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 2 INTRODUCED BY Senators BILL NO. 47
 3 Robert Brown Boylan
Senard

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, 26-202.1, 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 purpose of this act, the
 13 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, and beaver.

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); all species of the family acipenseridae
 6 (sturgeon); all species of the genus lota (burbot or ling);
 7 and the species ictalurus punctatus (channel catfish).

8 Wild buffalo, Buffalo or bison which have not been
 9 reduced to captivity.

10 Nongame wildlife. Any wild mammal, bird, amphibian,
 11 reptile, fish, mollusk, crustacean, or other wild animal not
 12 otherwise legally classified by statute or regulation of
 13 this state.*

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

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

23 (2) Class A-1 license--Resident Game Bird License.
 24 Except as herein provided, any resident as defined by
 25 section 26-202.3, who is twelve (12) years of age or older,

1 may, upon payment of a fee of four dollars (\$4) receive a
 2 Class A-1 license, which will entitle the holder to pursue,
 3 hunt, shoot and kill game birds and possess the dead bodies
 4 of game birds which are so authorized by regulations of the
 5 commission.

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

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

21 (3) Class A-2 License--Special Bow and Arrow License.
 22 A holder of any one of the following: a Class A-3, A-4, A-5,
 23 B-2, C-5, B-6, B-7, B-8, or B-10 license, may upon payment
 24 of an additional sum of six dollars (\$6) to any agent of the
 25 fish and game commission authorized to issue fishing and

1 hunting licenses be entitled to a Class A-2 license, which
 2 shall authorize the holder thereof to pursue, hunt, shoot,
 3 and kill the game animals authorized by the licenses held
 4 with bow and arrow and to possess these carcasses during
 5 special seasons, and in special areas, as may be designated
 6 by the fish and game commission.

7 (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as
 8 defined by section 26-202.3 who is twelve (12) years of age
 9 or older, may upon payment of the proper fee or fees be
 10 entitled to purchase one each of the following licenses:
 11 Class A-3, Deer A Tag, six dollars (\$6) for the license year
 12 beginning May 1, 1976, and seven dollars (\$7) for each
 13 license year thereafter; Class A-4, Deer B Tag, twelve
 14 dollars (\$12); Class A-5 Elk Tag, eight dollars (\$8); Class
 15 A-6, Black or Brown Bear Tag, six dollars (\$6); which will
 16 entitle the holder to pursue, hunt, shoot, and kill the game
 17 animal or animals authorized by the license held and to
 18 possess the dead bodies of game animals of the state which
 19 are so authorized by the regulation of the commission.

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

1 line as authorized by the rules and regulations of the
 2 commission.

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

13 No hunting licenses shall be issued to any nonresident
 14 person under the age of eighteen (18) years unless he
 15 presents to the person authorized to issue such license a
 16 certificate of competency as provided in section
 17 26-202.1(2)(a) or a certificate verifying that he has
 18 successfully completed a course in the safe handling of
 19 firearms in any state or province.

20 (7) Class B-2 License--Nonresident Combination
 21 License. Within the limitations of this section or any
 22 commission rule, any person not a resident as defined in
 23 section 26-202.3, but who is twelve (12) years of age or
 24 older, upon the payment of fifty dollars (\$50) may apply to
 25 the fish and game office, Helena, Montana for a Class B-2

1 license, and nonresident conservation license as prescribed
 2 in section 26-230, which shall authorize the holder to
 3 pursue, hunt, shoot, kill and possess game birds, and to
 4 fish with hook and line as authorized by the rules and
 5 regulations of the commission, and to purchase additional
 6 and special licenses and tags as provided by law or
 7 commission regulation.

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

18 (9) Class B-5 License--Nonresident Deer License. Any
 19 person not a resident as defined in section 26-202.3, but
 20 who is twelve (12) years of age or older and a holder of a
 21 nonresident conservation license, upon the payment of the
 22 sum of fifty dollars (\$50) shall be entitled to a Class B-5
 23 license which shall authorize the holder to pursue, hunt,
 24 shoot, and kill one (1) deer in the area or areas designated
 25 in the license, as determined by the commission, and to

1 possess the carcass of same.

2 (10) Class B-6 License--Nonresident Antelope 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 and a holder of
 5 a Class B-2 nonresident combination license, upon the
 6 payment of the sum of fifty dollars (\$50) shall be entitled
 7 to a Class B-6 license which shall authorize the holder to
 8 pursue, hunt, shoot, and kill one (1) antelope in the area
 9 designated in the license, as determined by the commission,
 10 and to possess the carcass of same.

11 (11) Class B-7 and B-8 Licenses. Any person not a
 12 resident as defined in section 26-202.3, but who is twelve
 13 (12) years of age or older, and is a holder of a B-2
 14 nonresident combination license, may upon payment of the
 15 proper fee or fees and subject to the limitations prescribed
 16 by law and commission regulation be entitled to apply to the
 17 Fish and Game Office, Helena, Montana, to purchase one each
 18 of the following licenses: Class B-7, Deer A Tag, fifty
 19 dollars (\$50); Class B-8, Deer B Tag, fifty dollars (\$50);
 20 and will entitle the holder to pursue, hunt, shoot, and kill
 21 the game animal or animals authorized by the license held
 22 and to possess the dead bodies of game animals of the state
 23 which are so authorized by the regulations of the
 24 commission.

25 (12) B-10 nonresident big game combination license.

1 Any person not a resident as defined in section 26-202.3,
 2 R.C.M. 1947, but who is twelve (12) years of age or older
 3 may, upon payment of the proper fee or fees and subject to
 4 the limitations prescribed by law and commission regulation,
 5 be entitled to apply to the fish and game office, Helena,
 6 Montana, to purchase a 3-10 nonresident big game combination
 7 license for two hundred twenty-five dollars (\$225) which
 8 shall entitle the holder to all the privileges of a B-2
 9 nonresident combination license, a deer A tag, and elk tag
 10 and a black bear license. This license includes the
 11 nonresident conservation license as prescribed in section
 12 26-230, R.C.M. 1947.

13 (13) Special licenses. Any applicant who is twelve (12)
 14 years of age or older and is a resident as defined by
 15 section 26-202.3, or any applicant who is the holder of a
 16 Class B-2 nonresident combination license may apply for a
 17 special license, which in the judgment of the fish and game
 18 commission, is to be issued and shall pay the following fees
 19 therefor:

20 Moose, resident twenty-five dollars (\$25), nonresident
 21 one hundred twenty-five dollars (\$125);

22 Mountain Goat, resident fifteen dollars (\$15),
 23 nonresident seventy-five dollars (\$75);

24 Mountain Sheep, resident twenty-five dollars (\$25),
 25 nonresident one hundred twenty-five dollars (\$125);

1 Antelope, resident five dollars (\$5);

2 Grizzly Bear, resident twenty-five dollars (\$25),
 3 nonresident one hundred twenty-five dollars (\$125);

4 Black or brown bear, nonresident fifty dollars (\$50).

5 In the event a holder of a valid special grizzly bear
 6 license kills a grizzly bear, he must purchase a trophy
 7 license for a fee of twenty-five dollars (\$25) within ten
 8 (10) days after date of kill. Such trophy license shall
 9 authorize the holder to possess and transport said trophy.

10 In the event that the number of valid resident
 11 applications for licenses exceeds the number of licenses
 12 which the fish and game commission desires to issue in any
 13 hunting district, then the number of licenses issued to
 14 nonresident license holders in that hunting district shall
 15 not exceed ten per cent (10%) of the total issued.

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

25 (15) Class C-1 License--Landowner's Trapping License.

1 Any owner or tenant, or member of the immediate family of
 2 said owner or tenant, upon making application to the fish
 3 and game commission, and upon payment of the sum of one
 4 dollar (\$1) shall be entitled to a landowner's trapping
 5 license which shall entitle the holder thereof to trap any
 6 fur-bearing animal on land owned or leased by him, or his
 7 immediate family, at such times and in such manner as may be
 8 lawful so to do under the laws of the state and the
 9 regulations of the fish and game commission and at such
 10 places as may be designated in said licenses.

