

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN JIM ELLIOTT on March 13, 1991, at
3:30 p.m.

ROLL CALL

Members Present:

Jim Elliott, Chairman (D)
Beverly Barnhart (D)
Fred "Fritz" Daily (D)
Roger DeBruycker (R)
Orval Ellison (R)
Gary Forrester (D)
Bob Gilbert (R)
Marian Hanson (R)
Vernon Keller (R)
Bea McCarthy (D)
Bruce Measure (D)
John Phillips (R)
Ted Schye (D)
John Scott (D)
Wilbur Spring (R)
Bill Strizich (D)

Members Excused: John Johnson, Vice-Chairman (D)

Staff Present: Doug Sternberg, Legislative Council
Ginger Puntenney, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

HEARING ON SENATE BILL 291

Presentation and Opening Statement by Sponsor:

SEN. DAVID RYE, House District 47, Billings, said this bill would make it unlawful to attempt to shoot a simulated wildlife decoy when the decoy is being used by a certified peace officer. All potential costs will be absorbed within the Department of Fish, Wildlife, and Parks' (FWP) current budget.

Proponents' Testimony:

K.L. Cool, FWP, supports this bill. EXHIBIT 1

Bob Winfield, FWP, said other states are effectively using this program. Decoys can be used over and over.

Susan Lenard, Montana Audubon Legislative Fund, supports this bill.

Opponents' Testimony: none

Questions From Committee Members:

REP. DEBRUYCKER questioned the legality of this program. With implementation of this bill, would an arrest hold up in court? Mr. Winfield said it has in other states' court cases. REP. SCOTT asked if the decoys would only be used during hunting season. Mr. Cool said the decoys would be used year-round. Use does not pertain to any season. REP. SPRING asked what the penalties are. Mr. Winfield said penalties would be concurrent with spotlighting penalties, with a minimum of \$300. REP. HANSON asked if a private individual could put out his own decoy. Mr. Cool said yes, but it would not be allowed in terms of prosecution. REP. GILBERT asked Mr. Cool if the department didn't have better things to do. Mr. Cool said these decoys will save many hours of enforcement time and will save costs. REP. MCCARTHY asked the average cost of a decoy. Mr. Winfield said \$40 to \$150. REP. SCOTT asked if it should be written into the bill that these decoys would only be used during the hunting season. SEN. RYE said he agreed with the department that it should not pertain to any season. Illegal hunting practices happen year-round.

Closing by Sponsor:

SEN. RYE urged support of this bill because it would protect wildlife and would help deter illegal hunting practices.

HEARING ON SENATE BILL 239

Presentation and Opening Statement by Sponsor:

SEN. FRED VAN VALKENBURG, House District 30, Missoula, said laws regarding illegal trafficking of unlawfully taken wildlife need to meet the requirements of the Supreme Court decision handed down last year. This decision has made current laws virtually unusable. SB 239 would reestablish and strengthen the felony statutes for unlawfully taken wildlife. Under current law there is no definition of trafficking. He urged support of this bill.

Proponents' Testimony:

K.L. Cool, FWP, supports this bill. EXHIBIT 2

Bob Lane, FWP, cited a 1990 Montana court decision. EXHIBIT 3

Mr. Bob Winfield, FWP, said this bill will benefit sportsmen. Sometimes FWP's enforcement officers are not able to prosecute under the fish and wildlife felony statutes.

Susan Lenard, Montana Audubon Legislative Fund, said this legislation is needed because it would increase the penalties for unlawful taking of wildlife.

Opponents' Testimony: none

Questions From Committee Members:

REP. GILBERT said on page 6, line 1, the bill refers to pallid sturgeon at \$300. Didn't the U.S. Fish and Wildlife Service declare the pallid sturgeon an endangered species? Mr. Lane said that is correct. REP. GILBERT said on page 6, line 1, and page 7, line 9, the word "pallid" should be stricken so that pallid sturgeon would fall under page 5, line 7, where it says "and endangered species, \$2,000". Mr. Cool said for the average fisherman, the pallid sturgeon is very difficult to distinguish from the white sturgeon. Only four pallid sturgeon were found last year. The department would prefer it wasn't listed as an endangered species. The federal statutes will apply regardless of how it's listed. If a pallid sturgeon is accidentally taken, the department would like the flexibility of whether to prosecute or not. REP. GILBERT said it is an endangered species, so it should be listed as an endangered species. REP. KELLER asked whether a person who takes the parts of a damaged game animal before it deteriorates and has it in his possession can be prosecuted under this legislation. Mr. Lane said no, a person would have to illegally take the animal and then try to sell it. REP. FORRESTER asked why the restitution value of the bull elk is so low. These animals can be bought back at an auction at a lesser price. Mr. Cool said the average animal restitution values need to be used so the courts will have guidelines. If values are set too high, it is difficult to prosecute because the penalties are not acceptable to society.

Closing by Sponsor:

SEN. VAN VALKENBURG said effective prosecution laws are needed and urged support of SB 239.

HEARING ON SENATE BILL 240

Presentation and Opening Statement by Sponsor:

SEN. VAN VALKENBURG said this bill is to revise the laws regarding fish and game misdemeanor penalties. It clarifies and strengthens the fish and wildlife criminal statutes. The amendments will allow the courts to effectively carry out the

intent of these statutes. The statute of limitations for prosecution of fish and game violations is extended from one year to three years.

Proponents' Testimony:

K.L. Cool, FWP, supports this bill. EXHIBIT 4

Bob Lane, FWP, supports this bill. EXHIBIT 5

Susan Lenard, Montana Audubon Legislative Fund, supports this bill.

Opponents' Testimony: none

Closing by Sponsor:

SEN. VAN VALKENBURG urged support of HB 240.

