

1 *House* BILL NO. *288*
 2 INTRODUCED BY *W. Jesse Braden* *U. Barth* *Mulder*
 3 *Sheldon* *Stinson* *W. Barth* *Stoen*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 26-201, 46-1902 AND 46-1903, R.C.M. 1947, BY DELETING THE
 6 WOLF FROM THE PREDATORY AND WILD ANIMAL LIST, AND DELETING
 7 BLACK-FOOTED FERRET FROM THE FUR-BEARING ANIMALS LIST."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 26-201, R.C.M. 1947, is amended to
11 read as follows:

12 "26-201. Definitions. For the purpose of this act, the
13 following shall be construed, respectively to mean:

- 14 Commission. The state fish and game commission.
- 15 Person. The plural or singular, male or female, as the
- 16 case demands, including individual, associations,
- 17 partnerships, and corporations, unless the context otherwise
- 18 requires.

19 Open season. The time during which game birds, fish,
20 game and fur-bearing animals may be lawfully taken.

21 Closed season. The time during which game birds, fish,
22 game and fur-bearing animals may not be lawfully taken.

23 Angling or fishing. The taking of, or attempting to
24 take fish by hook and single line or single rod in hand or
25 within immediate control.

1 Upland game birds. Sharptail grouse, blue grouse,
2 prairie chicken, sage hen or sage grouse, fool hen, ruffed
3 grouse, commonly called native pheasant or native partridge,
4 quail, Chinese pheasant and Mongolian pheasant, commonly
5 called ring-necked pheasant, Hungarian partridge, ptarmigan,
6 wild turkey, and chukar partridge.

7 Migratory game birds. Waterfowl, including wild ducks,
8 wild geese, brant, and swans; cranes, including little
9 brown, sandhill and whooping cranes; rails, including coots,
10 gallinules, sora or other rails; shore birds, including
11 avocets, curlew, dowitcher, godwits, knots, upland plover,
12 killdeer, sandpipers, Wilson snipes or jacksnipes, snipes,
13 stilts, plovers, willets and yellow legs.

14 Nongame birds. All wild birds not defined herein as
15 upland game birds or migratory game birds, shall be deemed
16 nongame birds.

17 Game animals. Deer, elk, moose, antelope, caribou,
18 mountain sheep, mountain goat, mountain lion, and bear.

19 Fur-bearing animals. Marten or sable, otter, muskrat,
20 fisher, mink, and beaver. ~~and-black-footed-ferret~~

21 Predatory animals. Coyote, ~~wolf~~, weasel, skunk and
22 civet cat, and bobcat.

23 Game fish. All species of the family salmonidae (chars,
24 trout, salmon, grayling, and whitefish); all species of the
25 genus stizostedion (sandpike or sauger and walleyed pike or

1 yellowpike perch); all species of the genus esox (northern
2 pike, pickerei and muskellunge); all species of the genus
3 micropeterus (bass); all species of the genus polyodon
4 (paddlefish) and all species of the genus acipenser
5 (sturgeon).

6 Wild buffalo. Buffalo or bison which have not been
7 reduced to captivity."

8 Section 2. Section 46-1902, R.C.M. 1947, is amended to
9 read as follows:

10 "46-1902. Meaning of term "wild animal." For the
11 purpose of this act the term "wild animal" shall include
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13 depredations upon livestock."

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16 "46-1903. Department to supervise destruction of
17 predatory animals -- co-operation with other agencies --
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19 shall conduct the destruction, extermination, and control of
20 wild animals including ~~welf~~, wolverine, coyote, mountain
21 lion, lynx, cougar, bobcat and other wild animals predatory
22 in nature and capable of killing, destroying, maiming, or
23 injuring domestic livestock or domestic poultry; and the
24 protection and safeguarding of livestock and poultry in this
25 state, against depredations from these animals. The

1 department shall formulate the practical programs for
2 accomplishing these objectives in this state, and for
3 carrying out the programs in an efficient and practical
4 manner, responsive to the need for control in each area of
5 this state. The department shall adopt rules applicable to
6 predatory animal control, which are necessary and proper for
7 the systematic destruction of the wild animals by hunting,
8 trapping, and poisoning operations, and payments of
9 bounties. The department shall make field, area, range, or
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11 instructions to hunter and trapper personnel and others,
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13 seasons of the year, taking into consideration the habits,
14 presence, migrations, or movements of the animals, and their
15 attacks on livestock and poultry, either singly or in packs
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17 representatives of the federal government, including the
18 Biological Survey and the Fish and Wild Life Service, the
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20 commissioners, voluntary associations of stockgrowers,
21 sheepgrowers, ranchers, farmers, and sportsmen, and
22 corporations and individuals, in the systematic destruction
23 of wild animals by hunting, trapping, and poisoning
24 operations.

25 (2) The department shall administer and expend for

1 predatory animal extermination and control all money which
2 is made available to it, including the money from the levy
3 under section 84-5214, and all money which is made available
4 to the department by appropriations made by the legislature
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10 bounties in the discretion of the department, responsive to
11 the necessities of control in various areas of the state.

12 (3) This section does not interfere with or impair the
13 power and duties of the fish and game commission in the
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15 authorized by law, nor the obligation of the commission to
16 expend its funds in cooperation with the department, for
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-End-

HB 288

Approved by Comm.
on Fish and Game

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 3 *Sheldon Stinson* *Barth*
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4 (paddlefish) and all species of the genus acipenser
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-End-

HB 288

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3 SHELDEN, HUENNEKENS, R. BAETH, SLOAN, BARDANOUVE

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