

1 *Senate* BILL NO. 358
 2 INTRODUCED BY *Romney*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 5 MANAGEMENT OF THE BOBCAT AS A GAME ANIMAL; AMENDING SECTIONS
 6 26-201, 26-201.1, 26-301, 26-303.5, 26-307, 46-1902, AND
 7 46-1903, R.C.M. 1947."
 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 purposes of this act,
 13 the 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, and
 19 bobcat.

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

22 Predatory animals. Coyote, wolf, weasel, skunk, and
 23 civet cat, ~~and beaver.~~

24 Game fish. All species of the family salmonidae (chars,
 25 trout, salmon, grayling, and whitefish); all species of the

1 genus stizostedion (sandpike or sauger and walleyed pike or
 2 yellowpike perch); all species of the genus esox (northern
 3 pike, pickerel and muskellunge); all species of the genus
 4 micropeterus (bass); all species of the genus polyodon
 5 (paddlefish) and all species of the genus acipenser
 6 (sturgeon).

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

9 Section 2. Section 26-202.1, R.C.M. 1947, is amended
 10 to read as follows:

11 "26-202.1. Licenses -- fees -- classifications of
 12 licenses -- fees and powers under licenses. (1) Class A
 13 license--Resident Fishing License. Any resident as defined
 14 by section 26-202.3, upon payment of a fee of five dollars
 15 (\$5) shall receive a Class A license which shall entitle the
 16 holder thereof to fish with hook and line or rod as
 17 authorized by regulations of the commission.

18 (2) Class A-1 license--Resident Game Bird License.
 19 Except as herein provided, any resident as defined by
 20 section 26-202.3, who is twelve (12) years of age or older,
 21 may, upon payment of a fee of two dollars (\$2) receive a
 22 Class A-1 license, which will entitle the holder to pursue,
 23 hunt, shoot and kill game birds and possess the dead bodies
 24 of game birds which are so authorized by regulations of the
 25 commission.

1 (a) No hunting licenses shall be issued to any resident
 2 person under the age of eighteen (18) years unless he
 3 presents to the person authorized to issue such license a
 4 certificate of competency as provided by this section.

5 The department of fish and game shall provide for a
 6 course of instruction in the safe handling of firearms and
 7 for the purpose may cooperate with any reputable association
 8 or organization having as one of its objectives the
 9 promotion of safety in the handling of firearms. The
 10 department may designate any person found by it to be
 11 competent to give instructions in the handling of firearms.
 12 A person so appointed shall give such course of instruction
 13 and upon the successful completion thereof shall issue to
 14 the person instructed a certificate of competency in the
 15 safe handling of firearms.

16 (3) Class A-2 License--Special Bow and Arrow License.
 17 Any holder of a Class A-1 license and any one of the
 18 following: a Class A-3, A-4, A-5, B-2, B-5 or B-6 license,
 19 may upon payment of an additional sum of three dollars (\$3)
 20 to any agent of the fish and game commission authorized to
 21 issue fishing and hunting licenses be entitled to a Class
 22 A-2 license, which shall authorize the holder thereof to
 23 pursue, hunt, shoot, and kill deer, antelope and elk with bow
 24 and arrow and to possess the carcass of deer, antelope and
 25 elk during a special season, as so licensed and in special

1 areas, as may be designated by the fish and game commission.

2 (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as
3 defined by section 26-202.3 who is twelve (12) years of age
4 or older, may upon payment of the proper fee or fees be
5 entitled to purchase one each of the following licenses:
6 Class A-3, Deer A Tag, three dollars (\$3); Class A-4, Deer B
7 Tag, five dollars (\$5); Class A-5 Elk Tag three dollars
8 (\$3); Class A-6, Black or Brown Bear Tag, five dollars (\$5);
9 which will entitle the holder to pursue, hunt, shoot, and
10 kill the game animal or animals authorized by the license
11 held and to possess the dead bodies of game animals of the
12 state which are so authorized by the regulation of the
13 commission.

14 (5) Class B License--Nonresident Fishing License. Any
15 person not a resident as defined in section 26-202.3, upon
16 payment of the sum of twenty dollars (\$20) to any agent of
17 the fish and game commission authorized to issue fishing and
18 hunting licenses, shall be entitled to a Class B license,
19 which shall entitle the holder thereof to fish with hook and
20 line as authorized by the rules and regulations of the
21 commission.

22 (6) Class B-1 License--Nonresident Game Bird License.
23 Except as herein provided, any person not a resident as
24 defined in section 26-202.3, but who is twelve (12) years of
25 age or older, upon payment of the sum of twenty-five dollars

1 (\$25) to any agent of the fish and game commission
2 authorized to issue fishing and hunting licenses shall be
3 entitled to a Class B-1 license, which shall entitle the
4 holder thereof to pursue, hunt, shoot, kill and possess game
5 birds as authorized by the rules and regulations of the
6 commission.

7 No hunting licenses shall be issued to any nonresident
8 person under the age of eighteen (18) years unless he
9 presents to the person authorized to issue such license a
10 certificate of competency as provided in section 26-202.1
11 (2) (a) or a certificate verifying that he has successfully
12 completed a course in the safe handling of firearms in any
13 state or province.

14 (7) Class B-2 License--Nonresident Big Game License.
15 Any person not a resident as defined in section 26-202.3,
16 but who is twelve (12) years of age or older, upon the
17 payment of the sum of one hundred twenty-five dollars (\$125)
18 for the license year from May 1, 1967 to April 30, 1968 and
19 thereafter for subsequent license years upon payment of the
20 sum of one hundred fifty dollars (\$150) to any agent of the
21 fish and game commission authorized to issue fishing and
22 hunting licenses, shall be entitled to a Class B-2 license
23 which shall authorize the holder to pursue, hunt, shoot, and
24 kill game animals in the area or areas designated in the
25 license, as determined by the commission, and to possess the

1 carcasses of same, and to pursue, hunt, shoot, kill and
2 possess game birds, and to fish with hook and line as may
3 hereinafter be authorized by the rules and regulations of
4 the commission.

5 (8) Class B-3 License--Temporary Nonresident or Tourist
6 Fishing License. Any person not a resident as defined in
7 section 26-202.3, upon payment of the sum of ten dollars
8 (\$10) to any agent of the fish and game commission
9 authorized to issue fishing and hunting licenses, shall be
10 entitled to a temporary nonresident fishing license, which
11 shall authorize the holder to fish with hook and line as
12 authorized by the rules and regulations of the fish and game
13 commission for a period of six (6) days inclusive of the
14 dates indicated on the license.

15 (9) Class B-5 License--Nonresident Deer License. Any
16 person not a resident as defined in section 26-202.3, but
17 who is twelve (12) years of age or older, upon the payment
18 of the sum of thirty-five dollars (\$35) shall be entitled to
19 a Class B-5 license which shall authorize the holder to
20 pursue, hunt, shoot, and kill one (1) deer in the area or
21 areas designated in the license, as determined by the
22 commission, and to possess the carcass of same.

23 (10) Class B-6 License--Nonresident Antelope License.
24 Any person not a resident as defined in section 26-202.3,
25 but who is twelve (12) years of age or older, upon the

1 payment of the sum of thirty-five dollars (\$35) shall be
2 entitled to a Class B-6 license which shall authorize the
3 holder to pursue, hunt, shoot, and kill one (1) antelope in
4 the area designated in the license, as determined by the
5 commission, and to possess the carcass of same.

6 (11) Special licenses. Any applicant who is a resident
7 as defined by section 26-202.3, or any applicant who is the
8 holder of a Class B-2 nonresident big game license may apply
9 for a special license, which in the judgment of the fish and
10 game commission, is to be issued and shall pay the following
11 fees therefor:

12 Moose, resident twenty-five dollars (\$25), nonresident
13 fifty dollars (\$50);

14 Mountain Goat, resident fifteen dollars (\$15),
15 nonresident thirty dollars (\$30);

16 Mountain Sheep, resident twenty-five dollars (\$25),
17 nonresident fifty dollars (\$50);

18 Antelope, resident three dollars (\$3), nonresident ten
19 dollars (\$10);

20 Grizzly Bear, resident five dollars (\$5), nonresident
21 grizzly, black or brown bear, thirty-five dollars (\$35).

22 In the event a holder of a valid special grizzly bear
23 license kills a grizzly bear, he must purchase a trophy
24 license for a fee of twenty-five dollars (\$25) within ten
25 (10) days after date of kill. Such trophy license shall

1 authorize the holder to possess and transport said trophy.

2 In the event that the number of valid applications for
3 special licenses exceeds the number of special licenses
4 which the fish and game commission desires to issue in any
5 hunting district, then the number of special licenses issued
6 to the holders of Class B-2 nonresident big game licenses
7 shall not exceed ten per cent (10%) of the total issued.

8 (12) Class C License--Trapper's License. Any resident
9 as defined in section 26-202.3, upon making application and
10 paying the sum of ten dollars (\$10) to the fish and game
11 commission, shall be entitled to a trapper's license, which
12 shall authorize the holder thereof to trap fur-bearing
13 animals, within the state of Montana at such times and in
14 such manner as may be lawful so to do under the laws of the
15 state and the regulations of the fish and game commission,
16 and at such places as may be designated in said license.

17 (13) Class C-1 License--Landowner's Trapping License.
18 Any owner or tenant, or member of the immediate family of
19 said owner or tenant, upon making application to the fish
20 and game commission, and upon payment of the sum of one
21 dollar (\$1) shall be entitled to a landowner's trapping
22 license which shall entitle the holder thereof to trap any
23 fur-bearing animal, except beaver, on land owned or leased
24 by him, or his immediate family, at such times and in such
25 manner as may be lawful so to do under the laws of the state

1 and the regulations of the fish and game commission and at
2 such places as may be designated in said licenses.