HEARING ON SENATE BILL 401

Presentation and Opening Statement by Sponsor:

SEN. BOB PIPINICH, House District 33, Missoula, said this bill would require FWP to seize game being transported by vehicle in an area that has been legally closed to the use of vehicles.

Proponents' Testimony:

Manx Skillicorn, Champion International, said most of Champion's land is open for hunting and roads are not gated. Gates are used for a reason. If a gate is damaged, it costs \$500 to \$2,000 to repair or replace it. The penalties are not high enough to deter people from vandalizing the gates. It would help if the seizure of game was mandatory.

David Ball, Missoula Deputy Sheriff, said more roads are being closed. Fines for trespassing are not high enough. It is cheaper to violate the law than to abide by it.

K.L. Cool, FWP, supports this bill. EXHIBIT 6

Susan Lenard, Montana Audubon Legislative Fund, supports this bill.

Opponents' Testimony: none

Questions From Committee Members:

REP. DAILY asked if a gate was torn down, would a judge make the person pay for it? Deputy Ball said yes, if it could be proven. The person with the game animal may not be the person who damaged the gate. REP. DAILY asked SEN. PIPINICH if "federal, state,

county, or local government" should be stricken from the bill. SEN. PIPINICH said he would protest it. REP. ELLISON said fines for trespassing should be raised. SEN. PIPINICH said it has been discussed, but at present it is \$50. REP. BARNHART said a picture of a gate with bullet holes in it is not proof that it was done by a hunter. REP. FORRESTER asked why is it presumed it was a hunter that did the vandalism. SEN. PIPINICH said they presume it was hunters because it is usually right after hunting season and there are bullet holes in the gate. Mr. Sternberg said the title of the bill would not allow an amendment to increase trespassing penalties.

Closing by Sponsor:

SEN. PIPINICH said this bill is only to seize the animals that are transported by vehicles. If this bill does not pass, Champion International will close its land to hunting.

HEARING ON HOUSE BILL 583 (CONTINUED FROM MARCH 11)

Closing by Sponsor:

REP. ELLISON said this bill would provide increased revenue for FWP. The bill needs revisions. Whitetail deer licenses need to be increased due to overpopulation and the damage they are doing to crops. This bill would improve landowner/sportsmen relations.

EXECUTIVE ACTION ON SENATE BILL 291

Motion: REP. FORRESTER MOVED SB 291 BE CONCURRED IN.

Discussion:

REP. MEASURE said this is not his idea of reduced manpower. REP. GILBERT said he does not like this bill because it is enticed entrapment. CHAIRMAN ELLIOTT favors this bill due to numerous spotlights on his property. REP. ELLISON supports this bill because it would deter illegal hunting practices. REP. KELLER said surveillance of the decoys would use manpower hours, but it also takes time to look for the hunter and the illegally taken game. REP. SPRING is in favor of this bill because it would help deter illegal hunting, especially spotlighting. REP. MCCARTHY said FWP should present to the next Legislature the results of using decoys. Mr. Cool agreed to do this.

Vote: SB 291 BE CONCURRED IN. Motion carried 13 - 3 with Reps. Gilbert, Barnhart, and Measure voting no.

EXECUTIVE ACTION ON SENATE BILL 239

Motion: REP. PHILLIPS MOVED SB 239 BE CONCURRED IN.

Discussion:

REP. GILBERT said pallid sturgeon should be put in the schedule of endangered species. REP. MEASURE agreed.

Motion/Vote: REP. GILBERT moved to adopt an amendment to SB 239. EXHIBIT 7 Motion carried unanimously.

Motion/Vote: REP. GILBERT MOVED SB 239 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 240

Motion: REP. PHILLIPS MOVED SB 240 BE CONCURRED IN.

Discussion:

REP. GILBERT asked if a person could be fined for storing or throwing away bad meat that was kept in a freezer too long. Mr. Winfield said that is not the intent. For example, this bill addresses a person who kills a deer and lets it rot on their lawn or hanging in their garage. Under present statutes that person could not be fined for wasting game. REP. GILBERT asked whether a hunter who attempts to cool his game properly, but due to warm weather it spoils, can be prosecuted? Mr. Winfield said the hunter would not be prosecuted because it was not done purposely. REP. MEASURE said the provision "upon conviction or forfeiture of bond or bail" appears extensively in the bill. There is a constitutional problem of whether or not they are convicting somebody before they have a right to appeal. Why is that language being used? Is the department willing to change it? Mr. Lane said the department is trying to deal with a loophole. Persons can simply take the ticket to appear, post bond, and then forfeit the bond, knowing they won't be subject to the forfeiture provision. The forfeiture provision is one of the strongest enforcement measures the department has, because people value their hunting and fishing privileges. People will forfeit the bond, but not their hunting and fishing privileges. If there are revisions needed in the wording, the department would certainly consider it, but they want to make sure the loophole is closed. CHAIRMAN ELLIOTT said the title of this bill is amendable to raising the trespass penalties. REP. MEASURE said raising trespass penalties is a terrible idea. Trespass is the very least of any of the crimes against property and should remain so. The present trespass law is strong enough. There is a criminal mischief statute that covers the vandalism of gates. It would cause too many problems to amend this bill in regard to trespassing. REP. STRIZICH agreed that trespass needs to be a

separate issue and not dealt with in this bill. Trespass is a very sticky and wicked subject. REP. ELLISON agreed that trespass should not be dealt with in this bill.

Vote: SB 240 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 252

Motion: REP. GILBERT MOVED SB 252 BE CONCURRED IN.