11 (16) Exception. (a) A resident under the definition of
 12 section 26-202.3, who is sixty-two (62) years or older shall
 13 be entitled to fish and hunt game birds with a conservation
 14 license issued by the state fish and game commission for a
 15 fee of one dollar (\$1). The form of such license shall be
 16 prescribed by the fish and game commission.

17 (b) Any veteran who is a patient residing at a
 18 hospital operated by the veterans administration, within or
 19 outside the state, and residents of all institutions under
 20 the jurisdiction of the state board of institutions, except
 21 the Montana state prison at Deer Lodge, will be entitled to
 22 fish without a license. Such residents shall carry a permit
 23 on a form prescribed by the commission and signed by the
 24 superintendent of the institution in lieu of a license.

25 (c) Disabled persons are entitled to fish without a

1 license, if they are residents of Montana not residing in an
 2 institution and are certified as disabled by a licensed
 3 medical doctor, licensed to practice medicine in Montana.

4 Disability is defined as a physical or mental condition
 5 that prevents a person from doing any substantial gainful
 6 work that is expected to last for the rest of their life.

7 Such disabled persons shall carry a permit on a form
 8 prescribed by the commission.

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

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

16 (f) The commission, by rule or regulation, may
 17 prescribe the number of Class B-5 and B-6, B-7, B-8, or B-10
 18 licenses to be issued in each of the hunting districts
 19 designated by it. Any license sold may be restricted to a
 20 specific hunting area and may specify the species, age, and
 21 sex to be taken in order to insure the proper management and
 22 propagation of game animals in these areas, provided,
 23 however, that no number limit shall be placed on B-7, B-8
 24 and B-10 license by area except in major hunter
 25 concentration areas as determined by the commission. Not

1 more than seventeen thousand (17,000) nonresident big game
2 combination licenses (B-10) may be sold in any one license
3 year.

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

15 (h) Special elk permits. In the event the number of
16 valid applications for special elk permits for a hunting
17 district exceeds the quota set by the commission for the
18 district, these permits shall be awarded by a drawing.
19 Persons making valid application who did not receive a
20 special elk permit during the season immediately preceding
21 the drawing shall receive first preference in this drawing
22 for first, second, and third choice hunting districts. The
23 commission may promulgate the rules necessary to implement
24 this subsection.

25 (17) Only one (1) license of any one (1) class, except

1 Class B-3 and B-4 licenses, shall be issued to any one (1)
2 person, provided, however, that the commission may prescribe
3 rules and regulations for the issuance or sale of a
4 replacement license of the same class in the event the
5 original license is lost, stolen or destroyed upon payment
6 of the sum of one dollar (\$1).

7 (18) Class AAA License--Sportsman's License. Any
8 resident, as defined by section 26-202.3, who is twelve (12)
9 years of age or older, upon payment of the sum of
10 thirty-five dollars (\$35) shall be entitled to a sportsman's
11 license which shall permit the holder to exercise all rights
12 granted to holders of Class A, A-1, A-3, A-5, A-6 and
13 resident conservation licenses as prescribed in section
14 26-230. The commission shall furnish each holder of a
15 sportsman's license an appropriate decal.

16 (19) Class D-1 License--Nonresident Mountain Lion
17 License. Any person not a resident as defined in section
18 26-202.3, but who is twelve (12) years of age or older and a
19 holder of a nonresident Class B-2 combination license, upon
20 payment of the sum of twenty-five dollars (\$25) to any agent
21 of the fish and game commission authorized to issue fishing
22 and hunting licenses shall be entitled to a Class D-1
23 license, which shall entitle the holder thereof to pursue,
24 hunt, shoot, kill and possess mountain lion as authorized by
25 the rules and regulations of the commission.

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

10 (21) Special elk or deer licenses. (a) Any person who
 11 is the holder of a valid resident elk license or a Class
 12 B-10 nonresident big game combination license may apply for
 13 a special elk license upon payment of a fee of one dollar
 14 (\$1).

15 (b) Any person who is the holder of a valid resident
 16 deer license or any nonresident who holds a Class B-2
 17 license and a valid deer tag may apply for a special deer
 18 license upon payment of a fee of one dollar (\$1).

19 (c) The commission shall have the authority to
 20 promulgate such rules and regulations as are necessary to
 21 implement this subsection.

22 ~~(22) Class E-1 License--non resident bobcat license.~~
 23 ~~Any person not a resident as defined in 26-202.3 and who is~~
 24 ~~12 years of age or older, upon payment of the sum of \$10 to~~
 25 ~~any agent of the fish and game commission authorized to~~

1 ~~issue fishing and hunting licenses, is entitled to a Class~~
 2 ~~E-1 license, which allows the holder of the license to~~
 3 ~~pursue, hunt, shoot, kill, and possess bobcat as authorized~~
 4 ~~by the rules of the commission.~~

5 ~~(23) Class E-2 License--resident bobcat license. Any~~
 6 ~~person who is a resident as defined in 26-202.3 and who is~~
 7 ~~12 years of age or older, upon payment of the sum of \$2 to~~
 8 ~~any agent of the fish and game commission authorized to~~
 9 ~~issue hunting and fishing licenses, is entitled to a Class~~
 10 ~~E-2 license, which allows the holder of the license to~~
 11 ~~pursue, hunt, shoot, kill, and possess bobcat as authorized~~
 12 ~~by the rules of the commission.*~~

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

15 "26-301. Restrictions of manner of taking and
 16 possessing fish and game and powers of commission relating
 17 thereto. (1) It shall be unlawful for anyone to take,
 18 capture, shoot, kill, or attempt to take, capture, shoot or
 19 kill, any game animal, or game bird from any self propelled
 20 or drawn vehicle, or on, or from any public highway in the
 21 state of Montana, or by the aid or with the use of any set
 22 gun, jack-light, or other artificial light, trap, snare,
 23 salt lick, nor shall any such set gun, jack-light or other
 24 artificial light, trap, snare, salt lick or other device to
 25 entrap or entice game animals or game birds be used, made or

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

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

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

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, and
 14 ~~stock-killing bobcats~~ or other means of taking stock-killing
 15 bears, and stock-killing mountain lions, and ~~stock-killing~~
 16 ~~bobcats~~ except the use of the dead fall; providing, however,
 17 that traps used in capturing bear shall be inspected twice
 18 each day, which inspection shall be ~~twelve~~(12) hours apart;
 19 and provided further, that a person may take game birds
 20 during the open season thereon with the aid of a dog or dogs
 21 and any person or association organized for the protection
 22 of game, may run field trials at any time upon obtaining
 23 written permission from the state fish and 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."

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

20 "26-303.5. Use of dogs for hunting mountain lion and
21 bobcat. The Montana fish and game commission shall have
22 authority to allow and regulate the use of dogs for hunting
23 mountain lion and bobcat."

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

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

24 (2) It shall be unlawful and a misdemeanor for any
25 person to kill more than one game animal of any one species,

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

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

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

11 Commission to regulate trapping of bobcat. The fish
12 and game commission may allow and regulate the trapping of
13 bobcats.

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

16 "46-1902. Meaning of term "wild animal." For the
17 purpose of this act the term "wild animal" shall include
18 coyote, lynx, bobcat, and any other animal causing
19 depredations upon livestock."

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

22 "46-1903. Department to supervise destruction of
23 predatory animals -- co-operation with other agencies --
24 administration of moneys. (1) The department of livestock
25 shall conduct the destruction, extermination, and control of

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

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

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

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

Approved by Comm.
on Fish and Game

SENATE BILL NO. 47

INTRODUCED BY ROBERTS, BROWN, BOYLAN, LENSINK

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
MANAGEMENT OF THE BOBCAT AS A GAME FUR-BEARING ANIMAL;
AMENDING SECTIONS 26-201, 26-202.1, 26-301, 26-303.5,
~~26-307~~, 46-1902, AND 46-1903, R.C.M. 1947."

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

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

"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,
gallinules, sora or other rails; shore birds, including
avocets, curlew, dowitcher, godwits, knots, upland plover,
killdeer, sandpipers, Wilson snipes or jacksnipes, snipes,
stilts, plovers, willets and yellow legs.

Nongame birds. All wild birds not defined herein as
upland game birds or migratory game birds, shall be deemed
nongame birds.

