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2 3 A BILL FOR AN ACT ENTITIED: "AN ACT TO PROHIBIT THE HUNTING Œ OF GRIZZLY BEARS EXCEPT WHERE HUMAN LIVES OR LIVESTOCK ARE 5 6 ENDANGERED: AMENDING SECTIONS 26-201, 26-202.1, 26-202.2, 7 AND 26-307, R.C.M. 1947; AND REPEALING SECTION 26-307.3, R.C. H. 1947." 8 Q BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Hunting of grizzly bears prohibited. (1) It 11 12 is unlawful for any person to pursue, hunt, trap, take, shoot, kill, or attempt to trap, take, shoot, or kill any 13 grizzly hear, except where human lives or livestock are 14 15 clearly endangered. (2) Any person who hunts, traps, takes, shoots, or 16 kills any grizzly bear that has clearly endangered human 17 18 lives or livestock shall report his action to the department of fish and game within 48 hours after the occurrence. 19 (3) Any person who violates the provisions of 20 21 subsections (1) and (2) of this section is quilty of a 22 misdemeanor. 23 Section 2. Section 26-261, R.C.M. 1947, is amended to 24 read as follows: 25 "26-201. Definitions. For the purpose of this act, the

following shall be construed, respectively to mean: Commission. The state fish and game commission. Person. The plural or singular, male or female, as the case demands. including individual. associations. partnerships, and corporations, unless the context otherwise requires. Open season. The time during which game birds, fish, game and fur-bearing animals may be lawfully taken. Closed season. The time during which game birds, fish, game and fur-bearing animals may not be lawfully taken. Angling or fishing. The taking of, or attempting to take fish by hook and single line or single rod in hand or within immediate control. Upland game birds. Sharptail grouse, blue grouse, prairie chicken, sage hen or sage grouse, fool hen, ruffed grouse, commonly called native pheasant or native partridge. quail, Chinese pheasant and Mongolian pheasant, commonly called ring-necked pheasant, Hungarian partridge, ptarmigan, wild turkey, and chukar partridge. Migratory game birds. Waterfowl, including wild ducks. wild geese, brant, and swans: cranes, including little brown, sandhill and whooping cranes; rails, including coots, gallipules, sora or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover,

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killdeer, sandpipers, Wilson snipes or jacksnipes, snipes,

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- stilts, plowers, willets and yellow legs.
- Nongage birds. All wild birds not defined herein as
- 3 upland game birds or migratory game birds, shall be deemed
- 4 nongame birds.
- 5 Game animals, Deer, elk, moose, antelope, caribou,
- 6 mountain sheep, mountain quat, mountain lion, and black
- 7 bear.
- 8 Fur-bearing animals. Marten or sable, otter, muskrat,
- 9 fisher, mink, and beaver.
- 10 Predatory animals. Coyote, weasel, skunk and civet cat,
- 11 and bobcat.
- 12 Game fish. All species of the family salmonidae (chars,
- 13 trout, salwon, grayling, and whitefish); all species of the
- 14 genus stizostedion (sandpike or sauger and walleyed pike or
- 15 yellowpike perch): all species of the genus eson (northern
- 16 pike, pickerel and muskellunge); all species of the genus
- 17 micropeterus (bass); all species of the genus rolyodon
- 18 (paddlefish): all species of the family acipenseridae
- 19 (sturgeon); all species of the genus lota (burbot or ling);
- 20 and the species ictalurus punctatus (channel catfish).
- and the species retained panetatas (changes eaction);
- 21 Wild buffalo. Buffalo or bison which have not been
- 22 reduced to captivity.
- 23 Nongame wildlife. Any wild mammal, bird, amphibian,
- 24 reptile, fish, mollusk, crystacean, or other wild apimal not
- 25 otherwise legally classified by statute or regulation of

- 1 this state."
- Section 3. Section 26-202.1, B.C.B. 1947, is amended
- to read as follows:
- 4 "26-202.1. Licenses -- fees -- classifications of
- 5 licenses fees and powers under licenses. (1) Class A
- 6 License-Resident Fishing License. Any resident as defined
- by section 26-202.3, upon payment of a fee of five dellars
- 8 (\$5) shall receive a Class A license which shall entitle the
- 9 holder thereof to fish with hook and line or rod as
- 10 authorized by regulations of the commission.
- 11 (2) Class A-1 license--Resident Game Bird License.
- 12 Freept as herein provided, any resident as defined by
- 13 section 26-202.3, who is twelve (12) years of age or older,
  - may, upon payment of a fee of four dollars (\$4) receive a
- 15 Class A-1 license, which will entitle the holder to pursue,
- 16 hunt, shoot and kill game birds and possess the dead bodies
  - of game birds which are so authorized by regulations of the
- 18 commission.