Discussion:

REP. GILBERT said this bill extends the wildlife habitat acquisition program until 1996. There are still access problems, but it does allow money for maintenance. REP. DAILY said when FWP purchases a ranch, they allow someone to lease it. There should be enough revenue to pay for maintenance. REP. ELLISON said the ranches in his area are being used strictly for elk habitat and are not being maintained. REP. HANSON said FWP needs maintenance operation money. REP. FORRESTER said there are too many studies and too much money spent on these studies. This study will come from the acquisition fund in HB 526. He would love to be a consultant in this state. REP. SCOTT asked about the amendments. CHAIRMAN ELLIOTT said they have not been moved.

Mr. Sternberg explained the amendments. EXHIBIT 8

REP. MCCARTHY asked if this would be a permanent ongoing study. Mr. Sternberg said no. The completion date of the study is 1992, but the program would be permanent. REP. DAILY opposed the amendments. The acquisition program is not working as well as it should and sportsmen need their input into this study. REP. PHILLIPS said he favors the bill but not the amendments.

Motion: REP. SCOTT moved to consider the amendments separately. Motion failed 6 - 10 with Reps. Measure, Gilbert, Scott, Daily, Barnhart, and Strizich voting yes.

Motion/Vote: REP. STRIZICH moved to adopt amendments to Senate Bill 252. Motion failed 5 - 12. EXHIBIT 9

Vote: SB 252 BE CONCURRED IN. Motion passed 13 - 4. EXHIBIT 10

EXECUTIVE ACTION ON SENATE BILL 13

Motion: REP. PHILLIPS MOVED SENATE BILL 13 BE TABLED.

Discussion:

Mr. Sternberg said there is no conflict between SB 252 and SB 13.

REP. PHILLIPS withdrew his motion.

REP. SCOTT opposed the bill because too much land is being leased. REP. GILBERT said SB 252 also extends the termination date of the wildlife habitat acquisition program. REP. BARNHART spoke in favor of SB 13. REP. FORRESTER said there is no conflict between SB 252 and SB 13.

Motion: REP. DAILY MOVED SB 13 BE CONCURRED IN.

Motion/Vote: REP. GILBERT MADE A SUBSTITUTE MOTION TO TABLE SB 13. Motion carried 10 - 7. EXHIBIT 11

EXECUTIVE ACTION ON HOUSE BILL 185

Motion/Vote: REP. ELLISON MOVED HB 185 BE TABLED. Motion carries unanimously.

EXECUTIVE ACTION ON HOUSE BILL 583

Motion: REP. ELLISON moved to adopt Amendment No. 1. EXHIBIT 12

Discussion:

Mr. Sternberg explained the amendments.

REP. BARNHART asked if nonresident licenses are being increased. CHAIRMAN ELLIOTT said yes. This legislation will establish a new nonresident whitetail deer combination license (Class B-11-W). There will be 3,000 licenses sold, with 1,000 licenses allocated to outfitters. REP. DAILY said all this amendment does is allow the sale of 3,000 B-11-W licenses. Mr. Sternberg said B-11-W is a nonresident whitetail deer license. REP. DAILY said Rep. Barnhart's concern is on page 2, "17,000" was changed to "18,500". That amendment has been struck, so it is now 17,000. Mr. Sternberg said 17,000 B-10 and 3,000 B-11-W licenses may be sold if the amendments are adopted.

Vote: Adopt Amendment No. 1 to HB 583. Motion carried unanimously.

Motion: REP. DAILY moved to adopt Amendment No. 2.

Discussion:

REP. DAILY said this amendment would state that all B-11-W nonresident whitetail deer licenses would be sold for only eastern Montana hunting areas. REP. GILBERT said he is opposed to these licenses only being sold for eastern Montana. REP. DAILY said the use of class B-11-W licenses would be limited to Regions 5, 6, 7 and hunting districts 471, 419, 418, 411, 412, 410 and 417 of Region 4. REP. ELLISON said he would agree to

that. REP. MEASURE said these areas are where the licenses will primarily be sold anyway. He wants the bill to pass, so he won't object to the amendments. REP. GILBERT said they are adding 3,000 nonresident hunters and putting them all in eastern Montana because they don't want them in western Montana. REP. SCHYE said in the Glasgow area over 55% of the deer hunters are nonresidents. The residents are tired of it and more land is being closed to hunting. More land is being leased or sold to outfitters and out-of-state residents. In some eastern areas, residents with whitetail deer licenses can't hunt because land is tied up by out-of-state hunters. They are tired of out-of-state hunters. Everyone should share the out-of-state hunters. REP. DAILY said outfitters support the amendments. If Rep. Gilbert had submitted a bill to eliminate the 17,000 nonresident licenses, he would support that. Montana needs to get rid of out-of-state hunters. At least the amendments put hunters in the areas where the most problems exist. REP. GILBERT said he couldn't get rid of the 17,000 nonresident licenses, but could help get rid of 3,000.

Motion/Vote: REP. GILBERT MADE A SUBSTITUTE MOTION TO TABLE HB 583. Motion failed 7 - 10. EXHIBIT 13

Vote: Adopt Amendment No. 2. Motion carried 9 - 8. EXHIBIT 14

Vote: REP. DAILY MOVED HB 583 DO PASS AS AMENDED. Motion carried 10 - 7. EXHIBIT 15

EXECUTIVE ACTION ON HOUSE BILL 951

Motion: REP. DEBRUYCKER MOVED HB 951 DO PASS.

Discussion:

REP. DAILY asked where the funding is coming from. CHAIRMAN ELLIOTT said from license fees. REP. SCOTT said something similar to this was passed before. Is the department short of money to develop shooting ranges? REP. ELLISON said hunting licenses should not be raised to fund these shooting ranges. Where did the money go that the Legislature approved two years ago for these ranges?