3 (14) Exception. (a) A resident under the definition of
4 section 26-202.3, who is sixty-two (62) years or older shall
5 be entitled to fish and hunt game birds with a pioneer
6 license issued by the state fish and game commission for a
7 fee of fifteen cents (\$.15). The form of such license shall
8 be prescribed by the fish and game commission.

9 (b) Residents of all institutions under the
10 jurisdiction of the state board of institutions, except the
11 Montana state prison at Deer Lodge, will be entitled to fish
12 without a license. Such residents shall carry a permit on a
13 form prescribed by the commission and signed by the
14 superintendent of the institution in lieu of a license.

15 (c) A veteran who is a patient residing at a hospital
16 operated by the veterans administration, within or outside
17 the state, may fish with a license issued by the head of the
18 hospital on forms prescribed and furnished by the
19 commission. The fee for such license shall be fifteen cents
20 (\$.15).

21 (d) If a person is convicted of a violation of the fish
22 and game laws or regulations of Montana, the privilege
23 conferred by this subsection shall be revoked for not less
24 than six (6) months.

25 (e) Residents, as defined by section 26-202.3, under

1 the age of fifteen (15) years may purchase Class A-1, A-3,
2 A-4, and A-5 licenses for one-half (1/2) of the fees
3 prescribed in this section.

4 (f) The commission, by rule or regulation, may
5 prescribe the number of Class B-5 and B-6 licenses to be
6 issued in each of the hunting districts designated by it.

7 (g) Special antelope licenses. In the event the number
8 of valid applications for special antelope licenses for a
9 hunting district exceeds the quota set by the commission for
10 the district, such licenses shall be awarded by a drawing.
11 Persons making valid application who did not receive an
12 antelope license during the season immediately preceding the
13 drawing shall be given first preference in such drawing for
14 first, second and third choice hunting districts. The
15 commission shall have the authority to promulgate such rules
16 and regulations as are necessary to implement this
17 subsection.

18 (15) Only one (1) license of any one (1) class, except
19 Class B-3 and B-4 licenses, shall be issued to any one (1)
20 person, provided, however, that the commission may prescribe
21 rules and regulations for the issuance or sale of a
22 replacement license of the same class in the event the
23 original license is lost, stolen or destroyed upon payment
24 of the sum of one dollar (\$1).

25 (16) Class AAA License--Sportsman's License. Any

1 resident, as defined by section 26-202.3, who is twelve (12)
2 years of age or older, upon payment of the sum of twenty
3 dollars (\$20) shall be entitled to a sportsman's license
4 which shall permit the holder to exercise all rights granted
5 to holders of Class A, A-1, A-3, A-5 and A-6 licenses. The
6 commission shall furnish each holder of a sportsman's
7 license an appropriate decal.

8 (17) Class D-1 License--Nonresident Mountain Lion
9 License. Any person not a resident as defined in section
10 26-202.3, but who is twelve (12) years of age or older, upon
11 payment of the sum of twenty-five dollars (\$25) to any agent
12 of the fish and game commission authorized to issue fishing
13 and hunting licenses shall be entitled to a Class D-1
14 license, which shall entitle the holder thereof to pursue,
15 hunt, shoot, kill and possess mountain lion as authorized by
16 the rules and regulations of the commission.

17 (18) Class D-2 License--Resident Mountain Lion License.
18 Any person who is a resident as defined in section 26-202.3,
19 and who is twelve (12) years of age or older, upon payment
20 of the sum of five dollars (\$5) to any agent of the fish and
21 game commission authorized to issue fishing and hunting
22 licenses shall be entitled to a Class D-2 license, which
23 shall entitle the holder thereof to pursue, hunt, shoot,
24 kill and possess mountain lion as authorized by the rules
25 and regulations of the commission.

1 (19) Class E-1 License -- Nonresident Bobcat License.
 2 Any person not a resident as defined in section 26-202.3,
 3 but who is twelve (12) years of age or older, upon payment
 4 of the sum of ten dollars (\$10) to any agent of the fish and
 5 game commission authorized to issue fishing and hunting
 6 licenses shall be entitled to a Class E-1 license, which
 7 shall entitle the holder thereof to pursue, hunt, shoot,
 8 kill and possess bobcat as authorized by the rules and
 9 regulations of the commission.

10 (20) Class E-2 License - Resident Bobcat License. Any
 11 person who is a resident as defined in section 26-202.3, and
 12 who is twelve (12) years of age or older, upon payment of
 13 the sum of two dollars (\$2) to any agent of the fish and
 14 game commission authorized to issue fishing and hunting
 15 licenses shall be entitled to a Class E-2 license, which
 16 shall entitle the holder thereof to pursue, hunt, shoot,
 17 kill and possess bobcat as authorized by the rules and
 18 regulations of the commission."

19 Section 2. Section 26-301, R.C.M. 1947, is amended to
 20 read as follows:

21 "26-301. Restrictions of manner of taking and
 22 possessing fish and game and powers of commission relating
 23 thereto. (1) It shall be unlawful for anyone to take,
 24 capture, shoot, kill, or attempt to take, capture, shoot or
 25 kill, any game animal, or game bird from any self propelled

1 or drawn vehicle, or on, or from any public highway in the
 2 state of Montana, or by the aid or with the use of any set
 3 gun, jack-light, or other artificial light, trap, snare,
 4 salt lick, nor shall any such set gun, jack-light or other
 5 artificial light, trap, snare, salt lick or other device to
 6 entrap or entice game animals or game birds be used, made or
 7 set, nor may rifles be used to hunt or shoot upland game
 8 birds unless the use of rifles is permitted by the
 9 commission; provided, however, that this does not prohibit
 10 the shooting of wild waterfowl from blinds over decoys with
 11 a shotgun only, not larger than a number ten (10) gauge
 12 fired from the shoulder, nor shall any game fish be caught,
 13 captured, or taken, or attempted to be caught, captured, or
 14 taken by the aid or with the use of any gun, or trap, nor
 15 shall any such set, gun, or trap or other device to entrap
 16 game fish be used, made, or set.

17 (2) (a) No game birds or game or fur-bearing animals
 18 shall be killed, taken or shot at from any aircraft, nor
 19 shall any aircraft be used for the purpose of concentrating,
 20 pursuing, driving, rallying or stirring up any game or
 21 migratory birds, game or fur-bearing animals, nor shall any
 22 powerboat, sailboat, or any boat under sail or any floating
 23 device towed by a powerboat, sailboat, or any boat under
 24 sail be used for the purpose of killing, capturing, taking,
 25 pursuing, concentrating, driving or stirring up any game

1 birds, or migratory waterfowl, or game or fur-bearing
2 animals.

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

8 (3) No person shall take into a field or forest, or
9 have in his possession while out hunting, any device or
10 mechanism devised to silence, or muffle or minimize the
11 report of any firearms, whether such device or mechanism be
12 operated from or attached to any firearm.

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

15 (5) No person shall chase with dogs any of the game or
16 fur-bearing animals as defined by the fish and game laws of
17 this state; provided, however, that livestock owners,
18 employees of the state fish and game commission and of the
19 federal fish and wildlife service may use dogs in pursuit of
20 stock-killing bears, and stock-killing mountain lions, and
21 stock-killing bobcats or other means of taking stock-killing
22 bears, and stock-killing mountain lions, and stock-killing
23 bobcats except the use of the dead fall; providing, however,
24 that traps used in capturing bear shall be inspected twice
25 each day, which inspection shall be twelve (12) hours apart;

1 and provided further, that a person may take game birds
2 during the open season thereon with the aid of a dog or dogs
3 and any person or association organized for the protection
4 of game, may run field trials at any time upon obtaining
5 written permission from the state fish and game director.

6 (6) The state fish and game commission shall have the
7 power to designate certain waters where set lines may be
8 used to fish for certain species of game or nongame fish,
9 and the commission may designate the number of hooks and
10 lines and the length of line or lines which may be used as
11 set lines.

12 (7) Game fish shall be taken only by angling, that is
13 by hook and single line in hand or single rod in hand, or
14 within immediate control; this does not prevent, however,
15 the snagging of paddlefish, coho (silver salmon), and
16 kokanee (sockeye salmon) when the commission shall declare
17 an open season when paddlefish, coho (silver salmon), and
18 kokanee (sockeye salmon) may be taken by snagging, the
19 taking of paddlefish with long bow and arrow when the
20 commission shall declare an open season when paddlefish may
21 be taken by long bow and arrow, the taking of walleyed pike,
22 sauger, northern pike and nongame fish with spear or gig
23 when the commission shall declare an open season for taking
24 walleyed pike, sauger, northern pike and nongame fish with
25 spear or gig, nor the use of landing net or gaff to land a

1 game fish after the same has been hooked by angling as above
 2 specified, nor does it prevent the taking of minnows other
 3 than game fish variety by the use or aid of a net not to
 4 exceed twelve (12) feet in length and four (4) feet in
 5 width, in such waters as may be designated by the
 6 commission.

