.

INTRODUCED BY Roberts Brown St 1 2 Lenand 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE 4 5 MANAGEMENT OF THE BOBCAT AS A GAME ANIMAL; AMENDING SECTIONS 26-201, 26-202.1, 26-301, 26-303.5, 26-307, 46-1902, AND 6 7 46-1903, R.C.M. 1947."

9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9

Section 1. Section 26-201, R.C.M. 1947, is amended to 10 11 read as follows:

"26-201. Definitions. For the purpose of this act, the 12 following shall be construed, respectively to mean: 13

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, partnerships, and corporations, unless the context otherwise 17 18 requires.

19 Open season. The time during which game birds, fish, game and fur-bearing animals may be lawfully taken. 20

21 Closed season. The time during which game birds, fish, 22 game and fur-bearing animals may not be lawfully taken.

Angling or fishing. The taking of, or attempting to 23 take fish by hook and single line or single rod in hand or 24 25 within immediate control.

1 Upland game birds. Sharptail grouse, blue grouse, prairie chicken, sage hen or sage grouse, fool hen, ruffed 2 3 grouse, commonly called native pheasant or native partridge. 4 quail, Chinese pheasant and Mongolian pheasant, commonly called ring-necked pheasant, Hungarian partridge, ptarmigan, 5 6 wild turkey, and chukar partridge.

7 Migratory game birds. Waterfowl, including wild ducks. 8 wild geese, brant, and swans; cranes, including little brown, sandhill and whooping cranes; rails, including coots, 9 10 gallinules, sora or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, 11 12 killdeer, sandpipers, Wilson snipes or jacksnipes, snipes, 13 stilts, plovers, willets and yellow leas,

14 Nongame birds. All wild birds not defined herein as upland game birds or migratory game birds, shall be deemed 15 16 nongame birds.

17 Game animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, and bears, and 18 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 caty-and-bobcat.

Game fish. All species of the family salmonidae (chars. 24

25 trout, salmon, grayling, and whitefish); all species of the

INTRODUCED BILL

S*B41*

1

2

3

.

genus stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all species of the genus esox (northern pike, pickerel and muskellunge); all species of the genus micropeterus (bass); all species of the genus polyodon (paddlefish); all species of the family acipenseridae (sturgeon); all species of the genus lota (purbot or ling); 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."

Section 2. Section 26-202.1, R.C.M. 1947, is amended 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 Dird License24 Except as herein provided, any resident as defined by
25 section 26-202-3, who is twelve (12) years of age or older,

£

-3-

may, upon payment of a fee of four dollars (\$4) receive a Class A-1 license, which will entitle the holder to pursue, hunt, shoot and kill game birds and possess the dead bodies

of game birds which are so authorized by regulations of the
commission.

6 (a) No hunting licenses shall be issued to any
7 resident person under the age of eighteen (13) years unless
8 he presents to the person authorized to issue such license a
9 certificate of competency as provided by this section.

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

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

LC 0339/01

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

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

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

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

(6) Class 8-1 License--Nonresident Game Bird License. 3 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 age or older, upon payment of the sum of thirty dollars 6 7 (\$30) to any agent of the fish and dame commission R authorized to issue fishing and hunting licenses shall be entitled to a Class B+1 license, which shall entitle the 9 10 holder thereof to pursue, hunt, shoot, kill and possess game 31 birds as authorized by the rules and regulations of the 12 commission.

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

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

LC 0339/01

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) Class B-3 License--Temporary Nonresident or 8 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 commission for a period of six (6) days inclusive of the 16 17 dates indicated on the license.

(9) Class B-5 License--Nonresident Deer License. Any 18 person not a resident as defined in section 26-202.3, but 19 20 who is twelve (12) years of age or older and a holder of a 21 nonresident conservation license, upon the payment of the sum of fifty dollars (\$50) shall be entitled to a Class 8-5 22 license which shall authorize the holder to pursue, hunt, 23 shoot, and kill one (1) deer in the area or areas designated 24 25 in the license, as determined by the commission, and to

LC 0339/01

1 possess the carcass of same.

(10) Class 3-6 License--Nonresident Antelope License. 2 Any person not a resident as defined in section 26-20?.3. 3 but who is twelve (12) years of age or older and a holder of 4 a Class B-2 nonresident combination license, upon the 5 payment of the sum of fifty dollars (\$50) shall be entitled 6 to a Class 3-6 license which shall authorize the holder to 7 pursue, hunt, shoot, and kill one (1) antelope in the area 8 designated in the license, as determined by the commission, 9 10 and to possess the carcass of same.

(11) Class B-7 and 8-8 Licenses. Any person not a 11 resident as defined in section 26-202.3, but who is twelve 12 (12) years of age or older, and is a holder of a B-2 13 nonresident combination license, may upon payment of the 14 proper fee or fees and subject to the limitations prescribed 15 by law and commission regulation be entitled to apply to the 16 Fish and Game Office, Helena, Montana, to purchase one each 17 of the following licenses: Class B-7, Deer A Tag, fifty 18 dollars (\$50); Class B-8, Deer & Tag, fifty dollars (\$59); 19 and will entitle the holder to pursue, hunt, shoot, and kill 20 the game animal or animals authorized by the license held 21 and to possess the dead bodies of game animals of the state 22 which are so authorized by the regulations of the 23 commission. 24

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

-7-

Any person not a resident as defined in section 26-202.3. 1 R.C.M. 1947. but who is twelve (12) years of age or older S may, upon payment of the proper fee or fees and subject to 3 the limitations prescribed by law and commission regulation, 4 be entitled to apply to the fish and game office, Helena, 5 Montana, to purchase a 3-10 nonresident big game combination 6 license for two hundred twenty-five dollars (\$225) which 7 shall entitle the holder to all the privileges of a B-28 nonresident combination license, a deer A tag, and elk tag 9 and a black bear license. This license includes the 10 nonresident conservation license as prescribed in section 11 26-230. R.C.H. 1947. 12

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

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

ł 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 license for a fee of twenty-five dollars (\$25) within ten 7 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 which the fish and game commission desires to issue in any 12 13 hunting district, then the number of licenses issued to nonresident license holders in that hunting district shall 14 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 fur-bearing animal on land owned or leased by him, or his 6 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

L license, if they are residents of Montana not residing in an 2 institution and are certified as disabled by a licensed medical doctor. licensed to practice medicine in Montana. 3 Disability is defined as a physical or mental condition 4 that prevents a person from doing any substantial gainful 5 work that is expected to last for the rest of their life. 6 Such disabled persons shall carry a permit on a form 7 я 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 conferred by this subsection shall be revoked for not less 11

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.

than six (6) months.

12

(f) The commission, by rule or regulation, may 16 17 prescribe the number of Class B-5 and B-6: 8-7, 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 8+7, 8-8 24 and B-10 license by area except in major hunter 25 concentration areas as determined by the commission. Not

LC 0339/01

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

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

(h) Special elk permits. In the event the number of 15 valid applications for special elk permits for a hunting 15 district exceeds the quota set by the commission for the 17 district, these permits shall be awarded by a drawing. 13 Persons making valid application who did not receive a 19 special alk permit during the season immediately preceding 20 the drawing shall receive first preference in this drawing 21 for first, second, and third choice hunting districts. The 22 commission may promulgate the rules necessary to implement 23 this subsection. 24

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

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

-14-

1 (20) Class D-2 Licanse--Resident Mountain Lion License. z Any person who is a resident as defined in section $26-202 \cdot 3$ and who is twelve (12) years of age or older, upon payment 3 of the sum of five dollars (\$5) to any agent of the fish and 4 5 game commission authorized to issue fishing and hunting licenses shall be entitled to a Class D-2 license, which 6 7 shall entitle the holder thereof to pursue, hunt, shoot, 8 kill and possess mountain lion as authorized by the rules 3 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).