Game animals. Deer, elk, moose, antelope, caribou,
mountain sheep, mountain goat, mountain lion, ~~and~~ AND bear,
~~and bobcat.~~

Fur-bearing animals. Marten or sable, otter, muskrat,
fisher, mink, BOBCAT, and beaver.

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

Game fish. All species of the family salmonidae (chars,
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); all species of the family acipenseridae
 6 (sturgeon); all species of the genus lota (burbot or ling);
 7 and the species ictalurus punctatus (channel catfish).

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

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

14 Section 2. Section 26-202.1, B.C.M. 1947, is amended
 15 to read as follows:

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

23 (2) Class A-1 license--Resident Game Bird License.
 24 Except as herein provided, any resident as defined by
 25 section 26-202.3, who is twelve (12) years of age or older,

1 may, upon payment of a fee of four dollars (\$4) receive a
 2 Class A-1 license, which will entitle the holder to pursue,
 3 hunt, shoot and kill game birds and possess the dead bodies
 4 of game birds which are so authorized by regulations of the
 5 commission.

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

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

21 (3) Class A-2 License--Special Bow and Arrow License.
 22 A holder of any one of the following: a Class A-3, A-4, A-5,
 23 B-2, B-5, B-6, B-7, B-8, or B-10 license, may upon payment
 24 of an additional sum of six dollars (\$6) to any agent of the
 25 fish and game commission authorized to issue fishing and

1 hunting licenses be entitled to a Class A-2 license, which
 2 shall authorize the holder thereof to pursue, hunt, shoot,
 3 and kill the game animals authorized by the licenses held
 4 with bow and arrow and to possess these carcasses during
 5 special seasons, and in special areas, as may be designated
 6 by the fish and game commission.

7 (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as
 8 defined by section 26-202.3 who is twelve (12) years of age
 9 or older, may upon payment of the proper fee or fees be
 10 entitled to purchase one each of the following licenses:
 11 Class A-3, Deer A Tag, six dollars (\$6) for the license year
 12 beginning May 1, 1976, and seven dollars (\$7) for each
 13 license year thereafter; Class A-4, Deer B Tag, twelve
 14 dollars (\$12); Class A-5 Elk Tag, eight dollars (\$8); Class
 15 A-6, Black or Brown Bear Tag, six dollars (\$6); which will
 16 entitle the holder to pursue, hunt, shoot, and kill the game
 17 animal or animals authorized by the license held and to
 18 possess the dead bodies of game animals of the state which
 19 are so authorized by the regulation of the commission.

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

1 line as authorized by the rules and regulations of the
 2 commission.

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

13 No hunting licenses shall be issued to any nonresident
 14 person under the age of eighteen (18) years unless he
 15 presents to the person authorized to issue such license a
 16 certificate of competency as provided in section
 17 26-202.1(2)(a) or a certificate verifying that he has
 18 successfully completed a course in the safe handling of
 19 firearms in any state or province.

20 (7) Class B-2 License--Nonresident Combination
 21 License. Within the limitations of this section or any
 22 commission rule, any person not a resident as defined in
 23 section 26-202.3, but who is twelve (12) years of age or
 24 older, upon the payment of fifty dollars (\$50) may apply to
 25 the fish and game office, Helena, Montana for a Class B-2

1 license, and nonresident conservation license as prescribed
 2 in section 26-230, which shall authorize the holder to
 3 pursue, hunt, shoot, kill and possess game birds, and to
 4 fish with hook and line as authorized by the rules and
 5 regulations of the commission, and to purchase additional
 6 and special licenses and tags as provided by law or
 7 commission regulation.

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

18 (9) Class B-5 License--Nonresident Deer License. Any
 19 person not a resident as defined in section 26-202.3, but
 20 who is twelve (12) years of age or older and a holder of a
 21 nonresident conservation license, upon the payment of the
 22 sum of fifty dollars (\$50) shall be entitled to a Class B-5
 23 license which shall authorize the holder to pursue, hunt,
 24 shoot, and kill one (1) deer in the area or areas designated
 25 in the license, as determined by the commission, and to

1 possess the carcass of same.

2 (10) Class B-6 License--Nonresident Antelope 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 and a holder of
 5 a Class B-2 nonresident combination license, upon the
 6 payment of the sum of fifty dollars (\$50) shall be entitled
 7 to a Class B-6 license which shall authorize the holder to
 8 pursue, hunt, shoot, and kill one (1) antelope in the area
 9 designated in the license, as determined by the commission,
 10 and to possess the carcass of same.

11 (11) Class B-7 and B-8 Licenses. Any person not a
 12 resident as defined in section 26-202.3, but who is twelve
 13 (12) years of age or older, and is a holder of a B-2
 14 nonresident combination license, may upon payment of the
 15 proper fee or fees and subject to the limitations prescribed
 16 by law and commission regulation be entitled to apply to the
 17 Fish and Game Office, Helena, Montana, to purchase one each
 18 of the following licenses: Class B-7, Deer A Tag, fifty
 19 dollars (\$50); Class B-8, Deer B Tag, fifty dollars (\$50);
 20 and will entitle the holder to pursue, hunt, shoot, and kill
 21 the game animal or animals authorized by the license held
 22 and to possess the dead bodies of game animals of the state
 23 which are so authorized by the regulations of the
 24 commission.

25 (12) B-10 nonresident big game combination license.

1 Any person not a resident as defined in section 26-202.3,
 2 R.C.M. 1947, but who is twelve (12) years of age or older
 3 may, upon payment of the proper fee or fees and subject to
 4 the limitations prescribed by law and commission regulation,
 5 be entitled to apply to the fish and game office, Helena,
 6 Montana, to purchase a B-10 nonresident big game combination
 7 license for two hundred twenty-five dollars (\$225) which
 8 shall entitle the holder to all the privileges of a B-2
 9 nonresident combination license, a deer A tag, and elk tag
 10 and a black bear license. This license includes the
 11 nonresident conservation license as prescribed in section
 12 26-230, R.C.M. 1947.

13 (13) Special licenses. Any applicant who is twelve (12)
 14 years of age or older and is a resident as defined by
 15 section 26-202.3, or any applicant who is the holder of a
 16 Class B-2 nonresident combination license may apply for a
 17 special license, which in the judgment of the fish and game
 18 commission, is to be issued and shall pay the following fees
 19 therefor:

20 Moose, resident twenty-five dollars (\$25), nonresident
 21 one hundred twenty-five dollars (\$125);

22 Mountain Goat, resident fifteen dollars (\$15),
 23 nonresident seventy-five dollars (\$75);

24 Mountain Sheep, resident twenty-five dollars (\$25),
 25 nonresident one hundred twenty-five dollars (\$125);

1 Antelope, resident five dollars (\$5);
 2 Grizzly Bear, resident twenty-five dollars (\$25),
 3 nonresident one hundred twenty-five dollars (\$125);
 4 Black or brown bear, nonresident fifty dollars (\$50).

5 In the event a holder of a valid special grizzly bear
 6 license kills a grizzly bear, he must purchase a trophy
 7 license for a fee of twenty-five dollars (\$25) within ten
 8 (10) days after date of kill. Such trophy license shall
 9 authorize the holder to possess and transport said trophy.

10 In the event that the number of valid resident
 11 applications for licenses exceeds the number of licenses
 12 which the fish and game commission desires to issue in any
 13 hunting district, then the number of licenses issued to
 14 nonresident license holders in that hunting district shall
 15 not exceed ten per cent (10%) of the total issued.

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

1 (15) Class C-1 License—Landowner's Trapping License.
 2 Any owner or tenant, or member of the immediate family of
 3 said owner or tenant, upon making application to the fish
 4 and game commission, and upon payment of the sum of one
 5 dollar (\$1) shall be entitled to a landowner's trapping
 6 license which shall entitle the holder thereof to trap any
 7 fur-bearing animal on land owned or leased by him, or his
 8 immediate family, at such times and in such manner as may be
 9 lawful so to do under the laws of the state and the
 10 regulations of the fish and game commission and at such
 11 places as may be designated in said licenses.

