

April 11, 1983

LB 174

PRESIDENT MCGINLEY PRESIDING

PRESIDENT: The Chair recognizes Senator Nichol.

SPEAKER NICHOL: Mr. President and members of the Legislature, Senator Labeledz, this is permanent from now on, isn't it?

SENATOR LABEDZ: (Microphone not activated)...Senator Nichol.

SPEAKER NICHOL: She said, yes, it is, Senator Nichol. Thank you, Senator Labeledz. Senator Sam Cullan, I want you to notice I am supporting something in your area. Senator Sam Cullan, I expect like treatment later. But many of the trout hatcheries in the past have quit because of low income and simply was not profitable enough to continue to pump water and so forth and buy food for these trout. Trout fishermen are different than the rest of us. They are more skilled and want to fish for the elite fish. But I do support the bill and hope that you will pass it. Thanks.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members, I have a question of Senator Labeledz if she would yield, please.

SENATOR LABEDZ: Yes, Senator Lamb.

SENATOR LAMB: Well, I am thinking about the situation where a person catches a trout by accident and does not have the trout stamp. It says, possession. I am wondering, what is the definition of possession? If I am standing there by the stream, I have caught this trout, I have it in my hand, I have not yet thrown it back, but the game warden comes along and says, do you have a trout stamp? I don't have a trout stamp but I also do have this trout in my hand at that very moment. I am wondering if he is subject to arrest because he is possessing that trout.

SENATOR LABEDZ: Senator Lamb, that was discussed at the hearing. If you had a trout in your hand, that is not possession until you either put it in a basket or a stringer, and that would be with the intent to take. That would be the only time that it would be necessary to have a trout stamp, if you had it in a basket or on a stringer. But if you had it in your hand and just caught a trout, then you are expected to throw that trout back rather than