

1 House BILL NO. 500
 2 INTRODUCED BY Steve Bellin
 3 By request
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 26-301, R.C.M. 1947, TO DELETE A RESTRICTION FOR HUNTING
 6 MIGRATORY WATERFOWL."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 26-301, R.C.M. 1947, is amended to
10 read as follows:

11 "26-301. Restrictions of manner of taking and
 12 possessing fish and game and powers of commission relating
 13 thereto. (1) It shall be unlawful for anyone to take,
 14 capture, shoot, kill, or attempt to take, capture, shoot or
 15 kill, any game animal, or game bird from any self propelled
 16 or drawn vehicle, or on, or from any public highway in the
 17 state of Montana, or by the aid or with the use of any set
 18 gun, jack-light, or other artificial light, trap, snare,
 19 salt lick, nor shall any such set gun, jack-light or other
 20 artificial light, trap, snare, salt lick or other device to
 21 entrap or entice game animals or game birds be used, made or
 22 set, nor may rifles be used to hunt or shoot upland game
 23 birds unless the use of rifles is permitted by the
 24 commission; provided, however, that this does not prohibit
 25 the shooting of wild waterfowl from blinds over decoys with

1 a shotgun only, not larger than a number ten (10) gauge
 2 fired from the shoulder, nor shall any game fish be caught,
 3 captured, or taken, or attempted to be caught, captured or
 4 taken by the aid or with the use of any gun, or trap, nor
 5 shall any such set gun, or trap or other device to entrap
 6 game fish be used, made, or set.

7 (2) (a) No game birds or game or fur-bearing animals
 8 shall be killed, taken or shot at from any aircraft, nor
 9 shall any aircraft be used for the purpose of concentrating,
 10 pursuing, driving, rallying or stirring up any game or
 11 migratory birds, game or fur-bearing animals, nor shall any
 12 powerboat, sailboat, or any boat under sail or any floating
 13 device towed by a powerboat, sailboat, or any boat under
 14 sail be used for the purpose of killing, capturing, taking,
 15 pursuing, concentrating, driving or stirring up any upland
 16 ~~game birds, or migratory waterfowl,~~ or game or fur-bearing
 17 animals.

18 (b) No person in an aircraft in the air shall spot or
 19 locate any game, or migratory bird, game or fur-bearing
 20 animals and communicate the location or approximate location
 21 thereof by any signals whatsoever, whether radio, visual or
 22 otherwise, to any person or persons then on the ground.

23 (3) No person shall take into a field or forest, or
 24 have in his possession while out hunting, any device or
 25 mechanism devised to silence, or muffle or minimize the

1 report of any firearms, whether such device or mechanism be
2 operated from or attached to any firearm.

3 (4) No person may use a shotgun to hunt, kill or shoot
4 deer except with loads as specified by the commission.

5 (5) No person shall chase with dogs any of the game or
6 fur-bearing animals as defined by the fish and game laws of
7 this state; provided, however, that livestock owners,
8 employees of the state fish and game commission and of the
9 federal fish and wildlife service may use dogs in pursuit of
10 stock-killing bears, and stock-killing mountain lions, or
11 other means of taking stock-killing bears and stock-killing
12 mountain lions except the use of the dead fall; providing,
13 however, that traps used in capturing bear shall be
14 inspected twice each day, which inspection shall be twelve
15 (12) hours apart; and provided further, that a person may
16 take game birds during the open season thereon with the aid
17 of a dog or dogs and any person or association organized for
18 the protection of game, may run field trials at any time
19 upon obtaining written permission from the state fish and
20 game director.

21 (6) The state fish and game commission shall have the
22 power to designate certain waters where set lines may be
23 used to fish for certain species of game or nongame fish,
24 and the commission may designate the number of hooks and
25 lines and the length of line or lines which may be used as

1 set lines.

2 (7) Game fish shall be taken only by angling, that is
3 by hook and single line in hand or single rod in hand, or
4 within immediate control; this does not prevent, however,
5 the snagging of paddlefish, coho (silver salmon), and
6 kokanee (sockeye salmon) when the commission shall declare
7 an open season when paddlefish, coho (silver salmon), and
8 kokanee (sockeye salmon) may be taken by snagging, the
9 taking of paddlefish with long bow and arrow when the
10 commission shall declare an open season when paddlefish may
11 be taken by long bow and arrow, the taking of walleyed pike,
12 sauger, northern pike and nongame fish with spear or gig
13 when the commission shall declare an open season for taking
14 walleyed pike, sauger, northern pike and nongame fish with
15 spear or gig, nor the use of landing net or gaff to land a
16 game fish after the same has been hooked by angling as above
17 specified, nor does it prevent the taking of minnows other
18 than game fish variety by the use or aid of a net not to
19 exceed twelve (12) feet in length and four (4) feet in
20 width, in such waters as may be designated by the
21 commission.