12 (16) Exception. (a) A resident under the definition of
 13 section 26-202.3, who is sixty-two (62) years or older shall
 14 be entitled to fish and hunt game birds with a conservation
 15 license issued by the state fish and game commission for a
 16 fee of one dollar (\$1). The form of such license shall be
 17 prescribed by the fish and game commission.

18 (b) Any veteran who is a patient residing at a
 19 hospital operated by the veterans administration, within or
 20 outside the state, and residents of all institutions under
 21 the jurisdiction of the state board of institutions, except
 22 the Montana state prison at Deer Lodge, will be entitled to
 23 fish without a license. Such residents shall carry a permit
 24 on a form prescribed by the commission and signed by the
 25 superintendent of the institution in lieu of a license.

1 (c) Disabled persons are entitled to fish without a
 2 license, if they are residents of Montana not residing in an
 3 institution and are certified as disabled by a licensed
 4 medical doctor, licensed to practice medicine in Montana.

5 Disability is defined as a physical or mental condition
 6 that prevents a person from doing any substantial gainful
 7 work that is expected to last for the rest of their life.

8 Such disabled persons shall carry a permit on a form
 9 prescribed by the commission.

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

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

17 (f) The commission, by rule or regulation, may
 18 prescribe the number of Class B-5 and B-6, B-7, B-8, or B-10
 19 licenses to be issued in each of the hunting districts
 20 designated by it. Any license sold may be restricted to a
 21 specific hunting area and may specify the species, age, and
 22 sex to be taken in order to insure the proper management and
 23 propagation of game animals in these areas, provided,
 24 however, that no number limit shall be placed on B-7, B-8
 25 and B-10 license by area except in major hunter

1 concentration areas as determined by the commission. Not
 2 more than seventeen thousand (17,000) nonresident big game
 3 combination licenses (B-10) may be sold in any one license
 4 year.

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

16 (h) Special elk permits. In the event the number of
 17 valid applications for special elk permits for a hunting
 18 district exceeds the quota set by the commission for the
 19 district, these permits shall be awarded by a drawing.
 20 Persons making valid application who did not receive a
 21 special elk permit during the season immediately preceding
 22 the drawing shall receive first preference in this drawing
 23 for first, second, and third choice hunting districts. The
 24 commission may promulgate the rules necessary to implement
 25 this subsection.

1 (17) Only one (1) license of any one (1) class, except
 2 Class E-3 and B-4 licenses, shall be issued to any one (1)
 3 person, provided, however, that the commission may prescribe
 4 rules and regulations for the issuance or sale of a
 5 replacement license of the same class in the event the
 6 original license is lost, stolen or destroyed upon payment
 7 of the sum of one dollar (\$1).

8 (18) Class AAA License—Sportsman's License. Any
 9 resident, as defined by section 26-202.3, who is twelve (12)
 10 years of age or older, upon payment of the sum of
 11 thirty-five dollars (\$35) shall be entitled to a sportsman's
 12 license which shall permit the holder to exercise all rights
 13 granted to holders of Class A, A-1, A-3, A-5, A-6 and
 14 resident conservation licenses as prescribed in section
 15 26-230. The commission shall furnish each holder of a
 16 sportsman's license an appropriate decal.

17 (19) Class D-1 License—Nonresident Mountain Licn
 18 License. Any person not a resident as defined in section
 19 26-202.3, but who is twelve (12) years of age or older and a
 20 holder of a nonresident Class B-2 combination license, upon
 21 payment of the sum of twenty-five dollars (\$25) to any agent
 22 of the fish and game commission authorized to issue fishing
 23 and hunting licenses shall be entitled to a Class D-1
 24 license, which shall entitle the holder thereof to pursue,
 25 hunt, shoot, kill and possess mountain licn as authorized by

1 the rules and regulations of the commission.

2 (20) Class D-2 License—Resident Mountain Lion License.

3 Any person who is a resident as defined in section 26-202.3,
4 and who is twelve (12) years of age or older, upon payment
5 of the sum of five dollars (\$5) to any agent of the fish and
6 game commission authorized to issue fishing and hunting
7 licenses shall be entitled to a Class D-2 license, which
8 shall entitle the holder thereof to pursue, hunt, shoot,
9 kill and possess mountain lion as authorized by the rules
10 and regulations of the commission.

11 (21) Special elk or deer licenses. (a) Any person who
12 is the holder of a valid resident elk license or a Class
13 B-10 nonresident big game combination license may apply for
14 a special elk license upon payment of a fee of one dollar
15 (\$1).

16 (b) Any person who is the holder of a valid resident
17 deer license or any nonresident who holds a Class B-2
18 license and a valid deer tag may apply for a special deer
19 license upon payment of a fee of one dollar (\$1).

20 (c) The commission shall have the authority to
21 promulgate such rules and regulations as are necessary to
22 implement this subsection.

23 ~~(22) Class E-1 license non resident bobcat license.~~
24 ~~Any person not a resident as defined in 26-202.3 and who is~~
25 ~~12 years of age or older, upon payment of the sum of \$10 to~~

1 ~~any agent of the fish and game commission authorized to~~
2 ~~issue fishing and hunting licenses, is entitled to a Class~~
3 ~~E-1 license, which allows the holder of the license to~~
4 ~~pursue, hunt, shoot, kill, and possess bobcat as authorized~~
5 ~~by the rules of the commission.~~

6 ~~(23) Class E-2 license resident bobcat license. Any~~
7 ~~person who is a resident as defined in 26-202.3 and who is~~
8 ~~12 years of age or older, upon payment of the sum of \$2 to~~
9 ~~any agent of the fish and game commission authorized to~~
10 ~~issue hunting and fishing licenses, is entitled to a Class~~
11 ~~E-2 license, which allows the holder of the license to~~
12 ~~pursue, hunt, shoot, kill, and possess bobcat as authorized~~
13 ~~by the rules of the commission."~~

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

16 "26-301. Restrictions of manner of taking and
17 possessing fish and game and powers of commission relating
18 thereto. (1) It shall be unlawful for anyone to take,
19 capture, shoot, kill, or attempt to take, capture, shoot or
20 kill, any game animal, or game bird from any self propelled
21 or drawn vehicle, or on, or from any public highway in the
22 state of Montana, or by the aid or with the use of any set
23 gun, jack-light, or other artificial light, trap, snare,
24 salt lick, nor shall any such set gun, jack-light or other
25 artificial light, trap, snare, salt lick or other device to

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

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

22 (b) No person in an aircraft in the air shall spot or
 23 locate any game, or migratory bird, game or fur-bearing
 24 animals and communicate the location or approximate location
 25 thereof by any signals whatsoever, whether radio, visual or

1 otherwise, to any person or persons then on the ground.

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, and
 15 stock-killing bobcats or other means of taking stock-killing
 16 bears, ~~and~~ stock-killing mountain lions, and stock-killing
 17 bobcats except the use of the dead fall; providing, however,
 18 that traps used in capturing bear shall be inspected twice
 19 each day, which inspection shall be ~~twelve~~-(12) hours apart;
 20 and provided further, that a person may take game birds
 21 during the open season thereon with the aid of a dog or dogs
 22 and any person or association organized for the protection
 23 of game, may run field trials at any time upon obtaining
 24 written permission from the state fish and 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) 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, tucks 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~~

~~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.~~

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

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

~~Commission to regulate trapping of bobcat. The fish and game commission may allow and regulate the trapping of bobcats.~~

Section 5. Section 46-1902, R.C.M. 1947, is amended to read as follows:

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

Section 6. Section 46-1903, R.C.M. 1947, is amended to read as follows:

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

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

1 boards of county commissioners, voluntary associations of
 2 stockgrowers, sheepprovers, 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

1 fish and game commission."

-End-

SENATE BILL NO. 47

INTRODUCED BY ROBERTS, BROWN, BOYLAN, LENSINK

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE MANAGEMENT OF THE BOBCAT AS A GAME FUR-BEARING ANIMAL; AMENDING SECTIONS 26-201, 26-202.1, 26-301, 26-303.5, ~~26-307~~, 46-1902, AND 46-1903, R.C.M. 1947."

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

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

"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, gallinules, sora or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, Wilson snipes or jacksnipes, snipes, stilts, plovers, willets and yellow legs.

Nongame birds. All wild birds not defined herein as upland game birds or migratory game birds, shall be deemed nongame birds.

