

H. BILL NO. 299 *Wyrick*  
 INTRODUCED BY *Ellison R. Bath, J. M. Mulge*  
*W. Bath, Palmer, Cooney, Hansen, DeLoe, McLean*  
 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HUNTING THE

SAME DAY AS OR THE DAY FOLLOWING A FLIGHT TO LOCATE GAME AND  
 TO PROHIBIT THE USE OF AIRCRAFT, INCLUDING HELICOPTERS, FOR  
 TRANSPORTING HUNTERS, FISHERMEN, HUNTING AND FISHING  
 EQUIPMENT, OR WILDLIFE; PROVIDING EXCEPTIONS; AND AMENDING  
 SECTION 26-301, R.C.M. 1947."

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

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

"26-301. Restrictions of manner of taking and possessing fish and game and powers of commission relating thereto. (1) It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any self propelled or drawn vehicle, or on, or from any public highway in the state of Montana, or by the aid or with the use of any set gun, jack-light, or other artificial light, citizens' band radio, trap, snare, salt lick, nor shall any such set gun, jack-light or other artificial light, citizens' band radio, trap, snare, salt lick or other device to entrap or entice game animals or game birds be used, made or set, nor may

rifles be used to hunt or shoot upland game birds unless the use of rifles is permitted by the commission; provided, however, that this does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured, or taken, or attempted to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set gun, or trap or other device to entrap game fish be used, made, or set.

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

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

1 is unlawful for any person airborne in any aircraft,  
 2 including a helicopter, to spot or locate any game birds,  
 3 game, or fur-bearing animals and communicate the location  
 4 thereof to any person on the ground by means of any  
 5 air-to-ground communication signal or device whatsoever as  
 6 an aid to hunting or pursuing wildlife. It is unlawful for  
 7 an airborne person or persons on the ground to pursue or  
 8 hunt game on the same day as or the day following such  
 9 flight.

10 (c) Except as permitted by the department, it is  
 11 unlawful to use aircraft, including helicopters, for hunting  
 12 or fishing purposes, except when persons or cargo are loaded  
 13 and unloaded at federal aviation agency approved airports,  
 14 aircraft landing fields, or heliports which have been  
 15 established on private property or which have been  
 16 established by any federal, state, county, or municipal  
 17 governmental body. Hunting or fishing purposes include the  
 18 transportation of hunters, fishermen, fish or wildlife, and  
 19 hunting and fishing equipment and supplies. The provisions  
 20 of this subsection do not apply during emergency situations  
 21 or when search and rescue operations are being conducted or  
 22 for predator control as permitted by the department of  
 23 livestock.

24 (3) No person shall take into a field or forest, or  
 25 have in his possession while out hunting, any device or

1 mechanism devised to silence, or muffle or minimize the  
 2 report of any firearms, whether such device or mechanism be  
 3 operated from or attached to any firearm.

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

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

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

1 lines and the length of line or lines which may be used as  
2 set lines.

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

23 (8) No person, while hunting game animals or game  
24 birds shall use a motor-driven vehicle on any other than an  
25 established road or trail, unless he has reduced a big game

1 animal to possession and cannot easily retrieve said big  
2 game animal, in which case a motor-driven vehicle may be  
3 used to retrieve the big game animal, except in areas where  
4 more restrictive regulations apply or where the landowner  
5 has not granted such permission, provided that after such  
6 retrieval, such motor-driven vehicle is again returned to an  
7 established road or trail by the shortest possible route.  
8 For purposes of safety and allowing normal travel, a  
9 motor-driven vehicle may be parked on the roadside or  
10 directly adjacent to said road or trail. No person, while  
11 hunting game animals or game birds, shall drive or attempt  
12 to drive, run or attempt to run, molest or attempt to  
13 molest, flush or attempt to flush, or harass or attempt to  
14 harass any game animal or game bird with the use or aid of  
15 any motor-driven vehicle. No person, while hunting game  
16 animals or game birds shall drive through any retired  
17 cropland, brush area, slough area, timber area, open  
18 prairie, or unharvested or harvested cropland, except upon  
19 an established road or trail unless written permission has  
20 been given by the land owner and in possession of the  
21 hunter. The restrictions in this subsection on motor-driven  
22 vehicle use off an established road or trail apply only to  
23 hunting on state or private land, not to hunting on federal  
24 land unless the federal agency specifically requests or  
25 approves state enforcement.