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

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

1221 Class E-1 License--non resident bobcat license.
Any person not a resident as defined in 26-202.3 and who is
12 years of age or older. upon payment of the sum of \$10 to
any agent of the fish and game commission authorized to

	1
ł	<u>issue_fishing_and_bunting_licenses+ is_entitled_to_a_Class</u>
2	E-1 license, which allows the holder of the license to
3	<u>oursues hunts shoots kills and possess bobcat as authorized</u>
4	by the rules of the commission.
5	(23) Class E-2 Licenseresident bobcat_licenseAny
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 dame commission authorized to
9	issue hunting and fishing licenses, is entitled to _a_Class
10	E-2_licenseswhich_allows_the_holder_of_the_license_to
11	pursues_bunts_shoots_kills_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

-16-

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

(2) (a) No game birds or game or fur-bearing animals 11 shall be killed, taken or shot at from any aircraft, nor 12 13 shall any aircraft be used for the surpose 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 sail be used for the purpose of killing, capturing, taking, 18 pursuing, concentrating, driving or stirring up any upland 19 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 otherwise, to any person or persons then on the ground. 25

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

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

8 (5) No person shall chase with doos any of the came or 9 fur-bearing animals as defined by the fish and game laws of 10 this state; provided, however, that livestock owners. employees of the state fish and game commission and of the 11 federal fish and wildlife service may use dogs in pursuit of 12 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-fl2; hours apart; 19 and provided further, that a person may take game birds 20 during the open season thereon with the aid of a dou or dous 21 and any person or association organized for the protection 22 of game, may run field trials at any time upon obtaining written permission from the state fish and game director. 23 24 (6) The state fish and game commission shall have the

power to designate certain waters where set lines may be

-13-

25

used to fish for certain species of game or nongame fish,
 and the commission may designate the number of hooks and
 lines and the length of line or lines which may be used as
 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 kokanee (sockeye salmon) may be taken by snagging, the 11 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 booked 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--fl2; feet in length and four-f4; 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

LC 0339/01

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

-19-

-20-

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

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

(10) The provisions of this section relating to methods 9 of herding, driving, capturing, taking, locating or 10 concentrating of fish, game animals, game birds or 11 fur-bearing animals do not apply to the department of fish 12 and game, or any employee thereof, while acting within the 13 scope and course of the powers and duties of the department. 14 Any person violating any of the provisions of this 15 section shall be deemed quilty of a misdemeanor and shall be 16 punishable as provided by law." 17

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

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

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

-21-

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

24 (2) It shall be unlawful and a misdemeanor for any25 person to kill more than one game animal of any one species,

I 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.

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:

Commission to regulate trapping of bobcat. The fish
 and game commission may allow and regulate the trapping of
 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, bobcsty 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

wild animals including coyote, lynx, bobcat and other wild 1 animals predatory in nature and capable of killing. destroying, maining, or injuring domestic livestock or 4 domestic poultry; and the protection and safequarding of 4 livestock and poultry in this state, against depredations 5 from these animals. The department shall formulate the - 64 practical programs for accomplishing these objectives in 7 this state, and for carrying out the programs in an a efficient and practical manner, responsive to the need for 9 control in each area of this state. The department shall 10 adopt rules applicable to predatory animal control, which 11 are necessary and proper for the systematic destruction of 12 the wild animals by hunting, trapping, and poisoning 13 operations, and payments of bounties. The department shall 14 make field, area, range, or other orders and instructions, 15 including orders and instructions to hunter and trapper 16 personnel and others, which are appropriate in the various 17 areas, at different seasons of the year, taking into 18 consideration the habits, presence, migrations, or movements 19 of the animals, and their attacks on livestock and poultry, 20 either singly or in packs or bands. The department shall 21 cooperate with authorized representatives of the federal 22 government, including the Biological Survey and the Fish and 23 Wild Life Service, the state fish and game commission, 24 boards of county commissioners, voluntary associations of 25

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

(2) The department shall administer and expend for 5 predatory animal extermination and control all money which 6 7 is made available to it, including the money from the levy 8 under section 84-5214, and all money which is made available to the department by appropriations made by the legislature 9 for predatory animal control by the department. The 10 department shall expend the funds for predatory animal 11 12 control by all effective means, including employment of hunters, trappers, and other personnel, procurement of 13 14 traps, poisons, equipment, and supplies, and payment of bounties in the discretion of the department, responsive to 15 16 the necessities of control in various areas of the state. 17 (3) This section does not interfere with or impair the power and duties of the fish and game commission in the 19 control of predatory animals by the commission, as 19 authorized by law, nor the obligation of the commission to 20 21 expend its funds in cooperation with the department, for predatory animal control, as required by law. Funds of the **2**2 23 fish and game commission for the cooperative predatory animal control shall be administered and expended by the 24 25 fish and game commission."

> -End--25

SE 0047/02

۰.

Approved by Comm. on Fish and Game

1	SENATE BILL NO. 47
2	INTRODUCED BY ROBEBTS, BROWN, BOYLAN, LENSINK
3	
4	A BILL FOR AN ACT ENTITIED: "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.B. 1947."
8	
9	BE IT FNACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 26-201, R.C.H. 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 ccrporations, unless the context otherwise
18	reçuires.
19	Cpen 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 rcd in hand or
25	within immediate control.

Opland 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.

Rigratory 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 plower,
killdeer, sandpipers, Wilson snipes or jacksnipes, snipes,
stilts, plowers, willets and yellow legs.

14 Wongame 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, antelcre, caribou,
18 mountain sheep, mountain goat, mountain lion, and <u>AND</u> bear_z
19 and beboat.

20 Pur-bearing animals. Marten or sable, otter, muskrat,

21 fisher, mink, BOBCAT, and beaver.

22 Predatory animals. Coyote, wolf, weasel, skunk_ and

23 civet caty-and-beboat.

24 Game fish. All species of the family saluchidae (chars,

25 trout, salmon, grayling, and whitefish); all species of the

-2- SB 47

SECOND READING

genus stizostedion (sandpike or sauger and walleyed fike or yellowpike perch); all species of the genus esor (northern pike, pickerel and muskellunge); all species of the genus micropeterus (bass); all species of the genus polyodon (paddlefish); all species of the family acipenseridae (sturgeon); all species of the genus lota (burbot or ling); and the species ictalurus punctatus (channel catfish).

8 Wild buffalo. Buffalo or bison which have not been9 reduced to captivity.

10 Wongame wildlife. Any wild manmal, 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.S. 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 & 18 License-Besident 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 & license which shall entitle the 21 holder thereof to fish with hock 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 clder,

-3-

SB 47

may, upon payment of a fee of four dollars (\$4) receive a
 Class A-1 license, which will entitle the holder to pursue,
 hunt, shoot and kill game birds and possess the dead todies
 of game birds which are so authorized by regulations of the
 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 for the purpose may cooperate with any reputable association 12 13 or organization having as one of its objectives the promotion of safety in the handling of firearms. The 14 department may designate any person found by it to be 15 competent to give instructions in the handling of firearws. 16 A person so appointed shall give such course of instruction 17 and upon the successful completion thereof shall issue to 18 the person instructed a certificate of competency in the 19 safe handling of firearms. 20

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

-0-

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

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

-5-

SB 47

line as authorized by the rules and regulations of the
 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 authorized to issue fishing and hunting licenses shall be я 9 entitled to a Class B-1 license, which shall entitle the holder thereof to pursue, hunt, shoot, kill and possess game 10 birds as authorized by the rules and regulations of the 11 12 conmission.

