

No. 279

FISH AND GAME—FIREARMS—GAME PRESERVES

Held: It is a violation of Section 3776.8, Revised Codes of Montana, 1935, for any person to carry a firearm on the Little Saint Joe Game Preserve without a permit issued by the State Game Warden so to do.

October 22, 1941.

Mr. Walter T. Murphy
County Attorney
Mineral County
Superior, Montana

Dear Mr. Murphy:

You have asked for my opinion whether or not an Idaho hunter can carry firearms while traversing the Little Saint Joe Game Preserve.

Section 3776.7, Revised Codes of Montana, 1935, establishes the Little Saint Joe Game Preserve, and Section 3776.8, Revised Codes of Montana, 1935, makes it a misdemeanor to carry a firearm on this preserve without a permit from the State Fish and Game Warden so to do. Said Section 3776.8, Revised Codes of Montana, 1935, reads as follows:

“It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed any game animal or birds of any kind whatever, within the limits of said preserve; or to carry or discharge any firearms, or to create any unusual

disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink or other predatory animals or birds, or for carrying firearms, may be issued by the state game warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the state game and fish commission. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment."

It is therefore my opinion it is a violation of Section 3776.8, Revised Codes of Montana, 1935, for any person to carry a firearm on the Little Saint Joe Game Preserve without a permit issued by the State Game Warden so to do.

Sincerely yours,

JOHN W. BONNER
Attorney General