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

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

13           Any person violating any of the provisions of this  
14 section shall be deemed guilty of a misdemeanor and shall be  
15 punishable as provided by law.\*

-End-

Approved by Comm.  
on Fish and Game

HOUSE BILL NO. 299

INTRODUCED BY ELLISON, R. BAETH, JOHNSTON, NULAR,  
WYRICK, W. BAETH, PALMER, COONEY, HANSEN, GOULD, McLANE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HUNTING THE  
SAME DAY AS OR THE DAY FOLLOWING A FLIGHT TO LOCATE GAME AND  
TO PROHIBIT THE USE OF CITIZEN BAND RADIOS FOR HUNTING AND  
THE USE OF AIRCRAFT, INCLUDING HELICOPTERS, FOR TRANSPORTING  
HUNTERS, FISHERMEN, HUNTING AND FISHING EQUIPMENT, OR  
WILDLIFE; PROVIDING EXCEPTIONS; AND AMENDING SECTION 26-301,  
R.C.M. 1947."

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

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

"26-301. Restrictions of manner of taking and  
possessing fish and game and powers of commission relating  
thereto. (1) It shall be unlawful for anyone to take,  
capture, shoot, kill, or attempt to take, capture, shoot or  
kill, any game animal, or game bird from any self propelled  
or drawn vehicle, or on, or from any public highway in the  
state of Montana, or by the aid or with the use of any set  
gun, jack-light, or other artificial light, citizens' band  
radio, trap, snare, salt lick, nor shall any such set gun,  
jack-light or other artificial light, citizens' band radio,

trap, snare, salt lick or other device to entrap or entice  
game animals or game birds be used, made or set, nor may  
rifles be used to hunt or shoot upland game birds unless the  
use of rifles is permitted by the commission; provided,  
however, that this does not prohibit the shooting of wild  
waterfowl from blinds over decoys with a shotgun only, not  
larger than a number ten (10) gauge fired from the shoulder,  
nor shall any game fish be caught, captured, or taken, or  
attempted to be caught, captured or taken by the aid or with  
the use of any gun, or trap, nor shall any such set gun, or  
trap or other device to entrap game fish be used, made, or  
set.

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

(b) ~~No person in an aircraft in the air shall spot or  
locate any game, or migratory bird, game or fur-bearing  
animals and communicate the location or approximate location~~

1 ~~thereof by any signals whatsoever, whether radio, visual or~~  
 2 ~~otherwise, to any person or persons then on the ground. It~~  
 3 is unlawful for any person airborne in any aircraft,  
 4 including a helicopter, to spot or locate any game birds, OR  
 5 game, or fur-bearing animals and communicate the location  
 6 thereof to any person on the ground by means of any  
 7 air-to-ground communication signal or device whatsoever as  
 8 an aid to hunting or pursuing wildlife. It is unlawful for  
 9 an airborne person or persons on the ground to pursue or  
 10 hunt game OR FUR-BEARING ANIMALS on the same day as or the  
 11 day following such flight.

12 (c) Except as permitted by the department, it is  
 13 unlawful to use aircraft, including helicopters, for hunting  
 14 or fishing purposes, except when persons or cargo are loaded  
 15 and unloaded at federal aviation agency approved airports,  
 16 aircraft landing fields, or heliports which have been  
 17 established on private property or which have been  
 18 established by any federal, state, county, or municipal  
 19 governmental body. Hunting or fishing purposes include the  
 20 transportation of hunters, fishermen, fish or wildlife, and  
 21 hunting and fishing equipment and supplies. The provisions  
 22 of this subsection do not apply during emergency situations  
 23 or when search and rescue operations are being conducted or  
 24 for predator control as permitted by the department of  
 25 livestock.

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

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

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

24 (6) The state fish and game commission shall have the  
 25 power to designate certain waters where set lines may be

1 used to fish for certain species of game or nongame fish,  
2 and the commission may designate the number of hooks and  
3 lines and the length of line or lines which may be used as  
4 set lines.

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

25 (8) No person, while hunting game animals or game

1 birds shall use a motor-driven vehicle on any other than an  
2 established road or trail, unless he has reduced a big game  
3 animal to possession and cannot easily retrieve said big  
4 game animal, in which case a motor-driven vehicle may be  
5 used to retrieve the big game animal, except in areas where  
6 more restrictive regulations apply or where the landowner  
7 has not granted such permission, provided that after such  
8 retrieval, such motor-driven vehicle is again returned to an  
9 established road or trail by the shortest possible route.  
10 For purposes of safety and allowing normal travel, a  
11 motor-driven vehicle may be parked on the roadside or  
12 directly adjacent to said road or trail. No person, while  
13 hunting game animals or game birds, shall drive or attempt  
14 to drive, run or attempt to run, molest or attempt to  
15 molest, flush or attempt to flush, or harass or attempt to  
16 harass any game animal or game bird with the use or aid of  
17 any motor-driven vehicle. No person, while hunting game  
18 animals or game birds shall drive through any retired  
19 cropland, brush area, slough area, timber area, open  
20 prairie, or unharvested or harvested cropland, except upon  
21 an established road or trail unless written permission has  
22 been given by the land owner and in possession of the  
23 hunter. The restrictions in this subsection on motor-driven  
24 vehicle use off an established road or trail apply only to  
25 hunting on state or private land, not to hunting on federal

1 land unless the federal agency specifically requests or  
2 approves state enforcement.