Game animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, ~~and~~ AND bear, ~~and bobcat~~.

Fur-bearing animals. Marten or sable, otter, muskrat, fisher, mink, BOBCAT, and beaver.

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

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

There are no changes in SB 47, and due to length will not be rerun. Please refer to yellow copy for complete text.

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 microperas (bass); all species of the genus polyodon
5 (paddlefish); all species of the family acipenseridae
6 (sturgeon); all species of the genus lota (burbot or ling);
7 and the species ictalurus punctatus (channel catfish).

8 Wild buffalo, Buffalo or bison which have not been
9 reduced to captivity.

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

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

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

23 (2) Class A-1 license--Resident Game Bird License.
24 Except as herein provided, any resident as defined by
25 section 26-202.3, who is twelve (12) years of age or older,

1 may, upon payment of a fee of four dollars (\$4) receive a
2 Class A-1 license, which will entitle the holder to pursue,
3 hunt, shoot and kill game birds and possess the dead bodies
4 of game birds which are so authorized by regulations of the
5 commission.

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

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

21 (3) Class A-2 License--Special Bow and Arrow License.
22 A holder of any one of the following: a Class A-3, A-4, A-5,
23 B-2, B-5, B-6, B-7, B-8, or B-10 license, may upon payment
24 of an additional sum of six dollars (\$6) to any agent of the
25 fish and game commission authorized to issue fishing and

1 SENATE BILL NO. 47

2 INTRODUCED BY ROBERTS, BROWN, BOYLAN, LENSINK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
5 MANAGEMENT OF THE BOBCAT AS A GAME FUR-BEARING ANIMAL;
6 AMENDING SECTIONS 26-201, 26-202.1, 26-301, 26-303.5,
7 ~~26-307~~, 46-1902, AND 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 purpose of this act, the
13 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.

REFERENCE BILL

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 ~~AND~~ bear
19 ~~and-bobcat~~.20 Fur-bearing animals. Marten or sable, otter, muskrat,
21 fisher, mink, ~~BOBCAT~~, and beaver.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 micropterus (bass); all species of the genus polyodon
 5 (paddlefish); all species of the family acipenseridae
 6 (sturgeon); all species of the genus lota (burbot or ling);
 7 and the species ictalurus punctatus (channel catfish).

8 wild buffalo. Buffalo or bison which have not been
 9 reduced to captivity.

10 nongame wildlife. Any wild mammal, bird, amphibian,
 11 reptile, fish, mollusk, crustacean, or other wild animal not
 12 otherwise legally classified by statute or regulation of
 13 this state."

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

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

23 (2) Class A-1 license--Resident Game Bird License.
 24 Except as herein provided, any resident as defined by
 25 section 26-202.3, who is twelve (12) years of age or older,

1 may, upon payment of a fee of four dollars (\$4) receive a
 2 Class A-1 license, which will entitle the holder to pursue,
 3 hunt, shoot and kill game birds and possess the dead bodies
 4 of game birds which are so authorized by regulations of the
 5 commission.

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

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

21 (3) Class A-2 License--Special Bow and Arrow License.
 22 A holder of any one of the following: a Class A-3, A-4, A-5,
 23 B-2, B-3, B-6, B-7, B-8, or B-10 license, may upon payment
 24 of an additional sum of six dollars (\$6) to any agent of the
 25 fish and game commission authorized to issue fishing and

1 hunting licenses be entitled to a Class A-2 license, which
 2 shall authorize the holder thereof to pursue, hunt, shoot,
 3 and kill the game animals authorized by the licenses held
 4 with bow and arrow and to possess these carcasses during
 5 special seasons, and in special areas, as may be designated
 6 by the fish and game commission.

7 (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as
 8 defined by section 26-202.3 who is twelve (12) years of age
 9 or older, may upon payment of the proper fee or fees be
 10 entitled to purchase one each of the following licenses:
 11 Class A-3, Deer A Tag, six dollars (\$6) for the license year
 12 beginning May 1, 1976, and seven dollars (\$7) for each
 13 license year thereafter; Class A-4, Deer B Tag, twelve
 14 dollars (\$12); Class A-5 Elk Tag, eight dollars (\$8); Class
 15 A-6, Black or Brown Bear Tag, six dollars (\$6); which will
 16 entitle the holder to pursue, hunt, shoot, and kill the game
 17 animal or animals authorized by the license held and to
 18 possess the dead bodies of game animals of the state which
 19 are so authorized by the regulation of the commission.

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

1 line as authorized by the rules and regulations of the
 2 commission.

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

13 No hunting licenses shall be issued to any nonresident
 14 person under the age of eighteen (18) years unless he
 15 presents to the person authorized to issue such license a
 16 certificate of competency as provided in section
 17 26-202.1(2)(a) or a certificate verifying that he has
 18 successfully completed a course in the safe handling of
 19 firearms in any state or province.

20 (7) Class B-2 License--Nonresident Combination
 21 License. Within the limitations of this section or any
 22 commission rule, any person not a resident as defined in
 23 section 26-202.3, but who is twelve (12) years of age or
 24 older, upon the payment of fifty dollars (\$50) may apply to
 25 the fish and game office, Helena, Montana for a Class B-2

1 license, and nonresident conservation license as prescribed
 2 in section 26-230, which shall authorize the holder to
 3 pursue, hunt, shoot, kill and possess game birds, and to
 4 fish with hook and line as authorized by the rules and
 5 regulations of the commission, and to purchase additional
 6 and special licenses and tags as provided by law or
 7 commission regulation.

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

18 (9) Class B-5 License--Nonresident Deer License. Any
 19 person not a resident as defined in section 26-202.3, but
 20 who is twelve (12) years of age or older and a holder of a
 21 nonresident conservation license, upon the payment of the
 22 sum of fifty dollars (\$50) shall be entitled to a Class B-5
 23 license which shall authorize the holder to pursue, hunt,
 24 shoot, and kill one (1) deer in the area or areas designated
 25 in the license, as determined by the commission, and to

1 possess the carcass of same.

2 (10) Class B-6 License--Nonresident Antelope 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 and a holder of
 5 a Class B-2 nonresident combination license, upon the
 6 payment of the sum of fifty dollars (\$50) shall be entitled
 7 to a Class B-6 license which shall authorize the holder to
 8 pursue, hunt, shoot, and kill one (1) antelope in the area
 9 designated in the license, as determined by the commission,
 10 and to possess the carcass of same.

11 (11) Class B-7 and B-8 Licenses. Any person not a
 12 resident as defined in section 26-202.3, but who is twelve
 13 (12) years of age or older, and is a holder of a B-2
 14 nonresident combination license, may upon payment of the
 15 proper fee or fees and subject to the limitations prescribed
 16 by law and commission regulation be entitled to apply to the
 17 Fish and Game Office, Helena, Montana, to purchase one each
 18 of the following licenses: Class B-7, Deer A Tag, fifty
 19 dollars (\$50); Class B-8, Deer B Tag, fifty dollars (\$50);
 20 and will entitle the holder to pursue, hunt, shoot, and kill
 21 the game animal or animals authorized by the license held
 22 and to possess the dead bodies of game animals of the state
 23 which are so authorized by the regulations of the
 24 commission.

25 (12) B-10 nonresident big game combination license.

1 Any person not a resident as defined in section 26-202.3,
 2 R.C.M. 1947, but who is twelve (12) years of age or older
 3 may, upon payment of the proper fee or fees and subject to
 4 the limitations prescribed by law and commission regulation,
 5 be entitled to apply to the fish and game office, Helena,
 6 Montana, to purchase a B-10 nonresident big game combination
 7 license for two hundred twenty-five dollars (\$225) which
 8 shall entitle the holder to all the privileges of a B-2
 9 nonresident combination license, a deer A tag, and elk tag
 10 and a black bear license. This license includes the
 11 nonresident conservation license as prescribed in section
 12 26-230, R.C.M. 1947.