7 (8) No person, while hunting game animals or game birds
 8 shall use a motor-driven vehicle on any other than an
 9 established road or trail, unless he has reduced a big game
 10 animal to possession and cannot easily retrieve said big
 11 game animal, in which case a motor-driven vehicle may be
 12 used to retrieve the big game animal, provided that after
 13 such retrieval, such motor-driven vehicle is again returned
 14 to an established road or trail by the shortest possible
 15 route. For purposes of safety and allowing normal travel, a
 16 motor-driven vehicle may be parked on the roadside or
 17 directly adjacent to said road or trail. No person, while
 18 hunting game animals or game birds, shall drive or attempt
 19 to drive, run or attempt to run, molest or attempt to
 20 molest, flush or attempt to flush, or harass or attempt to
 21 harass any game animal or game bird with the use or aid of
 22 any motor-driven vehicle. No person, while hunting game
 23 animals or game birds shall drive through any retired
 24 cropland, brush area, slough area, timber area, open
 25 prairie, or unharvested or harvested cropland, except upon

1 an established road or trail unless written permission has
 2 been given by the land owner and in possession of the
 3 hunter.

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

10 (10) The provisions of this section relating to methods
 11 of herding, driving, capturing, taking, locating or
 12 concentrating of fish, game animals, game birds or
 13 fur-bearing animals do not apply to the department of fish
 14 and game, or any employee thereof, while acting within the
 15 scope and course of the powers and duties of the department.

16 Any person violating any of the provisions of this
 17 section shall be deemed guilty of a misdemeanor and shall be
 18 punishable as provided by law."

19 Section 4. Section 26-303.5, R.C.M. 1947, is amended
 20 to read as follows:

21 "26-303.5. Use of dogs for hunting mountain lion and
 22 bobcat. The Montana fish and game commission shall have
 23 authority to allow and regulate the use of dogs for hunting
 24 mountain lion and bobcat."

25 Section 5. Section 26-307, R.C.M. 1947, is amended to

1 read as follows:

2 *26-307. Waste of fish or game -- hunting or fishing
3 during closed season -- killing more than one game animal --
4 exceptions. (1) It shall be unlawful and a misdemeanor for
5 any person responsible for the death of any game animal of
6 this state, excepting grizzly, black and brown bear, ~~and~~
7 mountain lion, and bobcat to detach or remove from the
8 carcass only the head, hide, antlers, tusks or teeth, or any
9 or all of aforesaid parts, or to waste any part of any game
10 animal, game bird, or game fish suitable for food, or to
11 abandon the carcass of any game animal in the field, except
12 black and brown bear, ~~and~~ mountain lion, and bobcat which
13 need have removed and taken from the carcass only the head
14 or the hide of such bear, ~~or~~ mountain lion, or bobcat and
15 except grizzly bear, which need have removed and taken from
16 the carcass only the head and hide and such other parts as
17 the state fish and game commission may demand for scientific
18 purposes. All parts of grizzly bear demanded by the
19 commission for scientific purposes must be delivered to an
20 officer or employee of the commission for inspection as soon
21 as possible after removal and the commission shall return to
22 the licensee any bone structure and skull within one year
23 upon written request. The hide shall be returned
24 immediately.

25 (2) It shall be unlawful and a misdemeanor for any

1 person to kill more than one game animal of any one species,
2 in any one license year, unless the killing of more than one
3 game animal of such species has been authorized by
4 regulations of the fish and game commission.

5 (3) It shall be unlawful and a misdemeanor for any
6 person during the closed season on any species of game
7 animal, game bird or fish to take, hunt, shoot, kill or
8 capture any such game animal or such game bird or to fish
9 for or catch any such fish."

10 Section 6. There is a new R.C.M. section that reads as
11 follows:

12 Commission to regulate trapping of bobcat. The Montana
13 fish and game commission shall have the authority to allow
14 and regulate the trapping of bobcats.

15 Section 7. Section 46-1902, R.C.M. 1947, is amended to
16 read as follows:

17 "46-1902. Meaning of term "wild animal." For the
18 purpose of this act the term "wild animal" shall include
19 wolf, coyote, lynx, ~~bebeate~~, and any other animal causing
20 depredations upon livestock."

21 Section 8. Section 46-1903, R.C.M. 1947, is amended to
22 read as follows:

23 "46-1903. Department to supervise destruction of
24 predatory animals -- co-operation with other agencies --
25 administration of moneys. (1) The department of livestock

1 shall conduct the destruction, extermination, and control of
 2 wild animals, including wolf, coyote, lynx, ~~bebeet~~ and other
 3 wild animals predatory in nature and capable of killing,
 4 destroying, maiming, or injuring domestic livestock or
 5 domestic poultry; and the protection and safeguarding of
 6 livestock and poultry in this state, against depredations
 7 from these animals. The department shall formulate the
 8 practical programs for accomplishing these objectives in
 9 this state, and for carrying out the programs in an
 10 efficient and practical manner, responsive to the need for
 11 control in each area of this state. The department shall
 12 adopt rules applicable to predatory animal control, which
 13 are necessary and proper for the systematic destruction of
 14 the wild animals by hunting, trapping, and poisoning
 15 operations, and payments of bounties. The department shall
 16 make field, area, range, or other orders and instructions,
 17 including orders and instructions to hunter and trapper
 18 personnel and others, which are appropriate in the various
 19 areas, at different seasons of the year, taking into
 20 consideration the habits, presence, migrations, or movements
 21 of the animals, and their attacks on livestock and poultry,
 22 either singly or in packs or bands. The department shall
 23 cooperate with authorized representatives of the federal
 24 government, including the Biological Survey and the Fish and
 25 Wild Life Service, the state fish and game commission,

1 boards of county commissioners, voluntary associations of
 2 stockgrowers, sheepgrowers, ranchers, farmers, and
 3 sportsmen, and corporations and individuals, in the
 4 systematic destruction of wild animals by hunting, trapping,
 5 and poisoning operations.

6 (2) The department shall administer and expend for
 7 predatory animal extermination and control all money which
 8 is made available to it, including the money from the levy
 9 under section 84-5214, and all money which is made available
 10 to the department by appropriations made by the legislature
 11 for predatory animal control by the department. The
 12 department shall expend the funds for predatory animal
 13 control by all effective means, including employment of
 14 hunters, trappers, and other personnel, procurement of
 15 traps, poisons, equipment, and supplies, and payment of
 16 bounties in the discretion of the department, responsive to
 17 the necessities of control in various areas of the state.

18 (3) This section does not interfere with or impair the
 19 power and duties of the fish and game commission in the
 20 control of predatory animals by the commission, as
 21 authorized by law, nor the obligation of the commission to
 22 expend its funds in cooperation with the department, for
 23 predatory animal control, as required by law. Funds of the
 24 fish and game commission for the cooperative predatory
 25 animal control shall be administered and expended by the

LC 1165

1 fish and game commission."

-End-

Approved by Committee
on Natural Resources

Approved by Comm.
on Fish and Game

1 SENATE BILL NO. 358
 2 INTRODUCED BY ROMNEY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 5 MANAGEMENT OF THE BOBCAT AS A GAME ANIMAL; AMENDING SECTIONS
 6 26-201, 26-201.1, 26-301, 26-303.5, 26-307, 46-1902, AND
 7 46-1903, R.C.M. 1947."

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 purposes of this act,
13 the 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, and~~
19 bobcat.

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

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

24 Game fish. All species of the family salmonidae (chars,
25 trout, salmon, grayling, and whitefish); all species of the

1 genus stizostedion (sandpike or sauger and walleyed pike or
 2 yellowpike perch); all species of the genus esox (northern
 3 pike, pickerel and muskellunge); all species of the genus
 4 micropeterus (bass); all species of the genus polyodon
 5 (paddlefish) and all species of the genus acipenser
 6 (sturgeon).

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

9 Section 2. Section 26-202.1, R.C.M. 1947, is amended
 10 to read as follows:

11 "26-202.1. Licenses -- fees -- classifications of
 12 licenses -- fees and powers under licenses. (1) Class A
 13 license--Resident Fishing License. Any resident as defined
 14 by section 26-202.3, upon payment of a fee of five dollars
 15 (\$5) shall receive a Class A license which shall entitle the
 16 holder thereof to fish with hook and line or rod as
 17 authorized by regulations of the commission.

18 (2) Class A-1 license--Resident Game Bird License.
 19 Except as herein provided, any resident as defined by
 20 section 26-202.3, who is twelve (12) years of age or older,
 21 may, upon payment of a fee of two dollars (\$2) receive a
 22 Class A-1 license, which will entitle the holder to pursue,
 23 hunt, shoot and kill game birds and possess the dead bodies
 24 of game birds which are so authorized by regulations of the
 25 commission.

1 (a) No hunting licenses shall be issued to any resident
 2 person under the age of eighteen (18) years unless he
 3 presents to the person authorized to issue such license a
 4 certificate of competency as provided by this section.

5 The department of fish and game shall provide for a
 6 course of instruction in the safe handling of firearms and
 7 for the purpose may cooperate with any reputable association
 8 or organization having as one of its objectives the
 9 promotion of safety in the handling of firearms. The
 10 department may designate any person found by it to be
 11 competent to give instructions in the handling of firearms.
 12 A person so appointed shall give such course of instruction
 13 and upon the successful completion thereof shall issue to
 14 the person instructed a certificate of competency in the
 15 safe handling of firearms.

16 (3) Class A-2 License--Special Bow and Arrow License.
 17 Any holder of a Class A-1 license and any one of the
 18 following: a Class A-3, A-4, A-5, B-2, B-5 or B-6 license,
 19 may upon payment of an additional sum of three dollars (\$3)
 20 to any agent of the fish and game commission authorized to
 21 issue fishing and hunting licenses be entitled to a Class
 22 A-2 license, which shall authorize the holder thereof to
 23 pursue, hunt, shoot, and kill deer, antelope and elk with
 24 bow and arrow and to possess the carcass of deer, antelope
 25 and elk during a special season, as so licensed and in

1 special areas, as may be designated by the fish and game
2 commission.

