

HOUSE BILL NO. 403

INTRODUCED BY SPRING, MCCARTHY, ELLISON, REAM

IN THE HOUSE

JANUARY 25, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

JANUARY 26, 1991 FIRST READING.

FEBRUARY 2, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 4, 1991 PRINTING REPORT.

FEBRUARY 5, 1991 SECOND READING, DO PASS.

FEBRUARY 6, 1991 ENGROSSING REPORT.

FEBRUARY 7, 1991 THIRD READING, PASSED.
AYES, 97; NOES, 2.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

FIRST READING.

MARCH 8, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 13, 1991 SECOND READING, CONCURRED IN.

MARCH 14, 1991 THIRD READING, CONCURRED IN.
AYES, 47; NOES, 1.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 16, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 18, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 403
 2 INTRODUCED BY Spring
 3 Don McCarthy Edwin Ream
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FISH AND
 5 GAME COMMISSION TO REGULATE CERTAIN ASPECTS OF THE USE AND
 6 BREEDING OF RAPTORS AND THE SPORT OF FALCONRY BY
 7 ADMINISTRATIVE RULE, IN ORDER TO MAINTAIN CONFORMITY WITH
 8 FEDERAL LAW; AMENDING SECTIONS 87-5-204 AND 87-5-210, MCA;
 9 AND REPEALING SECTIONS 87-5-206 AND 87-5-208, MCA."
 10

11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because
 13 87-5-204 and 87-5-210 require the fish and game commission
 14 to adopt rules regarding certain aspects of the use and
 15 breeding of raptors and the sport of falconry. Because the
 16 regulation of raptors and the sport of falconry are in large
 17 part regulated by federal law and because detailed and
 18 precise standards are rapidly changing, the rules must
 19 comply with federal law and regulations as adopted or
 20 amended from time to time. The legislature recognizes that
 21 the commission has the power to determine the extent and
 22 nature of measures that control wildlife in Montana and that
 23 the commission's expertise makes it the proper forum for
 24 addressing the regulation of raptors and the sport of
 25 falconry. At a minimum, the rules must address:

- 1 (1) the regulation of raptors and restrictions on
 2 taking, possessing, and selling raptors, including:
 3 (a) the number of raptors that may legally be
 4 possessed;
 5 (b) appropriate times and areas for trapping raptors
 6 and removing of raptors from the nest;
 7 (c) notification requirements regarding transfer of
 8 ownership;
 9 (d) permitting requirements regarding sale and
 10 transportation of raptors; and
 11 (e) possession of and hunting with raptors by
 12 nonresidents;
 13 (2) licenses and rules for falconry and the allowable
 14 uses of raptors in the sport of falconry, including:
 15 (a) appropriate falconry license fees;
 16 (b) age requirements regarding issuance of falconry
 17 licenses;
 18 (c) the necessity of possessing other valid game
 19 licenses when practicing falconry; and
 20 (d) the transfer and revocation of falconry licenses;
 21 and
 22 (3) the regulation of captive breeding of raptors,
 23 including:
 24 (a) appropriate breeding permit fees;
 25 (b) transferability and revocation of breeding permits;



1 and

2 (c) any other aspects of captive breeding considered
3 appropriate by the commission.

4
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

6 **Section 1.** Section 87-5-204, MCA, is amended to read:

7 ***87-5-204.** License and rules for falconry and raptors.
8 ~~{1}~~ The department ~~may~~ commission shall adopt specific rules
9 for the keeping of records and for the trapping, taking,
10 possession by residents and nonresidents, selling or
11 transfer of possession, or training of raptors used in the
12 practice of falconry and may authorize the issuance of
13 licenses to persons for the practice of falconry. Rules
14 adopted under this section are intended to conform to
15 standards and regulations adopted under federal law. Except
16 as provided in 87-5-210, it is unlawful for any person to
17 possess a raptor or to train a raptor in the practice of
18 falconry without a license.

19 ~~{2}~~ The fee for a falconry license is \$3 a year or any
20 part of a year. A license expires April 30 each year.

21 ~~{3}~~ A license may not be issued to a person under the
22 age of 12 years.

23 ~~{4}~~ Licenses shall have in possession a valid
24 falconer's license when engaged in the practice of falconry.
25 In addition, falconers losing raptors at game birds shall

1 ~~have in possession a valid resident or nonresident upland~~
2 ~~game bird license or waterfowl stamp, as appropriate.~~

3 ~~{5}~~ Falconry licenses or permits are not transferable
4 and may be revoked for due cause at any time by the
5 department."

