

1 *House* BILL NO. *365*
 2 INTRODUCED BY *Russell Bush* *John L. Steel*
 3 *Magone* *TEAGUE* *Donner* *Stignella* *Aster* *Ellis*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 26-201 AND 26-344, R.C.M. 1947, TO PROVIDE FOR A DEFINITION
 6 OF NONGAME WILDLIFE AND TO REGULATE THE INTRODUCTION OR
 7 TRANSPLANTING OF NONGAME WILDLIFE INTO THE STATE."

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

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

11 "26-201. Definitions. For the purpose of this act, the
12 following shall be construed, respectively to mean:

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

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

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

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

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 kill-deer, 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, 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, pickerel 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 Nongame wildlife. Any wild mammal, bird, amphibian,
 9 reptile, fish, mollusk, crustacean, or other wild animal not
 10 otherwise legally classified by statute or regulation of
 11 this state."

12 Section 2. Section 26-344, R.C.M. 1947, is amended to
 13 read as follows:

14 "26-344. Restrictions on use of fish as bait --
 15 commission must authorize introduction of fish or game. The
 16 state fish and game commission shall have authority to
 17 prohibit the use of small fish as bait for catching fish in
 18 such waters as the commission shall designate. It shall have
 19 the power to promulgate such other regulations as are
 20 necessary to insure an adequate supply of fish in said
 21 waters, including the power to regulate fishing from boats
 22 or other floating devices and to regulate the use of fishing
 23 lures and/or baits in all waters of the state.

24 It shall be unlawful for any person or persons to
 25 transplant or introduce any fish or fish eggs into any body

1 of water in the state, and it shall be unlawful for any
 2 person or persons to transplant or introduce any species of
 3 game birds, ~~or~~ game and fur-bearing animals and nongame
 4 wildlife into the state of Montana without first having
 5 obtained authorization from the fish and game commission.

6 Any person found guilty of a violation of the
 7 provisions of this act shall be guilty of a misdemeanor and
 8 upon conviction thereof shall be punished as provided for in
 9 section 26-324."

-End-

Approved by Comm.
on Fish and Game

1 HOUSE BILL NO. 365
2 INTRODUCED BY R. BAETH, JOHNSTON, FINLEY, MAGONE,
3 TEAGUE, GWYNN, STAIGMILLER, ASHER, ELLIS
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9 Migratory game birds. Waterfowl, including wild ducks,
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11 brown, sandhill and whooping cranes; rails, including coots,
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 4 pike, pickerel and muskellunge); all species of the genus
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March 20, 1975

SENATE COMMITTEE ON JUDICIARY

AMENDMENTS TO HOUSE BILL NO. 364

That House Bill No. 364, third reading, be amended as follows:

1. Amend page 3, section 3, line 5.
Following: "January"
Strike: "1"
Insert: "3"

2. Amend page 3, section 3, lines 9 through 12.
Following: "expires."
Strike: lines 9 through 12 in their entirety
Insert: "If the justices fail to agree on designation of
a district within the required time, the justices
shall, in order of their length of service on the
court, select a district."

AND AS SO AMENDED, BE REPORTED WITHOUT RECOMMENDATION

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