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

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

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

-End-



Approved by Comm.  
on Fish and Game

HOUSE BILL NO. 299

INTRODUCED BY ELLISON, R. BAETH, JOHNSTON, MULAR,  
MYRICK, W. BAETH, PALMER, COONEY, HANSEN, GOULD, McLANE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HUNTING THE  
SAME DAY ~~AS-OR-THE-DAY~~ FOLLOWING A FLIGHT TO LOCATE GAME ~~AND~~  
~~TO-PROHIBIT, THE USE OF CITIZEN BAND RADIOS FOR HUNTING AND~~  
THE USE OF AIRCRAFT, INCLUDING HELICOPTERS, FOR TRANSPORTING  
HUNTERS, FISHERMEN, HUNTING ~~AND--FISHING~~ EQUIPMENT, OR  
WILDLIFE AND HARASSING CERTAIN WILDLIFE; PROVIDING  
EXCEPTIONS; ~~AND~~ AMENDING SECTION 26-301, R.C.M. 1947."

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

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

"26-301. Restrictions of manner of taking and  
possessing fish and game and powers of commission relating  
thereto. (1) It shall be unlawful for anyone to take,  
capture, shoot, kill, or attempt to take, capture, shoot or  
kill, any game animal, or game bird from any self propelled  
or drawn vehicle, or on, or from any public highway in the  
state of Montana, or by the aid or with the use of any set  
gun, jack-light, or other artificial light, citizens' band  
radio, trap, snare, salt lick, nor shall any such set gun,  
jack-light or other artificial light, citizens' band radio,

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

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

(b) ~~No person in an aircraft in the air shall spot or~~  
25 ~~locate any game or migratory bird, game or fur-bearing~~

1 ~~animals and communicate the location or approximate location~~  
 2 ~~thereof by any signals whatsoever, whether radio, visual, or~~  
 3 ~~otherwise, to any person or persons then on the ground. It~~  
 4 ~~is unlawful for any person airborne in any aircraft,~~  
 5 ~~including a helicopter, to spot or locate any game birds OR~~  
 6 ~~game or fur-bearing animals and communicate the location~~  
 7 ~~thereof to any person on the ground by means of any~~  
 8 ~~air-to-ground communication signal or device whatsoever as~~  
 9 ~~an aid to hunting or pursuing wildlife. It is unlawful for~~  
 10 ~~an airborne A person or persons on the ground AIRBORNE to~~  
 11 ~~pursue or hunt game OR FUR-BEARING ANIMALS on the same day~~  
 12 ~~as or the day following such flight.~~

13 ~~(c) Except as permitted by the department, it is~~  
 14 ~~unlawful to use aircraft, including helicopters, for hunting~~  
 15 ~~or fishing purposes, except when persons or cargo are loaded~~  
 16 ~~and unloaded at federal aviation agency approved airports,~~  
 17 ~~aircraft landing fields, or heliports which have been~~  
 18 ~~established on private property or which have been~~  
 19 ~~established by any federal, state, county, or municipal~~  
 20 ~~governmental body. Hunting or fishing purposes include the~~  
 21 ~~transportation of hunters, fishermen, fish or wildlife, and~~  
 22 ~~hunting and fishing equipment and supplies. The provisions~~  
 23 ~~of this subsection do not apply during emergency situations~~  
 24 ~~or when search and rescue operations are being conducted or~~  
 25 ~~for predator control as permitted by the department of~~

1 livestock.

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

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

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

25 (6) The state fish and game commission shall have the

1 power to designate certain waters where set lines may be  
2 used to fish for certain species of game or nongame fish,  
3 and the commission may designate the number of hooks and  
4 lines and the length of line or lines which may be used as  
5 set lines.