Motion/Vote: REP. DAILY MADE A SUBSTITUTE MOTION TO TABLE HB 951. Motion carried 13 - 3 with Reps. Debruycker, Keller, and Strizich voting no.

EXECUTIVE ACTION ON HOUSE BILL 583

CHAIRMAN ELLIOTT said when the roll call vote was taken to adopt Amendment No. 2, he voted proxy for Rep. Schye incorrectly and asked the committee to reconsider action on that bill. REP. ELLISON asked if it would change the outcome. CHAIRMAN ELLIOTT said yes.

Motion: REP. GILBERT MOVED TO RECONSIDER ACTION ON HB 583.
Motion carried unanimously.

Discussion:

REP. DAILY said the committee should not take executive action on the bill until Rep. Schye is present. The committee agreed.
CHAIRMAN ELLIOTT said action on HB 583, with a "Gray Bill", will be taken at a later date.

ADJOURNMENT

Adjournment: 6:15 p.m.



Jim Elliott, Chair



Ginger Punttenney, Secretary

JE/gp

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL

DATE 3-13-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN			✓
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER	✓		
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

SB 291
March 13, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to House Fish and Game Committee

This legislation would provide our department with an important conservation law enforcement tool which has proven to deter illegal hunting in chronic problem areas. SB 291 is necessary because present statutes do not address shooting or attempting to shoot at simulated wildlife.

Several other states are now using this technique and have found it to be an effective and legitimate modern-day wildlife law enforcement tool. If enacted, this bill would make it a violation to discharge a firearm or other hunting implement at a simulated wildlife object placed in a location or at a time which would clearly make the attempt to take a live animal illegal.

The department would utilize reasonable likeness models of average size game animals in field situations. These decoys would be used in pre-determined sites where we are experiencing significant spotlighting violations or shooting from roads and/or illegal taking and trafficking in trophy animals or wildlife parts. The use of a decoy would allow officers to apprehend deliberate or intentional violators without an animal being killed illegally.

This technique is cost efficient because the warden is present when the violation occurs. It also reduces some of the danger associated with the apprehension of violators because the officer can control all facets of the operation to include optimum public safety circumstances.

The program would only be implemented after a comprehensive public education and awareness effort by the department that explains what we expect to accomplish. We intend to develop specific guidelines for the use of simulated wildlife, which would be approved by our commission.

As the public becomes aware of the use of simulated wildlife and the program's success, the deterrent value increases significantly. It is anticipated this will reduce violations, will provide a cost effective deterrent to illegal hunting activity, and prevent the illegal loss of wildlife.

4:30
7-14-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 14, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 239 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Jim Elliot, Chairman

And, that such amendments read:

1. Page 6, line 1.

Strike: "pallid and"

2. Page 7, line 9.

Strike: "pallid and"


4:00
3-14-91
JDR

HOUSE STANDING COMMITTEE REPORT

March 14, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
Senate Bill 291 (third reading copy -- blue) be concurred in .

Signed: 
Jim Elliott, Chairman

Carried by: Rep.

HOUSE STANDING COMMITTEE REPORT

4:00
3-14-91
JDB
March 14, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
Senate Bill 240 (third reading copy -- blue) be concurred in .

Signed: [Signature]
Jim Elliott, Chairman

Carried by: Rep.

4:00
3-14-91
JB

HOUSE STANDING COMMITTEE REPORT

March 14, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
Senate Bill 252 (third reading copy -- blue) be concurred in .

Signed: _____

Jim Elliott, Chairman

Carried by: Rep. _____

SB 239
March 13, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to the House Fish and Game Committee

SB 239 would reestablish and strengthen the felony statutes for unlawfully taking wildlife.

The problem of illegal commercialization of wildlife was addressed by the 1987 Legislature when legislation passed making it a felony to traffic in the body parts of unlawfully taken wildlife species. Several individuals have been charged and convicted under that felony statute (Section 87-3-111(4)).

However, (in August, 1990 the Montana Supreme Court found that the current fish and wildlife felony statutes did not qualify as a felony because the prison terms were too short) The court found the statute vague and redundant, particularly because the term "trafficking" was not defined. In addition to the Supreme Court decision, prosecutors and judges have expressed similar concerns with the present law. They have advised that the felony penalty section is inappropriately placed in the same section as the misdemeanor penalty section and that the terms "trafficking" and "scheme" are not defined in the statutes. There is a need to clearly define those prohibited activities that are felonies.

Further, the present penalty - a fine of \$10,000, a one-year prison term, or both -- is not a sufficient deterrent to blatant offenders who make black market profits at the expense of our wildlife resources. At the urging of the Supreme Court and prosecutors, this legislation addresses the following concerns:

1. This legislation provides a definition of "lawfully" and "unlawfully" taken wildlife that is not otherwise defined in the statutes.
2. The old "felony" statute with the terms "trafficking" and "scheme" has been deleted.
3. Two new felony offenses have been created.
 - a. The first is the sale of unlawfully taken wildlife. A violation here involves two separate illegal acts. The first is possession of unlawfully taken wildlife which in itself is a misdemeanor. For a felony to occur, this act must be compounded by a second illegal act, the buying or selling of the wildlife. These acts must be done purposely or knowingly.

b. The second is the possession of unlawfully taken wildlife when the value of the wildlife is more than \$1,000. The value of the unlawfully taken wildlife must be determined from the schedule of the restitution values set out in Section 87-1-111.

4. This legislation proposes amendments (to Section 87-1-111) to more accurately reflect current wildlife values. This allows the application of the felony provision to address serious wildlife violations such as those committed in 1989 by four Florida hunters who were apprehended at the Billings airport with parts of 38 unlawfully taken deer and antelope.