13 No bunting 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

-6-

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 Monresident 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 dollars (\$10) to any agent of the fish and game commission 11 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 commission for a period of six (6) days inclusive of the 16 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 who is twelve (12) years of age or older and a holder of a 20 21 nonresident conservation license, upon the payment of the 22 sum of fifty dollars (\$50) shall be entitled to a Class B-5 license which shall authorize the holder to pursue, hunt, 23 24 shoot, and kill one (1) deer in the area or areas designated 25 in the license, as determined by the commission, and to

-7-

SE 47

1 possess the carcass of same.

2 (10) Class B-6 License--Nonresident Aptelope License. 3 Any person not a resident as defined in section 26-202.3, but who is twelve (12) years of age or older and a bolder 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 designated in the license, as determined by the commission, Q. and to possess the carcass of same. 10

(11) Class B-7 and B-8 Licenses. Any person not a 11 resident as defined in section 26-202.3, but who is twelve 12 (12) years of age or older, and is a holder of a B-213 nonresident combination license. may upon payment of the 14 15 proper fee or fees and subject to the limitations prescribed 16 by law and commission regulation be entitled to apply to the Fish and Game Office, Helena, Bontana, to purchase one each 17 18 of the following licenses: Class B-7. Deer A Tag, fifty dollars (\$50); Class B-8, Deer P Tag, fifty dollars (\$50); 19 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 commission. 24

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

-8- SB 47

SB 47

Any person not a resident as defined in section 26-202.3. 1 R.C.M. 1947, but who is twelve (12) years of age or older 2 3 may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and commission regulation, а 5 be entitled to apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination 6 7 license for two hundred twenty-five dollars (\$225) which 8 shall entitle the holder to all the privileges of a B-29 nonresident combination license, a deer A tag, and elk tag 10 and a black bear license. This license includes the nonresident conservation license as prescribed in section 11 12 26-230, R.C.B. 1947.

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

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

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

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

-9-

Antelope, resident five dollars (\$5);

1

Grizzly Bear, resident twenty-five dollars (\$25),
 nonresident one \undred 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 shall authorize the holder thereof to trap fur-bearing 20 21 animals AND BUNT BCBCAT, within the state of Montana at such times and in such manner as may be lawful so to do under the 22 23 laws of the state and the regulations of the fish and game commission, and at such places as may be designated in said 24 25 license.

- 10-

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 bolder thereof to trap any 7 fur-bearing animal on land owned or leased by his, cr his 8 issediate 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 gaue 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 hospital operated by the veterans administration, within or 19 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 estitled 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 superistendent of the institution in lieu of a license.

-11-

SE 47

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

-12-

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

(q) 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 walid 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 bunting districts. The 12 commission shall have the authority to promulgate such rules 13 and regulations as are necessary to implement this 14 subsection. 15

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

R (18) Class AAA License-Sportsman's License, Any 9 resident, as defined by section 26-202.3, who is twelve (12) 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 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--Monresident Bountain Lice 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 holder of a nonresident Class B-2 combination license, upon 20 21 payment of the sum of twenty-five dollars (\$25) to any agent 22 of the fish and game commission authorized to issue fishing and hunting licenses shall be entitled to a Class D-1 23 24 license, which shall entitle the holder thereof to pursue, 25 hunt, shoot, kill and possess mountain lich as authorized by

-14-

- 13-

SB 47

1 the rules and regulations of the commission.

(20) Class D-2 License-Resident Mountain Lion License. 2 3 Any person who is a resident as defined in section 26-202.3, 8 and who is twelve (12) years of age or clder, 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 licenses shall be entitled to a Class D-2 license, which 7 8 shall entitle the holder thereof to rursue, hunt, shoot, kill and possess ecuptain lion as authorized by the rules 9 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
 <u>1221_Slass_E_1_Lisense__non__resident_bebeat_licensex</u>

 24
 <u>her_person_not_s_resident_as_defined_is_26_202r3_and_whe_iss</u>

 25
 <u>12_reass_f_age_or_older_wpen_paracet_of_the_cur_of_\$10_te</u>

-15-

1 any-agent-of-the-figh-and-gale-costignight-authorized-to issue--fishing--and-hunting-licences,-is-catilied-te-a-class 2 B-1 liconge, which allows the bolder of the liconge to 3 h 5 by the rules of the gessiosies. 6 (23)-Glass-E-2-Lisease--- Tesidest-bebest_lisease-----7 8 9 any---agent---of---the---fich---and--gane-consisting-authorized-to 10 isoue-husting-and fishing-licences, is entitled to ---- Class 11 8-2-licescor_which_allowg_the_helder_cf_the_licesce_te 12 pursue, -hunt, -cheety-kill, and peesens hebeet as -aytherised 13 by-the-rules of-the-semission," 14 Section 3. Section 26-301, R.C.S. 1947, is amended to read as follows: 15 "26-301. Restrictions of manner of taking and 16 17 possessing fish and game and powers of commission relating theretc. (1) It shall be unlawful for anyone to take, 18 19 capture, shoot, kill, or attempt to take, capture, shoot or 20 kill, any game animal, or game bird from any self propelled or drawn wehicle, or on, or from any public highway in the 21 22 state of Montana, or by the aid or with the use of any set 23 gun, jack-light, or other artificial light, trar, 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

-16- SB 47

SE 47

1 entrap or entice case animals or game birds be used, made or set, nor may rifles be used to hunt or shoot upland game 2 3 birds unless the use of rifles is permitted by the a convission: provided, however, that this does not prohibit 5 the shooting of wild waterfowl from blinds over decovs 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 gup, 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 powerboat, sailboat, or any boat under sail or any floating 17 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) Wo 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

-17-

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 bobcats except the use of the dead fall; providing, however, 17 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

-18-

SB 47

SB 0047/02

power to designate certain waters where set lines may be
 used to fish for certain species of game or nongame fish,
 and the commission may designate the number of hocks and
 lines and the length of line or lines which may be used as
 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 salwon) when the commission shall declare 11 an open season when paddlefish, coho (silver salmon), and 12 kokanee (sockeve salson) say 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 walleved pike. sauger, northern pike and nongame fish with spear or gig 16 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 minnews other 22 than game fish wariety by the use or aid of a net not to 23 24 width, in such waters as may be designated by the 25 commission.

(8) No person, while hunting game animals or game 1 2 birds shall use a motor-driven vehicle on any other than an 3 established road or trail, unless he has reduced a tig game animal to possession and cannot easily retrieve said big ł. 5, game animal, in which case a motor-driven vehicle may be used to retrieve the big game animal, except in areas where К more restrictive regulations apply or where the landowner 7 A has not granted such permission, provided that after such retrieval, such motor-driven vehicle is again returned to an 9 10 established road or trail by the shortest possible route. 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 15 to drive, run or attempt to run, nolest or attempt to 16 molest, flush or attempt to flush, or barass or attempt to harass any game animal or game bird with the use or aid of 17 18 any motor-driven vehicle. No person, while hunting game 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 wehicle use off an established read or trail apply only to 25

-20-

-19-

SE 47

hunting on state or private land, not to hunting on federal
 land unless the federal agency specifically requests or
 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) The provisions of this section relating to sethods 10 of berding, 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 16 Any person violating any of the provisions of this section shall be deemed quilty of a misdemeanor and shall be 17

18 runishable as provided by law."