13 (13) Special licenses. Any applicant who is twelve (12)
 14 years of age or older and is a resident as defined by
 15 section 26-202.3, or any applicant who is the holder of a
 16 Class B-2 nonresident combination license may apply for a
 17 special license, which in the judgment of the fish and game
 18 commission, is to be issued and shall pay the following fees
 19 therefor:

20 Moose, resident twenty-five dollars (\$25), nonresident
 21 one hundred twenty-five dollars (\$125);

22 Mountain Goat, resident fifteen dollars (\$15),
 23 nonresident seventy-five dollars (\$75);

24 Mountain Sheep, resident twenty-five dollars (\$25),
 25 nonresident one hundred twenty-five dollars (\$125);

1 Antelope, resident five dollars (\$5);
 2 Grizzly Bear, resident twenty-five dollars (\$25),
 3 nonresident one hundred twenty-five dollars (\$125);
 4 Black or brown bear, nonresident fifty dollars (\$50).

5 In the event a holder of a valid special grizzly bear
 6 license kills a grizzly bear, he must purchase a trophy
 7 license for a fee of twenty-five dollars (\$25) within ten
 8 (10) days after date of kill. Such trophy license shall
 9 authorize the holder to possess and transport said trophy.

10 In the event that the number of valid resident
 11 applications for licenses exceeds the number of licenses
 12 which the fish and game commission desires to issue in any
 13 hunting district, then the number of licenses issued to
 14 nonresident license holders in that hunting district shall
 15 not exceed ten per cent (10%) of the total issued.

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

1 (15) Class C-1 License--Landowner's Trapping License.
 2 Any owner or tenant, or member of the immediate family of
 3 said owner or tenant, upon making application to the fish
 4 and game commission, and upon payment of the sum of one
 5 dollar (\$1) shall be entitled to a landowner's trapping
 6 license which shall entitle the holder thereof to trap any
 7 fur-bearing animal on land owned or leased by him, or his
 8 immediate family, at such times and in such manner as may be
 9 lawful so to do under the laws of the state and the
 10 regulations of the fish and game commission and at such
 11 places as may be designated in said licenses.

12 (16) Exception. (a) A resident under the definition of
 13 section 26-202.3, who is sixty-two (62) years or older shall
 14 be entitled to fish and hunt game birds with a conservation
 15 license issued by the state fish and game commission for a
 16 fee of one dollar (\$1). The form of such license shall be
 17 prescribed by the fish and game commission.

18 (b) Any veteran who is a patient residing at a
 19 hospital operated by the veterans administration, within or
 20 outside the state, and residents of all institutions under
 21 the jurisdiction of the state board of institutions, except
 22 the Montana state prison at Deer Lodge, will be entitled to
 23 fish without a license. Such residents shall carry a permit
 24 on a form prescribed by the commission and signed by the
 25 superintendent of the institution in lieu of a license.

1 (c) Disabled persons are entitled to fish without a
 2 license, if they are residents of Montana not residing in an
 3 institution and are certified as disabled by a licensed
 4 medical doctor, licensed to practice medicine in Montana.

5 Disability is defined as a physical or mental condition
 6 that prevents a person from doing any substantial gainful
 7 work that is expected to last for the rest of their life.

8 Such disabled persons shall carry a permit on a form
 9 prescribed by the commission.

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

14 (e) Residents, as defined by section 25-202.3, under
 15 the age of fifteen (15) years may purchase Class A-1, A-3,
 16 and A-5 licenses at two dollars (\$2) per license.

17 (f) The commission, by rule or regulation, may
 18 prescribe the number of Class B-5 and B-6, B-7, B-8, or B-10
 19 licenses to be issued in each of the hunting districts
 20 designated by it. Any license sold may be restricted to a
 21 specific hunting area and may specify the species, age, and
 22 sex to be taken in order to insure the proper management and
 23 propagation of game animals in these areas, provided,
 24 however, that no number limit shall be placed on B-7, B-8
 25 and B-10 license by area except in major hunter

1 concentration areas as determined by the commission. Not
 2 more than seventeen thousand (17,000) nonresident big game
 3 combination licenses (B-10) may be sold in any one license
 4 year.

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

16 (h) Special elk permits. In the event the number of
 17 valid applications for special elk permits for a hunting
 18 district exceeds the quota set by the commission for the
 19 district, these permits shall be awarded by a drawing.
 20 Persons making valid application who did not receive a
 21 special elk permit during the season immediately preceding
 22 the drawing shall receive first preference in this drawing
 23 for first, second, and third choice hunting districts. The
 24 commission may promulgate the rules necessary to implement
 25 this subsection.

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

8 (18) Class AAA License--Sportsman's License. Any
 9 resident, as defined by section 26-202.3, who is twelve (12)
 10 years of age or older, upon payment of the sum of
 11 thirty-five dollars (\$35) shall be entitled to a sportsman's
 12 license which shall permit the holder to exercise all rights
 13 granted to holders of Class A, A-1, A-3, A-5, A-6 and
 14 resident conservation licenses as prescribed in section
 15 26-230. The commission shall furnish each holder of a
 16 sportsman's license an appropriate decal.

17 (19) Class D-1 License--Nonresident Mountain Lion
 18 License. Any person not a resident as defined in section
 19 26-202.3, but who is twelve (12) years of age or older and a
 20 holder of a nonresident Class B-2 combination license, upon
 21 payment of the sum of twenty-five dollars (\$25) to any agent
 22 of the fish and game commission authorized to issue fishing
 23 and hunting licenses shall be entitled to a Class D-1
 24 license, which shall entitle the holder thereof to pursue,
 25 hunt, shoot, kill and possess mountain lion as authorized by

1 the rules and regulations of the commission.

2 (20) Class D-2 License--Resident Mountain Lion License.

3 Any person who is a resident as defined in section 26-202.3,
4 and who is twelve (12) years of age or older, upon payment
5 of the sum of five dollars (\$5) to any agent of the fish and
6 game commission authorized to issue fishing and hunting
7 licenses shall be entitled to a Class D-2 license, which
8 shall entitle the holder thereof to pursue, hunt, shoot,
9 kill and possess mountain lion as authorized by the rules
10 and regulations of the commission.

11 (21) Special elk or deer licenses. (a) Any person who
12 is the holder of a valid resident elk license or a Class
13 B-10 nonresident big game combination license may apply for
14 a special elk license upon payment of a fee of one dollar
15 (\$1).

16 (b) Any person who is the holder of a valid resident
17 deer license or any nonresident who holds a Class B-2
18 license and a valid deer tag may apply for a special deer
19 license upon payment of a fee of one dollar (\$1).

20 (c) The commission shall have the authority to
21 promulgate such rules and regulations as are necessary to
22 implement this subsection.

23 ~~(22) Class F-1 license--non-resident bobcat license~~
24 ~~Any person not a resident as defined in 26-202.3 and who is~~
25 ~~12 years of age or older, upon payment of the sum of \$10 to~~

1 ~~any agent of the fish and game commission authorized to~~
2 ~~issue fishing and hunting licenses, is entitled to a Class~~
3 ~~F-1 license, which allows the holder of the license to~~
4 ~~pursue, hunt, shoot, kill, and possess bobcat as authorized~~
5 ~~by the rules of the commission.~~

6 ~~(23) Class F-2 license--resident bobcat license~~ Any
7 ~~person who is a resident as defined in 26-202.3 and who is~~
8 ~~12 years of age or older, upon payment of the sum of \$2 to~~
9 ~~any agent of the fish and game commission authorized to~~
10 ~~issue hunting and fishing licenses, is entitled to a Class~~
11 ~~F-2 license, which allows the holder of the license to~~
12 ~~pursue, hunt, shoot, kill, and possess bobcat as authorized~~
13 ~~by the rules of the commission."~~

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

16 *26-301. Restrictions of manner of taking and
17 possessing fish and game and powers of commission relating
18 thereto. (1) It shall be unlawful for anyone to take,
19 capture, shoot, kill, or attempt to take, capture, shoot or
20 kill, any game animal, or game bird from any self propelled
21 or drawn vehicle, or on, or from any public highway in the
22 state of Montana, or by the aid or with the use of any set
23 gun, jack-light, or other artificial light, trap, snare,
24 salt lick, nor shall any such set gun, jack-light or other
25 artificial light, trap, snare, salt lick or other device to

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

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

22 (b) No person in an aircraft in the air shall spot or
 23 locate any game, or migratory bird, game or fur-bearing
 24 animals and communicate the location or approximate location
 25 thereof by any signals whatsoever, whether radio, visual or

1 otherwise, to any person or persons then on the ground.

