LC J635

INTRODUCED BY KVaalen W. Bach Magon Free 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 4 25-215, R.C.M. 1947, TO PROHIBIT THE USE OF ARTIFICIAL ñ LIGHTS OF GREATER LUMINANCE THAN .75 CANDLEPOWER WHILE 6 7 HUNTING NON-GAME BIRDS AND ANIMALS; AND PROVIDING A PENALITY." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10

Section 1. Section 26-215, R.C.M. 1947, is amended to read as follows:

"26-215. Exemption from general provisions. (a) (1) 13 The provisions of the fish and game laws shall not apply to 14 persons pursuing, hunting, capturing, shooting, killing, 15 taking or trapping, or attempting to kill, take or trap 16 ground squirrels, predatory mammals, prairie dogs, 17 ackrabbits, gophers, or house sparrows, crows, blackbirds, 13 magpies, starlings and rock doves, which may be pursued, 19 shot, trapped, possessed or nunted, taken, killed, 20 transported at any time except as specifically set forth 21 22 herein and enforced pursuant to section 26-324.

(b) (2) It shall be illegal to--hunt--jackrabbits--on
 private-land-with-artificial-light-unless-written-permission
 of--the--landownersy--lessee--or--agent-is-obtained-to hunt,

1	take, capture, shoot, kill, trap (or attempt to do any of
2	the foregoing) any animal or bird not subject to section
3	26-301 (1), with the aid of an artificial light having a
4	luminance greater than .75 candlepower. This subsection
5	does not apply to law enforcement officers, federal or state
6	employees, or any officer authorized to enforce the game or
7	livestock laws of the state, while in the performance of
8	their official duties.
9	(c) <u>(3)</u> Minors under fifteen (15) years of age may
10	fish for and take fish, during the open season without a
11	license; provided, however, that no nonresident person,
12	under the age of fifteen (15) years, shall fish in or on any
13	Montana waters without first having obtained a Class B, B-2
14	or B-3 fishing license, unless such nonresident person under
15	the age of fifteen (15) years shall be in the company of an
16	adult in possession of a valid Montana fishing license,
17	provided that the limit of fish for such nonresident person
18	and the accompanying adult combined shall not exceed the
19	limit for one adult as established by law or by regulation
20	of the commission.
21	(4) A person convicted of violating subsection (2) of
22	this section shall be fined not to exceed five hundred

- 22 this section shall be fined not to exceed five hundred
- 23 dollars (\$500) or be imprisoned in the county jail for any
- 24 term not to exceed six (6) months, or both.

HB195

INTRODUCED BILL

LC 0635

LC 0635

Objection Raised to Adverse Committee Report

Zlouse BILL NO. 195 Thopp the bing Kvaalen W. Baeth Magone Forge 1 2 INTRODUCED BY 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 5 26-215, R.C.M. 1947, TO PROHIBIT THE USE OF ARTIFICIAL 6 LIGHTS OF GREATER LUMINANCE THAN .75 CANDLEPOWER WHILE 7 HUNTING NON-GAME BIRDS AND ANIMALS; AND PROVIDING A 8 PENALITY."

9

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

Section 1. Section 26-215, R.C.M. 1947, is amended to read as follows:

"26-215. Exemption from general provisions. (e) (1) 13 The provisions of the fish and game laws shall not apply to 14 persons pursuing, hunting, capturing, shooting, killing, 15 taking or trapping, or attempting to kill, take or trap 16 predatory mammals, prairie dogs, ground squirrels, 17 jackrabbits, gophers, or house sparrows, crows, blackbirds, 18 magpies, starlings and rock doves, which may be pursued, 19 trapped, possessed or 20 hunted, taken, killed, shot, transported at any time except as specifically set forth 21 herein and enforced pursuant to section 26-324. 22

(b) (2) It shall be illegal to--hunt--jackrabbits--on
 private-land-with-artificial-light-unless-written-permission
 of--the--landownersy--lessee--or--agent-is-obtained-to hunt,

SECOND READING

1	take, capture, shoot, kill, trap (or attempt to do any of
2	the foregoing) any animal or bird not subject to section
3	26-301 (1), with the aid of an artificial light having a
4	luminance greater than .75 candlepower. This subsection
5	does not apply to law enforcement officers, federal or state
6	employees, or any officer authorized to enforce the game or
7	livestock laws of the state, while in the performance of
8	their official duties.
9	(3) Minors under fifteen (15) years of age may
10	fish for and take fish, during the open season without a
11	license; provided, however, that no nonresident person,
12	under the age of fifteen (15) years, shall fish in or on any
13	Montana waters without first having obtained a Class B, B-2
14	or B-3 fishing license, unless such nonresident person under
15	the age of fifteen (15) years shall be in the company of an
16	adult in possession of a valid Montana fishing license,
17	provided that the limit of fish for such nonresident person
18	and the accompanying adult combined shall not exceed the
19	limit for one adult as established by law or by regulation
20	of the commission.
21	(4) A person convicted of violating subsection (2) of
22	this section shall be fined not to exceed five hundred
23	dollars (\$500) or be imprisoned in the county jail for any
24	term not to exceed six (6) months, or both.