19 Section 4. Section 26-303.5, R.C.H. 1947, is amended20 to read as follows:

21 "26-303.5. Use of dogs for hunting mountain lion and
22 <u>bobcat</u>. 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-H--1947-is-azended-to

-21-

SB 47

read-as-follows+ 1 2 #26-307---Waste-of-fish-or-game----humting--er--fishing 3 during-glosod-soi son----killing-sore-than-ono-gamo-animal----4 orgeptions,.....(1) ... It-chall-be-unlawful-and-a-misdemeanor-for 5 any-person-responsible-for-the-death-of-any-game--animal--of б 7 mountain-lion, and-bobsat, to--detach---er-remove--from--the R Gargase-only-tho-heady-hidoy-antlorey-tucke-or-toothy-or-any 9 or--all-of-aforesaid-parts,-or-to-wastc-eay-part-of-any-qase 10 aninaly-gano-bird,-or-gane-fish-suitable--for--food,--or--to abandon---the-carcace-of-any-came-animal-in-the-field,--except 11 black-and-brown-boary and mountain-lion, and -- bobcaty which 12 13 or-the-hide-of-ouch-beary or-searstain-lieny or--bobeaty and 14 15 16 the-gargage-enly-the-head-and-hide-and-gash-ether--parte-_es 17 the-state-fish-and-gane-consission-say-desand-for-scientific 16 19 cossignion-for-scientific-purposes-suct-be-delivered---to---as 20 officer-or-caployce-of-the-cossiscies-for-incpectios-as-seen 21 as-possible-after-reseval-and-the-cossission-shall-return-te 22 the---licensee---any---bone-structure-and-skull-within-one-year

23 upon -- written -request, --- lide---shall---be---returned
24 immediately,

25 (2)--It--shall--be--unlauful--and-a-sisdesser-for-anf

-22- SB 47

1	porson-to-kill-more-than-one-game-anisal-ef-any-ene-species,
2	in-any-ono-liconse-yeary-unloss-the-killing-of-more-than-one
3	gameanisalofsuchspecieshasbeesauthorisodby
4	regulations-of-the-figh-and-game-sommission.
5	(3)Itshall-beuslavfulasd-a-sisdeseasor-for-asy
6	porcos-during-the-closedseasosonasyspeciesefgane
7	animalygame-birdorfickto-takey-bubty-shooty-kill-or
8	Gapture-any-such-game-abimal-or-such-game-birdortofish
9	for-or-catch-any-such-fish."
10	Seation-6There-ic-a-new-N-C-NGeotion-that-roads-as
11	fellower
12	Cossissiontoregulatetrapping-of-bobcateThe-fich
13	and-game-complosion-may-allow-and-regulate-thetrappingof
14	bebeate.
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

-23-

shall conduct the destruction, extermination, and control of 1 wild animals including coyote, lynx, bebcat and other wild 2 animals predatory in nature and capable of killing, 3 destroying, saising, or injuring desetic livestock or a. domestic poultry; and the protection and safequarding of 5 livestock and poultry in this state, against depredations б 7 from these animals. The department shall formulate the practical programs for accomplishing these objectives in 8 this state, and for carrying out the programs in an 9 10 efficient and practical manner, responsive to the need for 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 16 make field, area, range, or other orders and instructions, including orders and instructions to hunter and trapper 17 18 personnel and others, which are appropriate in the various areas, at different seasons of the year, taking into 19 consideration the habits, presence, migrations, or movements 20 21 of the animals, and their attacks on livestock and poultry, 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

-24-

SE 47

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

б (2) The department shall administer and errend for 7 predatory animal extermination and control all money which 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 14 hunters, trappers, and other personnel, procurement of traps, poisons, equipment, and supplies, and payment of 15 bounties in the discretion of the department, responsive to 16 17 the necessities of control in various areas of the state.

18 (3) This section does not interfere with cr impair the 19 power and duties of the fish and game commission in the 20 control of predatory animals by the commission, as authorized by law, nor the obligation of the commission to 21 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

-25-

1 fish and game commission."

-End-

SB 0047/02

.

٦.

SE 0047/02

THISD DE DIVE

ĩ

Upland game birds. Sharptail grouse, blue grouse	1	SENATE BILL NO. 47	1
prairie chicken, sage hen or sage grouse, focl hen, ruff	2	INTRODUCED BY ROBEBTS, BROWN, BOYLAN, LENSING	2
grouse, commonly called native pheasant or mative partridge	3		3
quail, Chinese pheasant and Mongolian pheasant, common	4	A EILL FOR AN ACT ENTIFIED: "AN ACT TO PROVIDE FOR THE	4
called ring-necked theasant, Hungarian partridge, ptarmiga	5	MANAGERENT OF THE BOBCAT AS A GAME <u>Fur-bearing</u> animal;	5
wild turkey, and chukar partridge.	6	ABENDING SECTIONS 26-201, 26-202.1, 26-301, 26-303.5,	6
Rigratory game birds. Waterfowl, including wild ducks	7	26-307, 46-1902, AND 46-1903, R.C.M. 1947."	7
wild geese, brant, and swans; cranes, including litt]	8		8
brown, sandhill and whooping cranes; rails, including costs	9	BE IT FRACTED BY THE LEGISLATURE OF THE STATE OF SONTABA:	9
gallinules, sora or other rails; shore birds, includin	10	Section 1. Section 26-201, B.C.M. 1947, is amended to	10
avocets, curlew, dowitcher, godwits, knots, upland plower	11	read as follows:	11
killdeer, sandpipers, Wilson snipes or jacksnipes, snipes	12	"26-201. Definitions. For the purpose of this act, the	12
stilts, plowers, willets and yellow legs.	13	following shall be construed, respectively to mean:	13
Nongame birds. All wild birds not defined herein a	14	Commission. The state fish and game commission.	14
upland game birds or migratory game birds, shall be deeme	15	Person. The plural or singular, male or female, as the	15
¤onga∎e birds.	16	case demands, including individual, associations,	16
Game animals. Deer, elk, moose, antelcre, caribou	17	partnerships, and corporations, unless the context otherwise	17
mountain sheep, mountain goat, mountain lion, and <u>AND</u> bear	18	regaires.	18
and bobcat.	19	Cren season. The time during which game birds, fish,	19
Fur-bearing animals. Marten or sable, otter, muskrat	20	game and fur-bearing animals may be lawfully taken.	20
fisher, mink, <u>BOBC&T,</u> and beaver.	21	Closed season. The time during which game birds, fish,	21
Predatory animals. Coyote, wolf, weasel, skunk, an	22	game and for-tearing animals may not be lawfully taken.	22
civet cat , and bebcat .	23	Angling or fishing. The taking of, or attempting to	23
Game fish. All species of the family salmenidae (chars	24	take fish by hook and single line or single rcd in hand or	24
trout, salmon, grayling, and whitefish); all species of th	25	within immediate control.	25

•

There are no changes in $\frac{5847}{100}$, and due to length will not be rerun. Please refer to yellow copy for complete text.

genus stizestedica (sandpike or sauger and walleyed fike or yellowfike perch); all species of the genus esox (northern pike, pickerel and muskellunge); all species of the genus picropeterus (bass); all species of the genus polyodon (paddlefish); all species of the family acipenseridae (sturgeon); all species of the genus lota (burbet or ling); and the species ictalurus punctatus (channel catfish).