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- (a) No hunting licenses shall be issued to any
- 20 resident person under the age of eighteen (18) years unless
  - he presents to the person authorized to issue such license a
- 22 certificate of competency as provided by this section.
- 23 The department of fish and game shall provide for a
  - course of instruction in the safe handling of firearms and
- 25 for the purpose may cooperate with any reputable association

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organization having as one of its objectives the 1 prosotion of safety in the handling of firearms. The department may designate any person found by it to be 3 competent to give instructions in the handling of firearms. A person so appointed shall give such course of instruction and upon the successful completion thereof shall issue to 7 the person instructed a certificate of competency in the 8 safe handling of firearms.

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- (3) Class A-2 License--Special Bow and Arrow License. A holder of any one of the following: a Class A-3, A-4, A-5, B-2, B-5, B-6, B-7, B-8, or B-10 license, may upon payment of an additional sum of six dollars (\$6) to any agent of the fish and game commission authorized to issue fishing and hunting licenses be entitled to a Class 4-2 license, which shall authorize the holder thereof to pursue, hunt, shoot, and kill the game animals authorized by the licenses held with bow and arrow and to possess these carcasses during special seasons, and in special areas, as may be designated by the fish and game commission.
- (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as defined by section 26-202.3 who is twelve (12) years of age or older, may upon payment of the proper fee or fees be entitled to purchase one each of the following licenses: Class A-3, Deer A Tag, six dollars (\$6) for the license year beginning May 1, 1976, and seven dollars (\$7) for each

- license year thereafter: Class A-4. Deer B Tag. twelve dollars (\$12): Class A-5 Elk Tag, eight dollars (\$8): Class A-6, Black or Brown Bear Tag, six dellars (\$6): which will 3 entitle the holder to pursue, hunt, shoot, and kill the game animal or animals authorized by the license held and to possess the dead bodies of game animals of the state which 7 are so authorized by the regulation of the commission.
- (5) Class B License--Nonresident Pishing License. Any 9 person not a resident as defined in section 26-202.3. upon payment of the sum of twenty dollars (\$20) to any agent of the fish and game commission authorized to issue fishing and 12 hunting licenses, shall be entitled to a Class B license. which shall entitle the holder thereof to fish with hock and line as authorized by the rules and regulations of the commission.
- 16 (6) Class B-1 License-Norresident Game Bird License. Except as herein provided, any person not a resident as 17 defined in section 26-202.3, but who is twelve (12) years of 18 19 age or older, upon payment of the sum of thirty dollars (\$30) to any agent of the fish and game commission 20 authorized to issue fishing and hunting licenses shall be 21 entitled to a Class B-1 license, which shall entitle the 22 holder thereof to pursue, hunt, shoot, kill and possess game 23 birds as authorized by the rules and regulations of the 24 commission. 25

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

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- (7) Class B-2 License-Nonresident Combination License. Within the limitations of this section or any commission rule, any person not a resident as defined in section 26-202.3, but who is twelve (12) years of age or older, upon the payment of fifty dollars (\$50) may apply to the fish and game office, Helena, Montana for a Class E-2 license, and nonresident conservation license as prescribed in section 26-230, which shall authorize the holder to pursue, hunt, shoot, kill and possess game birds, and to fish with hook and line as authorized by the rules and regulations of the commission, and to purchase additional and special licenses and tags as provided by law or commission regulation.
- (8) Class B-3 License-Temporary Nonresident or Tourist Pishing License. Any person not a resident as defined in section 26-202.3, upon payment of the sum of ten dollars (\$10) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be

- entitled to a temporary nonresident fishing license, which
  shall authorize the holder to fish with hook and line as
  authorized by the rules and regulations of the fish and game
  commission for a period of six (6) days inclusive of the
  dates indicated on the license.
- (9) Class B-5 License--Nonresident Deer License, Any person not a resident as defined in section 26-202.3, but 8 who is twelve (12) years of age or older and a bolder of a 9 nonresident conservation license, upon the payment of the 10 sum of fifty dollars (\$50) shall be entitled to a Class 8-5 license which shall authorize the holder to pursue, hunt, 11 12 shoot, and kill one (1) deer in the area or areas designated 13 in the license, as determined by the commission, and to 14 possess the carcass of same.
- 15 (10) Class B-6 License--Nonresident Antelope 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 and a holder of 18 a Class P-2 nonresident combination license, upon the 13 payment of the sum of fifty dollars (\$50) shall be entitled 20 to a Class B-6 license which shall authorize the holder to 21 pursue, bunt, shoot, and kill one (1) antelope in the area 22 designated in the license, as determined by the commission, 23 and to possess the carcass of same.
- 24 . (11) Class 8-7 and 8-8 Licenses. Any person not a 25 resident as defined in section 26-202.3, but who is twelve