5. Following is a scenario of how the felony determination would be applied for the possession of unlawfully taken wildlife that have a value of more than \$1,000:

one unlawfully taken grizzly bear proposed value of \$2,000, or

two elk proposed value of \$1,000 each, or

three antlered deer proposed value of \$500 each, or

four doe deer proposed value of \$300 each,

would all constitute a felony under this legislation if the illegal act was committed knowingly or purposely.

6. Finally, this legislation increases the maximum prison term and fine to that found in other felony statutes of the state - five years and \$50,000. This was a recommendation of judges and prosecutors to provide parity with other criminal statutes.

STATE REPORTER
Box 749
Helena, Montana 59624

EXHIBIT 3
DATE 3-13-91
239

VOLUME 47

No. 90-109

STATE OF MONTANA,

Plaintiff and Respondent,

Submitted: June 28, 1990

Decided: Aug. 30, 1990

v.

LEE and REBECCA GIBBS,
husband and wife,

Defendants and Appellants.

GAME, Appeal from conviction of selling mountain lion, possession of lion hide, and felony trafficking in body parts. The Supreme Court held:

1. Because Appellant was convicted of a felony scheme to traffic in body parts, the misdemeanor charge of selling the lion was a lesser-included offense.
2. Although sec. 87-3-111 states that trafficking is a felony, because the jail sentence does not exceed one year it may not, under the classification rules of sec. 45-1-201 be considered a felony.
3. Because Appellant failed to notify FWP within 72 hours, his claim that the bobcat was taken in defense of his son could not be considered by the jury.

Appeal from the Tenth Judicial District Court, Fergus County, Honorable John C. Warner, Judge

For Appellant: Torger S. Oaas, Lewistown

For Respondent: Marc Racicot, Attorney General; Elizabeth S. Baker, Assistant Attorney General, Helena; Craig R. Buehler, Fergus County Attorney; Jon A. Oldenburg, Deputy County Attorney, Lewistown

Opinion by Justice Sheehy; Chief Justice Turnage and Justices Harrison, Barz, McDonough and Weber concur. Justice Hunt concurs in this opinion.

Affirmed and remanded.

____ Mont. ____

____ P.2d ____

Justice Sheehy delivered the Opinion of the Court.

Lee and Rebecca Gibbs each appeal from judgments of conviction against them for violations of the game laws of Montana. The convictions were obtained in the District Court, Tenth Judicial District, Fergus County. As to Lee Gibbs, we affirm the judgment of conviction as to two of the counts and remand one of the same for resentencing. We affirm the conviction of Rebecca Gibbs but remand for resentencing.

In the month of February, 1988, Warden Sergeant Gary E. Burke, of the Montana Department of Fish, Wildlife and Parks, posing as a buyer of animal horns, in an undercover investigation, viewed antlers at the Gibbs residence. On a subsequent date, when Burke returned to the Gibbs residence, Lee Gibbs inquired about purchasing a set of sheep horns the agent had in his truck. Eventually Gibbs agreed to trade his tanning services for two illegal bobcat hides that Burke brought over in exchange for a small set of sheep horns from Burke. Burke picked up the bobcat hides after they were tanned. Rebecca Gibbs told Burke that she had done most of the work on the hides.

On Burke's first visit to the Gibbs residence, Lee Gibbs had shown him a mountain lion hide which Gibbs said he had caught in a trap line he had set out. Gibbs had shot the mountain lion twice in the side with a pistol. On a later visit by Burke to the Gibbs home, the price of lion hide was discussed and eventually Burke paid Gibbs \$300 for the lion hide.

The foregoing are the important facts in regard to this case. Lee Gibbs was charged in the District Court with violations of the game laws in five counts: Count I possession of parts of an unlawfully taken fur-bearing animal (sec. 87-3-112, MCA), for the possession of two illegal bobcat pelts; Count II possession of parts of an unlawfully taken game animal (sec. 87-3-112, MCA), illegal possession of the head and cape of a bighorn sheep; Count III sale of parts of unlawfully taken game animals (sec. 87-3-111, MCA), selling the hide of an unlawfully taken mountain lion for \$300; Count IV possession of parts of an unlawfully taken game animal (sec. 87-3-112, MCA), having possession of parts of an unlawfully taken mountain lion; and, Count v. a felony, trafficking in body parts of unlawfully taken species (sec. 87-3-111(4), MCA), relating to the purchase, sale, possession and transportation of unlawfully taken game animals.

Rebecca Gibbs was charged with the felony count of trafficking in body parts of game animals through accountability, under secs. 87-3-111(4) and 45-2-302, MCA, relating to aiding and encouraging Lee Gibbs in selling, purchasing, possessing and transporting unlawfully taken game animals or parts thereof.

The cases against the two defendants were consolidated for trial. The jury found Rebecca Gibbs guilty as to the charge against her. As to Lee Gibbs, the jury was unable to reach a verdict (a hung jury) on Counts I (possession of illegal bobcat pelts) and II (possession of the head and cape of an illegal bighorn sheep). Lee Gibbs was found guilty by the jury of Count III (selling the mountain lion for \$300), Count IV (illegal possession of the hide of the mountain lion); and, Count V (trafficking in body parts of unlawfully taken species, a

State of Montana, Plaintiff and Respondent, v.
Lee Gibbs, Defendants and Appellants
Mont. St. Rep. 1584

felony).