6 **Section 2.** Section 87-5-210, MCA, is amended to read:

7 ***87-5-210.** Captive breeding of raptors -- permit -- fee
8 ~~---transfer and revocation---~~ rules. (1) The department may
9 grant permits to a person, whether or not licensed under
10 this part, for the taking and holding of raptors for captive
11 breeding purposes under such conditions, consistent with
12 this part and with rules adopted by the commission, as the
13 department may specify in the permit.

14 ~~{2}~~ The fee for a captive breeding permit is \$20 a
15 year.

16 ~~{3}~~ Captive breeding permits are not transferable and
17 may be revoked at any time by the department for violation
18 of any conditions of the permit or regulations of the
19 department.

20 ~~{4}~~ (2) The department may commission shall adopt rules
21 for the keeping of records on, the trapping, taking,
22 possession, propagation and release of, and the sale of
23 progeny of regarding raptors taken and held for captive
24 breeding projects. Rules adopted under this section are
25 intended to conform to standards and regulations adopted

LC 0385/01

1 under federal law."

2 NEW SECTION. Section 3. Repealer. Sections 87-5-206

3 and 87-5-208, MCA, are repealed.

-End-

APPROVED BY COMM.
ON FISH AND GAME

1 HOUSE BILL NO. 403

2 INTRODUCED BY SPRING, MCCARTHY, ELLISON, REAM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FISH AND
5 GAME COMMISSION TO REGULATE CERTAIN ASPECTS OF THE USE AND
6 BREEDING OF RAPTORS AND THE SPORT OF FALCONRY BY
7 ADMINISTRATIVE RULE, IN ORDER TO MAINTAIN CONFORMITY WITH
8 FEDERAL LAW; AMENDING SECTIONS 87-5-204 AND 87-5-210, MCA;
9 AND REPEALING SECTIONS SECTION 87-5-206 AND ~~87-5-200~~, MCA."

10
11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because
13 87-5-204 and 87-5-210 require the fish and game commission
14 to adopt rules regarding certain aspects of the use and
15 breeding of raptors and the sport of falconry. Because the
16 regulation of raptors and the sport of falconry are in large
17 part regulated by federal law and because detailed and
18 precise standards are rapidly changing, the rules must
19 comply with federal law and regulations as adopted or
20 amended from time to time. The legislature recognizes that
21 the commission has the power to determine the extent and
22 nature of measures that control wildlife in Montana and that
23 the commission's expertise makes it the proper forum for
24 addressing the regulation of raptors and the sport of
25 falconry. At a minimum, the rules must address:

1 (1) the regulation of raptors and restrictions on
2 taking, possessing, and selling raptors, including:

3 (a) the number of raptors that may legally be
4 possessed;

5 (b) appropriate times and areas for trapping raptors
6 and removing of raptors from the nest;

7 (c) notification requirements regarding transfer of
8 ownership;

9 (d) permitting requirements regarding sale and
10 transportation of raptors; and

11 (e) possession of and hunting with raptors by
12 nonresidents;

13 (2) licenses and rules for falconry and the allowable
14 uses of raptors in the sport of falconry, including:

15 (a) appropriate falconry license fees;

16 (b) age requirements regarding issuance of falconry
17 licenses;

18 (c) the necessity of possessing other valid game
19 licenses when practicing falconry; and

20 (d) the transfer and revocation of falconry licenses;
21 and

22 (3) the regulation of captive breeding of raptors,
23 including:

24 (a) appropriate breeding permit fees;

25 (b) transferability and revocation of breeding permits;

SECOND READING

1 and

2 (c) any other aspects of captive breeding considered
3 appropriate by the commission.

4
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

6 **Section 1.** Section 87-5-204, MCA, is amended to read:

7 **"87-5-204. License and rules for falconry and raptors.**

8 ~~{1}~~(1) The department ~~may~~ commission shall adopt specific
9 rules for the keeping of records and for the trapping,
10 taking, possession by residents and nonresidents, selling or
11 transfer of possession, or training of raptors used in the
12 practice of falconry and may authorize the issuance of
13 licenses to persons for the practice of falconry AND SET
14 LICENSE QUALIFICATIONS AND FEES. Rules adopted under this
15 section are intended to conform to standards and regulations
16 adopted under federal law BY BEING AT LEAST AS RESTRICTIVE.

17 Except as provided in 87-5-210, it is unlawful for any
18 person to possess a raptor or to train a raptor in the
19 practice of falconry without a license.