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(12) years of age or older, and is a holder of a 2-2 1 nonresident combination license, may upon payment of the 2 proper fee or fees and subject to the limitations prescribed 3 by law and commission regulation be entitled to apply to the Fish and Game Office, Helena, Montana, to purchase one each 5 of the following licenses: Class 8-7. Deer A Tag. fifty 6 7 dollars (\$50): Class B-8, Deer B Tag, fifty dollars (\$50): в and will entitle the holder to pursue, hunt, shoot, and kill 9 the game animal or animals authorized by the license held and to possess the dead bodies of game animals of the state 10 11 which are so authorized by the regulations of the 12 commission.

(12) B-10 nonresident big game combination license. 13 14 Any person not a resident as defined in section 26-202.3. 15 P.C.H. 1947. but who is twelve (12) years of age or older 16 may, upon payment of the proper fee or fees and subject to 17 the limitations prescribed by law and commission regulation, 18 be entitled to apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination 19 license for two hundred twenty-five dollars (\$225) which 20 shall entitle the holder to all the privileges of a B-2 21 nonresident combination license, a deer A tag, and elk tag 22 23 and a black bear license. This license includes the 24 nonresident conservation license as prescribed in section 26-230, R.C.M. 1947. 25

(13) Special licenses. Any applicant who is twelve (12) 2 years of age or older and is a resident as defined by 3 section 26-202.3, or any applicant who is the helder of a Class B-2 nonresident combination license may apply for a 5 special license, which in the judgment of the fish and game б commission, is to be issued and shall pay the following fees 7 therefor: 8 Moose, resident twenty-five dollars (\$25), nonresident one hundred twenty-five dollars (\$125): 9 10 Mountain Goat, resident fifteen dollars (\$15), 11 nonresident seventy-five dollars (\$75): 12 Mountain Sheep, resident twenty-five dollars (\$25). 13 nonresident one hundred twenty-five dollars (\$125); 14 Antelope, resident five dollars (\$5): 15 Grizzly - Beary - resident - twenty-five - dellars -- (\$25) -16 nearcaident one hundred tweaty fire dellars (\$125) + 17 Black or brown bear, nonresident fifty dollars (\$50). 18 In-the-event a holder of a valid special grissly bear 19 lisense-kills a-grissly-beary-be--aust--purchase--a--trophy 20 license for a fee of twenty five dollars (\$25) within ten 21 (10) days-after-date-of-killy Such-trophy-license-shall 22 authorizo-the-holder-to-possess-and-transport-said-trophy-In the event that the number of valid resident 23 24 applications for licenses exceeds the number of licenses

which the fish and game commission desires to issue in any

hunting district, then the number of licenses issued to
 nonresident license holders in that hunting district shall
 not exceed ten per cent (10%) of the total issued.

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- (14) Class C License—Trapper's License. Any resident as defined in section 26-202.3, upon making application and paying the sum of ten dollars (\$10) to the fish and game commission, shall be entitled to a trapper's license, which shall authorize the holder thereof to trap fur-bearing animals, within the state of Montana at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission, and at such places as may be designated in said license.
- (15) Class C-1 License—Landowner's Trapping License. Any owner or tenant, or member of the immediate family of said owner or tenant, upon making application to the fish and game commission, and upon payment of the sum of one dollar (\$1) shall be entitled to a landowner's trapping license which shall entitle the holder thereof to trap any fur-bearing animal on land owned or leased by him, or his immediate family, at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission and at such places as may be designated in said licenses.
- 24 (16) Exception. (a) A resident under the definition of 25 section 20-202.3, who is sixty-two (62) years or older shall

- be entitled to fish and hunt game birds with a conservation
- 2 license issued by the state fish and game commission for a
- 3 fee of one dollar (\$1). The form of such license shall be
- 4 prescribed by the fish and game commission.
- 5 (b) Any veteran who is a patient residing at a 6 hospital operated by the veterans administration, within or 7 outside the state, and residents of all institutions under
- / Outside the state, and residents of all institutions under
- ${f 8}$  the jurisdiction of the state board of institutions, except
- 9 the Montana state prison at Deer Lodge, will be entitled to
- 10 fish without a license. Such residents shall carry a permit
- 11 on a form prescribed by the commission and signed by the
- 12 superintendent of the institution in lieu of a license.
- 13 (c) Disabled persons are entitled to fish without a
  14 license, if they are residents of Montana not residing in an
  15 institution and are certified as disabled by a licensed
  16 medical doctor, licensed to practice medicine in Montana.
- Disability is defined as a physical or mental condition
  that prevents a person from doing any substantial gainful
  work that is expected to last for the rest of their life.
- 20 Such disabled persons shall carry a permit on a form 21 prescribed by the commission.
- 22 (d) If a person is convicted of a violation of the 23 fish 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.