3 (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as
4 defined by section 26-202.3 who is twelve (12) years of age
5 or older, may upon payment of the proper fee or fees be
6 entitled to purchase one each of the following licenses:
7 Class A-3, Deer A Tag, three dollars (\$3); Class A-4, Deer B
8 Tag, five dollars (\$5); Class A-5 Elk Tag three dollars
9 (\$3); Class A-6, Black or Brown Bear Tag, five dollars (\$5);
10 which will entitle the holder to pursue, hunt, shoot, and
11 kill the game animal or animals authorized by the license
12 held and to possess the dead bodies of game animals of the
13 state which are so authorized by the regulation of the
14 commission.

15 (5) Class B License--Nonresident Fishing License. Any
16 person not a resident as defined in section 26-202.3, upon
17 payment of the sum of twenty dollars (\$20) to any agent of
18 the fish and game commission authorized to issue fishing and
19 hunting licenses, shall be entitled to a Class B license,
20 which shall entitle the holder thereof to fish with hook and
21 line as authorized by the rules and regulations of the
22 commission.

23 (6) Class B-1 License--Nonresident Game Bird License.
24 Except as herein provided, any person not a resident as
25 defined in section 26-202.3, but who is twelve (12) years of

1 age or older, upon payment of the sum of twenty-five dollars
2 (\$25) to any agent of the fish and game commission
3 authorized to issue fishing and hunting licenses shall be
4 entitled to a Class B-1 license, which shall entitle the
5 holder thereof to pursue, hunt, shoot, kill and possess game
6 birds as authorized by the rules and regulations of the
7 commission.

8 No hunting licenses shall be issued to any nonresident
9 person under the age of eighteen (18) years unless he
10 presents to the person authorized to issue such license a
11 certificate of competency as provided in section 26-202.1
12 (2) (a) or a certificate verifying that he has successfully
13 completed a course in the safe handling of firearms in any
14 state or province.

15 (7) Class B-2 License--Nonresident Big Game License.
16 Any person not a resident as defined in section 26-202.3,
17 but who is twelve (12) years of age or older, upon the
18 payment of the sum of one hundred twenty-five dollars (\$125)
19 for the license year from May 1, 1967 to April 30, 1968 and
20 thereafter for subsequent license years upon payment of the
21 sum of one hundred fifty dollars (\$150) to any agent of the
22 fish and game commission authorized to issue fishing and
23 hunting licenses, shall be entitled to a Class B-2 license
24 which shall authorize the holder to pursue, hunt, shoot, and
25 kill game animals in the area or areas designated in the

1 license, as determined by the commission, and to possess the
 2 carcasses of same, and to pursue, hunt, shoot, kill and
 3 possess game birds, and to fish with hook and line as may
 4 hereinafter be authorized by the rules and regulations of
 5 the commission.

6 (8) Class B-3 License--Temporary Nonresident or Tourist
 7 Fishing License. Any person not a resident as defined in
 8 section 26-202.3, upon payment of the sum of ten dollars
 9 (\$10) to any agent of the fish and game commission
 10 authorized to issue fishing and hunting licenses, shall be
 11 entitled to a temporary nonresident fishing license, which
 12 shall authorize the holder to fish with hook and line as
 13 authorized by the rules and regulations of the fish and game
 14 commission for a period of six (6) days inclusive of the
 15 dates indicated on the license.

16 (9) Class B-5 License--Nonresident Deer License. Any
 17 person not a resident as defined in section 26-202.3, but
 18 who is twelve (12) years of age or older, upon the payment
 19 of the sum of thirty-five dollars (\$35) shall be entitled to
 20 a Class B-5 license which shall authorize the holder to
 21 pursue, hunt, shoot, and kill one (1) deer in the area or
 22 areas designated in the license, as determined by the
 23 commission, and to possess the carcass of same.

24 (10) Class B-6 License--Nonresident Antelope License.
 25 Any person not a resident as defined in section 26-202.3,

1 but who is twelve (12) years of age or older, upon the
 2 payment of the sum of thirty-five dollars (\$35) shall be
 3 entitled to a Class B-6 license which shall authorize the
 4 holder to pursue, hunt, shoot, and kill one (1) antelope in
 5 the area designated in the license, as determined by the
 6 commission, and to possess the carcass of same.

7 (11) Special licenses. Any applicant who is a resident
 8 as defined by section 26-202.3, or any applicant who is the
 9 holder of a Class B-2 nonresident big game license may apply
 10 for a special license, which in the judgment of the fish and
 11 game commission, is to be issued and shall pay the following
 12 fees therefor:

13 Moose, resident twenty-five dollars (\$25), nonresident
 14 fifty dollars (\$50);

15 Mountain Goat, resident fifteen dollars (\$15),
 16 nonresident thirty dollars (\$30);

17 Mountain Sheep, resident twenty-five dollars (\$25),
 18 nonresident fifty dollars (\$50);

19 Antelope, resident three dollars (\$3), nonresident ten
 20 dollars (\$10);

21 Grizzly Bear, resident five dollars (\$5), nonresident
 22 grizzly, black or brown bear, thirty-five dollars (\$35).

23 In the event a holder of a valid special grizzly bear
 24 license kills a grizzly bear, he must purchase a trophy
 25 license for a fee of twenty-five dollars (\$25) within ten

1 (10) days after date of kill. Such trophy license shall
2 authorize the holder to possess and transport said trophy.

3 In the event that the number of valid applications for
4 special licenses exceeds the number of special licenses
5 which the fish and game commission desires to issue in any
6 hunting district, then the number of special licenses issued
7 to the holders of Class B-2 nonresident big game licenses
8 shall not exceed ten per cent (10%) of the total issued.

9 (12) Class C License--Trapper's License. Any resident
10 as defined in section 26-202.3, upon making application and
11 paying the sum of ten dollars (\$10) to the fish and game
12 commission, shall be entitled to a trapper's license, which
13 shall authorize the holder thereof to trap fur-bearing
14 animals, within the state of Montana at such times and in
15 such manner as may be lawful so to do under the laws of the
16 state and the regulations of the fish and game commission,
17 and at such places as may be designated in said license.

18 (13) Class C-1 License--Landowner's Trapping License.
19 Any owner or tenant, or member of the immediate family of
20 said owner or tenant, upon making application to the fish
21 and game commission, and upon payment of the sum of one
22 dollar (\$1) shall be entitled to a landowner's trapping
23 license which shall entitle the holder thereof to trap any
24 fur-bearing animal, except beaver, on land owned or leased
25 by him, or his immediate family, at such times and in such

1 manner as may be lawful so to do under the laws of the state
2 and the regulations of the fish and game commission and at
3 such places as may be designated in said licenses.

4 (14) Exception. (a) A resident under the definition of
5 section 26-202.3, who is sixty-two (62) years or older shall
6 be entitled to fish and hunt game birds with a pioneer
7 license issued by the state fish and game commission for a
8 fee of fifteen cents (\$.15). The form of such license shall
9 be prescribed by the fish and game commission.

10 (b) Residents of all institutions under the
11 jurisdiction of the state board of institutions, except the
12 Montana state prison at Deer Lodge, will be entitled to fish
13 without a license. Such residents shall carry a permit on a
14 form prescribed by the commission and signed by the
15 superintendent of the institution in lieu of a license.

16 (c) A veteran who is a patient residing at a hospital
17 operated by the veterans administration, within or outside
18 the state, may fish with a license issued by the head of the
19 hospital on forms prescribed and furnished by the
20 commission. The fee for such license shall be fifteen cents
21 (\$.15).

22 (d) If a person is convicted of a violation of the fish
23 and game laws or regulations of Montana, the privilege
24 conferred by this subsection shall be revoked for not less
25 than six (6) months.

1 (e) Residents, as defined by section 26-202.3, under
 2 the age of fifteen (15) years may purchase Class A-1, A-3,
 3 A-4, and A-5 licenses for one-half (1/2) of the fees
 4 prescribed in this section.

5 (f) The commission, by rule or regulation, may
 6 prescribe the number of Class B-5 and B-6 licenses to be
 7 issued in each of the hunting districts designated by it.

8 (g) Special antelope licenses. In the event the number
 9 of valid applications for special antelope licenses for a
 10 hunting district exceeds the quota set by the commission for
 11 the district, such licenses shall be awarded by a drawing.
 12 Persons making valid application who did not receive an
 13 antelope license during the season immediately preceding the
 14 drawing shall be given first preference in such drawing for
 15 first, second and third choice hunting districts. The
 16 commission shall have the authority to promulgate such rules
 17 and regulations as are necessary to implement this
 18 subsection.

19 (15) Only one (1) license of any one (1) class, except
 20 Class B-3 and B-4 licenses, shall be issued to any one (1)
 21 person, provided, however, that the commission may prescribe
 22 rules and regulations for the issuance or sale of a
 23 replacement license of the same class in the event the
 24 original license is lost, stolen or destroyed upon payment
 25 of the sum of one dollar (\$1).

1 (16) Class AAA License--Sportsman's License. Any
 2 resident, as defined by section 26-202.3, who is twelve (12)
 3 years of age or older, upon payment of the sum of twenty
 4 dollars (\$20) shall be entitled to a sportsman's license
 5 which shall permit the holder to exercise all rights granted
 6 to holders of Class A, A-1, A-3, A-5 and A-6 licenses. The
 7 commission shall furnish each holder of a sportsman's
 8 license an appropriate decal.