22 (8) No person, while hunting game animals or game birds
23 shall use a motor-driven vehicle on any other than an
24 established road or trail, unless he has reduced a big game
25 animal to possession and cannot easily retrieve said big

1 game animal, in which case a motor-driven vehicle may be
 2 used to retrieve the big game animal, provided that after
 3 such retrieval, such motor-driven vehicle is again returned
 4 to an established road or trail by the shortest possible
 5 route. For purposes of safety and allowing normal travel, a
 6 motor-driven vehicle may be parked on the roadside or
 7 directly adjacent to said road or trail. No person, while
 8 hunting game animals or game birds, shall drive or attempt
 9 to drive, run or attempt to run, molest or attempt to
 10 molest, flush or attempt to flush, or harass or attempt to
 11 harass any game animal or game bird with the use or aid of
 12 any motor-driven vehicle. No person, while hunting game
 13 animals or game birds shall drive through any retired
 14 cropland, brush area, slough area, timber area, open
 15 prairie, or unharvested or harvested cropland, except upon
 16 an established road or trail unless written permission has
 17 been given by the land owner and in possession of the
 18 hunter.

19 (9) Whenever said fish and game commission shall have
 20 made any orders, rules or regulations for the carrying out
 21 of the powers granted to it under this act, the same shall
 22 take effect and be in force from and after the publication
 23 and posting of notice of said orders, rules and regulations
 24 as required by the fish and game laws.

25 (10) The provisions of this section relating to methods

1 of herding, driving, capturing, taking, locating or
 2 concentrating of fish, game animals, game birds or
 3 fur-bearing animals do not apply to the department of fish
 4 and game, or any employee thereof, while acting within the
 5 scope and course of the powers and duties of the department.
 6 Any person violating any of the provisions of this
 7 section shall be deemed guilty of a misdemeanor and shall be
 8 punishable as provided by law."

-End-

HB 500

Approved by Comm.
on Fish and Game

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 2 INTRODUCED BY *Shaw Higgins*
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1 a shotgun only, not larger than a number ten (10) gauge
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 4 taken by the aid or with the use of any gun, or trap, nor
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 12 powerboat, sailboat, or any boat under sail or any floating
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 14 sail be used for the purpose of killing, capturing, taking,
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18 (b) No person in an aircraft in the air shall spot or
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 20 animals and communicate the location or approximate location
 21 thereof by any signals whatsoever, whether radio, visual or
 22 otherwise, to any person or persons then on the ground.

23 (3) No person shall take into a field or forest, or
 24 have in his possession while out hunting, any device or
 25 mechanism devised to silence, or muffle or minimize the

1 report of any firearms, whether such device or mechanism be
2 operated from or attached to any firearm.

3 (4) No person may use a shotgun to hunt, kill or shoot
4 deer except with loads as specified by the commission.

5 (5) No person shall chase with dogs any of the game or
6 fur-bearing animals as defined by the fish and game laws of
7 this state; provided, however, that livestock owners,
8 employees of the state fish and game commission and of the
9 federal fish and wildlife service may use dogs in pursuit of
10 stock-killing bears, and stock-killing mountain lions, or
11 other means of taking stock-killing bears and stock-killing
12 mountain lions except the use of the dead fall; providing,
13 however, that traps used in capturing bear shall be
14 inspected twice each day, which inspection shall be twelve
15 (12) hours apart; and provided further, that a person may
16 take game birds during the open season thereon with the aid
17 of a dog or dogs and any person or association organized for
18 the protection of game, may run field trials at any time
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21 (6) The state fish and game commission shall have the
22 power to designate certain waters where set lines may be
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7 an open season when paddlefish, coho (silver salmon), and
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9 taking of paddlefish with long bow and arrow when the
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 5 scope and course of the powers and duties of the department.
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 3 By request

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6 Any person violating any of the provisions of this
 7 section shall be deemed guilty of a misdemeanor and shall be
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-End-

HB 500

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2 INTRODUCED BY SLOAN, GILLIGAN

3 (BY REQUEST)

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