20 ~~{2}~~ The fee for a falconry license is \$3 a year or any
21 part of a year. A license expires April 30 each year.

22 ~~{3}~~ A license may not be issued to a person under the
23 age of 12 years.

24 ~~{4}~~ Licenses shall have in possession a valid
25 falconer's license when engaged in the practice of falconry.

1 ~~in addition, falconers loosing raptors at game birds shall~~
2 ~~have in possession a valid resident or nonresident upland~~
3 ~~game bird license or waterfowl stamp, as appropriate.~~

4 ~~{5}~~ Falconry licenses or permits are not transferable
5 and may be revoked for due cause at any time by the
6 department.

7 (2) LICENSEES MUST HAVE IN POSSESSION A VALID
8 FALCONER'S LICENSE WHEN ENGAGED IN THE PRACTICE OF FALCONRY.
9 IN ADDITION, FALCONERS LOOSING RAPTORS AT GAME BIRDS MUST
10 HAVE IN POSSESSION A VALID RESIDENT OR NONRESIDENT UPLAND
11 GAME BIRD LICENSE OR WATERFOWL STAMP, AS APPROPRIATE.

12 (3) FALCONRY LICENSES OR PERMITS ARE NOT TRANSFERABLE
13 AND MAY BE REVOKED FOR DUE CAUSE AT ANY TIME BY THE
14 DEPARTMENT."

15 **Section 2.** Section 87-5-210, MCA, is amended to read:

16 **"87-5-210. Captive breeding of raptors -- permit -- fee**
17 **---transfer and revocation---** rules. (1) The department may
18 grant permits to a person, whether or not licensed under
19 this part, for the taking and holding of raptors for captive
20 breeding purposes under such conditions, consistent with
21 this part and with rules adopted by the commission, as the
22 department may specify in the permit. THE COMMISSION MAY SET
23 PERMIT QUALIFICATIONS AND FEES BY RULE.

24 ~~{2}~~ The fee for a captive breeding permit is \$20 a
25 year.

1 ~~{2}--Captive--breeding--permits--are--not--transferable--and~~
2 ~~may--be--revoked--at--any--time--by--the--department--for--violation~~
3 ~~of--any--conditions--of--the--permit--or--regulations--of--the~~
4 ~~department.~~

5 {3} CAPTIVE BREEDING PERMITS ARE NOT TRANSFERABLE AND
6 MAY BE REVOKED AT ANY TIME BY THE DEPARTMENT FOR VIOLATION
7 OF ANY CONDITIONS OF THE PERMIT OR REGULATIONS OF THE
8 COMMISSION.

9 ~~{4}{2}{3} The department--may commission shall adopt~~
10 ~~rules for--the--keeping--of--records--on--the--trapping--taking~~
11 ~~possession--propagation--and--release--of--and--the--sale--of~~
12 ~~progeny--of regarding raptors taken and held for captive~~
13 ~~breeding projects. Rules adopted under this section are~~
14 ~~intended to conform to standards and regulations adopted~~
15 ~~under federal law BY BEING AT LEAST AS RESTRICTIVE."~~

16 NEW SECTION. Section 3. Repealer. Sections SECTION
17 87-5-206 and 87-5-208, MCA, are IS repealed.

-End-

1 HOUSE BILL NO. 403

2 INTRODUCED BY SPRING, MCCARTHY, ELLISON, REAM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FISH AND
5 GAME COMMISSION TO REGULATE CERTAIN ASPECTS OF THE USE AND
6 BREEDING OF RAPTORS AND THE SPORT OF FALCONRY BY
7 ADMINISTRATIVE RULE, IN ORDER TO MAINTAIN CONFORMITY WITH
8 FEDERAL LAW; AMENDING SECTIONS 87-5-204 AND 87-5-210, MCA;
9 AND REPEALING SECTIONS SECTION 87-5-206 AND 87-5-208, MCA."
10

11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because
13 87-5-204 and 87-5-210 require the fish and game commission
14 to adopt rules regarding certain aspects of the use and
15 breeding of raptors and the sport of falconry. Because the
16 regulation of raptors and the sport of falconry are in large
17 part regulated by federal law and because detailed and
18 precise standards are rapidly changing, the rules must
19 comply with federal law and regulations as adopted or
20 amended from time to time. The legislature recognizes that
21 the commission has the power to determine the extent and
22 nature of measures that control wildlife in Montana and that
23 the commission's expertise makes it the proper forum for
24 addressing the regulation of raptors and the sport of
25 falconry. At a minimum, the rules must address:

1 (1) the regulation of raptors and restrictions on
2 taking, possessing, and selling raptors, including:

3 (a) the number of raptors that may legally be
4 possessed;

5 (b) appropriate times and areas for trapping raptors
6 and removing of raptors from the nest;

7 (c) notification requirements regarding transfer of
8 ownership;

9 (d) permitting requirements regarding sale and
10 transportation of raptors; and

11 (e) possession of and hunting with raptors by
12 nonresidents;

13 (2) licenses and rules for falconry and the allowable
14 uses of raptors in the sport of falconry, including:

15 (a) appropriate falconry license fees;

16 (b) age requirements regarding issuance of falconry
17 licenses;

18 (c) the necessity of possessing other valid game
19 licenses when practicing falconry; and

20 (d) the transfer and revocation of falconry licenses;
21 and

22 (3) the regulation of captive breeding of raptors,
23 including:

24 (a) appropriate breeding permit fees;

25 (b) transferability and revocation of breeding permits;

THIRD READING

HB 403

1 and

2 (c) any other aspects of captive breeding considered
3 appropriate by the commission.

4
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

6 **Section 1.** Section 87-5-204, MCA, is amended to read:

7 **"87-5-204. License and rules for falconry and raptors.**

8 ~~(1)~~ (1) The department may commission shall adopt specific
9 rules for the keeping of records and for the trapping,
10 taking, possession by residents and nonresidents, selling or
11 transfer of possession, or training of raptors used in the
12 practice of falconry and may authorize the issuance of
13 licenses to persons for the practice of falconry AND SET
14 LICENSE QUALIFICATIONS AND FEES. Rules adopted under this
15 section are intended to conform to standards and regulations
16 adopted under federal law BY BEING AT LEAST AS RESTRICTIVE.

17 Except as provided in 87-5-210, it is unlawful for any
18 person to possess a raptor or to train a raptor in the
19 practice of falconry without a license.

20 ~~(2)--The-fee-for-a-falconry-license-is-\$3-a-year-or-any~~
21 ~~part-of-a-year--A-license-expires-April-30-each-year--~~

22 ~~(3)--A-license-may-not-be-issued-to-a-person-under-the~~
23 ~~age-of-12-years--~~

24 ~~(4)--Licensees-shall-have-in-possession-a-valid~~
25 ~~falconer's-license-when-engaged-in-the-practice-of-falconry--~~

1 ~~In-addition,falconers-losing-raptors-at-game-birds-shall~~
2 ~~have-in-possession-a-valid-resident-or-nonresident-upland~~
3 ~~game-bird-license-or-waterfowl-stamp,as-appropriate--~~

4 ~~(5)--Falconry--licenses--or--permits--are--not--transferable~~
5 ~~and-may-be--revoked--for--due--cause--at--any--time--by--the~~
6 ~~department--~~

7 (2) LICENSEES MUST HAVE IN POSSESSION A VALID
8 FALCONER'S LICENSE WHEN ENGAGED IN THE PRACTICE OF FALCONRY.
9 IN ADDITION, FALCONERS LOSING RAPTORS AT GAME BIRDS MUST
10 HAVE IN POSSESSION A VALID RESIDENT OR NONRESIDENT UPLAND
11 GAME BIRD LICENSE OR WATERFOWL STAMP, AS APPROPRIATE.

12 (3) FALCONRY LICENSES OR PERMITS ARE NOT TRANSFERABLE
13 AND MAY BE REVOKED FOR DUE CAUSE AT ANY TIME BY THE
14 DEPARTMENT."

15 **Section 2.** Section 87-5-210, MCA, is amended to read:

16 **"87-5-210. Captive breeding of raptors -- permit -- fee**
17 **---transfer-and-revocation---** rules. (1) The department may
18 grant permits to a person, whether or not licensed under
19 this part, for the taking and holding of raptors for captive
20 breeding purposes under such conditions, consistent with
21 this part and with rules adopted by the commission, as the
22 department may specify in the permit. THE COMMISSION MAY SET
23 PERMIT QUALIFICATIONS AND FEES BY RULE.