The defendants were sentenced on January 15, 1990. Rebecca Gibbs was sentenced to a fine of \$10,000 and a one year term of imprisonment, all of which was suspended on the condition that she have no firearms in her possession during the suspension and that she spend five days in the Fergus County Jail. Lee Gibbs was sentenced on counts IV and V only, the District Court having declared that Count II constituted a lesser-included offense of Count V. As to Count IV, Lee Gibbs was fined \$300 and ordered to serve 30 days in the Fergus County Jail concurrent with time imposed under Count v, and was further ordered to pay restitution in the sum of \$500 pursuant to sec. 7-1-111(1)(b), MCA. As to Count v, the court imposed a fine of \$10,000, which was suspended on the condition that the defendant Lee Gibbs obey all the fish and game laws of the state of Montana for the period of his incarceration and he was sentenced to a one year term of imprisonment at the Montana State Prison. All of each of the defendants' hunting, fishing and trapping privileges were suspended under sec. 87-1-111, MCA, from December 5, 1989 through and including December 31, 1999. The case has come to this Court on appeal from the foregoing judgments and sentences.

There is no doubt that there was sufficient evidence to sustain the convictions on counts found by the jury. The difficulty for us in the case arises, as it did for the District Court, from consideration of the sentences imposed, in the light of the language of the statutes under which the defendants were charged. In passing sentence, the District Court expressed its dismay, saying:

"The statutes concerning the fish and game laws and regulations of Montana are mismatched, inconsistent, and provide inconsistent penalties. They render the hunting, fishing and trapping regulations of this state difficult if not impossible for game wardens to enforce, and make the job of other law enforcement officials difficult. I feel that the laws as they are written render it difficult for citizens of this state to know what those laws and regulations are. It is the feeling of this Court that they need to be redrafted so that they can be understood.

"This case does present some possible grounds for an appeal. The Supreme Court in this case, should the Defendant desire to appeal, may interpret the laws, but they will have difficulty in rendering an opinion which may have general application. I would request and invite them to do so, should they have the opportunity."

Montana law makes it a misdemeanor to sell, offer to sell, possess, ship or transport a fur-bearing game animal or any part thereof except as permitted by law. Section 87-3-111(1)(3), MCA. The law also provides that any person engaging in the activities prohibited by the misdemeanor statute in furtherance of a "scheme to traffic in the body parts" of unlawfully taken species is a felony. Section 87-3-111(4), MCA. The District Court properly concluded that the misdemeanor portion of the statute was a lesser-included offense of the felony portion, guided by State v. Hankins (1984), 209 Mont. 665, 680 P.2d 958. The District Court also held that under Hankins, the felony crime did not require a scheme to traffic by involving more than one animal. The District Court was uncomfortable with this

State of Montana, Plaintiff and Respondent, v.
Gibbs, Defendants and Appellants
St.Rep. 1584

analysis of criminal accountability. She argues on appeal that the jury was hung on the counts charged against her husband, Lee Gibbs, relating to the bobcat pelts that Burke had brought for tanning. She had admitted to Burke that it was she who did the tanning. There is no other evidence in the record which shows her participation in the acts charged against her husband, for which he was convicted. She relies on State v. Cornish (1925), 73 Mont. 205, 209, 235 P. 702, 703 and State rel. Murphy v. McKinnon (1976), 171 Mont. 120, 125, 556 P.2d 906, 9 that she cannot be criminally responsible as an accomplice because of her mere presence at the acts for which her husband was convicted.

Again the conviction of Rebecca was for "trafficking," as an accomplice. It is not necessary that criminal accountability must be founded on the convictions for the same crime by the principal offender. A person may be convicted for accountability on proof that the offense was committed, even though the other person claimed to have committed the offense has not been convicted, or is convicted of a different crime. Section 45-2-303, MCA.

There is stronger proof in Rebecca's case that she aided or abetted "trafficking," since for a consideration to her husband, she skinned two hides for Burke.

The same problem for Rebecca's felony conviction arises as for Lee Gibbs's, relating to the classification of trafficking as a felony. What we said foregoing applies also here. Accordingly we sustain the conviction of Rebecca as a misdemeanor, and remand her sentence to the District Court for resentencing as a misdemeanor violation.

We strongly urge the Department of Fish, Wildlife and Parks to urge the legislature in a clean-up of the statutes defining crimes against protected game animals. The present statutes, particularly the code of sec. 87-3-111, MCA, are vague and redundant. Especially it should be made clear whether "trafficking" means a course of trade or the sale of a single animal. There are constitutional considerations to be recognized in the rights of people to know in clear language when their acts transgress the rules of society.

Convictions affirmed. Remanded for resentencing in accordance herewith.

SB 240
March 13, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to House Fish and Game Committee

This legislation clarifies and strengthens the fish and wildlife criminal statutes that are most critically in need of revision.

This effort has been undertaken at the urging of our law enforcement officers, county attorneys, justice courts, district courts and the Montana Supreme Court. The proposed amendments will allow prosecutors, investigators and the courts to more efficiently and effectively carry out the intent of these statutes.

The first change requested extends the statute of limitations for prosecution of fish and game violations from one year to three years. Many times investigations into serious wildlife violations take longer than a year to discover or complete and prosecution is not possible within the current one-year limitation. This is compounded by the fact that many sportsmen and sportswomen are from out-of-state.

The second proposed revision adds the language "knowingly or purposely violates" which is the state of mind provision necessary for committing criminal acts. This will ensure that honest mistakes will not result in criminal prosecution and that enforcement efforts will be directed at persons who knowingly or purposely violate fish and game laws.

The third requested change provides a way for the courts to suspend license privileges for serious wildlife offenses, even though the defendant forfeited bail. There is a loophole in the present statute. If a defendant forfeits bail, the court does not have the authority to impose a forfeiture of privileges.

The fourth requested change prohibits people whose license privileges are forfeited from purchasing licenses during the period for which the privileges are forfeited. In addition, privileges will be suspended for failure to comply with court citations or sentences for a wildlife offense. This will be an effective tool for encouraging compliance where individuals ignore citations or where individuals fail to comply with sentences allowing time-payment of fines.