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

1 (8) No person, while hunting game animals or game  
2 birds shall use a motor-driven vehicle on any other than an  
3 established road or trail, unless he has reduced a big game  
4 animal to possession and cannot easily retrieve said big  
5 game animal, in which case a motor-driven vehicle may be  
6 used to retrieve the big game animal, except in areas where  
7 more restrictive regulations apply or where the landowner  
8 has not granted such permission, provided that after such  
9 retrieval, such motor-driven vehicle is again returned to an  
10 established road or trail by the shortest possible route.  
11 For purposes of safety and allowing normal travel, a  
12 motor-driven vehicle may be parked on the roadside or  
13 directly adjacent to said road or trail. No person, while  
14 hunting game animals or game birds, shall drive or attempt  
15 to drive, run or attempt to run, molest or attempt to  
16 molest, flush or attempt to flush, or harass or attempt to  
17 harass any game animal or game bird with the use or aid of  
18 any motor-driven vehicle. No person, while hunting game  
19 animals or game birds shall drive through any retired  
20 cropland, brush area, slough area, timber area, open  
21 prairie, or unharvested or harvested cropland, except upon  
22 an established road or trail unless written permission has  
23 been given by the land owner and in possession of the  
24 hunter. The restrictions in this subsection on motor-driven  
25 vehicle use off an established road or trail apply only to

1 hunting on state or private land, not to hunting on federal  
2 land unless the federal agency specifically requests or  
3 approves state enforcement.

4 ~~(9) IT IS UNLAWFUL FOR A PERSON TO USE A~~  
5 ~~SELF-PROPELLED VEHICLE TO INTENTIONALLY CONCENTRATE, DRIVE,~~  
6 ~~RALLY, STIR UP, OR HARASS WILDLIFE EXCEPT PREDATORS OF THIS~~  
7 ~~STATE, PROVIDING THAT THIS SUBSECTION DOES NOT APPLY TO~~  
8 ~~LANDOWNERS AND THEIR AUTHORIZED AGENTS ENGAGED IN THE~~  
9 ~~IMMEDIATE PROTECTION OF THAT LANDOWNER'S PROPERTY.~~

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

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

22 Any person violating any of the provisions of this  
23 section shall be deemed guilty of a misdemeanor and shall be  
24 punishable as provided by law.\*

-End-

HOUSE BILL NO. 299

INTRODUCED BY ELLISON, R. BAETH, JOHNSTON, MULAR,  
MYRICK, W. BAETH, PALMER, COONEY, HANSEN, GOULD, McLANE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HUNTING THE  
SAME DAY ~~AS-OR-THE-DAY~~ FOLLOWING A FLIGHT TO LOCATE GAME ~~AND~~  
~~TO-PROHIBIT, THE USE OF CITIZEN BAND RADIOS FOR HUNTING AND~~  
THE USE OF AIRCRAFT, INCLUDING HELICOPTERS, FOR TRANSPORTING  
HUNTERS, FISHERMEN, HUNTING ~~AND--FISHING~~ EQUIPMENT, OR  
WILDLIFE ~~AND HARASSING CERTAIN WILDLIFE;~~ PROVIDING  
EXCEPTIONS; ~~AND~~ AMENDING SECTION 26-301, R.C.M. 1947."

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

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

"26-301. Restrictions of manner of taking and  
possessing fish and game and powers of commission relating  
thereto. (1) It shall be unlawful for anyone to take,  
capture, shoot, kill, or attempt to take, capture, shoot or  
kill, any game animal, or game bird from any self propelled  
or drawn vehicle, or on, or from any public highway in the  
state of Montana, or by the aid or with the use of any set  
gun, jack-light, or other artificial light, citizens' band  
radio, trap, snare, salt lick, nor shall any such set gun,  
jack-light or other artificial light, citizens' band radio,

trap, snare, salt lick or other device to entrap or entice  
game animals or game birds be used, made or set, nor may  
rifles be used to hunt or shoot upland game birds unless the  
use of rifles is permitted by the commission; provided,  
however, that this does not prohibit the shooting of wild  
waterfowl from blinds over decoys with a shotgun only, not  
larger than a number ten (10) gauge fired from the shoulder,  
nor shall any game fish be caught, captured, or taken, or  
attempted to be caught, captured or taken by the aid or with  
the use of any gun, or trap, nor shall any such set gun, or  
trap or other device to entrap game fish be used, made, or  
set.

(2) (a) No game birds or game or fur-bearing animals  
shall be killed, taken or shot at from any aircraft  
INCLUDING HELICOPTERS, nor shall any aircraft OR HELICOPTER  
be used for the purpose of concentrating, pursuing, driving,  
rallying or stirring up any game or migratory birds, game or  
fur-bearing animals, nor shall any powerboat, sailboat, or  
any boat under sail or any floating device towed by a  
powerboat, sailboat, or any boat under sail be used for the  
purpose of killing, capturing, taking, pursuing,  
concentrating, driving or stirring up any upland game birds,  
or game or fur-bearing animals.

