

1 *Senate* BILL NO. *148*  
 2 INTRODUCED BY *Wardan Roberts Double Bayle*  
 3 *Matt Quake Brown Raemussen* BY REQUEST OF THE DEPARTMENT OF FISH AND GAME  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT USE OF  
 6 VEHICLES, INCLUDING HELICOPTERS, TO HARASS WILDLIFE;  
 7 AMENDING SECTION 26-301, R.C.M. 1947."  
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

12 "26-301. Restrictions of manner of taking and  
 13 possessing fish and game and powers of commission relating  
 14 thereto. (1) It shall be unlawful for anyone to take,  
 15 capture, shoot, kill, or attempt to take, capture, shoot or  
 16 kill, any game animal, or game bird from any self propelled  
 17 or drawn vehicle, or on, or from any public highway in the  
 18 state of Montana, or by the aid or with the use of any set  
 19 gun, jack-light, or other artificial light, trap, snare,  
 20 salt lick, nor shall any such set gun, jack-light or other  
 21 artificial light, trap, snare, salt lick or other device to  
 22 entrap or entice game animals or game birds be used, made or  
 23 set, nor may rifles be used to hunt or shoot upland game  
 24 birds unless the use of rifles is permitted by the  
 25 commission; provided, however, that this does not prohibit

1 the shooting of wild waterfowl from blinds over decoys with  
 2 a shotgun only, not larger than a number ten (10) gauge  
 3 fired from the shoulder, nor shall any game fish be caught,  
 4 captured, or taken, or attempted to be caught, captured or  
 5 taken by the aid or with the use of any gun, or trap, nor  
 6 shall any such set gun, or trap or other device to entrap  
 7 game fish be used, made, or set.

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

19 (b) No person in an aircraft or helicopter in the air  
 20 shall spot or locate any game, or migratory bird, game or  
 21 fur-bearing animals and communicate the location or  
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 23 whether radio, visual or otherwise, to any person or persons  
 24 then on the ground.

25 (3) No person shall take into a field or forest, or

1 have in his possession while out hunting, any device or  
 2 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 deer except with loads as specified by the commission.

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

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

1 and the commission may designate the number of hooks and  
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4 (7) Game fish shall be taken only by angling, that is  
 5 by hook and single line in hand or single rod in hand, or  
 6 within immediate control; this does not prevent, however,  
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 8 kokanee (sockeye salmon) when the commission shall declare  
 9 an open season when paddlefish, coho (silver salmon), and  
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 11 taking of paddlefish with long bow and arrow when the  
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 13 be taken by long bow and arrow, the taking of walleyed pike,  
 14 sauger, northern pike and nongame fish with spear or gig  
 15 when the commission shall declare an open season for taking  
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 17 spear or gig, nor the use of landing net or gaff to land a  
 18 game fish after the same has been hooked by angling as above  
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 21 exceed ~~twelve--(12)~~ feet in length and ~~four--(4)~~ feet in  
 22 width, in such waters as may be designated by the  
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24 (8) No person, while hunting game animals or game  
 25 birds shall use a motor-driven vehicle on any other than an

1 established road or trail, unless he has reduced a big game  
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 7 retrieval, such motor-driven vehicle is again returned to an  
 8 established road or trail by the shortest possible route.  
 9 For purposes of safety and allowing normal travel, a  
 10 motor-driven vehicle may be parked on the roadside or  
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 14 molest, flush or attempt to flush, or harass or attempt to  
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 16 any motor-driven vehicle. No person, while hunting game  
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8 ~~(9)(10)~~ Whenever said fish and game commission shall  
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 10 out of the powers granted to it under this act, the same  
 11 shall take effect and be in force from and after the  
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14 ~~(10)(11)~~ The provisions of this section relating to  
 15 methods of herding, driving, capturing, taking, locating or  
 16 concentrating of fish, game animals, game birds or  
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 19 scope and course of the powers and duties of the department.

20 ~~(12)~~ Any person violating any of the provisions of  
 21 this section shall be deemed guilty of a misdemeanor and  
 22 shall be punishable as provided by law."

-End-

Approved by Comm.  
on Fish and Game

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 3 *Matt Duke Brown Rasmussen* BY REQUEST OF THE DEPARTMENT OF FISH AND GAME  
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 4 *David Brown Raemussen*

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THIRD READING

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