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

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

14 Section 2. Section 26-202.1, B.C.H. 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 & 18 License-Besident 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 & license which shall entitle the 16 holder thereof to fish with hock 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 clder,

- 3-

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

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

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

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

-4-

58 0047/02

ł	SENATE BILL NO. 47
۷	INTRUDULED BY KOBERTS, BROWN, BOYLAN, LENSINK
د	
4	A BILL FUR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
5	MANAGEMENT OF THE BUBCAT AS A GAME <u>FUR-DEARING</u> ANIMAL;
6	AMENDING SECTIONS 26-201, 26-202.1, 26-301, 26-303.5,
1	26-307+ 46-1902+ AND 46-1903+ R.C.M. 1947.M
8	
ÿ	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	tollowing 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
15	case demands, including individual, associations,
17	partnerships, and corporations, unless the context otherwise
10	requires.
14	ipen season. The time during which game birds, fish,
20	game and fur-bearing animals may be lawfully taken.
21	losed season. The time during which game birds, fish,
22	game and fur-bearing animals may not be lawfully taken.
23	Ancling or fishing. The taking of, or attemption to
24	take tisn by hook and single line or single rod in hand or
25	within immediate control.

REFERENCE BILL

ł Jpland 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. 5,

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 ployer, 12 killdeer, sandpipers, Wilson snipes or jacksnipes, snipes, 13 stilts, plovers, willets and yellow legs. 14 wongame birds. All wild birds not defined herein as

15 upland name birds or migratory game birds, shall be deemed 16 nongane birds.

17 Game animals. Deer, elk, moose, antelope, caribou, 18 mountain sneep, mountain goat, mountain lion, and AND beary

19 and-boocet.

۲ 3

4

5

rur-bearing animals. Marten or sable, otter, muskrat, 2ύ 21 fisher, mink, <u>BOBCAT</u>, and beaver.

22 Predatory animals. Coyote, wolf, weasel, skunky and 23 civet caty-and-bobcat.

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

-2-

\$8 47

genus stizostedion (sandpike or sauger and walleved pike or yellowpike perch); all species of the genus esox (northern pike, pickerel and muskellunge); all species of the genus micropeterus (bass); all species of the genus polyodon (paddlefish); all species of the family acipenseridae (sturgeon); all species of the genus lota (burbot or ling); and the species ictalurus punctatus (channel catfish).

8 xild 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 Dicenses -- fees and powers under Dicenses. {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 Dicense which shall entitle the 21 holder thereof to fish with hook and Dine or rod as 22 authorized by regulations of the commission.

(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,

-3-

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

6 (a) No hunting licenses shall be "issued to any
7 resident person under the age of eighteen (18) years unless
a 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 prganization having as one of its objectives the promotion of safety in the handling of firearms. The 14 department may designate any person found by it to be 15 competent to give instructions in the handling of firearms. 15 A person so appointed shall give such course of instruction 17 18 and upon the successful completion thereof shall issue to the person instructed a certificate of competency in the 19 20 safe handling of firearms.

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

-4-

53 0047/02

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

7 (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as я defined by section 26-202.3 who is twelve (12) years of age or older, may upon payment of the proper fee or fees be 9 10 entitled to purchase one each of the following licenses: Class A-3, Deer A Tag, six dollars (\$6) for the license year 11 12 beginning May 1, 1976, and seven dollars (\$7) for each 13 license year thereafter; Class A-4, Deer B Tag, twelve dollars (\$12); Class A-5 Elk Tag, eight dollars (\$8); Class 14 15 A-6, Black or Brown Bear Tag, six dollars (\$6); which will entitle the holder to pursue, hunt, shoot, and kill the game ١ö animal or animals authorized by the license held and to 17 possess the dead bodies of game animals of the state which 18 are so authorized by the regulation of the commission. 19

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 a 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.

з (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.

No hunting licenses shall be issued to any nonresident person under the age of eighteen (18) years unless he presents to the person authorized to issue such license a certificate of competency as provided in section 26-202-1(2)(a) or a certificate verifying that he has successfully completed a course in the safe handling of firearms in any state or province.

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

-5-

-6-

SB 0047/02

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 book and line as 15 authorized by the rules and regulations of the fish and game commission for a period of six (6) days inclusive of the 16 17 dates indicated on the license.

18 (9) Class 6-5 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-523 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 the 1 possess the carcass of same.

(10) Class B-6 License--Nonresident Antelope License. 2 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 a Class 8-2 nonresident combination license, upon the 5 6 payment of the sum of fifty dollars (\$50) shall be entitled to a Class B-6 license which shall authorize the holder to 7 а 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) Class B-7 and B-8 Licenses. Any person not a 11 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 nonresident combination license, may upon payment of the 14 15 proper fee or fees and subject to the limitations prescribed 16 by law and commission regulation be entitled to apply to the Fish and Game Office, Helena, Montana, to purchase one each 17 of the following licenses: Class B-7, Deer A Tag, fifty 18 dollars (\$50); Class 8-8, Deer B Tag, fifty dollars (\$50); 19 20 and will entitle the holder to pursue, hunt, shoot, and kill the game animal or animals authorized by the license held 21 and to possess the dead bodies of game animals of the state 22 which are so authorized by the regulations of the 23

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

-8+

-7-

SB 47

24

commission.

SB 0047/02

S8 47

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

(13) Special licenses. Any applicant who is twelve (12) years of age or older and is a resident as defined by section 26-202.3, or any applicant who is the holder of a lo class d-2 nonresident combination license may apply for a special license, which in the judgment of the fish and game commission, is to be issued and shall pay the following fees 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);

-9-

Antelope, resident five dollars (\$5); 1 Grizzly Bear, resident twenty-five dollars (\$25). ż. 3 nonresident one hundred twenty-five dollars (\$125); plack or brown bear, nonresident fifty dollars (\$50). 4 In the event a holder of a valid special grizzly bear 5 license kills a grizzly bear, he must purchase a trophy 51 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 HUNI_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

-10-

25 license.

SE 0047/02

1

2

3

4 5

б

7

в

9

10

1 (15) Class C-1 License--Landowner's Trapping License. Any owner or tenant, or member of the immediate family of 2 3 said owner or tenant, upon making application to the fish and game commission, and upon payment of the sum of one 4 5 dollar (\$1) shall be entitled to a landowner's trapping license which shall entitle the holder thereof to trap any 6 fur-bearing animal on land owned or leased by hime or his 7 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.

(c) Disabled persons are entitled to fish without a license, if they are residents of Montana not residing in an institution and are certified as disabled by a licensed medical doctor, licensed to practice medicine in Montana. Disability is defined as a physical or mental condition that prevents a person from doing any substantial gainful work that is expected to last for the rest of their life. Such disabled persons shall carry a permit on a form prescribed by the commission.
 (d) If a person is convicted of a violation of the substantial doctor of the substantial doctor of the substantial doctor of the substantial doctor doctor doctor doctor doctor doctor.

11 f.sh 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 1.8 prescribe the number of Class 8-5 and 8-6, 8-7, 8-8, or 8-10 licenses to be issued in each of the hunting districts 19 20 designated by it. Any license sold may be restricted to a 21 specific hunting area and may specify the species, age, and sex to be taken in order to insure the proper management and 22 23 propagation of game animals in these areas, provided, however, that no number limit shall be placed on B-7, B-824 25 and p-10 license by area except in major hunter

-12-

-11-

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

(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 1 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 11 drawing shall be given first preference in such drawing for 12 first, second and third choice hunting districts. The commission shall have the authority to promulgate such rules 13 and regulations as are necessary to implement this 14 15 subsection.

