply to these species.

Violations of HB 283 would be a misdemeanor with a penalty of \$50 to \$500. Violations could also subject the licensee to denial or revocation of a fur farm license.

Relative to enforcement, we do not have the personnel available to schedule regular inspections, but conduct occasional spot checks. This bill will provide the state some authority to act, and should prevent the type of unfortunate event that occurred in Stevensville.

The department supports HB 283 as written.

Fish and Game COMMITTEE

DATE Feb 9th

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Fish and Game COMMITTEE

BILL NO. HB 478

DATE Feb 9th

SPONSOR _____

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Fish and Game COMMITTEE

DATE Feb. 9th

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Amendments to House Bill No. 403

1. Page 2, line 9.

Following: "for"

Insert: "property purchase,"

Following: "earthwork"

Insert: ", "

2. Page 3, line 7.

Strike: "weapon"

Insert: "arm"

Strike: "weapons"

Insert: "arms"

3. Page 3, line 11.

Following: "hunter"

Strike: "safety"

Following: "classes"

Strike: "on an occasional basis"

4. Page 4, line 7.

Following: "facility"

Insert: "in any one biennium"

Amendments to House Bill No. 289

1. Title, line 7.

Following: "USED;"

Insert: "INCREASING RESTITUTION ON ILLEGAL KILLING OR POSSESSION
OF PADDLEFISH;"

Following: "SECTIONS"

Insert: "87-1-111,"

2. Title, line 8.

Following: "87-3-111"

Insert: ", "

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION
DATE"

3. Page 1, line 9.

Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because 87-4-601(3) grants rulemaking authority to the department of fish, wildlife, and parks to implement the paddlefish roe donation program. The legislature intends that the priority in implementing the provisions of this bill be on maintaining the paddlefish fishery. At a minimum, it is intended that the rules address the following:

(1) a process for the selection of a Montana nonprofit corporation to accept roe donations and to process and market the paddlefish roe;

(2) recordkeeping required of the selected corporation and commercial buyers to assure proper administration of the program;

(3) a process for development of recommendations and review of projects in expending funds raised through the paddlefish roe program; and

(4) any other topics necessary for administration of the program."

4. Page 2, line 16.

Following: "who"

Insert: "legally"

5. Page 2, line 19.

Following: "corporation"

Insert: "as specified in subsection (3)(b)"

6. Page 2, line 21.

Following: "(b)"

Strike: the remainder of line 21 through line 4 on page 3.

Insert: "The department shall develop rules for selecting one Montana nonprofit organization to accept paddlefish egg donations, process and market the eggs as caviar. The department shall also develop rules for the marketing and sale of caviar.

(c) The department may enter into an agreement with the

organization selected pursuant to subsection (3)(b) specifying times, sites, and other conditions under which paddlefish eggs may be collected. The agreement must require the organization to maintain records of revenue collected and related expenses incurred and to make the records available to the department and the legislative auditor upon request.

(d)(i) One-half of the proceeds from the sale of paddlefish egg caviar products, in excess of the costs of collection, processing, marketing, and administration must be deposited in a state special revenue fund established for the department. The fund and any interest earned on the fund must be used to benefit the paddlefish fishery, including fishing access, improvements, habitat, and fisheries management or to provide information to the public regarding fishing in eastern Montana, which could include the design and construction of interpretive displays.

(ii) The other half of the proceeds from the sale of paddlefish egg caviar products in excess of the costs of collection, processing, marketing, and administration must be paid to the nonprofit organization that processes and markets the caviar. An advisory committee shall be established consisting of one member from the organization selected under subsection (3)(b), two area local government representatives, and two representatives of area sportsmen. The advisory committee shall solicit and review historical, cultural, recreational, and fish and wildlife proposals and fund projects. The committee shall notify the commission of its actions. Proceeds may be used as seed money for grants."

7. Page 4, line 12.

Following: line 11

Insert: "Section 3. Section 87-1-111, MCA, is amended to read:

"87-1-111. Restitution for illegal killing or possession of certain wildlife. In addition to other penalties provided by law, a person convicted of the illegal killing or possession of a wild bird, mammal, or fish listed in this section shall reimburse the state for each such bird, mammal, or fish according to the following schedule:

(1) bighorn sheep, mountain goat, caribou, buffalo, grizzly bear, moose, and endangered species, \$1,000;

(2) elk, mountain lion, black bear, lynx, and wolverine, \$500;

(3) deer, antelope, fisher, raptor, swan, bobcat, and pallid and white sturgeon, paddlefish, \$300;

(4) ~~paddlefish~~, grayling, and furbearers not listed in subsection (1), (2), or (3), \$100;

(5) game bird (except swan), \$25;

(6) game fish, \$10."

Renumber: subsequent section

8. Page 4, following line 15.

Insert: "NEW SECTION. Section 5. Effective date -- termination.

[This act] is effective July 1, 1989, and terminates June 30, 1993."

VISITORS' REGISTER

Fish and Game COMMITTEEBILL NO. HB 283DATE Feb 9th

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Dale Dahlgren	834 Marshall St Helena	X	
Barbara Dahlgren	834 Marshall St Helena	✓	
GARDNER CREMELL	POYOMAC, MT.	✓	
DIANNE NICKMAN	Helena MT	✓	
SUSAN. H. RUSSELL	531 W. LAWRENCE, HELENA	✓	
DON FENTON	BLUE SKY HEIGHTS, CLANCY	✓	
Corey E. Richwine	Ronan, MT.		✓
W. J. Hadlow	Hamilton, MT		✓
DAN J. HUGGANS	Hamilton, MT	✓	
Paul D Johnson	Helena, MT	✓	
Dan B. Fallett	MOREAU, MT	-	

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