

1 House BILL NO. 195 *Thopp*
 2 INTRODUCED BY Kveralen W. Barth *Magone* ~~FACE~~

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 PENALTY."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

23 ~~(b)~~ (2) It shall be illegal ~~to hunt jackrabbits on~~
 24 ~~private land with artificial light unless written permission~~
 25 ~~of the landowners, 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)~~ (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-
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HB 195

Objection Raised to Adverse Committee Report

INTRODUCED BY House BILL NO. 195 Thopp H. King
K. Walden W. Barth Maguire FACE

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

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. ~~(1)~~ (1) The provisions of the fish and game laws shall not apply to persons pursuing, hunting, capturing, shooting, killing, taking or trapping, or attempting to kill, take or trap predatory mammals, prairie dogs, ground squirrels, jackrabbits, gophers, or house sparrows, crows, blackbirds, magpies, starlings and rock doves, which may be pursued, hunted, taken, killed, shot, trapped, possessed or transported at any time except as specifically set forth 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 landowners, lessee or agent is obtained~~ to hunt,

take, capture, shoot, kill, trap (or attempt to do any of the foregoing) any animal or bird not subject to section 26-301 (1), with the aid of an artificial light having a luminance greater than .75 candlepower. This subsection does not apply to law enforcement officers, federal or state employees, or any officer authorized to enforce the game or livestock laws of the state, while in the performance of their official duties.

~~(c)~~ (3) Minors under fifteen (15) years of age may fish for and take fish, during the open season without a license; provided, however, that no nonresident person, under the age of fifteen (15) years, shall fish in or on any Montana waters without first having obtained a Class B, B-2 or B-3 fishing license, unless such nonresident person under the age of fifteen (15) years shall be in the company of an adult in possession of a valid Montana fishing license, provided that the limit of fish for such nonresident person and the accompanying adult combined shall not exceed the limit for one adult as established by law or by regulation of the commission.

(4) A person convicted of violating subsection (2) of this section shall be fined not to exceed five hundred dollars (\$500) or be imprisoned in the county jail for any term not to exceed six (6) months, or both.

-End-

-2- AB 195

HOUSE BILL NO. 195

INTRODUCED BY KVAALEN, W. BAETH, MAGONE, FAGG,

KROPP, HUBING

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

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. ~~(a)~~ (1) The provisions of the fish and game laws shall not apply to persons pursuing, hunting, capturing, shooting, killing, taking or trapping, or attempting to kill, take or trap predatory mammals, prairie dogs, ground squirrels, jackrabbits, gophers, or house sparrows, crows, blackbirds, magpies, starlings and rock doves, which may be pursued, hunted, taken, killed, shot, trapped, possessed or transported at any time except as specifically set forth 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 landowners, lessee or agent is obtained to hunt, take, capture, shoot, kill, trap (or attempt to do any of the foregoing) any WILD animal or bird not subject to section 26-301 (1), with the aid of an artificial light having a luminance greater than .75 candlepower. This subsection does not apply to law enforcement officers, federal or state employees, or any officer authorized to enforce the game or livestock laws of the state, while in the performance of their official duties.~~

~~(c)~~ (3) Minors under fifteen (15) years of age may fish for and take fish, during the open season without a license; provided, however, that no nonresident person, under the age of fifteen (15) years, shall fish in or on any Montana waters without first having obtained a Class B, B-2 or B-3 fishing license, unless such nonresident person under the age of fifteen (15) years shall be in the company of an adult in possession of a valid Montana fishing license, provided that the limit of fish for such nonresident person and the accompanying adult combined shall not exceed the limit for one adult as established by law or by regulation of the commission.

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

THIRD READING

-End-

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HB 195

March 4, 1975

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 NONGAME 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 their entirety

Insert: "It shall be unlawful for any person or one (1) or 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

HOUSE BILL NO. 195

INTRODUCED BY KVAALEN, W. BAETH, MAGONE, FAGG,

KROPP, HUBING

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 26-215, R.C.M. 1947, TO PROHIBIT THE USE-OF-ARTIFICIAL LIGHTS CASTING OF SPOTLIGHTS OF GREATER LUMINANCE THAN .75 CANDLEPOWER ATTACHED TO A MOTORIZED VEHICLE WHILE HUNTING NON-GAME NONGAME BIRDS--AND--ANIMALS IN POSSESSION OF A FIREARM OR OTHER IMPLEMENT CAPABLE OF KILLING WILDLIFE OR DOMESTIC ANIMALS; AND PROVIDING A PENALTY PENALTY."

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. (a) (1) ~~The provisions of the fish and game laws shall not apply to persons pursuing, hunting, capturing, shooting, killing, taking or trapping, or attempting to kill, take or trap predatory mammals, prairie dogs, ground squirrels, jackrabbits, gophers, or house sparrows, crows, blackbirds, magpies, starlings and rock doves which may be pursued, hunted, taken, killed, shot, trapped, possessed or transported at any time except as specifically set forth 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 landowners, lessee or agent is obtained to hunt, take, capture, shoot, kill, trap (or attempt to do any of the foregoing) any wild animal or bird not subject to section 26-301 (1) with the aid of an artificial light having a luminance greater than .75 candlepower. This subsection does not apply to law enforcement officers, federal or state employees, or any officer authorized to enforce the game or livestock laws of the state while in the performance of their official duties. IT SHALL BE UNLAWFUL FOR ANY PERSON OR ONE (1) OR 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 ATTACHED TO OR CAST FROM A MOTORIZED VEHICLE 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, LESSEES, OR THEIR AGENTS, WHILE ON THEIR OWN LANDS IN CONNECTION WITH THEIR LEGITIMATE ACTIVITIES, AND EMPLOYEES~~

4/2/75

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 ~~(e)(3)(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 ~~(4)(3)(4)~~ 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-