(b) ~~No person in an aircraft in the air shall spot or~~  
~~locate any game or migratory bird, game or fur-bearing~~

~~1 animals and communicate the location or approximate location~~  
~~2 thereof by any signals whatsoever, whether radio, visual, or~~  
~~3 otherwise, to any person or persons then on the ground. It~~  
~~4 is unlawful for any person airborne in any aircraft,~~  
~~5 including a helicopter, to spot or locate any game birds OR~~  
~~6 game or fur-bearing animals and communicate the location~~  
~~7 thereof to any person on the ground by means of any~~  
~~8 air-to-ground communication signal or device whatsoever as~~  
~~9 an aid to hunting or pursuing wildlife. It is unlawful for~~  
~~10 an airborne A person or persons on the ground AIRBORNE to~~  
~~11 pursue or hunt game OR FUR-BEARING ANIMALS on the same day~~  
~~12 as or the day following such flight.~~

~~13 (c) Except as permitted by the department, it is~~  
~~14 unlawful to use aircraft, including helicopters, for hunting~~  
~~15 or fishing purposes, except when persons or cargo are loaded~~  
~~16 and unloaded at federal aviation agency approved airports,~~  
~~17 aircraft landing fields, or heliports which have been~~  
~~18 established on private property or which have been~~  
~~19 established by any federal, state, county, or municipal~~  
~~20 governmental body. Hunting or fishing purposes include the~~  
~~21 transportation of hunters, fishermen, fish or wildlife, and~~  
~~22 hunting and fishing equipment and supplies. The provisions~~  
~~23 of this subsection do not apply during emergency situations~~  
~~24 or when search and rescue operations are being conducted or~~  
~~25 for predator control as permitted by the department of~~

1 ~~livestock.~~

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

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

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

25 (6) The state fish and game commission shall have the

1 power to designate certain waters where set lines may be  
2 used to fish for certain species of game or nongame fish,  
3 and the commission may designate the number of hooks and  
4 lines and the length of line or lines which may be used as  
5 set lines.

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

1 (8) No person, while hunting game animals or game  
2 birds shall use a motor-driven vehicle on any other than an  
3 established road or trail, unless he has reduced a big game  
4 animal to possession and cannot easily retrieve said big  
5 game animal, in which case a motor-driven vehicle may be  
6 used to retrieve the big game animal, except in areas where  
7 more restrictive regulations apply or where the landowner  
8 has not granted such permission, provided that after such  
9 retrieval, such motor-driven vehicle is again returned to an  
10 established road or trail by the shortest possible route.  
11 For purposes of safety and allowing normal travel, a  
12 motor-driven vehicle may be parked on the roadside or  
13 directly adjacent to said road or trail. No person, while  
14 hunting game animals or game birds, shall drive or attempt  
15 to drive, run or attempt to run, molest or attempt to  
16 molest, flush or attempt to flush, or harass or attempt to  
17 harass any game animal or game bird with the use or aid of  
18 any motor-driven vehicle. No person, while hunting game  
19 animals or game birds shall drive through any retired  
20 cropland, brush area, slough area, timber area, open  
21 prairie, or unharvested or harvested cropland, except upon  
22 an established road or trail unless written permission has  
23 been given by the land owner and in possession of the  
24 hunter. The restrictions in this subsection on motor-driven  
25 vehicle use off an established road or trail apply only to

1 hunting on state or private land, not to hunting on federal  
2 land unless the federal agency specifically requests or  
3 approves state enforcement.

4 ~~(9) IT IS UNLAWFUL FOR A PERSON TO USE A~~  
5 ~~SELF-PROPELLED VEHICLE TO INTENTIONALLY CONCENTRATE, DRIVE,~~  
6 ~~RALLY, STIR UP, OR HARASS WILDLIFE EXCEPT PREDATORS OF THIS~~  
7 ~~STATE, PROVIDING THAT THIS SUBSECTION DOES NOT APPLY TO~~  
8 ~~LANDOWNERS AND THEIR AUTHORIZED AGENTS ENGAGED IN THE~~  
9 ~~IMMEDIATE PROTECTION OF THAT LANDOWNER'S PROPERTY.~~

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

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

22 Any person violating any of the provisions of this  
23 section shall be deemed guilty of a misdemeanor and shall be  
24 punishable as provided by law."