(h) Special elk permits. In the event the number of 16 valid applications for special elk permits for a hunting 11 18 district exceeds the quota set by the commission for the 19 district, these permits shall be awarded by a drawing. Persons making valid application who did not receive a 20 21 special elk permit during the season immediately preceding the grawing shall receive first preference in this drawing 22 23 for first, second, and third choice hunting districts. The commission may promulgate the rules necessary to implement 24 this subsection. 25

1 (17) Only one (1) license of any one (1) class, except 2 Class B-3 and E-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. Anv ÿ 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 26-230. The commission shall furnish each holder of a 15 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 26-202.3, but who is twelve (12) years of age or older and a 19 20 holder of a nonresident Class B-2 combination license, upon 21 payment of the sum of twenty-five dollars (\$25) to any agent of the fish and game commission authorized to issue fishing 22 and punting licenses shall be entitled to a Class D-1 23 24 license, which shall entitle the holder thereof to oursue. 25 hunt, shoot, kill and possess mountain lion as authorized by

-13-

-14-

S8 0047/02

2	(20) Class D-2 LicenseResident Mountain Lion License.
ė	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
1	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.

the rules and regulations of the commission.

1

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).

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

 23
 <u>f221-6lass-file-License::non-:reaident:babcot:licensex</u>

 24
 Any::person-not-a-resident-as-defined-in-26-202x3-and-who::is

 25
 i2::years-of-age:or-oldery-upon-payment-of-the-sum-of-f10-to

1	any:egent:of=the_fish:_andgene:_compissionauthorized:_to
ž	issuefishingond_bunting_licensesy_is_entitled_to_s_Eloss
ć	<u>E-l-ticensey-which-allowstha-holder_of-the-license-to</u>
4	pursuex buntx-shooty-killy-and-possess-bobcat-as-authorized
5	by_tht_cules_of_the_compission=
6	<u> f231-61033-6-2-Licenseresident-bobcat-licensesAny</u>
7	personwhois_o_resident-as-defined_in_26-202x3-and-who_is
8	12-years-of-age-or-pldery-upon-poyment-of-the-sug-of\$2to
9	anyagentz-ofthefishand-gome-compissionauthorized-to-
10	issue-bunting-and-fishing-licensesy-is-entitled-tooElass
11	<u>cclasticenserrawhichsellews-thesholdersofsthelicenserto</u>
12	purauex-huntx-shootx-killx-and-possess-bobcat-asauthorized
13	by_tht=rutes_of_the_commissions"
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 oropelled
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

SB 47

-16-

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 ā. commission; provided, however, that this does not prohibit 4 the shooting of wild waterfowl from blinds over decoys with 5 a snotoun only, not larger than a number ten (10) gauge 6 fired from the shoulder, nor shall any game fish be caught, 1 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 10 shall any such set gun, or trap or other device to entrap game fish be used, made, or set. 11

12 (2) (a) No game birds or game or fur-bearing animals shall be killed, taken or shot at from any aircraft, nor 13 14 shall any aircraft be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or 15 migratory birds, game or fur-bearing animals, nor shall any 16 11 powerboat, sailboat, or any boat under sail or any floating 18 device towed by a powerboat, sailboat, or any boat under sail be used for the purpose of killing, capturing, taking, 19 pursuing, concentrating, driving or stirring up any upland 20 21 game birds, or game or fur-bearing animals.

(b) No person in an aircraft in the air shall spot or
locate any game, or migratory bird, game or fur-bearing
animals and communicate the location or approximate location
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 tweive-fl2t hours apart: 20 and provided further, that a person may take game hirds 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

-18-

-17-

SB 47

\$8 47

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

6 (7) Game fish shall be taken only by angling, that is 7 by book 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 commaission shall declare an open season when paddlefish may be taken by long bow and arrow, the taking of walleyed pike. 15 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 29 game fish after the same has been booked 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-t4+ feet in 24 width; in such waters as may be designated by the 25 commission.

SB 0047/02

1 (b) No person, while hunting game animals or game 2 birds shall use a motor-driven vehicle on any other than an 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 ź used to retrieve the big game animal, except in areas where 6 7 more restrictive regulations apply or where the landowner R 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 ·or 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 dame 19 animals or game birds shall drive through any retired cropland, brush area, slough area, timber area, 20 open prairie, or unharvested or harvested cropland, except upon 21 22 an established road or trail unless written permission has 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

-19-

SB 47

-20-

58 0047/02

hunting on state or private land, not to hunting on federal
 land unless the federal agency specifically requests or
 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 fur-bearing animals do not apply to the department of fish 13 14 and game, or any employee thereof, while acting within the 15 scope and course of the powers and duties of the department. Any person violating any of the provisions of this 16 17 section shall be deemed quilty of a misdemeanor and shall be 18 punishable as provided by law."

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

21 *26-303.5. Use of dogs for hunting mountain lion and 22 <u>bobcat</u>. The Montana fish and game commission shall have 23 authority to allow and regulate the use of dons for huntina 24 mountain lion <u>and bobcat</u>.*

2> Section-5s--Section--26-307y-R#6sMs-1947y-is-amended-to

-21-

1 read-as-follows+

2	≠26- 307 Waste-of-fish-o r~gamehuntingor fishing
ف	during-closed-seasonkilling-nore-than-one-game-animal
4	exceptionsw{1}-it-shall-be-unlawful-and-a-misdemeanor-for
Ĵ	any-person-responsible-for-the-death-of-any-gameanimalaf
51	th isstate,exceptinggrizzly,black-and-brown-bear g and
7	mountain-liony and_bobsaty todetachorremovefromthe
8	carcass-only-the-heady-hidey-antlersy-tusks-or-teethy-or-any
9	orall-of-aforesaid-portsy-or-to-waste-any-port-of-any-game
10	onimoly-game-blrdy-or-game-fish-suitableforfoodyorto
11	abandonthe-carcass-of-any-game-animal-in-the-fieldy-except
12	black-and-brown-beary and-mountain-liony <u>andbobcaty</u> which
13	need-haveremoved-and-taken-from-the-corcass-only-the-head
14	or-the-hide-of-such-beary or-mountain-liony <u>ocbobcaty</u> and
15	exceptgrizzly-beary-which-need-have-removed-and-taken-from
16	the-carcass-only-the-head-and-hide-and-such-otherpartsas
17	the-state-fish-and-game-commission-may-demand-for-scientific
18	purposes=Allpartsofgrizzlybeardemondedbythe
19	commission-for-scientific-purposes-must-be-deliveredtoan
20	officer-or-employee-of-the-commission-for-inspection-as-soon
21	as-possible-after-removal-and-the-commission-shall-return-to
22	thelicenseeanybone-structure-and-skull-within-one-year
23	uponwrittenrequest=Thehideshallbereturned
24	immediately .
	()) It shall be unleaded and a sindemone for sou

-22-

1	p erson-to-kill-more-than-one-game-animal-af-any-one-species,
2	in-any-one-license-yeary-unless-the-killing-of-more-than-one
ف	gameanimalofsuchspecieshasbeenauthorizedby
4	regulations-of-the-fish-and-game-commission=
2	(3)Itshallbeunlawfuland-a-misdemeanor-for-any
6	person-during-the-closed-season-onanyspeciesofgame
1	animalygomebirdorfishto-takey-hunty-shooty-kill-or
8	ca pture-any-such-game-animai-or-such-game -bird- -or tofish
4	for-or-catch-any-such-fish**
10	Section-6wThere-is-a-new-RwEwMw-section-that-reads-as
11	followst
12	comission-toregulatetrapping-of-bobcateThe-fis h
13	and-game-commission-may-allow-and-regulate-thetrappingof
14	bobcataw
15	Section 5. Section 46-1902, R.C.N. 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 wild animals including coyote, lynx, bobcet 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 safequarding of 5 livestock and poultry in this state, against depredations - 5 7 from these animals. The department shall formulate the practical programs for accomplishing these objectives in ð 9 this state, and for carrying out the programs in an efficient and practical manner, responsive to the need for 10 control in each area of this state. The department shall 11 12 adopt rules applicable to predatory animal control, which 13 are necessary and proper for the systematic destruction of 14 the wild animals by bunting, trapping, and poisoning 15 operations, and payments of bounties. The department shall make field, area, range, or other orders and instructions, 16 17 including orders and instructions to hunter and trapper personnel and others, which are appropriate in the various 10 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