24 ~~(2)--The-fee-for-a-captive--breeding--permit--is--\$20--a~~
25 ~~year--~~

1 ~~{2}--Captive--breeding--permits--are--not--transferable--and~~
2 ~~may--be--revoked--at--any--time--by--the--department--for--violation~~
3 ~~of--any--conditions--of--the--permit--or--regulations--of--the~~
4 ~~department.~~

5 {3} CAPTIVE BREEDING PERMITS ARE NOT TRANSFERABLE AND
6 MAY BE REVOKED AT ANY TIME BY THE DEPARTMENT FOR VIOLATION
7 OF ANY CONDITIONS OF THE PERMIT OR REGULATIONS OF THE
8 COMMISSION.

9 ~~{4}{2}{3}~~ The department--may commission shall adopt
10 ~~rules for the keeping of records on, the trapping, taking,~~
11 ~~possession, propagation, and release of, and the sale of~~
12 ~~progeny of~~ regarding raptors taken and held for captive
13 breeding projects. Rules adopted under this section are
14 intended to conform to standards and regulations adopted
15 under federal law BY BEING AT LEAST AS RESTRICTIVE."

16 NEW SECTION. Section 3. Repealer. Sections SECTION
17 87-5-206 and 87-5-208, MCA, are IS repealed.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 8, 1991

MR. PRESIDENT:

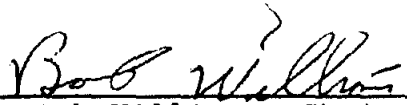
We, your committee on Fish and Game having had under consideration House Bill No. 403 (third reading copy -- blue), respectfully report that House Bill No. 403 be amended and as so amended be concurred in:

1. Title, line 8.
Following: "87-5-204"
Insert: ", 87-5-208,"

2. Page 5.
Following: line 15
Insert: "Section 3. Section 87-5-208, MCA, is amended to read:
"87-5-208. Nonresidents allowed raptors in state.
~~Nonresidents who are working, attending schools, or otherwise living temporarily in the state of Montana may obtain a Montana falconry license and bring raptors, legally acquired in other states or countries, into the state of Montana. Such nonresidents shall be~~ (1) A nonresident who possesses a valid federal falconry license may practice falconry in the state of Montana with legally acquired and permitted raptors. A nonresident is allowed to hunt with falcons in the state of Montana subject to all Montana laws and rules.
(2) A nonresident is not allowed to capture raptors from the wild in the state of Montana for falconry or captive breeding purposes."

Renumber: subsequent section

Signed: _____


Bob Williams, Chairman

jc3-8-91
Amd. Coord.

SB 3-8 1:20
Sec. of Senate

SENATE
HB 403

HOUSE BILL NO. 403

INTRODUCED BY SPRING, MCCARTHY, ELLISON, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FISH AND GAME COMMISSION TO REGULATE CERTAIN ASPECTS OF THE USE AND BREEDING OF RAPTORS AND THE SPORT OF FALCONRY BY ADMINISTRATIVE RULE, IN ORDER TO MAINTAIN CONFORMITY WITH FEDERAL LAW; AMENDING SECTIONS 87-5-204, 87-5-208, AND 87-5-210, MCA; AND REPEALING SECTIONS SECTION 87-5-206 AND 87-5-208, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because 87-5-204 and 87-5-210 require the fish and game commission to adopt rules regarding certain aspects of the use and breeding of raptors and the sport of falconry. Because the regulation of raptors and the sport of falconry are in large part regulated by federal law and because detailed and precise standards are rapidly changing, the rules must comply with federal law and regulations as adopted or amended from time to time. The legislature recognizes that the commission has the power to determine the extent and nature of measures that control wildlife in Montana and that the commission's expertise makes it the proper forum for addressing the regulation of raptors and the sport of

falconry. At a minimum, the rules must address:

- (1) the regulation of raptors and restrictions on taking, possessing, and selling raptors, including:
(a) the number of raptors that may legally be possessed;
(b) appropriate times and areas for trapping raptors and removing of raptors from the nest;
(c) notification requirements regarding transfer of ownership;
(d) permitting requirements regarding sale and transportation of raptors; and
(e) possession of and hunting with raptors by nonresidents;
(2) licenses and rules for falconry and the allowable uses of raptors in the sport of falconry, including:
(a) appropriate falconry license fees;
(b) age requirements regarding issuance of falconry licenses;
(c) the necessity of possessing other valid game licenses when practicing falconry; and
(d) the transfer and revocation of falconry licenses;
and
(3) the regulation of captive breeding of raptors, including:
(a) appropriate breeding permit fees;



(b) transferability and revocation of breeding permits;
and

(c) any other aspects of captive breeding considered appropriate by the commission.