-End-



March 23, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Fish & Game

That House Bill No. 299 be amended as follows:

1. Amend title, lines 5 through 7.

Following: "PROHIBIT"

Strike: "HUNTING THE SAME DAY ~~AS-OR-THE-DAY~~ FOLLOWING A FLIGHT TO LOCATE GAME ~~AND-TO-PROHIBIT~~, THE USE OF CITIZEN BAND RADIOS FOR HUNTING AND"

2. Amend page 1, section 1, line 23.

Following: "light,"

Strike: "citizens' band radio,"

3. Amend page 1, section 1, line 25.

Following: "light,"

Strike: "citizens' band radio,"

4. Amend page 3, section 1, lines 9 through 12.

Following: "wildlife."

Strike: "It is unlawful for ~~an-airborne~~ A person or persons-on-the ground AIRBORNE to pursue or hunt game OR FUR-BEARING ANIMALS on the same day ~~as-or-the-day~~ following such flight."

March 31, 1977

SENATE  
COMMITTEE OF THE WHOLE

That House Bill No. 299 be amended as follows:

1. Amend page 3, section 1, line 13.

Following: "(c)"

Strike: "Except"

Insert: "Within the boundaries of a national forest, except"

## HOUSE BILL NO. 299

INTRODUCED BY ELLISON, R. BAETH, JOHNSTON, MULAR,  
HYRICK, W. BAETH, PALMER, COONEY, HANSEN, GOULD, McLANE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HUNTING-THE  
SAME-DAY-AS-OR-THE-DAY FOLLOWING A FLIGHT TO LOCATE GAME AND  
~~TO PROHIBIT THE USE OF CITIZEN BAND RADIOS FOR HUNTING AND~~  
THE USE OF AIRCRAFT, INCLUDING HELICOPTERS, FOR TRANSPORTING  
HUNTERS, FISHERMEN, HUNTING AND--FISHING EQUIPMENT, OR  
WILDLIFE AND HARASSING CERTAIN WILDLIFE; PROVIDING  
EXCEPTIONS; AND AMENDING SECTION 26-301, R.C.M. 1947."

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

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

"26-301. Restrictions of manner of taking and  
possessing fish and game and powers of commission relating  
thereto. (1) It shall be unlawful for anyone to take,  
capture, shoot, kill, or attempt to take, capture, shoot or  
kill, any game animal, or game bird from any self propelled  
or drawn vehicle, or on, or from any public highway in the  
state of Montana, or by the aid or with the use of any set  
gun, jack-light, or other artificial light, ~~citizens-band~~  
~~radio~~ trap, snare, salt lick, nor shall any such set gun,  
jack-light or other artificial light, ~~citizens-band-radio~~

trap, snare, salt lick or other device to entrap or entice  
game animals or game birds be used, made or set, nor may  
rifles be used to hunt or shoot upland game birds unless the  
use of rifles is permitted by the commission; provided,  
however, that this does not prohibit the shooting of wild  
waterfowl from blinds over decoys with a shotgun only, not  
larger than a number ten (10) gauge fired from the shoulder,  
nor shall any game fish be caught, captured, or taken, or  
attempted to be caught, captured or taken by the aid or with  
the use of any gun, or trap, nor shall any such set gun, or  
trap or other device to entrap game fish be used, made, or  
set.

(2) (a) No game birds or game or fur-bearing animals  
shall be killed, taken or shot at from any aircraft  
INCLUDING HELICOPTERS, nor shall any aircraft OR HELICOPTER  
be used for the purpose of concentrating, pursuing, driving,  
rallying or stirring up any game or migratory birds, game or  
fur-bearing animals, nor shall any powerboat, sailboat, or  
any boat under sail or any floating device towed by a  
powerboat, sailboat, or any boat under sail be used for the  
purpose of killing, capturing, taking, pursuing,  
concentrating, driving or stirring up any upland game birds,  
or game or fur-bearing animals.

(b) ~~No person in an aircraft in the air shall spot or~~  
~~locate any game, or migratory bird, game, or fur-bearing~~

~~1 animals and communicate the location or approximate location~~  
~~2 thereof by any signals whatsoever, whether radio, visual or~~  
~~3 otherwise to any person or persons then on the ground. It~~  
~~4 is unlawful for any person airborne in any aircraft,~~  
~~5 including a helicopter, to spot or locate any game birds, BB~~  
~~6 game, or fur-bearing animals and communicate the location~~  
~~7 thereof to any person on the ground by means of any~~  
~~8 air-to-ground communication signal or device whatsoever as~~  
~~9 an aid to hunting or pursuing wildlife. It is unlawful for~~  
~~10 an airborne person or persons on the ground AIRBORNE to~~  
~~11 pursue or hunt game BB FUR-BEARING ANIMALS on the same day~~  
~~12 as or the day following such flight.~~