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1 (e) Residents, as defined by section 26-202.3, under the age of fifteen (15) years may purchase Class A-1, A-3, and A-5 licenses at two dollars (\$2) per license.

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- 4 (f) The commission, by rule or regulation, may prescribe the number of Class 8-5 and 8-6, 8-7, 8-8, or 8-10 5 licenses to be issued in each of the hunting districts 6 7 designated by it. Any license sold may be restricted to a specific hunting area and way specify the species, age, and 9 sex to be taken in order to insure the proper management and 10 propagation of game animals in these areas, provided, however, that no number limit shall be placed on B-7, B-8 11 12 and B-10 license by area except in major hunter concentration areas as determined by the commission. Not 13 14 more than seventeen thousand (17,000) nonresident big game combination licenses (B-10) may be sold in any one license 15 16 year.
  - (q) Special antelope licenses. In the event the number of valid applications for special antelope licenses for a hunting district exceeds the quota set by the commission for the district, such licenses shall be awarded by a drawing. Persons making valid application who did not receive an antelope license during the season immediately preceding the drawing shall be given first preference in such drawing for first, second and third choice hunting districts. The commission shall have the authority to promulgate such rules

- and regulations as are necessary to implement this subsection. 2
- (h) Special elk permits. In the event the number of valid applications for special elk permits for a hunting district exceeds the quota set by the commission for the district, these permits shall be awarded by a drawing. Persons making valid application who did not receive a special elk permit during the season immediately preceding the drawing shall receive first preference in this drawing 10 for first, second, and third choice hunting districts. The commission may promulgate the rules necessary to implement 11 12 this subsection.
- 13 (17) Only one (1) license of any one (1) class. except Class B-3 and B-4 licenses, shall be issued to any one (1) 14 15 person, provided, however, that the commission may prescribe 16 rules and regulations for the issuance or sale of a 17 replacement license of the same class in the event the 18 original license is lost, stolen or destroyed upon payment 19 of the sum of one dollar (\$1).
- 20 (18) Class AAA License-Sportsman's License. Any resident, as defined by section 26-202.3, who is twelve (12) 21 22 years of age or older, upon payment of the sum of 23 thirty-five dollars (\$35) shall be entitled to a sportsman's 24 license which shall permit the holder to exercise all rights granted to holders of Class A, A-1, A-3, A-5, A-6 and

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- 1 resident conservation licenses as prescribed in section 2 26-230. The commission shall furnish each holder of a 3 sportsman's license an appropriate decal.
- (19) Class D-1 License---Nonresident Mountain Lion 4 5 License. Any person not a resident as defined in section 26-202.3. but who is twelve (12) years of age or older and a 7 holder of a nonresident Class 8-2 combination license, upon payment of the sum of twenty-five dollars (\$25) to any agent of the fish and game commission authorized to issue fishing 9 10 and hunting licenses shall be entitled to a Class D-1 11 license. which shall entitle the holder thereof to pursue. 12 hunt, shoot, kill and possess mountain lion as authorized by 13 the rules and regulations of the commission.

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- (20) Class D-2 License—Resident Mountain Lion License. Any person who is a resident as defined in section 26-202.3, and who is twelve (12) years of age or older, upon payment of the sum of five dollars (\$5) to any agent of the fish and game commission authorized to issue fishing and hunting licenses shall be entitled to a Class D-2 license, which shall entitle the holder thereof to pursue, hunt, shoot, kill and possess mountain lion as authorized by the rules and regulations of the commission.
- 23 (21) Special elk or deer licenses. (a) Any person who
  24 is the holder of a valid resident elk license or a Class
  25 8-10 nonlesident big game combination license may apply for