-24-

-23-

SB 47

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

(2) The department shall administer and expend for ó 7 predatory animal extermination and control all money which đ is made available to it, including the money from the levy under section 84-5214, and all money which is made available 9 to the department by appropriations made by the legislature 10 11 for predatory animal control by the department. The 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 counties in the discretion of the department, responsive to 16 17 the necessities of control in various areas of the state. (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 21 authorized by law, nor the obligation of the commission to 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 25 animal control shall be administered and expended by the 1 fish and game commission."

-End-

-25-

.

\$3 0047/02

	SENATE BILL NO. 47	1	Upland game birds. Sharptail grouse, blue grouse,
1	INTRODUCED BY ROBERTS, BROWN, BOYLAN, LENSINK	2	prairie chicken, sage hen or sage grouse, fool hen, ruffed
2	INTRUDUCED BY RUBERIS, BRUWN, BUILANY CLASSING	3	grouse, commonly called native pheasant or native partridge,
3		4	quail, Chinese pheasant and Mongolian pheasant, commonly
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE	õ	called ring-necked pheasant, Hungarian partridge, ptarmijan,
5	MANAGEMENT OF THE BOBCAT AS A GAME <u>Fur</u>-bearing animal;	6	wild turkey, and chukar partridge.
6	AMENDING SECTIONS 26-201, 26-202.1, 26-301, 26-303.5,	7	Higratory game birds. Waterfowl, including wild ducks,
7	26-307v 46-1902 v AND 46-1903v R.C.M. 1947."	8	wild geese, brant, and swans; cranes, including little
8		9	brown, sandhill and whooping cranes; rails, including coots,
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	qallinules, sora or other rails; shore birds, including
10	Section 1. Section 26-201, R.C.M. 1947, is amended to	11	avocets, curlew, dowitcher, godwits, knots, upland plover,
11	read as follows:	12	killdeer, sandpipers, Wilson snipes or jacksnipes, snipes,
12	*26-201. Definitions. For the purpose of this act, the		stilts, plovers, willets and yellow legs.
13	following shall be construed, respectively to mean:	14	Nongame birds. All wild birds not defined herein as
14	Commission. The state fish and game commission.	15	upland game birds or migratory game birds, shall be deemed
15	Person. The plural or singular, male or female, as the		
16	case demands, including individual, associations,	16	nongame birds.
17	partnerships, and corporations, unless the context otherwise	17	Game animals. Deer, elk, moose, antelope, caribou,
18	requires.	18	mountain sheep, mountain goat, mountain lion, and <u>AND</u> beary
19	Upen season. The time during whicn game birds, fish,	19	and-bobcat.
20	game and fur-bearing animals may be lawfully taken.	20	Fur-bearing animals. Marten or sable, otter, muskrat,
21	Closed season. The time during which game birds, fish,	21	fisher, mink, <u>BOBCAT</u> , and beaver.
22	game and fur-bearing animals may not be lawfully taken.	22	Predatory animals. Coyote, weasel, skunk, and civet
23	Angling or fishing. The taking of, or attempting to	23	cat y-and-bobcat .
24	take fish by hook and single line or single rod in hand or	24	Game fish. All species of the family salmonidae (chars,
25	within immediate control.	25	trout, salmon, grayling, and whitefish); all species of the
	REFERENCE, BILL Corrected Printing		-2- \$3.47

SB 47

genus stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all species of the genus esox (northern pike, pickerel and muskellunge); all species of the genus micropeterus (bass); all species of the genus polyodon (paddlefish); all species of the family acipenseridae (sturgeon); all species of the genus lota (burbot or ling); 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 19 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.

-3-

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

The department of fish and game shall provide for a 10 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 promotion of safety in the handling of firearms. The 14 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.

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

-4-

SB 0047/02

.

58 47

SB 47

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

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

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

-5-

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 age of older, upon payment of the sum of thirty dollars 6 7 (\$30) to any agent of the fish and game commission authorized to issue fishing and hunting licenses shall be 8 entitled to a Class B-1 license, which shall entitle the 9 holder thereof to pursue, hunt, shoot, kill and possess game 10 11 birds as authorized by the rules and regulations of the 12 comission.

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

-6-

58 0047/02

56 0047/02

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) Class B-3 License--Temporary Nonresident or 8 Tourist Fishing License. Any person not a resident as 9 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 8-5 License--Nonresident Deer License. Any 19 person not a resident as defined in section 26-202.3. but who is twelve (12) years of age or older and a holder of a 20 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, shoot, and kill one (1) deer in the area or areas designated 24 25 in the license, as determined by the commission, and to 1 possess the carcass of same.

(10) Class B-6 License--Nonresident Antelope License. 2 Any person not a resident as defined in section 26-202.3* 3 but who is twelve (12) years of age or older and a holder of 4 a Class 8-2 nonresident combination license, upon the 5 payment of the sum of fifty dollars (\$50) shall be entitled ń to a Class 3-6 license which shall authorize the holder to 7 pursue, hunt, shoot, and kill one (1) antelope in the area я designated in the license, as determined by the commission, 9 10 and to possess the carcass of same.

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

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

-2+

-7-

SB 47

58 47

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

-10-

SB 47

-9--

\$8 0047/02

(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 7 fur-bearing animal on land owned or leased by him, or his immediate family, at such times and in such manner as may be 8 9 lawful so to do under the laws of the state and the regulations of the fish and game commission and at such 10 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.

(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 23 fish without a license. Such residents shall carry a permit on a form prescribed by the commission and signed by the 24 superintendent of the institution in lieu of a license. 25

1 (c) Disabled persons are entitled to fish without a license, if they are residents of Montana not residing in an 2 3 institution and are certified as disabled by a licensed 4 medical doctor. licensed to practice medicine in Montana. 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 8 Such disabled persons shall carry a permit on a form 9 prescribed by the commission. (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

-12-

-11-

SB 47

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

(c) 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. R 9 Persons making valid application who did not receive an antelope license during the season immediately preceding the 10 drawing shall be given first preference in such drawing for 11 12 first, second and third choice hunting districts. The 13 commission shall have the authority to promulgate such rules 14 regulations as are necessary to implement this and 15 subsection.

(h) Special elk permits. In the event the number of 15 17 valid applications for special elk permits for a hunting 18 district exceeds the quota set by the commission for the district, these permits shall be awarded by a drawing. 19 20 Persons making valid application who did not receive a special elk permit during the season immediately preceding 21 the drawing shall receive first preference in this drawing 22 23 for first, second, and third choice hunting districts. The commission may promulgate the rules necessary to implement 24 25 this subsection.