~~13 (c) Except as permitted by the department, it is~~  
~~14 unlawful to use aircraft, including helicopters, for hunting~~  
~~15 or fishing purposes, except when persons or cargo are loaded~~  
~~16 and unloaded at federal aviation agency approved airports,~~  
~~17 aircraft landing fields, or heliports which have been~~  
~~18 established on private property or which have been~~  
~~19 established by any federal, state, county, or municipal~~  
~~20 governmental body. Hunting or fishing purposes include the~~  
~~21 transportation of hunters, fishermen, fish or wildlife, and~~  
~~22 hunting and fishing equipment and supplies. The provisions~~  
~~23 of this subsection do not apply during emergency situations~~  
~~24 or when search and rescue operations are being conducted or~~  
~~25 for predator control as permitted by the department of~~

## 1 livestock.

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

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

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

25 (6) The state fish and game commission shall have the

1 power to designate certain waters where set lines may be  
 2 used to fish for certain species of game or nongame fish,  
 3 and the commission may designate the number of hooks and  
 4 lines and the length of line or lines which may be used as  
 5 set lines.

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

1 (8) No person, while hunting game animals or game  
 2 birds shall use a motor-driven vehicle on any other than an  
 3 established road or trail, unless he has reduced a big game  
 4 animal to possession and cannot easily retrieve said big  
 5 game animal, in which case a motor-driven vehicle may be  
 6 used to retrieve the big game animal, except in areas where  
 7 more restrictive regulations apply or where the landowner  
 8 has not granted such permission, provided that after such  
 9 retrieval, such motor-driven vehicle is again returned to an  
 10 established road or trail by the shortest possible route.  
 11 For purposes of safety and allowing normal travel, a  
 12 motor-driven vehicle may be parked on the roadside or  
 13 directly adjacent to said road or trail. No person, while  
 14 hunting game animals or game birds, shall drive or attempt  
 15 to drive, run or attempt to run, molest or attempt to  
 16 molest, flush or attempt to flush, or harass or attempt to  
 17 harass any game animal or game bird with the use or aid of  
 18 any motor-driven vehicle. No person, while hunting game  
 19 animals or game birds shall drive through any retired  
 20 cropland, brush area, slough area, timber area, open  
 21 prairie, or unharvested or harvested cropland, except upon  
 22 an established road or trail unless written permission has  
 23 been given by the land owner and in possession of the  
 24 hunter. The restrictions in this subsection on motor-driven  
 25 vehicle use off an established road or trail apply only to

1 hunting on state or private land, not to hunting on federal  
2 land unless the federal agency specifically requests or  
3 approves state enforcement.

4 ~~(9) IT IS UNLAWFUL FOR A PERSON TO USE A~~  
5 ~~SELF-PROPELLED VEHICLE TO INTENTIONALLY CONCENTRATE, DRIVE,~~  
6 ~~RALLY, STIR UP, OR HARASS WILDLIFE EXCEPT PREDATORS OF THIS~~  
7 ~~STATE, PROVIDING THAT THIS SUBSECTION DOES NOT APPLY TO~~  
8 ~~LANDOWNERS AND THEIR AUTHORIZED AGENTS ENGAGED IN THE~~  
9 ~~IMMEDIATE PROTECTION OF THAT LANDOWNER'S PROPERTY.~~

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

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

22 Any person violating any of the provisions of this  
23 section shall be deemed guilty of a misdemeanor and shall be  
24 punishable as provided by law."

-End-

HOUSE BILL NO. 299

INTRODUCED BY ELLISON, R. BAETH, JOHNSTON, MULAR, WYKICK, W. BAETH, PALMER, COONEY, HANSEN, GOULD, MCLAVE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HUNTING-FHE SAME-DAY-AS-OR-THE-DAY FOLLOWING A FLIGHT TO LOCATE GAME AND TO PROHIBIT THE USE OF AIRCRAFT, INCLUDING HELICOPTERS, FOR TRANSPORTING HUNTERS, FISHERMEN, HUNTING AND--FISHING EQUIPMENT, OR WILDLIFE AND HARASSING CERTAIN WILDLIFE; PROVIDING EXCEPTIONS; AND AMENDING SECTION 26-301, R.C.M. 1947."

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

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

"26-301. Restrictions of manner of taking and possessing fish and game and powers of commission relating thereto. (1) It shall be unlawful for anyone to take, capture, snoot, kill, or attempt to take, capture, snoot or kill, any game animal, or game bird from any self propelled or drawn vehicle, or on, or from any public highway in the state of Montana, or by the aid or with the use of any set gun, jack-light, or other artificial light, ~~citizens-and~~ ~~radio~~ trap, snare, salt lick, nor shall any such set gun, jack-light or other artificial light, ~~citizens-and-radio~~

trap, snare, salt lick or other device to entrap or entice game animals or game birds be used, made or set, nor may rifles be used to hunt or shoot upland game birds unless the use of rifles is permitted by the commission; provided, however, that this does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured, or taken, or attempted to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set gun, or trap or other device to entrap game fish be used, made, or set.