The fifth requested revision redefines waste of game to include neglecting to take reasonable care of game meat, thereby rendering it unfit for human consumption. In addition, it establishes responsibility for reasonable care of game meat to those in possession of it. This has been a problem once the game meat is removed from the field because under the present law only the hunter is responsible.

The sixth requested revision makes it unlawful to attempt to take an overlimit of game or attempt to hunt, fish or trap during a closed season. This provides for consistency with present language in the license requirement (Sec. 87-2-101) and means of taking (Sec. 87-3-101) statutes.

The seventh requested amendment will clarify that violators of fish and game laws may be prosecuted for the crimes of attempt, solicitation and conspiracy in the same manner as other criminal violations.

These amendments clarify and strengthen present laws, resulting in more efficient application. We request your favorable consideration.

EXHIBIT 5
DATE 3-13-91
SB 240

SB 240
March 13, 1991

Testimony presented by Bob Lane, Dept. of Fish, Wildlife & Parks

Director Cool has described in his testimony all of the statutory changes to the misdemeanor fish and game laws proposed in SB 240. My testimony will cover in greater legal and technical detail three of these proposed changes where further discussion may be helpful to the committee's consideration of the bill.

The statute of limitation for misdemeanor is one year as set in Section 45-1-205, MCA. This statute provides for a limited number of exceptions where special circumstances justify an extension of the statute of limitation. The department believes that fish and game misdemeanor violations frequently present special circumstances justifying a longer three year statute of limitation. These violations, by the nature of hunting and fishing, are not always readily discoverable, undercover operations frequently must span more than one hunting or fishing season, and many suspected violators are from out-of-state. All of these factors make it difficult, and sometimes impossible, to complete investigations and bring charges within a one year period of time. The department believes a three year statute of limitations would be workable and reasonable.

The fish and game misdemeanor statutes presently do not set out as one of their elements a mental state. Some county attorneys prosecute fish and game violations as strict liability crimes that do not require a specific mental state, while other county attorneys imply a mental state element of purposely or knowingly. If a required mental state of "purposely or knowingly" is adopted, all prosecutions will be uniform and, most important, accidental or negligent acts will not be prosecuted. While this will be a policy change in some counties, it is a change in direction the department desires to take.

Under present statutes, the crimes of attempt, solicitation, or conspiracy can be based on criminal offenses under Title 45. An argument can be made that there are no crimes of attempt, solicitation or conspiracy for fish and game violations because they are not offenses set out in Title 45. Therefore, a new section is proposed to insure that fish and game violations include the inchoate offenses of attempt, solicitation and conspiracy.

Hopefully, these comments will be helpful in your consideration of SB 240.

EXHIBIT 6
DATE 3-13-91
SB 401

SB 401
March 13, 1991

Testimony presented by K.L. Cool, Dept. of Fish, Wildlife & Parks
to House Fish and Game Committee

SB 401 would require that the Department of Fish, Wildlife and Parks seize game being transported by a vehicle in an area that has been legally closed to the use of vehicles.

The following information is provided for the committee's consideration:

1. Each hunting season a number of areas are closed to vehicle travel. Federal, state, county or local governments, or individual landowners enact closures to protect property, resources, public safety, or the welfare of certain big game species.

2. The department receives numerous complaints about individuals violating these vehicle restrictions and closures.

3. The current minimum penalty for violating vehicle travel restrictions is \$50 on department lands and \$100 on private or federal lands. The seizure and loss of game for the violation would be additional.

4. This legislation makes the seizure mandatory for a violation of any vehicle travel closure enacted by federal, state, county, local government or individual.

Amendments to Senate Bill No. 239
Third Reading Copy

Requested by Rep. Gilbert
For the Committee on F&G

Prepared by Doug Sternberg
March 14, 1991

1. Page 6, line 1.
Strike: "pallid and"

2. Page 7, line 9.
Strike: "pallid and"

Amendments to Senate Bill No. 252
Third Reading Copy

Requested by Scott Snelson
For the Committee on F&G

Prepared by Doug Sternberg
March 8, 1991

1. Title, line 10.
Strike: "EXTENDING"
Insert: "MAKING PERMANENT"
2. Title, line 11.
Strike: "UNTIL MARCH 1, 1996"
3. Page 4, line 1.
Strike: "used for wildlife habitat"
Insert: "acquired under 87-1-241"
4. Page 4, line 14.
Strike: "87-1-242(3)"
Insert: "87-1-601(1)"
5. Page 5, line 6.
Strike: "-- termination date"
6. Page 5, lines 7 and 8.
Following: "1988" on line 7
Strike: remainder of line 7 through "1996" on line 8

9
EXHIBIT 9DATE 3-13-91SB 252

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-13-91 BILL NO. SB 252 NUMBER _____MOTION: Adopt Amendments

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN		✓
REP. BEVERLY BARNHART	✓	
REP. FRED "FRITZ" DAILY		✓
REP. ROGER DEBRUYCKER		✓
REP. ORVAL ELLISON		✓
REP. GARY FORRESTER	✓	
REP. BOB GILBERT		✓
REP. MARIAN HANSON		✓
REP. VERNON KELLER		✓
REP. BEA MCCARTHY		✓
REP. BRUCE MEASURE	✓	
REP. JOHN PHILLIPS		✓
REP. TED SCHYE		✓
REP. JOHN SCOTT	✓	
REP. WILBUR SPRING		✓
REP. BILL STRIZICH	✓	
REP. JIM ELLIOTT, CHAIRMAN		✓
TOTAL	5	12

10

EXHIBIT 10

DATE 3-13-91

SB 252

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-13-91 BILL NO. SB 252 NUMBER _____