1 (17) Only one (1) license of any one (1) class, except Class 8-3 and 8-4 licenses, shall be issued to any one (1) person, provided, however, that the commission may prescribe rules and regulations for the issuance or sale of a replacement license of the same class in the event the original license is lost, stolen or destroyed upon payment 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 8-2 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

-14-

-13-

SB 47

	1	any_agent_of-the_fishondgomecommissionauthorizedto
n License.	2	issue-fishing-and-hunting-licenseax-is-entitled-to-e-flass
26-202.3,	3	<u>E-1-licensev-which-allowathe-holder-of-the-license-to</u>
on payment	4	<u>pursuehunty-shooty-killy-ond-possess-bobcet-as-authorized</u>
e fish and	5	by-the-rules-of-the-commissiony
d hunting	6	<u> 1231-61-23-6-2-Licenseresident-bobcot-licenseAny</u>
nse, which	٦	personwhois-a-resident-as-defined-in-26-202w3-and-who-is
t, shoot,	8	<u>ll-years-of-age-or-aldery-upon-payment-of-the-sum-of\$l-to</u>
the rules	9	<u>anyagentofthefishand-gome-commission-authorized_to</u>
	10	<u>issue-hunting-ond-fishing-licensesx-is-entitled-tooClass</u>
erson who	11	E-2 licenserwhichollowstheholderof-the-license-to
or a Class	12	<u>pursues-hunts-shoots-kills-and-possess-bobcat-asauthorized</u>
app y for	13	by-the-rules-of-the-compission."
one dollar	14	Section 3. Section 26-301, R.C.M. 1947, is amended to
	15	read as follows:
resident	16	#26-301. Restrictions of manner of taking and
Class B-2	17	possessing fish and game and powers of commission relating
ial deer	18	thereto. (1) It shall be unlawful for anyone to take.
	19	capture, shoot, kill, or attempt to take, capture, shoot or
wority to	20	kill, any game animal, or game bird from any self propelled
essary to	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
-ticenser	23	gun, jack-light, or other artificial light, trap, snare,
d-who-ria	24	salt lick, nor shall any such set gun, jack-light or other
of-\$10-to	25	artificial light, trap, snare, salt lick or other device to

1 the rules and regulations of the commission.

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

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 app y 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).

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

23 <u>f221-Glass-E-t-ticense-non-resident-bobcst-licenser</u>
 24 <u>Any-person-not-a-resident-as-defined-in-26-202x3-ond-who-ris</u>
 25 <u>f22-years-of-age-or-oldery-upon-payment-of-the-sum-of-310-to</u>

-15-

SB 47

SB 47

-16-

58 47

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 decovs with 5 a shotoun 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 powerpoat, 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
locate any game, or migratory bird, game or fur-bearing
animals and communicate the location or approximate location
thereof by any signals whatsoever, whether radio, visual or

-17-

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

(3) No person shall take into a field or forest, or
have in his possession while out hunting, any device or
mechanism devised to silence, or muffle or minimize the
report of any firearms, whether such device or mechanism be
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 fur-bearing animals as defined by the fish and game laws of 10 11 this state; provided, however, that livestock owners, employees of the state fish and game commission and of the 12 federal fish and wildlife service may use dogs in pursuit of 13 14 stock-killing bears, and stock-killing mountain lions, and 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 19 each day, which inspection shall be twelve-fl2t hours apart; 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

-18-

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

(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 with 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 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 spear or gig, nor the use of landing net or gaff to land a 19 20 game fish after the same has been hooked by angling as above 21 specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a net not to 22 23 exceed twelve-- (12) feet in length and four-(4) feet in width, in such waters as may be designated by the 24 25 commission.

(a) 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 2 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 travely a 11 motor-driven vehicle may be parked on the roadside or 12 directly adjacent to said road or trail. No person. while 13 14 hunting game animals or game birds, shall drive or attempt 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 19 animals or game birds shall drive through any retired 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

-20-

-19-

SB 47

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

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

10 (10) The provisions of this section relating to methods 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 quilty of a misdemeanor and shall be 17 punishable as provided by law." 18

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 <u>bobcat</u>. 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-Su-Section-26-307y-RvEvMu-1947y-is-amended-to

-21-	
------	--

1	read-as-follows+
2	#26-307Waste-of-fish-or-gamehuntingorfishing
3	during-closed-seasonkilling-more-then-one-game-animal
4	exceptions{}-It-shall-be-unlawful-and-a-misdemeanor-for
5	any-person-responsible-for-the-death-of-any-gameanimalof
6	thisstateyexceptinggrizzlyyblack-and-brown-beary and
7	mountain-liony <u>and_bobcaty</u> todetachorremovefromthe
8	corcoss -on ly-the-heady-hidey-antlersy-tusks-or-teethy-or-any
9	orall-of-aforesaid-partsv-or-to-wasta-any-part-of-any-gama
10	animaly-game-birdy-or-game-fish-suitableforfoodyorto
11	abandonthe-carcass-of-any-gama-anima)-in-the-fieldv-except
12	black-and-brown-beary and-wountain-liony <u>andbobcaty</u> which
13	needhaveremoved-and-taken-from-the-carcass-only-the-head
14	or-the-hide-of-such-beary or-mountain-liony <u>orbobcaty</u> and
15	exceptgrizzly-beary-which-need-have-removed-and-taken-from
16	the-carcass-only-the-head-and-hide-and-such-otherpartsas
17	the-state-fish-and-game-commission-may-demand-for-scientific
18	purposeswAllpartsofgrizzlybeardemandedbythe
19	commission-for-scientific-purposes-must-be-deliveredtoan
20	officer-or-employee-of-the-commission-for-inspection-as-soon

- 21 os-possible-ofter-removal-and-the-commission-shall-return-to
- 22 the--licensee--any--bone-structure-and-skull-within-one-year
- 23 upon--written--requesty---The---hide---shall---be---returned
- 24 immediatelys
- 25 t2}--It--shall--be--unlowful--and-a-misdemeenor-for-any
 - -22- SB 47

\$8 0047/02

1	person-to-kill-more-than-one-game-animal-of-any-one-speciesy
2	in-any-one-license-yeary-unless-the-killing-of-more-than-one
3	gameanimalofsuchspecieshasbeenauthorizedby
4	regulations-of-the-fish-and-game-commission=
5	(3)Itshellbeunlewfulend-e-misdememor-for-eny
6	person-during-the-closedseasononanyspeciesofgame
7	animalygamebirdorfishto-takey-hunty-shooty-kill-or
8	capture-any-such-game-animal-or-such-game-birdor-fish
9	for-or-catch-any-such-fish."
10	Section-6+There-is-o-new-R+C+M+-section-that-reads-as
11	follows+
12	Commissiontoregulatetrapping-of-bobcatethe-fish
13	and-game-commission-may-allow-and-regulate-thetrappingof
14	bobcatsw
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, bobcaty and any other animal causing
20	depredations upon livestock."
21	Section 6. Section 46~1903+ R.C.N. 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

-23-

SB 47

shall conduct the destruction, extermination, and control of 1 wild animals including covote, lynx, bobcat and other wild 2 animals predatory in nature and capable of killing. 3 destroying, maining, 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 8 practical programs for accomplishing these objectives in 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 13 are necessary and proper for the systematic destruction of 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 19 areas, at different seasons of the year, taking into consideration the habits, presence, migrations, or movements 20 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 Wild Life Service, the state fish and game commission, 25

-24-

SB 47

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

(2) The department shall administer and expend for 6 7 predatory animal extermination and control all money which is made available to it, including the money from the levy 8 under section 84-5214, and all money which is made available 9 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 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 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 authorized by law, nor the obligation of the commission to 21 22 expend its funds in cooperation with the department, for 23 predatory animal control, as required by law. Funds of the fish and game commission for the cooperative predatory 24 animal control shall be administered and expended by the 25

-25-

1 fish and game commission."

-End-

-26-