-End-

-2-HR 193

HB 0195/02

1	HOUSE BILL NO. 195	1	of-the-landownersy-lessee-oragentisobtained to hunt,
2	INTRODUCED BY KVAALEN, W. BAETH, MAGONE, FAGG,	2	take, capture, shoot, kill, trap (or attempt to do any of
3	KROPP, HUBING	3	the foregoing) any WILD animal or bird not subject to
4		4	section 26-301 (1), with the aid of an artificial light
5	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION	5	having a luminance greater than .75 candlepower. This
6	26-215, R.C.M. 1947, TO PROHIBIT THE USE OF ARTIFICIAL	6	subsection does not apply to law enforcement officers,
7	LIGHTS OF GREATER LUMINANCE THAN .75 CANDLEPOWER WHILE	7	federal or state employees, or any officer authorized to
8	HUNTING NON-GAME NONGAME BIRDS AND ANIMALS; AND PROVIDING A	8	enforce the game or livestock laws of the state, while in
ç	PENALITY PENALTY."	9	the performance of their official duties.
10		10	(e) (3) Minors under fifteen (15) years of age may
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	fish for and take fish, during the open season without a
12	Section 1. Section 26-215, R.C.M. 1947, is amended to	12	license; provided, however, that no nonresident person,
13	read as follows:	13	under the age of fifteen (15) years, shall fish in or on any
14	"26-215. Exemption from general provisions. (a) (1)	14	Montana waters without first having obtained a Class B, $B-2$
15	The provisions of the fish and game laws shall not apply to	15	or B-3 fishing license, unless such nonresident person under
16	persons pursuing, hunting, capturing, shooting, killing,	16	the age of fifteen (15) years shall be in the company of an
17 ·	taking or trapping, or attempting to kill, take or trap	17	adult in possession of a valid Montana fishing license,
18	predatory mammals, prairie dogs, ground squirrels,	18	provided that the limit of fish for such nonresident person
19	jackrabbits, gophers, or house sparrows, crows, blackbirds,	19	and the accompanying adult combined shall not exceed the
20	magpies, starlings and rock doves, which may be pursued,	20	limit for one adult as established by law or by regulation
21	hunted, taken, killed, shot, trapped, possessed or	21	of the commission.
22	transported at any time except as specifically set forth	22	(4) A person convicted of violating subsection (2) of
23	herein and enforced pursuant to section 26-324.	23	this section shall be fined not to exceed five hundred
24	(b) <u>(2)</u> It shall be illegal tohuntjackrabbitson	24	dollars (\$500) or be imprisoned in the county jail for any
25	private-land-with-artificial-light-unless-written-permission	25	term not to exceed six (6) months, or both."
			-End-

SENATE COMMITTEE ON NATURAL RESOURCES AND FISH AND GAME

AMENDMENTS TO HOUSE BILL NO. 195

That House Bill No. 195, third reading, be amended as follows:

1. Amend title, line 8. Strike: "HUNTING <u>NONGAME</u> BIRDS AND ANIMALS" Insert: "in possession of a firearm or other implement capable of killing wildlife or domestic animals"

2. Amend section 1, page 1, line 14. Following: "(1)" Strike: Subsections 1 and 2 in the

Subsections 1 and 2 in their entirety "It shall be unlawful for any person or one (1) or Insert: more of a group of persons together to throw or cast the rays of a spotlight having a luminance of greater than .75 candlepower or other artificial light into any field, pasture, woodland, forest or prairie wherein wildlife or domestic livestock may be, or may be reasonably expected to be, while having in his possession or their possession or under control a firearm or other implement whereby any wildlife or domestic animal could be killed by aid of an artificial light; provided, however, that all officers authorized to enforce the game and livestock laws of the state of Montana and all landowners or their agents, while on their own lands in connection with their legitimate activities, and employees of such landowners and agents shall be exempt from the provisions of this act."