MOTION: Be Concurred In

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN	✓	
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY	✓	
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER		✓
REP. BOB GILBERT	✓	
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY		✓
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE	✓	
REP. JOHN SCOTT	✓	
REP. WILBUR SPRING	✓	
REP. BILL STRIZICH	✓	
REP. JIM ELLIOTT, CHAIRMAN	✓	
TOTAL	13	4

EXHIBIT 11DATE 3-13-91SB 13

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-13-91 BILL NO. SB 13 NUMBER _____MOTION: Substitute motion To Table
carried

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN	✓	
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY		✓
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER		✓
REP. BOB GILBERT	✓	
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY	✓	
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE		✓
REP. JOHN SCOTT		✓
REP. WILBUR SPRING	✓	
REP. BILL STRIZICH		✓
REP. JIM ELLIOTT, CHAIRMAN	✓	
TOTAL	10	7

Amendments to House Bill No. 583
Introduced (White) Reading Copy

For the Committee on F&G

Prepared by Doug Sternberg
March 18, 1991

1. Title, lines 4 through 6.
Following: "ACT" on line 4
Strike: "remainder of line 4 through "FEES;" on line 6
2. Title, line 7.
Following: "B-11-W"
Insert: "NONRESIDENT WHITETAIL DEER COMBINATION"
Following: "FEE;"
Strike: "AND"
3. Title, line 8.
Following: "87-2-504"
Strike: ", 87-2-505, 87-2-510,"
Insert: "AND"
4. Title, line 9.
Strike: "AND 87-2-711,"
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND A
TERMINATION DATE"
5. Page 1, line 12 through page 3, line 24.
Strike: sections 1 and 2 in their entirety
Re-number: subsequent section
6. Page 4, line 4.
Strike: "6,167"
Insert: "5,600"
7. Page 5, line 20 through page 6, line 16.
Strike: section 4 in its entirety
Re-number: subsequent section
8. Page 9, line 4.
Following: line 3
Insert: "NEW SECTION. Section 4. Effective date -- termination.
[This act] is effective March 1, 1992, and terminates March
1, 1994."
Re-number: subsequent section
9. Page 9, lines 5 and 7.
Strike: "5"
Insert: "2"

13
EXHIBIT 13
DATE 3-13-91
HB 583

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-13-91 BILL NO. HB 583 NUMBER _____

MOTION: _____

Substitute Motion - Title HB 583

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN	✓	
REP. BEVERLY BARNHART	✓	
REP. FRED "FRITZ" DAILY		✓
REP. ROGER DEBRUYCKER		✓
REP. ORVAL ELLISON		✓
REP. GARY FORRESTER		✓
REP. BOB GILBERT	✓	
REP. MARIAN HANSON		✓
REP. VERNON KELLER		✓
REP. BEA MCCARTHY		✓
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE	✓	
REP. JOHN SCOTT	✓	
REP. WILBUR SPRING	✓	
REP. BILL STRIZICH		✓
REP. JIM ELLIOTT, CHAIRMAN		✓
TOTAL	7	10

EXHIBIT 14
DATE 3-13-91
HB 583

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-13-91 BILL NO. HB 583 NUMBER _____

MOTION: _____

Adopt Amendment No. 2

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN		✓
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY	✓	
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER	✓	
REP. BOB GILBERT		✓
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY	✓	
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS		✓
REP. TED SCHYE	✓	
REP. JOHN SCOTT		✓
REP. WILBUR SPRING		✓
REP. BILL STRIZICH	✓	
REP. JIM ELLIOTT, CHAIRMAN		✓
TOTAL	9	8

15
EXHIBIT 15
DATE 3-13-91
HB 583

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-13-91 BILL NO. HB 583 NUMBER _____

MOTION: _____

No Pass HB 583
As Amended

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN		✓
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY	✓	
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER	✓	
REP. BOB GILBERT		✓
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY	✓	
REP. BRUCE MEASURE	✓	
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE		✓
REP. JOHN SCOTT		✓
REP. WILBUR SPRING		✓
REP. BILL STRIZICH	✓	
REP. JIM ELLIOTT, CHAIRMAN		✓
TOTAL	10	7

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Fish and Game COMMITTEE BILL NO. SB 291
 DATE 3-13-91 SPONSOR(S) Rye

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Susan Lenard ⁴³⁸ Dearborn	MT Audubon			X
Pat Bradley	See			X
SCOTT SNEZSON	MT wildlife Fed			X
K.L. Coe	FWP			X
Bob Wainfield	FWP			X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Fish and Game

COMMITTEE

BILL NO. SB 239DATE 3-13-91

SPONSOR(S)

Van Valkenburgh

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Susan Lenard	MT Audubon			X
Stan Bradshaw	MTU			✓
Pat Bradley	Self			✓
Scott Snelson	MT Wildlife Fed			✓
Kelly Olyson	Self			✓
Bob Winfield	FWP			✓
KL Cool	FWP			✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Fish and Game COMMITTEE BILL NO. SB 240
 DATE 3-13-91 SPONSOR(S) Van Valkenburg

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Susan Lenard	MT Audubon			X
Stan Bradshaw	MTU			✓
Pat Bradley	by			✓
SCOTT SNELSON	MT Wildlife Fed.			✓
K.L. Cool	FWP			✓
Bob Winfield	FWP			✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Fish and Game COMMITTEE BILL NO. SB 401
 DATE 3-13-91 SPONSOR(S) Pipirich

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
MANX SKILLICORN 109 Cascade Lk mt.	Champion International	SB401		X
David Bell 201 W. Pimp	Missoula County Sheriff			X
Susan Lenard	MT Audubon			X
Scott Snelson	MT Wildlife Fed			X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.