- a special elk license upon payment of a fee of one dollar

  (51).
- deer license or any nonresident who holds a Class B-2 license and a valid deer tag may apply for a special deer license upon payment of a fee of one dollar (\$1).
- 7 (c) The commission shall have the authority to 8 promulgate such rules and regulations as are necessary to 9 implement this subsection.\*\*
- Section 4. Section 26-202.2, R.C.M. 1947, is amended to read as follows:
- m26-202.2. Special licenses—tagging of carcasses of game animals. (1) Special licenses authorized to be issued under the general powers of the department of fish and game may be issued only to persons holding valid big game licenses for the current year, which have been obtained by the applicant prior to the time of filing of application for a special license.
- 19 (2) Any person who has obtained a grissly-bear, moose,
  20 mountain goat, or mountain sheep license shall not be
  21 eligible to apply for another such license for the next
  22 succeeding seven (7) years, if such person has killed or
  23 taken an animal of the species for which such special
  24 license was issued. Any person who has obtained a grissly
  25 bear, moose, mountain goat or mountain sheep license but did

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not kill or take an animal of the species for which such 1 2 special license was issued, shall be eligible to apply for another such license in any succeeding year if he returns 3 his unused special license to the department of fish and 4 game before or at the time application is made. It is further provided that any person who has received a special 7 license for elk shall not be eligible to receive a second special license for this species of game animal during any 8 license year. However, in the event the number of 9 10 applications received is not equal to the number of game 11 species desired to be killed by the department reapplication 12 may be made by those walld license holders of the current 13 year who may fall within these limitations. It is further provided that any person who has killed or taken a game 14 15 animal, except a deer during the current license year, shall not be permitted to receive a special license under this act 16 17 to hunt or kill a second game animal of the same species.

(3) Tagging of carcasses of game animals. Every license issued by the department authorizing the holder thereof to pursue, shoot, kill, capture, take or possess game animals, whether issued to a resident or a nonresident, shall provide such tags, coupons, or markers, as the department shall prescribe, and when any person should take or kill any game animal under such license, such person shall immediately thereafter cut cut, from the tag, coupon

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or other marker, the date the animal was killed or taken and attach the tag, coupen or other marker to said animal, completely filled out with the name of the license holder. his address, and any other information requested on such tag, coupon or other marker, and such tag, coupon or other marker shall be kept attached to said carcass so long as any 7 considerable portion of the carcass remains unconsumed, and when the proper tag, coupon or other marker is attached to said game animal so killed, the same may be possessed, used. 10 stored and transported. Any person who should kill any game 11 animal by authority of any license issued for the killing of 12 such game animal, and shall fail or neglect to cut out day and month of kill or provide such other information as is 13 required and attach his tag, coupon or other marker so 14 provided with the license issued, to the carcass of said 15 game animal or portion thereof, or any person who shall fail 16 to keer said tag, coupon or other marker attached to said 17 18 game animal or portion thereof while the same is possessed 19 by him shall be quilty of a misdemeanor and upon conviction 20 thereof shall be punished as provided for by law in section 26-324.\* 21

22 Section 5. Section 26-307, R.C.M. 1947, is amended to 23 read as follows:

24 "26-307. Waste of fish or game -- hunting or fishing 25 during closed season -- killing more than one game animal -- LC 0757/01

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1 exceptions. (1) It shall be unlawful and a misdemeanor for any rerson responsible for the death of any game animal of 2 this state, excepting grissly, black and brown bear and 3 mountain lion, to detach or remove from the carcass only the head, hide, antlers, tusks or teeth, or any or all of 5 aforesaid parts, or to waste any part of any game animal. 7 game bird, or game fish suitable for food, or to abandon the 8 carcass of any game animal in the field, except black and 9 brown bear and mountain lion, which need have removed and 10 taken from the carcass only the head or the hide of such 11 bear or sountain lion, and escept-grissly-bear, which aced 12 have -reseved -and -taken from the carcage only the head and 13 hide and cuch cher parts as the state fish and case 14 consistion -- say-depand for scientific-pursoses -- All-parts of 15 grissly bear desanded by the cossission for escentific purposes - must-be-delivered-to-am-officer-or-employee-of-the 16 17 Gommission-for-inspection-as-scon-as-possible-after--removal and-the-cossission-shall-return-to-the-liseasee-any-bone 18 19 structure-and-skull-within-one-year--upon--written--request. 20 The hide-shall-be-returned-issediately. 21

(2) When a grizzly bear is killed under the conditions described in [section 1 of this act], the commission may demand the carcass of that bear for scientific purposes. All parts of grizzly bear demanded by the commission for scientific purposes must be delivered to an employee of the

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commission as soon as possible.

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

7 (3)(4) It shall be unlawful and a misdemeanor for any 8 person during the closed season on any species of game 9 animal, game bird or fish to take, hunt, shoot, kill or 10 capture any such game animal or such game bird or to fish 11 for or catch any such fish."

12 Section 6. Repealer. Section 26-307.3, R.C.M. 1947, is
13 repealed.

-End-