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

Section 1. Section 87-5-204, MCA, is amended to read:

***87-5-204. License and rules for falconry and raptors.**

~~(1)~~ (1) The department--may commission shall adopt specific rules for the keeping of records and for the trapping, taking, possession by residents and nonresidents, selling or transfer of possession, or training of raptors used in the practice of falconry and may authorize the issuance of licenses to persons for the practice of falconry AND SET LICENSE QUALIFICATIONS AND FEES. Rules adopted under this section are intended to conform to standards and regulations adopted under federal law BY BEING AT LEAST AS RESTRICTIVE.

Except as provided in 87-5-210, it is unlawful for any person to possess a raptor or to train a raptor in the practice of falconry without a license.

~~(2)--The-fee-for-a-falconry-license-is-\$3-a-year-or--any part-of-a-year.--A-license-expires-April-30-each-year.~~

~~(3)--A--license--may-not-be-issued-to-a-person-under-the age-of-12-years.~~

~~(4)--Licensees--shall--have--in--possession--a--valid~~

~~falconer's license when engaged in the practice of falconry. In addition, falconers loosing raptors at game birds shall have in possession a valid resident or nonresident upland game bird license or waterfowl stamp, as appropriate.~~

~~(5)--Falconry--licenses--or--permits--are--not--transferable and may be revoked for due cause at any time by the department.~~

(2) LICENSEES MUST HAVE IN POSSESSION A VALID FALCONER'S LICENSE WHEN ENGAGED IN THE PRACTICE OF FALCONRY. IN ADDITION, FALCONERS LOOSING RAPTORS AT GAME BIRDS MUST HAVE IN POSSESSION A VALID RESIDENT OR NONRESIDENT UPLAND GAME BIRD LICENSE OR WATERFOWL STAMP, AS APPROPRIATE.

(3) FALCONRY LICENSES OR PERMITS ARE NOT TRANSFERABLE AND MAY BE REVOKED FOR DUE CAUSE AT ANY TIME BY THE DEPARTMENT."

Section 2. Section 87-5-210, MCA, is amended to read:

***87-5-210. Captive breeding of raptors -- permit -- fee --transfer-and-revocation-- rules.** (1) The department may grant permits to a person, whether or not licensed under this part, for the taking and holding of raptors for captive breeding purposes under such conditions, consistent with this part and with rules adopted by the commission, as the department may specify in the permit. THE COMMISSION MAY SET PERMIT QUALIFICATIONS AND FEES BY RULE.

~~(2)--The-fee-for-a-captive--breeding--permit--is--\$20--a~~

1 year.

2 ~~(2) Captive breeding permits are not transferable and~~
3 ~~may be revoked at any time by the department for violation~~
4 ~~of any conditions of the permit or regulations of the~~
5 ~~department.~~

6 (3) CAPTIVE BREEDING PERMITS ARE NOT TRANSFERABLE AND
7 MAY BE REVOKED AT ANY TIME BY THE DEPARTMENT FOR VIOLATION
8 OF ANY CONDITIONS OF THE PERMIT OR REGULATIONS OF THE
9 COMMISSION.

10 ~~(4)(2)(3) The department may commission shall adopt~~
11 ~~rules for the keeping of records on the trapping, taking,~~
12 ~~possession, propagation and release of, and the sale of~~
13 ~~progeny of regarding raptors taken and held for captive~~
14 ~~breeding projects. Rules adopted under this section are~~
15 ~~intended to conform to standards and regulations adopted~~
16 ~~under federal law BY BEING AT LEAST AS RESTRICTIVE."~~

17 **SECTION 3.** SECTION 87-5-208, MCA, IS AMENDED TO READ:

18 "87-5-208. Nonresidents allowed raptors in state.
19 Nonresidents who are working, attending schools, or
20 otherwise living temporarily in the state of Montana may
21 obtain a Montana falconry license and bring raptors, legally
22 acquired in other states or countries, into the state of
23 Montana. Such nonresidents shall be (1) A nonresident who
24 possesses a valid federal falconry license may practice
25 falconry in the state of Montana with legally acquired and

1 permitted raptors. A nonresident is allowed to hunt with
2 falcons in the state of Montana subject to all Montana laws
3 and rules.

4 (2) A nonresident is not allowed to capture raptors
5 from the wild in the state of Montana for falconry or
6 captive breeding purposes."

7 NEW SECTION. Section 4. Repealer. Sections SECTION
8 87-5-206 and 87-5-208, MCA, are IS repealed.

-End-