

Opinion No. 36**Fish and Game—Septuagenarians—Class A License—Class A-1 License—Class C License—Section 26-202.1 (1), (2), (9), (11), RCM, 1947**

Held: A septuagenarian's proof of age is equivalent to the possession of a Class A license. Septuagenarians need not purchase a Class A license to obtain a Class A-1 or Class C license.

December 12, 1957

Mr. W. J. Everin
Fish and Game Department
Helena, Montana

Dear Mr. Everin:

You have requested my opinion whether a person who has attained the age of seventy years is or is not required to purchase a Class A license before a Class A-1 or Class C license may be issued to him.

An applicant is entitled to a resident game bird and fishing permit, Class A license, upon payment of a three dollar fee. However, a person who is seventy years of age is entitled to fish and hunt game birds without purchasing a Class A license. The septuagenarian must carry proof of his age in lieu of a Class A license. Section 26-202.1 (1), (11), as amended by Chapters 16 and 100, Laws of 1957.

Paragraph 2 of Section 26-202.1 provides in part:

“. . . any holder of a Class A license . . . upon payment of an additional sum of three dollars (\$3.00), be entitled to a Class A-1 license, which will entitle the holder to . . . hunt . . . game animals . . .”

Paragraph 9 of Section 26-202.1 permits the holder of a Class A license to obtain a Class C license upon payment of a ten dollar fee.

Section 12-202, RCM, 1947, requires the statutes of this state to be liberally construed to effect their legislative object. The purpose sought to be achieved by legislative acts are of prime consideration in the interpretation of an act. *Corwin v. Bieswanger*, 126 Mont. 337, 340, 251 Pac. (2d) 232. In this instance, the intent of the legislature was to exempt septuagenarians from the payment of the three dollar license fee which is generally required to obtain a Class A license.

The effect of Section 26-202.1 (11), *supra*, is that a septuagenarian is *ipso facto* entitled to fish and hunt game birds without paying a three dollar fee for a Class A license. The proof of his age is equivalent to the possession of a Class A license and is a Class A license for purposes of the fish and game statutes.

However, if a septuagenarian desires to hunt big game he must pay a fee of three dollars for a Class A-1 license. Section 26-202.1 (2) refers to the payment of an "additional sum of three dollars". This phrase is applicable only to applicants who are required to pay a fee of three dollars for a Class A license. The purpose of this phrase is to indicate the possession of a Class A license does not entitle the holder thereof to hunt big game. The phrase cannot be construed to require a septuagenarian to now pay three dollars for a Class A license if he desires to obtain a Class A-1 license.

Section 26-202.1 (9) *supra*, permits the holder of a Class A license to obtain a trapper's permit, a Class C license, upon payment of a ten dollar fee. As previously stated, the proof of a septuagenarian's age is equivalent to the possession of a Class A license. The septuagenarian applicant need only prove his age and pay the ten dollar fee and he may receive a Class C license.

Therefore, it is my opinion that a septuagenarians proof of age is equivalent to the possession of a Class A license. A septuagenarian need not purchase a Class A license before he may obtain a Class A-1 or Class C license. A septuagenarian is only required to pay three dollars for a Class A-1 license and ten dollars for a Class C license.

Very truly yours,
FORREST H. ANDERSON
Attorney General