9 (17) Class D-1 License--Nonresident Mountain Lion
 10 License. Any person not a resident as defined in section
 11 26-202.3, but who is twelve (12) years of age or older, upon
 12 payment of the sum of twenty-five dollars (\$25) to any agent
 13 of the fish and game commission authorized to issue fishing
 14 and hunting licenses shall be entitled to a Class D-1
 15 license, which shall entitle the holder thereof to pursue,
 16 hunt, shoot, kill and possess mountain lion as authorized by
 17 the rules and regulations of the commission.

18 (18) Class D-2 License--Resident Mountain Lion License.
 19 Any person who is a resident as defined in section 26-202.3,
 20 and who is twelve (12) years of age or older, upon payment
 21 of the sum of five dollars (\$5) to any agent of the fish and
 22 game commission authorized to issue fishing and hunting
 23 licenses shall be entitled to a Class D-2 license, which
 24 shall entitle the holder thereof to pursue, hunt, shoot,
 25 kill and possess mountain lion as authorized by the rules

1 and regulations of the commission.

2 (19) Class E-1 License -- Nonresident Bobcat License.
 3 Any person not a resident as defined in section 26-202.3,
 4 but who is twelve (12) years of age or older, upon payment
 5 of the sum of ten dollars (\$10) to any agent of the fish and
 6 game commission authorized to issue fishing and hunting
 7 licenses shall be entitled to a Class E-1 license, which
 8 shall entitle the holder thereof to pursue, hunt, shoot,
 9 TRAP, kill and possess bobcat as authorized by the rules and
 10 regulations of the commission.

11 (20) Class E-2 License - Resident Bobcat License. Any
 12 person who is a resident as defined in section 26-202.3, and
 13 who is twelve (12) years of age or older, upon payment of
 14 the sum of two dollars (\$2) to any agent of the fish and
 15 game commission authorized to issue fishing and hunting
 16 licenses shall be entitled to a Class E-2 license, which
 17 shall entitle the holder thereof to pursue, hunt, shoot,
 18 TRAP, kill and possess bobcat as authorized by the rules and
 19 regulations of the commission."

20 Section 3. Section 26-301, R.C.M. 1947, is amended to
 21 read as follows:

22 "26-301. Restrictions of manner of taking and
 23 possessing fish and game and powers of commission relating
 24 thereto. (1) It shall be unlawful for anyone to take,
 25 capture, shoot, kill, or attempt to take, capture, shoot or

1 kill, any game animal, or game bird from any self propelled
 2 or drawn vehicle, or on, or from any public highway in the
 3 state of Montana, or by the aid or with the use of any set
 4 gun, jack-light, or other artificial light, trap, snare,
 5 salt lick, nor shall any such set gun, jack-light or other
 6 artificial light, trap, snare, salt lick or other device to
 7 entrap or entice game animals or game birds be used, made or
 8 set, nor may rifles be used to hunt or shoot upland game
 9 birds unless the use of rifles is permitted by the
 10 commission; provided, however, that this does not prohibit
 11 the shooting of wild waterfowl from blinds over decoys with
 12 a shotgun only, not larger than a number ten (10) gauge
 13 fired from the shoulder, nor shall any game fish be caught,
 14 captured, or taken, or attempted to be caught, captured, or
 15 taken by the aid or with the use of any gun, or trap, nor
 16 shall any such set gun, or trap or other device to entrap
 17 game fish be used, made, or set.

18 (2) (a) No game birds or game or fur-bearing animals
 19 shall be killed, taken or shot at from any aircraft, nor
 20 shall any aircraft be used for the purpose of concentrating,
 21 pursuing, driving, rallying or stirring up any game or
 22 migratory birds, game or fur-bearing animals, nor shall any
 23 powerboat, sailboat, or any boat under sail or any floating
 24 device towed by a powerboat, sailboat, or any boat under
 25 sail be used for the purpose of killing, capturing, taking,

1 pursuing, concentrating, driving or stirring up any game
2 birds, or migratory waterfowl, or game or fur-bearing
3 animals.

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

9 (3) No person shall take into a field or forest, or
10 have in his possession while out hunting, any device or
11 mechanism devised to silence, or muffle or minimize the
12 report of any firearms, whether such device or mechanism be
13 operated from or attached to any firearm.

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

16 (5) No person shall chase with dogs any of the game or
17 fur-bearing animals as defined by the fish and game laws of
18 this state; provided, however, that livestock owners,
19 employees of the state fish and game commission and of the
20 federal fish and wildlife service may use dogs in pursuit of
21 stock-killing bears, and stock-killing mountain lions, and
22 stock-killing bobcats or other means of taking stock-killing
23 bears, and stock-killing mountain lions, and stock-killing
24 bobcats except the use of the dead fall; providing, however,
25 that traps used in capturing bear shall be inspected twice

1 each day, which inspection shall be twelve (12) hours apart;
2 and provided further, that a person may take game birds
3 during the open season thereon with the aid of a dog or dogs
4 and any person or association organized for the protection
5 of game, may run field trials at any time upon obtaining
6 written permission from the state fish and game director.

7 (6) The state fish and game commission shall have the
8 power to designate certain waters where set lines may be
9 used to fish for certain species of game or nongame fish,
10 and the commission may designate the number of hooks and
11 lines and the length of line or lines which may be used as
12 set lines.

13 (7) Game fish shall be taken only by angling, that is
14 by hook and single line in hand or single rod in hand, or
15 within immediate control; this does not prevent, however,
16 the snagging of paddlefish, coho (silver salmon), and
17 kokanee (sockeye salmon) when the commission shall declare
18 an open season when paddlefish, coho (silver salmon), and
19 kokanee (sockeye salmon) may be taken by snagging, the
20 taking of paddlefish with long bow and arrow when the
21 commission shall declare an open season when paddlefish may
22 be taken by long bow and arrow, the taking of walleyed pike,
23 sauger, northern pike and nongame fish with spear or gig
24 when the commission shall declare an open season for taking
25 walleyed pike, sauger, northern pike and nongame fish with

1 spear or gig, nor the use of landing net or gaff to land a
 2 game fish after the same has been hooked by angling as above
 3 specified, nor does it prevent the taking of minnows other
 4 than game fish variety by the use or aid of a net not to
 5 exceed twelve (12) feet in length and four (4) feet in
 6 width, in such waters as may be designated by the
 7 commission.

8 (8) No person, while hunting game animals or game birds
 9 shall use a motor-driven vehicle on any other than an
 10 established road or trail, unless he has reduced a big game
 11 animal to possession and cannot easily retrieve said big
 12 game animal, in which case a motor-driven vehicle may be
 13 used to retrieve the big game animal, provided that after
 14 such retrieval, such motor-driven vehicle is again returned
 15 to an established road or trail by the shortest possible
 16 route. For purposes of safety and allowing normal travel, a
 17 motor-driven vehicle may be parked on the roadside or
 18 directly adjacent to said road or trail. No person, while
 19 hunting game animals or game birds, shall drive or attempt
 20 to drive, run or attempt to run, molest or attempt to
 21 molest, flush or attempt to flush, or harass or attempt to
 22 harass any game animal or game bird with the use or aid of
 23 any motor-driven vehicle. No person, while hunting game
 24 animals or game birds shall drive through any retired
 25 cropland, brush area, slough area, timber area, open

1 prairie, or unharvested or harvested cropland, except upon
 2 an established road or trail unless written permission has
 3 been given by the land owner and in possession of the
 4 hunter.

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

11 (10) The provisions of this section relating to methods
 12 of herding, driving, capturing, taking, locating or
 13 concentrating of fish, game animals, game birds or
 14 fur-bearing animals do not apply to the department of fish
 15 and game, or any employee thereof, while acting within the
 16 scope and course of the powers and duties of the department.

17 Any person violating any of the provisions of this
 18 section shall be deemed guilty of a misdemeanor and shall be
 19 punishable as provided by law."

20 Section 4. Section 26-303.5, R.C.M. 1947, is amended
 21 to read as follows:

22 "26-303.5. Use of dogs for hunting mountain lion and
 23 bobcat. The Montana fish and game commission shall have
 24 authority to allow and regulate the use of dogs for hunting
 25 mountain lion and bobcat."

1 Section 5. Section 26-307, R.C.M. 1947, is amended to
2 read as follows:

3 "26-307. Waste of fish or game -- hunting or fishing
4 during closed season -- killing more than one game animal --
5 exceptions. (1) It shall be unlawful and a misdemeanor for
6 any person responsible for the death of any game animal of
7 this state, excepting grizzly, black and brown bear, and
8 mountain lion, and bobcat to detach or remove from the
9 carcass only the head, hide, antlers, tusks or teeth, or any
10 or all of aforesaid parts, or to waste any part of any game
11 animal, game bird, or game fish suitable for food, or to
12 abandon the carcass of any game animal in the field, except
13 black and brown bear, and mountain lion, and bobcat which
14 need have removed and taken from the carcass only the head
15 or the hide of such bear, or mountain lion, or bobcat and
16 except grizzly bear, which need have removed and taken from
17 the carcass only the head and hide and such other parts as
18 the state fish and game commission may demand for scientific
19 purposes. All parts of grizzly bear demanded by the
20 commission for scientific purposes must be delivered to an
21 officer or employee of the commission for inspection as soon
22 as possible after removal and the commission shall return to
23 the licensee any bone structure and skull within one year
24 upon written request. The hide shall be returned
25 immediately.

1 (2) It shall be unlawful and a misdemeanor for any
2 person to kill more than one game animal of any one species,
3 in any one license year, unless the killing of more than one
4 game animal of such species has been authorized by
5 regulations of the fish and game commission.

6 (3) It shall be unlawful and a misdemeanor for any
7 person during the closed season on any species of game
8 animal, game bird or fish to take, hunt, shoot, kill or
9 capture any such game animal or such game bird or to fish
10 for or catch any such fish."