Renumber:

Subsequent subsections

HB 0195/04

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1	HOUSE BILL NO. 195
2	INTRODUCED BY KVAALEN, W. BAETH, MAGONE, FAGG,
3	KROPP, HUBING
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
6	26-215, R.C.M. 1947, TO PROHIBIT THE USE-OF-ARTIFICIAL
7	LIGHTS CASTING OF SPOTLIGHTS OF GREATER LUMINANCE THAN .75
8	CANDLEPOWER ATTACHED TO A MOTORIZED VEHICLE WHILE HUNTING
9	NON-GAME NONGAME BIRDSANDANIMALS IN POSSESSION OF A
10	FIREARM OR OTHER IMPLEMENT CAPABLE OF KILLING WILDLIFE OR
11	DOMESTIC ANIMALS; AND PROVIDING A PENALITY PENALTY."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 26-215, R.C.M. 1947, is amended to
15	read as follows:
16	"26-215. Exemption from general provisions. (a) <u>(1)</u>
17	The-provisions-of-the-fish-and-game-laws-shall-not-applyto
18	personspursuingyhuntingycapturingyshootingy-killingy
19	taking-or-trapping7-or-attemptingtokill7takeortrap
20	predatorymammals7prairiedogs7groundsquirrels7
21	jackrabbits7-gophers7-or-house-sparrows7-crows7blackbirds7
22	magpies,starlingsandrockdoves,-which-may-be-pursued,
2 3	huntedytakenykilledyshotytrappedypossessedor
24	transportedatanytimeexcept-as-specifically-set-forth
25	herein-and-enforced-pursuant-to-section-26-324-

1	(b) (2) It-shall-be-illegaltohuntjackrabbitson
2	private-land-with-artificial-light-unless-written-permission
3	ofthelandownersylesseeoragent-is-obtained to-hunty
4	taker-capturer-shooty-killy-trap-(or-attempt-todoanyof
5	theforegoing}any WHAB animalorbirdnot-subject-to
6	scetion-26-301-(1);-with-theaidofanartificiallight
7	havingaluminancegreaterthan75candlepowerThis
8	subsection-doesnotapplytolawenforcementofficers;
9	federalorstateemployeesyor-any-officer-authorized-to
10	enforce-the-game-or-livestock-laws-of-thestateywhilein
11	theperformanceoftheirofficialduties. IT SHALL BE
12	UNLAWFUL FOR ANY PERSON OR ONE (1) OR MORE OF A GROUP OF
13	PERSONS TOGETHER TO THROW OR CAST THE RAYS OF A SPOTLIGHT
14	HAVING A LUMINANCE OF GREATER THAN .75 CANDLEPOWER OROTHER
15	ARTIFICIAL-LIGHT ATTACHED TO OR CAST FROM A MOTORIZED
16	VEHICLE INTO ANY FIELD, PASTURE, WOODLAND, FOREST OR PRAIRIE
17	WHEREIN WILDLIFE OR DOMESTIC LIVESTOCK MAY BE, OR MAY BE
18	REASONABLY EXPECTED TO BE, WHILE HAVING IN HIS POSSESSION OR
19	THEIR POSSESSION OR UNDER CONTROL A FIREARM OR OTHER
20	IMPLEMENT WHEREBY ANY WILDLIFE OR DOMESTIC AVIMAL COULD BE
21	KILLED BY AID OF AN ARTIFICIAL LIGHT; PROVIDED, HOWEVER,
22	THAT ALL OFFICERS AUTHORIZED TO ENFORCE THE GAME AND
23	LIVESTOCK LAWS OF THE STATE OF MONTANA AND ALL LANDOWNERS,
24	LESSEES, OR THEIR AGENTS, WHILE ON THEIR OWN LANDS IN
25	CONNECTION WITH THEIR LEGITIMATE ACTIVITIES, AND EMPLOYEES

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HB 195

1	OF SUCH LANDOWNERS, LESSEES, AND AGENTS SHALL BE EXEMPT FROM
2	THE PROVISIONS OF THIS ACT.
3	(2) PROVIDED THE PROVISIONS OF THIS SECTION SHALL NOT
4	APPLY WHERE THE HEADLIGHTS OF A MOTOR VEHICLE, OPERATING AND
5	PROCEEDING IN A NORMAL MANNER, ON ANY HIGHWAY OR ROADWAY
6	CAST A LIGHT UPON SUCH ANIMAL ON OR ADJACENT TO THE HIGHWAY
7	OR ROADWAY, AND THERE IS NO INTENT OR ATTEMPT TO LOCATE THAT
8	ANIMAL.
9	{c}<u>{3}</u>{2}(3) Minors under fifteen (15) years of age
10	may fish for and take fish, during the open season without a
11	license; provided, however, that no nonresident person,
12	under the age of fifteen (15) years, shall fish in or on any
13	Montana waters without first having obtained a Class B, B-2
14	or B-3 fishing license, unless such nonresident person under
15	the age of fifteen (15) years shall be in the company of an
16	adult in possession of a valid Montana fishing license,
17	provided that the limit of fish for such nonresident person
18	and the accompanying adult combined shall not exceed the
19	limit for one adult as established by law or by regulation
20	of the commission.

21 <u>(4)(3)(4)</u> A person convicted of violating subsection
22 (2) of this section shall be fined not to exceed five
23 hundred dollars (\$500) or be imprisoned in the county jail
24 for any term not to exceed six (6) months, or both."

-End-

-3- HB 195

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