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, and
 15 ~~stock-killing bobcats~~ or other means of taking stock-killing
 16 bears, and stock-killing mountain lions, and ~~stock-killing~~
 17 ~~bobcats~~ except the use of the dead fall; providing, however,
 18 that traps used in capturing bear shall be inspected twice
 19 each day, which inspection shall be ~~twelve~~(12) hours apart;
 20 and provided further, that a person may take game birds
 21 during the open season thereon with the aid of a dog or dogs
 22 and any person or association organized for the protection
 23 of game, may run field trials at any time upon obtaining
 24 written permission from the state fish and 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 (b) 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) 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 bobcats -- The fish
13 and game commission may allow and regulate the trapping of
14 bobcats.

15 Section 5. 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 coyote, lynx, bobcat, and any other animal causing
20 depredations upon livestock."

21 Section 6. 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 coyote, lynx, bobcat and other wild
3 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

1 fish and game commission."

-End-

SENATE BILL NO. 47

INTRODUCED BY ROBERTS, BROWN, BOYLAN, LENSINK

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE MANAGEMENT OF THE BOBCAT AS A GAME ~~FUR-BEARING~~ ANIMAL; AMENDING SECTIONS 26-201, 26-202.1, 26-301, 26-303.5, 26-307, 46-1902, AND 46-1903, R.C.M. 1947."

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

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

"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, gallinules, sora or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, Wilson snipes or jacksnipes, snipes, stilts, plovers, willets and yellow legs.

Nongame birds. All wild birds not defined herein as upland game birds or migratory game birds, shall be deemed nongame birds.

Game animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, and ~~AND~~ bear, and ~~bobcat~~.

Fur-bearing animals. Marten or sable, otter, muskrat, fisher, mink, ~~BOBCAT~~, and beaver.

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

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

REFERENCE BILL
Corrected Printing

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); all species of the family acipenseridae
 6 (sturgeon); all species of the genus lota (burbot or ling);
 7 and the species ictalurus punctatus (channel catfish).

8 wild buffalo. Buffalo or bison which have not been
 9 reduced to captivity.

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

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

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

23 (2) Class A-1 license--Resident Game Bird License.
 24 Except as herein provided, any resident as defined by
 25 section 26-202.3, who is twelve (12) years of age or older,

1 may, upon payment of a fee of four dollars (\$4) receive a
 2 Class A-1 license, which will entitle the holder to pursue,
 3 hunt, shoot and kill game birds and possess the dead bodies
 4 of game birds which are so authorized by regulations of the
 5 commission.

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

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

21 (3) Class A-2 License--Special Bow and Arrow License.
 22 A holder of any one of the following: a Class A-3, A-4, A-5,
 23 B-2, B-5, B-6, B-7, B-8, or B-10 license, may upon payment
 24 of an additional sum of six dollars (\$6) to any agent of the
 25 fish and game commission authorized to issue fishing and

1 hunting licenses be entitled to a Class A-2 license, which
 2 shall authorize the holder thereof to pursue, hunt, shoot,
 3 and kill the game animals authorized by the licenses held
 4 with bow and arrow and to possess these carcasses during
 5 special seasons, and in special areas, as may be designated
 6 by the fish and game commission.

7 (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as
 8 defined by section 26-202.3 who is twelve (12) years of age
 9 or older, may upon payment of the proper fee or fees be
 10 entitled to purchase one each of the following licenses:
 11 Class A-3, Deer A Tag, six dollars (\$6) for the license year
 12 beginning May 1, 1976, and seven dollars (\$7) for each
 13 license year thereafter; Class A-4, Deer B Tag, twelve
 14 dollars (\$12); Class A-5 Elk Tag, eight dollars (\$8); Class
 15 A-6, Black or Brown Bear Tag, six dollars (\$6); which will
 16 entitle the holder to pursue, hunt, shoot, and kill the game
 17 animal or animals authorized by the license held and to
 18 possess the dead bodies of game animals of the state which
 19 are so authorized by the regulation of the commission.

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

1 line as authorized by the rules and regulations of the
 2 commission.

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

13 No hunting licenses shall be issued to any nonresident
 14 person under the age of eighteen (18) years unless he
 15 presents to the person authorized to issue such license a
 16 certificate of competency as provided in section
 17 26-202.1(2)(a) or a certificate verifying that he has
 18 successfully completed a course in the safe handling of
 19 firearms in any state or province.

20 (7) Class B-2 License--Nonresident Combination
 21 License. Within the limitations of this section or any
 22 commission rule, any person not a resident as defined in
 23 section 26-202.3, but who is twelve (12) years of age or
 24 older, upon the payment of fifty dollars (\$50) may apply to
 25 the fish and game office, Helena, Montana for a Class B-2

1 license, and nonresident conservation license as prescribed
 2 in section 26-230, which shall authorize the holder to
 3 pursue, hunt, shoot, kill and possess game birds, and to
 4 fish with hook and line as authorized by the rules and
 5 regulations of the commission, and to purchase additional
 6 and special licenses and tags as provided by law or
 7 commission regulation.

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

18 (9) Class B-5 License--Nonresident Deer License. Any
 19 person not a resident as defined in section 26-202.3, but
 20 who is twelve (12) years of age or older and a holder of a
 21 nonresident conservation license, upon the payment of the
 22 sum of fifty dollars (\$50) shall be entitled to a Class B-5
 23 license which shall authorize the holder to pursue, hunt,
 24 shoot, and kill one (1) deer in the area or areas designated
 25 in the license, as determined by the commission, and to

1 possess the carcass of same.

2 (10) Class B-6 License--Nonresident Antelope 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 and a holder of
 5 a Class B-2 nonresident combination license, upon the
 6 payment of the sum of fifty dollars (\$50) shall be entitled
 7 to a Class B-6 license which shall authorize the holder to
 8 pursue, hunt, shoot, and kill one (1) antelope in the area
 9 designated in the license, as determined by the commission,
 10 and to possess the carcass of same.

11 (11) Class B-7 and B-8 Licenses. Any person not a
 12 resident as defined in section 26-202.3, but who is twelve
 13 (12) years of age or older, and is a holder of a B-2
 14 nonresident combination license, may upon payment of the
 15 proper fee or fees and subject to the limitations prescribed
 16 by law and commission regulation be entitled to apply to the
 17 Fish and Game Office, Helena, Montana, to purchase one each
 18 of the following licenses: Class B-7, Deer A Tag, fifty
 19 dollars (\$50); Class B-8, Deer B Tag, fifty dollars (\$50);
 20 and will entitle the holder to pursue, hunt, shoot, and kill
 21 the game animal or animals authorized by the license held
 22 and to possess the dead bodies of game animals of the state
 23 which are so authorized by the regulations of the
 24 commission.

25 (12) B-10 nonresident big game combination license.

1 Any person not a resident as defined in section 26-202.3,
 2 R.C.M. 1947, but who is twelve (12) years of age or older
 3 may, upon payment of the proper fee or fees and subject to
 4 the limitations prescribed by law and commission regulation,
 5 be entitled to apply to the fish and game office, Helena,
 6 Montana, to purchase a B-10 nonresident big game combination
 7 license for two hundred twenty-five dollars (\$225) which
 8 shall entitle the holder to all the privileges of a B-2
 9 nonresident combination license, a deer A tag, and elk tag
 10 and a black bear license. This license includes the
 11 nonresident conservation license as prescribed in section
 12 26-230, R.C.M. 1947.

13 (13) Special licenses. Any applicant who is twelve (12)
 14 years of age or older and is a resident as defined by
 15 section 26-202.3, or any applicant who is the holder of a
 16 Class B-2 nonresident combination license may apply for a
 17 special license, which in the judgment of the fish and game
 18 commission, is to be issued and shall pay the following fees
 19 therefor:

20 Moose, resident twenty-five dollars (\$25), nonresident
 21 one hundred twenty-five dollars (\$125);

22 Mountain Goat, resident fifteen dollars (\$15),
 23 nonresident seventy-five dollars (\$75);

24 Mountain Sheep, resident twenty-five dollars (\$25),
 25 nonresident one hundred twenty-five dollars (\$125);

1 Antelope, resident five dollars (\$5);

2 Grizzly Bear, resident twenty-five dollars (\$25),
 3 nonresident one hundred twenty-five dollars (\$125);

4 Black or brown bear, nonresident fifty dollars (\$50).

5 In the event a holder of a valid special grizzly bear
 6 license kills a grizzly bear, he must purchase a trophy
 7 license for a fee of twenty-five dollars (\$25) within ten
 8 (10) days after date of kill. Such trophy license shall
 9 authorize the holder to possess and transport said trophy.