11 Section 6. There is a new R.C.M. section that reads as
12 follows:

13 Commission to regulate trapping of bobcat. The Montana
14 fish and game commission shall have the authority to allow
15 and regulate the trapping of bobcats.

16 Section 7. Section 46-1902, R.C.M. 1947, is amended to
17 read as follows:

18 "46-1902. Meaning of term "wild animal." For the
19 purpose of this act the term "wild animal" shall include
20 wolf, coyote, lynx, ~~bobcat~~, and any other animal causing
21 depredations upon livestock."

22 Section 8. Section 46-1903, R.C.M. 1947, is amended to
23 read as follows:

24 "46-1903. Department to supervise destruction of
25 predatory animals -- co-operation with other agencies --

1 administration of moneys. (1) The department of livestock
 2 shall conduct the destruction, extermination, and control of
 3 wild animals, including wolf, coyote, lynx, bobcat and other
 4 wild animals predatory in nature and capable of killing,
 5 destroying, maiming, or injuring domestic livestock or
 6 domestic poultry; and the protection and safeguarding of
 7 livestock and poultry in this state, against depredations
 8 from these animals. The department shall formulate the
 9 practical programs for accomplishing these objectives in
 10 this state, and for carrying out the programs in an
 11 efficient and practical manner, responsive to the need for
 12 control in each area of this state. The department shall
 13 adopt rules applicable to predatory animal control, which
 14 are necessary and proper for the systematic destruction of
 15 the wild animals by hunting, trapping, and poisoning
 16 operations, and payments of bounties. The department shall
 17 make field, area, range, or other orders and instructions,
 18 including orders and instructions to hunter and trapper
 19 personnel and others, which are appropriate in the various
 20 areas, at different seasons of the year, taking into
 21 consideration the habits, presence, migrations, or movements
 22 of the animals, and their attacks on livestock and poultry,
 23 either singly or in packs or bands. The department shall
 24 cooperate with authorized representatives of the federal
 25 government, including the Biological Survey and the Fish and

1 Wild Life Service, the state fish and game commission,
 2 boards of county commissioners, voluntary associations of
 3 stockgrowers, sheepgrowers, ranchers, farmers, and
 4 sportsmen, and corporations and individuals, in the
 5 systematic destruction of wild animals by hunting, trapping,
 6 and poisoning operations.

7 (2) The department shall administer and expend for
 8 predatory animal extermination and control all money which
 9 is made available to it, including the money from the levy
 10 under section 84-5214, and all money which is made available
 11 to the department by appropriations made by the legislature
 12 for predatory animal control by the department. The
 13 department shall expend the funds for predatory animal
 14 control by all effective means, including employment of
 15 hunters, trappers, and other personnel, procurement of
 16 traps, poisons, equipment, and supplies, and payment of
 17 bounties in the discretion of the department, responsive to
 18 the necessities of control in various areas of the state.

19 (3) This section does not interfere with or impair the
 20 power and duties of the fish and game commission in the
 21 control of predatory animals by the commission, as
 22 authorized by law, nor the obligation of the commission to
 23 expend its funds in cooperation with the department, for
 24 predatory animal control, as required by law. Funds of the
 25 fish and game commission for the cooperative predatory

- 1 animal control shall be administered and expended by the
- 2 fish and game commission.*

-End-

1 SENATE BILL NO. 358
 2 INTRODUCED BY ROMNEY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO, PROVIDE FOR THE
 5 MANAGEMENT OF THE BOBCAT AS A GAME ANIMAL; AMENDING SECTIONS
 6 26-201, 26-201.1, 26-301, 26-303.5, 26-307, 46-1902, AND
 7 46-1903, R.C.M. 1947."

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 purposes of this act,
 13 the 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,~~ and
 19 bobcat.

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

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

24 Game fish. All species of the family salmonidae (chars,
 25 trout, salmon, grayling, and whitefish); all species of the

1 genus stizostedion (sandpike or sauger and walleyed pike or
 2 yellowpike perch); all species of the genus esox (northern
 3 pike, pickerel and muskellunge); all species of the genus
 4 micropeterus (bass); all species of the genus polyodon
 5 (paddlefish) and all species of the genus acipenser
 6 (sturgeon).

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

9 Section 2. Section 26-202.1, R.C.M. 1947, is amended
 10 to read as follows:

11 "26-202.1. Licenses -- fees -- classifications of
 12 licenses -- fees and powers under licenses. (1) Class A
 13 license--Resident Fishing License. Any resident as defined
 14 by section 26-202.3, upon payment of a fee of five dollars
 15 (\$5) shall receive a Class A license which shall entitle the
 16 holder thereof to fish with hook and line or rod as
 17 authorized by regulations of the commission.

18 (2) Class A-1 license--Resident Game Bird License.
 19 Except as herein provided, any resident as defined by
 20 section 26-202.3, who is twelve (12) years of age or older,
 21 may, upon payment of a fee of two dollars (\$2) receive a
 22 Class A-1 license, which will entitle the holder to pursue,
 23 hunt, shoot and kill game birds and possess the dead bodies
 24 of game birds which are so authorized by regulations of the
 25 commission.

1 (a) No hunting licenses shall be issued to any resident
 2 person under the age of eighteen (18) years unless he
 3 presents to the person authorized to issue such license a
 4 certificate of competency as provided by this section.

5 The department of fish and game shall provide for a
 6 course of instruction in the safe handling of firearms and
 7 for the purpose may cooperate with any reputable association
 8 or organization having as one of its objectives the
 9 promotion of safety in the handling of firearms. The
 10 department may designate any person found by it to be
 11 competent to give instructions in the handling of firearms.
 12 A person so appointed shall give such course of instruction
 13 and upon the successful completion thereof shall issue to
 14 the person instructed a certificate of competency in the
 15 safe handling of firearms.

16 (3) Class A-2 License--Special Bow and Arrow License.
 17 Any holder of a Class A-1 license and any one of the
 18 following: a Class A-3, A-4, A-5, B-2, B-5 or B-6 license,
 19 may upon payment of an additional sum of three dollars (\$3)
 20 to any agent of the fish and game commission authorized to
 21 issue fishing and hunting licenses be entitled to a Class
 22 A-2 license, which shall authorize the holder thereof to
 23 pursue, hunt, shoot, and kill deer, antelope and elk with
 24 bow and arrow and to possess the carcass of deer, antelope
 25 and elk during a special season, as so licensed and in

1 special areas, as may be designated by the fish and game
2 commission.

3 (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as
4 defined by section 26-202.3 who is twelve (12) years of age
5 or older, may upon payment of the proper fee or fees be
6 entitled to purchase one each of the following licenses:
7 Class A-3, Deer A Tag, three dollars (\$3); Class A-4, Deer B
8 Tag, five dollars (\$5); Class A-5 Elk Tag three dollars
9 (\$3); Class A-6, Black or Brown Bear Tag, five dollars (\$5);
10 which will entitle the holder to pursue, hunt, shoot, and
11 kill the game animal or animals authorized by the license
12 held and to possess the dead bodies of game animals of the
13 state which are so authorized by the regulation of the
14 commission.

15 (5) Class B License--Nonresident Fishing License. Any
16 person not a resident as defined in section 26-202.3, upon
17 payment of the sum of twenty dollars (\$20) to any agent of
18 the fish and game commission authorized to issue fishing and
19 hunting licenses, shall be entitled to a Class B license,
20 which shall entitle the holder thereof to fish with hook and
21 line as authorized by the rules and regulations of the
22 commission.

23 (6) Class B-1 License--Nonresident Game Bird License.
24 Except as herein provided, any person not a resident as
25 defined in section 26-202.3, but who is twelve (12) years of

1 age or older, upon payment of the sum of twenty-five dollars
2 (\$25) to any agent of the fish and game commission
3 authorized to issue fishing and hunting licenses shall be
4 entitled to a Class B-1 license, which shall entitle the
5 holder thereof to pursue, hunt, shoot, kill and possess game
6 birds as authorized by the rules and regulations of the
7 commission.

8 No hunting licenses shall be issued to any nonresident
9 person under the age of eighteen (18) years unless he
10 presents to the person authorized to issue such license a
11 certificate of competency as provided in section 26-202.1
12 (2) (a) or a certificate verifying that he has successfully
13 completed a course in the safe handling of firearms in any
14 state or province.

15 (7) Class B-2 License--Nonresident Big Game License.
16 Any person not a resident as defined in section 26-202.3,
17 but who is twelve (12) years of age or older, upon the
18 payment of the sum of one hundred twenty-five dollars (\$125)
19 for the license year from May 1, 1967 to April 30, 1968 and
20 thereafter for subsequent license years upon payment of the
21 sum of one hundred fifty dollars (\$150) to any agent of the
22 fish and game commission authorized to issue fishing and
23 hunting licenses, shall be entitled to a Class B-2 license
24 which shall authorize the holder to pursue, hunt, shoot, and
25 kill game animals in the area or areas designated in the

1 license, as determined by the commission, and to possess the
2 carcasses of same, and to pursue, hunt, shoot, kill and
3 possess game birds, and to fish with hook and line as may
4 hereinafter be authorized by the rules and regulations of
5 the commission.

6 (8) Class B-3 License--Temporary Nonresident or Tourist
7 Fishing License. Any person not a resident as defined in
8 section 26-202.3, upon payment of the sum of ten dollars
9 (\$10) to any agent of the fish and game commission
10 authorized to issue fishing and hunting licenses, shall be
11 entitled to a temporary nonresident fishing license, which
12 shall authorize the holder to fish with hook and line as
13 authorized by the rules and regulations of the fish and game
14 commission for a period of six (6) days inclusive of the
15 dates indicated on the license.