{2} (a) No game birds or game or fur-bearing animals shall be killed, taken or shot at from any aircraft INCLUDING HELICOPTERS, nor shall any aircraft OR HELICOPTER be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or migratory birds, game or fur-bearing animals, nor shall any powerboat, sailboat, or any boat under sail or any floating device towed by a powerboat, sailboat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any upland game birds, or game or fur-bearing animals.

(b) No--person-in-an-aircraft-in-the-air-shall-spot-or locate-any-game-or--migratory--birds--game--or--fur-bearing

1 ~~animals and communicate the location or approximate location~~  
 2 ~~thereof by any signals whatsoever, whether radio, visual or~~  
 3 ~~otherwise to any person or persons then on the ground. It~~  
 4 ~~is unlawful for any person airborne in any aircraft,~~  
 5 ~~including a helicopter, to spot or locate any game birds or~~  
 6 ~~game or fur-bearing animals and communicate the location~~  
 7 ~~thereof to any person on the ground by means of any~~  
 8 ~~air-to-ground communication signal or device whatsoever as~~  
 9 ~~an aid to hunting or pursuing wildlife. It is unlawful for~~  
 10 ~~an airborne person or persons on the ground AIRBORNE to~~  
 11 ~~pursue or hunt game OR FUR-BEARING ANIMALS on the same day~~  
 12 ~~as or the day following such flight.~~

13 (c) ~~Except WITHIN THE BOUNDARIES OF A NATIONAL FOREST,~~  
 14 ~~EXCEPT as permitted by the department, it is unlawful to use~~  
 15 ~~aircraft, including helicopters, for hunting or fishing~~  
 16 ~~purposes, except when persons or cargo are loaded and~~  
 17 ~~unloaded at federal aviation agency approved airports,~~  
 18 ~~aircraft landing fields, or heliports which have been~~  
 19 ~~established on private property or which have been~~  
 20 ~~established by any federal, state, county, or municipal~~  
 21 ~~governmental body. Hunting or fishing purposes include the~~  
 22 ~~transportation of hunters, fishermen, fish or wildlife, and~~  
 23 ~~hunting and fishing equipment and supplies. The provisions~~  
 24 ~~of this subsection do not apply during emergency situations~~  
 25 ~~or when search and rescue operations are being conducted, or~~

1 ~~for predator control as permitted by the department of~~  
 2 ~~livestock.~~

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

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

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



1 (6) The state fish and game commission shall have the  
 2 power to designate certain waters where set lines may be  
 3 used to fish for certain species of game or nongame fish,  
 4 and the commission may designate the number of hooks and  
 5 lines and the length of line or lines which may be used as  
 6 set lines.

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

1 commission.

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

1 vehicle use off an established road or trail apply only to  
2 hunting on state or private land, not to hunting on federal  
3 land unless the federal agency specifically requests or  
4 approves state enforcement.

5 ~~(9) IT IS UNLAWFUL FOR A PERSON TO USE A~~  
6 ~~SELF-PROPELLED VEHICLE TO INTENTIONALLY CONCENTRATE, DRIVE,~~  
7 ~~RALLY, STIR UP, OR HARASS WILDLIFE EXCEPT PREDATORS OF THIS~~  
8 ~~STATE, PROVIDING THAT THIS SUBSECTION DOES NOT APPLY TO~~  
9 ~~LANDOWNERS AND THEIR AUTHORIZED AGENTS ENGAGED IN THE~~  
10 ~~IMMEDIATE PROTECTION OF THAT LANDOWNER'S PROPERTY.~~

11 ~~(9)(10)~~ whenever said fish and game commission shall  
12 have made any orders, rules or regulations for the carrying  
13 out of the powers granted to it under this act, the same  
14 shall take effect and be in force from and after the  
15 publication and posting of notice of said orders, rules and  
16 regulations as required by the fish and game laws.

17 ~~(10)(11)~~ The provisions of this section relating to  
18 methods of herding, driving, capturing, taking, locating or  
19 concentrating of fish, game animals, game birds or  
20 fur-bearing animals do not apply to the department of fish  
21 and game, or any employee thereof, while acting within the  
22 scope and course of the powers and duties of the department.

23 Any person violating any of the provisions of this  
24 section shall be deemed guilty of a misdemeanor and shall be  
25 punishable as provided by law."

-End-

-7-

HB 299