10 In the event that the number of valid resident
 11 applications for licenses exceeds the number of licenses
 12 which the fish and game commission desires to issue in any
 13 hunting district, then the number of licenses issued to
 14 nonresident license holders in that hunting district shall
 15 not exceed ten per cent (10%) of the total issued.

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

1 (15) Class C-1 License--Landowner's Trapping License.
 2 Any owner or tenant, or member of the immediate family of
 3 said owner or tenant, upon making application to the fish
 4 and game commission, and upon payment of the sum of one
 5 dollar (\$1) shall be entitled to a landowner's trapping
 6 license which shall entitle the holder thereof to trap any
 7 fur-bearing animal on land owned or leased by him, or his
 8 immediate family, at such times and in such manner as may be
 9 lawful so to do under the laws of the state and the
 10 regulations of the fish and game commission and at such
 11 places as may be designated in said licenses.

12 (16) Exception. (a) A resident under the definition of
 13 section 26-202.3, who is sixty-two (62) years or older shall
 14 be entitled to fish and hunt game birds with a conservation
 15 license issued by the state fish and game commission for a
 16 fee of one dollar (\$1). The form of such license shall be
 17 prescribed by the fish and game commission.

18 (b) Any veteran who is a patient residing at a
 19 hospital operated by the veterans administration, within or
 20 outside the state, and residents of all institutions under
 21 the jurisdiction of the state board of institutions, except
 22 the Montana state prison at Deer Lodge, will be entitled to
 23 fish without a license. Such residents shall carry a permit
 24 on a form prescribed by the commission and signed by the
 25 superintendent of the institution in lieu of a license.

1 (c) Disabled persons are entitled to fish without a
 2 license, if they are residents of Montana not residing in an
 3 institution and are certified as disabled by a licensed
 4 medical doctor, licensed to practice medicine in Montana.

5 Disability is defined as a physical or mental condition
 6 that prevents a person from doing any substantial gainful
 7 work that is expected to last for the rest of their life.

8 Such disabled persons shall carry a permit on a form
 9 prescribed by the commission.

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

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

17 (f) The commission, by rule or regulation, may
 18 prescribe the number of Class B-5 and B-6, B-7, B-8, or B-10
 19 licenses to be issued in each of the hunting districts
 20 designated by it. Any license sold may be restricted to a
 21 specific hunting area and may specify the species, age, and
 22 sex to be taken in order to insure the proper management and
 23 propagation of game animals in these areas, provided,
 24 however, that no number limit shall be placed on B-7, B-8
 25 and B-10 license by area except in major hunter

1 concentration areas as determined by the commission. Not
 2 more than seventeen thousand (17,000) nonresident big game
 3 combination licenses (B-10) may be sold in any one license
 4 year.

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

16 (h) Special elk permits. In the event the number of
 17 valid applications for special elk permits for a hunting
 18 district exceeds the quota set by the commission for the
 19 district, these permits shall be awarded by a drawing.
 20 Persons making valid application who did not receive a
 21 special elk permit during the season immediately preceding
 22 the drawing shall receive first preference in this drawing
 23 for first, second, and third choice hunting districts. The
 24 commission may promulgate the rules necessary to implement
 25 this subsection.

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

8 (18) Class AAA License--Sportsman's License. Any
 9 resident, as defined by section 26-202.3, who is twelve (12)
 10 years of age or older, upon payment of the sum of
 11 thirty-five dollars (\$35) shall be entitled to a sportsman's
 12 license which shall permit the holder to exercise all rights
 13 granted to holders of Class A, A-1, A-3, A-5, A-6 and
 14 resident conservation licenses as prescribed in section
 15 26-230. The commission shall furnish each holder of a
 16 sportsman's license an appropriate decal.

17 (19) Class D-1 License--Nonresident Mountain Lion
 18 License. Any person not a resident as defined in section
 19 26-202.3, but who is twelve (12) years of age or older and a
 20 holder of a nonresident Class B-2 combination license, upon
 21 payment of the sum of twenty-five dollars (\$25) to any agent
 22 of the fish and game commission authorized to issue fishing
 23 and hunting licenses shall be entitled to a Class D-1
 24 license, which shall entitle the holder thereof to pursue,
 25 hunt, shoot, kill and possess mountain lion as authorized by

1 the rules and regulations of the commission.

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

11 (21) Special elk or deer licenses. (a) Any person who
12 is the holder of a valid resident elk license or a Class
13 B-10 nonresident big game combination license may apply for
14 a special elk license upon payment of a fee of one dollar
15 (\$1).

16 (b) Any person who is the holder of a valid resident
17 deer license or any nonresident who holds a Class B-2
18 license and a valid deer tag may apply for a special deer
19 license upon payment of a fee of one dollar (\$1).

20 (c) The commission shall have the authority to
21 promulgate such rules and regulations as are necessary to
22 implement this subsection.

23 ~~(22) Class F-1 license non-resident bobcat license~~
24 ~~Any person not a resident as defined in 26-202.3 and who is~~
25 ~~12 years of age or older, upon payment of the sum of \$10 to~~

1 ~~any agent of the fish and game commission authorized to~~
2 ~~issue fishing and hunting licenses is entitled to a class~~
3 ~~F-1 license which allows the holder of the license to~~
4 ~~pursue hunt shoot kill and possess bobcat as authorized~~
5 ~~by the rules of the commission~~

6 ~~(23) Class C-2 license resident bobcat license~~ Any
7 ~~person who is a resident as defined in 26-202.3 and who is~~
8 ~~12 years of age or older, upon payment of the sum of \$2 to~~
9 ~~any agent of the fish and game commission authorized to~~
10 ~~issue hunting and fishing licenses is entitled to a class~~
11 ~~F-2 license which allows the holder of the license to~~
12 ~~pursue hunt shoot kill and possess bobcat as authorized~~
13 ~~by the rules of the commission"~~

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

16 "26-301. Restrictions of manner of taking and
17 possessing fish and game and powers of commission relating
18 thereto. (1) It shall be unlawful for anyone to take,
19 capture, shoot, kill, or attempt to take, capture, shoot or
20 kill, any game animal, or game bird from any self propelled
21 or drawn vehicle, or on, or from any public highway in the
22 state of Montana, or by the aid or with the use of any set
23 gun, jack-light, or other artificial light, trap, snare,
24 salt lick, nor shall any such set gun, jack-light or other
25 artificial light, trap, snare, salt lick or other device to

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

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

22 (b) No person in an aircraft in the air shall spot or
 23 locate any game, or migratory bird, game or fur-bearing
 24 animals and communicate the location or approximate location
 25 thereof by any signals whatsoever, whether radio, visual or

1 otherwise, to any person or persons then on the ground.

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, and
 15 ~~stock-killing bobcats~~ or other means of taking stock-killing
 16 bears, and stock-killing mountain lions, and ~~stock-killing~~
 17 ~~bobcats~~ except the use of the dead fall; providing, however,
 18 that traps used in capturing bear shall be inspected twice
 19 each day, which inspection shall be ~~twelve-}{12}~~ hours apart;
 20 and provided further, that a person may take game birds
 21 during the open season thereon with the aid of a dog or dogs
 22 and any person or association organized for the protection
 23 of game, may run field trials at any time upon obtaining
 24 written permission from the state fish and 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) 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 bobcats. The fish~~
13 ~~and game commission may allow and regulate the trapping of~~
14 ~~bobcats.~~

15 Section 5. 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 coyote, lynx, bobcat, and any other animal causing
20 depredations upon livestock."

21 Section 6. 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 coyote, lynx, bobcat and other wild
3 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

1 fish and game commission."

-End-