16 (9) Class B-5 License--Nonresident Deer License. Any
17 person not a resident as defined in section 26-202.3, but
18 who is twelve (12) years of age or older, upon the payment
19 of the sum of thirty-five dollars (\$35) shall be entitled to
20 a Class B-5 license which shall authorize the holder to
21 pursue, hunt, shoot, and kill one (1) deer in the area or
22 areas designated in the license, as determined by the
23 commission, and to possess the carcass of same.

24 (10) Class B-6 License--Nonresident Antelope License.
25 Any person not a resident as defined in section 26-202.3,

1 but who is twelve (12) years of age or older, upon the
2 payment of the sum of thirty-five dollars (\$35) shall be
3 entitled to a Class B-6 license which shall authorize the
4 holder to pursue, hunt, shoot, and kill one (1) antelope in
5 the area designated in the license, as determined by the
6 commission, and to possess the carcass of same.

7 (11) Special licenses. Any applicant who is a resident
8 as defined by section 26-202.3, or any applicant who is the
9 holder of a Class B-2 nonresident big game license may apply
10 for a special license, which in the judgment of the fish and
11 game commission, is to be issued and shall pay the following
12 fees therefor:

13 Moose, resident twenty-five dollars (\$25), nonresident
14 fifty dollars (\$50);

15 Mountain Goat, resident fifteen dollars (\$15),
16 nonresident thirty dollars (\$30);

17 Mountain Sheep, resident twenty-five dollars (\$25),
18 nonresident fifty dollars (\$50);

19 Antelope, resident three dollars (\$3), nonresident ten
20 dollars (\$10);

21 Grizzly Bear, resident five dollars (\$5), nonresident
22 grizzly, black or brown bear, thirty-five dollars (\$35).

23 In the event a holder of a valid special grizzly bear
24 license kills a grizzly bear, he must purchase a trophy
25 license for a fee of twenty-five dollars (\$25) within ten

1 (10) days after date of kill. Such trophy license shall
2 authorize the holder to possess and transport said trophy.

3 In the event that the number of valid applications for
4 special licenses exceeds the number of special licenses
5 which the fish and game commission desires to issue in any
6 hunting district, then the number of special licenses issued
7 to the holders of Class B-2 nonresident big game licenses
8 shall not exceed ten per cent (10%) of the total issued.

9 (12) Class C License--Trapper's License. Any resident
10 as defined in section 26-202.3, upon making application and
11 paying the sum of ten dollars (\$10) to the fish and game
12 commission, shall be entitled to a trapper's license, which
13 shall authorize the holder thereof to trap fur-bearing
14 animals, within the state of Montana at such times and in
15 such manner as may be lawful so to do under the laws of the
16 state and the regulations of the fish and game commission,
17 and at such places as may be designated in said license.

18 (13) Class C-1 License--Landowner's Trapping License.
19 Any owner or tenant, or member of the immediate family of
20 said owner or tenant, upon making application to the fish
21 and game commission, and upon payment of the sum of one
22 dollar (\$1) shall be entitled to a landowner's trapping
23 license which shall entitle the holder thereof to trap any
24 fur-bearing animal, except beaver, on land owned or leased
25 by him, or his immediate family, at such times and in such

1 manner as may be lawful so to do under the laws of the state
2 and the regulations of the fish and game commission and at
3 such places as may be designated in said licenses.

4 (14) Exception. (a) A resident under the definition of
5 section 26-202.3, who is sixty-two (62) years or older shall
6 be entitled to fish and hunt game birds with a pioneer
7 license issued by the state fish and game commission for a
8 fee of fifteen cents (\$.15). The form of such license shall
9 be prescribed by the fish and game commission.

10 (b) Residents of all institutions under the
11 jurisdiction of the state board of institutions, except the
12 Montana state prison at Deer Lodge, will be entitled to fish
13 without a license. Such residents shall carry a permit on a
14 form prescribed by the commission and signed by the
15 superintendent of the institution in lieu of a license.

16 (c) A veteran who is a patient residing at a hospital
17 operated by the veterans administration, within or outside
18 the state, may fish with a license issued by the head of the
19 hospital on forms prescribed and furnished by the
20 commission. The fee for such license shall be fifteen cents
21 (\$.15).

22 (d) If a person is convicted of a violation of the fish
23 and game laws or regulations of Montana, the privilege
24 conferred by this subsection shall be revoked for not less
25 than six (6) months.

1 (e) Residents, as defined by section 26-202.3, under
2 the age of fifteen (15) years may purchase Class A-1, A-3,
3 A-4, and A-5 licenses for one-half (1/2) of the fees
4 prescribed in this section.

5 (f) The commission, by rule or regulation, may
6 prescribe the number of Class B-5 and B-6 licenses to be
7 issued in each of the hunting districts designated by it.

8 (g) Special antelope licenses. In the event the number
9 of valid applications for special antelope licenses for a
10 hunting district exceeds the quota set by the commission for
11 the district, such licenses shall be awarded by a drawing.
12 Persons making valid application who did not receive an
13 antelope license during the season immediately preceding the
14 drawing shall be given first preference in such drawing for
15 first, second and third choice hunting districts. The
16 commission shall have the authority to promulgate such rules
17 and regulations as are necessary to implement this
18 subsection.

19 (15) Only one (1) license of any one (1) class, except
20 Class B-3 and B-4 licenses, shall be issued to any one (1)
21 person, provided, however, that the commission may prescribe
22 rules and regulations for the issuance or sale of a
23 replacement license of the same class in the event the
24 original license is lost, stolen or destroyed upon payment
25 of the sum of one dollar (\$1).

1 (16) Class AAA License--Sportsman's License. Any
2 resident, as defined by section 26-202.3, who is twelve (12)
3 years of age or older, upon payment of the sum of twenty
4 dollars (\$20) shall be entitled to a sportsman's license
5 which shall permit the holder to exercise all rights granted
6 to holders of Class A, A-1, A-3, A-5 and A-6 licenses. The
7 commission shall furnish each holder of a sportsman's
8 license an appropriate decal.

9 (17) Class D-1 License--Nonresident Mountain Lion
10 License. Any person not a resident as defined in section
11 26-202.3, but who is twelve (12) years of age or older, upon
12 payment of the sum of twenty-five dollars (\$25) to any agent
13 of the fish and game commission authorized to issue fishing
14 and hunting licenses shall be entitled to a Class D-1
15 license, which shall entitle the holder thereof to pursue,
16 hunt, shoot, kill and possess mountain lion as authorized by
17 the rules and regulations of the commission.

18 (18) Class D-2 License--Resident Mountain Lion License.
19 Any person who is a resident as defined in section 26-202.3,
20 and who is twelve (12) years of age or older, upon payment
21 of the sum of five dollars (\$5) to any agent of the fish and
22 game commission authorized to issue fishing and hunting
23 licenses shall be entitled to a Class D-2 license, which
24 shall entitle the holder thereof to pursue, hunt, shoot,
25 kill and possess mountain lion as authorized by the rules

1 and regulations of the commission.

2 (19) Class E-1 License -- Nonresident Bobcat License.
 3 Any person not a resident as defined in section 26-202.3,
 4 but who is twelve (12) years of age or older, upon payment
 5 of the sum of ten dollars (\$10) to any agent of the fish and
 6 game commission authorized to issue fishing and hunting
 7 licenses shall be entitled to a Class E-1 license, which
 8 shall entitle the holder thereof to pursue, hunt, shoot,
 9 TRAP, kill and possess bobcat as authorized by the rules and
 10 regulations of the commission.

11 (20) Class E-2 License - Resident Bobcat License. Any
 12 person who is a resident as defined in section 26-202.3, and
 13 who is twelve (12) years of age or older, upon payment of
 14 the sum of two dollars (\$2) to any agent of the fish and
 15 game commission authorized to issue fishing and hunting
 16 licenses shall be entitled to a Class E-2 license, which
 17 shall entitle the holder thereof to pursue, hunt, shoot,
 18 TRAP, kill and possess bobcat as authorized by the rules and
 19 regulations of the commission."

20 Section 3. Section 26-301, R.C.M. 1947, is amended to
 21 read as follows:

22 "26-301. Restrictions of manner of taking and
 23 possessing fish and game and powers of commission relating
 24 thereto. (1) It shall be unlawful for anyone to take,
 25 capture, shoot, kill, or attempt to take, capture, shoot or

1 kill, any game animal, or game bird from any self propelled
 2 or drawn vehicle, or on, or from any public highway in the
 3 state of Montana, or by the aid or with the use of any set
 4 gun, jack-light, or other artificial light, trap, snare,
 5 salt lick, nor shall any such set gun, jack-light or other
 6 artificial light, trap, snare, salt lick or other device to
 7 entrap or entice game animals or game birds be used, made or
 8 set, nor may rifles be used to hunt or shoot upland game
 9 birds unless the use of rifles is permitted by the
 10 commission; provided, however, that this does not prohibit
 11 the shooting of wild waterfowl from blinds over decoys with
 12 a shotgun only, not larger than a number ten (10) gauge
 13 fired from the shoulder, nor shall any game fish be caught,
 14 captured, or taken, or attempted to be caught, captured, or
 15 taken by the aid or with the use of any gun, or trap, nor
 16 shall any such set gun, or trap or other device to entrap
 17 game fish be used, made, or set.

18 (2) (a) No game birds or game or fur-bearing animals
 19 shall be killed, taken or shot at from any aircraft, nor
 20 shall any aircraft be used for the purpose of concentrating,
 21 pursuing, driving, rallying or stirring up any game or
 22 migratory birds, game or fur-bearing animals, nor shall any
 23 powerboat, sailboat, or any boat under sail or any floating
 24 device towed by a powerboat, sailboat, or any boat under
 25 sail be used for the purpose of killing, capturing, taking,

1 pursuing, concentrating, driving or stirring up any game
2 birds, or migratory waterfowl, or game or fur-bearing
3 animals.

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

9 (3) No person shall take into a field or forest, or
10 have in his possession while out hunting, any device or
11 mechanism devised to silence, or muffle or minimize the
12 report of any firearms, whether such device or mechanism be
13 operated from or attached to any firearm.

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

16 (5) No person shall chase with dogs any of the game or
17 fur-bearing animals as defined by the fish and game laws of
18 this state; provided, however, that livestock owners,
19 employees of the state fish and game commission and of the
20 federal fish and wildlife service may use dogs in pursuit of
21 stock-killing bears, and stock-killing mountain lions, and
22 stock-killing bobcats or other means of taking stock-killing
23 bears, and stock-killing mountain lions, and stock-killing
24 bobcats except the use of the dead fall; providing, however,
25 that traps used in capturing bear shall be inspected twice

1 each day, which inspection shall be twelve (12) hours apart;
2 and provided further, that a person may take game birds
3 during the open season thereon with the aid of a dog or dogs
4 and any person or association organized for the protection
5 of game, may run field trials at any time upon obtaining
6 written permission from the state fish and game director.

7 (6) The state fish and game commission shall have the
8 power to designate certain waters where set lines may be
9 used to fish for certain species of game or nongame fish,
10 and the commission may designate the number of hooks and
11 lines and the length of line or lines which may be used as
12 set lines.

13 (7) Game fish shall be taken only by angling, that is
14 by hook and single line in hand or single rod in hand, or
15 within immediate control; this does not prevent, however,
16 the snagging of paddlefish, coho (silver salmon), and
17 kokanee (sockeye salmon) when the commission shall declare
18 an open season when paddlefish, coho (silver salmon), and
19 kokanee (sockeye salmon) may be taken by snagging, the
20 taking of paddlefish with long bow and arrow when the
21 commission shall declare an open season when paddlefish may
22 be taken by long bow and arrow, the taking of walleyed pike,
23 sauger, northern pike and nongame fish with spear or gig
24 when the commission shall declare an open season for taking
25 walleyed pike, sauger, northern pike and nongame fish with

1 spear or gig, nor the use of landing net or gaff to land a
 2 game fish after the same has been hooked by angling as above
 3 specified, nor does it prevent the taking of minnows other
 4 than game fish variety by the use or aid of a net not to
 5 exceed twelve (12) feet in length and four (4) feet in
 6 width, in such waters as may be designated by the
 7 commission.

8 (8) No person, while hunting game animals or game birds
 9 shall use a motor-driven vehicle on any other than an
 10 established road or trail, unless he has reduced a big game
 11 animal to possession and cannot easily retrieve said big
 12 game animal, in which case a motor-driven vehicle may be
 13 used to retrieve the big game animal, provided that after
 14 such retrieval, such motor-driven vehicle is again returned
 15 to an established road or trail by the shortest possible
 16 route. For purposes of safety and allowing normal travel, a
 17 motor-driven vehicle may be parked on the roadside or
 18 directly adjacent to said road or trail. No person, while
 19 hunting game animals or game birds, shall drive or attempt
 20 to drive, run or attempt to run, molest or attempt to
 21 molest, flush or attempt to flush, or harass or attempt to
 22 harass any game animal or game bird with the use or aid of
 23 any motor-driven vehicle. No person, while hunting game
 24 animals or game birds shall drive through any retired
 25 cropland, brush area, slough area, timber area, open

1 prairie, or unharvested or harvested cropland, except upon
 2 an established road or trail unless written permission has
 3 been given by the land owner and in possession of the
 4 hunter.

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

11 (10) The provisions of this section relating to methods
 12 of herding, driving, capturing, taking, locating or
 13 concentrating of fish, game animals, game birds or
 14 fur-bearing animals do not apply to the department of fish
 15 and game, or any employee thereof, while acting within the
 16 scope and course of the powers and duties of the department.

17 Any person violating any of the provisions of this
 18 section shall be deemed guilty of a misdemeanor and shall be
 19 punishable as provided by law."

20 Section 4. Section 26-303.5, R.C.M. 1947, is amended
 21 to read as follows:

22 "26-303.5. Use of dogs for hunting mountain lion and
 23 bobcat. The Montana fish and game commission shall have
 24 authority to allow and regulate the use of dogs for hunting
 25 mountain lion and bobcat."

1 Section 5. Section 26-307, R.C.M. 1947, is amended to
2 read as follows:

3 "26-307. Waste of fish or game -- hunting or fishing
4 during closed season -- killing more than one game animal --
5 exceptions. (1) It shall be unlawful and a misdemeanor for
6 any person responsible for the death of any game animal of
7 this state, excepting grizzly, black and brown bear, and
8 mountain lion, and bobcat to detach or remove from the
9 carcass only the head, hide, antlers, tusks or teeth, or any
10 or all of aforesaid parts, or to waste any part of any game
11 animal, game bird, or game fish suitable for food, or to
12 abandon the carcass of any game animal in the field, except
13 black and brown bear, and mountain lion, and bobcat which
14 need have removed and taken from the carcass only the head
15 or the hide of such bear, or mountain lion, or bobcat and
16 except grizzly bear, which need have removed and taken from
17 the carcass only the head and hide and such other parts as
18 the state fish and game commission may demand for scientific
19 purposes. All parts of grizzly bear demanded by the
20 commission for scientific purposes must be delivered to an
21 officer or employee of the commission for inspection as soon
22 as possible after removal and the commission shall return to
23 the licensee any bone structure and skull within one year
24 upon written request. The hide shall be returned
25 immediately.

1 (2) It shall be unlawful and a misdemeanor for any
2 person to kill more than one game animal of any one species,
3 in any one license year, unless the killing of more than one
4 game animal of such species has been authorized by
5 regulations of the fish and game commission.

6 (3) It shall be unlawful and a misdemeanor for any
7 person during the closed season on any species of game
8 animal, game bird or fish to take, hunt, shoot, kill or
9 capture any such game animal or such game bird or to fish
10 for or catch any such fish."

11 Section 6. There is a new R.C.M. section that reads as
12 follows:

13 Commission to regulate trapping of bobcat. The Montana
14 fish and game commission shall have the authority to allow
15 and regulate the trapping of bobcats.

16 Section 7. Section 46-1902, R.C.M. 1947, is amended to
17 read as follows:

18 "46-1902. Meaning of term "wild animal." For the
19 purpose of this act the term "wild animal" shall include
20 wolf, coyote, lynx, ~~bebea~~, and any other animal causing
21 depredations upon livestock."

22 Section 8. Section 46-1903, R.C.M. 1947, is amended to
23 read as follows:

24 "46-1903. Department to supervise destruction of
25 predatory animals -- co-operation with other agencies --

1 administration of moneys. (1) The department of livestock
 2 shall conduct the destruction, extermination, and control of
 3 wild animals, including wolf, coyote, lynx, ~~bebeet~~ and other
 4 wild animals predatory in nature and capable of killing,
 5 destroying, maiming, or injuring domestic livestock or
 6 domestic poultry; and the protection and safeguarding of
 7 livestock and poultry in this state, against depredations
 8 from these animals. The department shall formulate the
 9 practical programs for accomplishing these objectives in
 10 this state, and for carrying out the programs in an
 11 efficient and practical manner, responsive to the need for
 12 control in each area of this state. The department shall
 13 adopt rules applicable to predatory animal control, which
 14 are necessary and proper for the systematic destruction of
 15 the wild animals by hunting, trapping, and poisoning
 16 operations, and payments of bounties. The department shall
 17 make field, area, range, or other orders and instructions,
 18 including orders and instructions to hunter and trapper
 19 personnel and others, which are appropriate in the various
 20 areas, at different seasons of the year, taking into
 21 consideration the habits, presence, migrations, or movements
 22 of the animals, and their attacks on livestock and poultry,
 23 either singly or in packs or bands. The department shall
 24 cooperate with authorized representatives of the federal
 25 government, including the Biological Survey and the Fish and

1 Wild Life Service, the state fish and game commission,
 2 boards of county commissioners, voluntary associations of
 3 stockgrowers, sheepgrowers, ranchers, farmers, and
 4 sportsmen, and corporations and individuals, in the
 5 systematic destruction of wild animals by hunting, trapping,
 6 and poisoning operations.

7 (2) The department shall administer and expend for
 8 predatory animal extermination and control all money which
 9 is made available to it, including the money from the levy
 10 under section 84-5214, and all money which is made available
 11 to the department by appropriations made by the legislature
 12 for predatory animal control by the department. The
 13 department shall expend the funds for predatory animal
 14 control by all effective means, including employment of
 15 hunters, trappers, and other personnel, procurement of
 16 traps, poisons, equipment, and supplies, and payment of
 17 bounties in the discretion of the department, responsive to
 18 the necessities of control in various areas of the state.

19 (3) This section does not interfere with or impair the
 20 power and duties of the fish and game commission in the
 21 control of predatory animals by the commission, as
 22 authorized by law, nor the obligation of the commission to
 23 expend its funds in cooperation with the department, for
 24 predatory animal control, as required by law. Funds of the
 25 fish and game commission for the cooperative predatory

1 animal control shall be administered and expended by the
2 fish and game commission."

-End-