

1 *Senate* BILL NO. 151
 2 INTRODUCED BY *Senate Committee on Fish & Game* *Assembly*
 3 BY REQUEST OF THE DEPARTMENT OF FISH AND GAME *Ch.*

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE FISH AND GAME
 6 STATUTES RELATING TO HUNTING AND FISHING LICENSES BY
 7 CLARIFICATION OF EXISTING STATUTES, SIMPLIFICATION OF THE
 8 LICENSE STRUCTURE, INCLUSION AND MODIFICATION OF CERTAIN
 9 DEFINITIONS, AND ESTABLISHMENT OF ADMINISTRATIVE FEES,
 10 WITHOUT MODIFYING EXISTING LICENSES OR FEES; AMENDING
 11 SECTIONS 26-101.1 AND 26-319, R.C.M. 1947; REPEALING CHAPTER
 12 2 OF TITLE 26, R.C.M. 1947, IN ITS ENTIRETY AND SECTIONS
 13 26-501, 26-511, AND 26-512, R.C.M. 1947; AND PROVIDING AN
 14 EFFECTIVE DATE."

15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Section 26-101.1, R.C.M. 1947, is amended
 18 to read as follows:

19 "~~26-101.1. Definitions. Unless the context requires~~
 20 ~~otherwise, in Title 26 as used in Title 26, unless the~~
 21 context requires otherwise, the following definitions apply:

- 22 (1) "Department" means the department of fish and game
 23 provided for in title 82A, chapter 20+.
 24 (2) "Director" means the director of fish and game
 25 provided for in ~~section~~ 82A-2003+.

- 1 (3) "Warden" means a state fish and game warden+.
 2 (4) "Commission" means the state fish and game
 3 commission provided for in ~~section~~ 82A-2004.
 4 (5) "Anqing" or "fishing" means the taking of or
 5 attempting to take fish by hook and single line or single
 6 rod in hand or within immediate control.
 7 (6) "Black bear" means an animal of the species Ursus
 8 americanus in any of its various color phases.
 9 (7) "Closed season" means the period of time during
 10 which game birds, fish, game animals, and fur-bearing
 11 animals and other wildlife species designated by the
 12 commission may not be lawfully taken.
 13 (8) "Fur-bearing animals" means marten or sable,
 14 otter, muskrat, fisher, mink, and beaver.
 15 (9) "Game animals" means deer, elk, moose, antelope,
 16 mountain sheep, mountain goat, mountain lion, caribou, and
 17 bear.
 18 (10) "Game fish" means all species of the family
 19 Salmonidae (char, trout, salmon, grayling, and whitefish);
 20 all species of the genus Stizostedion (sandpike or sauger
 21 and walleyed pike or yellowpike perch); all species of the
 22 genus Esox (northern pike, pickerel, and muskellunge); all
 23 species of the genus Micropterus (bass); all species of the
 24 genus Polyodon (paddlefish); all species of the family
 25 Acipenseridae (sturgeon); all species of the genus Lota

1 (byrbot or ling); and the species Ictalurus punctatus
 2 (channel catfish).

3 (11) "License" means the document received by a person,
 4 upon payment of the proper fee and fulfillment of all
 5 requirements, from the department or its authorized license
 6 agent which constitutes the grant of authority by the state
 7 of Montana to that person to exercise the privilege cited on
 8 the license.

9 (12) "License year" means that period commencing May 1
 10 of any given calendar year and ending April 30 of the
 11 following calendar year.

12 (13) "Migratory game birds" means waterfowl, including
 13 wild ducks, wild geese, brant, and swans; cranes, including
 14 little brown and sandhill cranes; rails, including coots,
 15 gallinules, and sora; and shorebirds, including avocets,
 16 curlew, dowitcher, snipes, stilts, plovers, willets, and
 17 yellowlegs.

18 (14) "Nongame birds" means all wild birds not defined
 19 in this section as upland game birds or migratory game birds
 20 or not otherwise classified by statute or rule of this
 21 state.

22 (15) "Nongame wildlife" means any wild mammal, bird,
 23 amphibian, reptile, fish, mollusk, crustacean, insect, or
 24 other wild animal not otherwise legally classified by
 25 statute or rule of this state.

1 (16) "Nonresident" means any person not a resident.

2 (17) "Open season" means the time during which game
 3 birds, fish, game and fur-bearing animals, and other species
 4 designated by the commission may be lawfully taken.

5 (18) "Permit" means the document received by a person
 6 from the department, upon payment of the proper fee, which
 7 constitutes permission granted to that person and cited on
 8 the permit by the department under its discretionary powers.

9 (19) "Person" means a natural individual person but
 10 does not include associations, partnerships, or
 11 corporations.

12 (20) "Predatory animals" means coyote, weasel, and
 13 skunk.

14 (21) "Resident", for purposes of obtaining any license
 15 or permit issued by the department, means any person who:

16 (a) has been a resident of the state of Montana, as
 17 defined in 83-303, for a period of 6 months immediately
 18 prior to making application for a license;

19 (b) is a member of the armed forces of the United
 20 States or a member of the armed forces of a foreign
 21 government attached to the armed forces of the United States
 22 assigned to duty in Montana and has been present in the
 23 state 30 days at the time of application;

24 (c) is a member of the immediate family and household
 25 of a member of the armed forces of the United States or the

1 armed forces of a foreign government attached to the armed
 2 forces of the United States assigned to duty in Montana and
 3 has been present in the state 30 days at the time of
 4 application; or

5 (d) for the purpose of obtaining a fishing license
 6 only, is an enrollee of a job corps camp located within the
 7 state of Montana and has been in the camp for a period of 30
 8 days, so long as he remains an enrollee in a Montana camp.

9 (22) "Sale" means a contract by which a person
 10 transfers an interest in wildlife for valuable
 11 consideration.

12 (23) "Upland game birds" means blue, ruffed, spruce,
 13 sharp-tail, and sage grouse (sagehen); ring-necked pheasant
 14 and all subspecies thereof; quail; Hungarian or gray
 15 partridge and chukar partridge; ptarmigan; and wild turkey.

16 (24) "Wild buffalo" means buffalo or bison which have
 17 not been lawfully reduced to captivity.

18 (25) "Wildlife" means any wild mammal, bird, reptile,
 19 amphibian, fish, mollusk, crustacean, or other wild animal
 20 or any part, product, egg, or offspring or the dead body or
 21 parts thereof."

22 Section 2. There is a new R.C.M. section that reads as
 23 follows:

24 License required. (1) Unless a person is the holder of
 25 a valid and appropriate hunting, fishing, or trapping

1 license or permit, it is unlawful for a person to:

2 (a) trap, take, shoot, or kill or possess any game
 3 animal, game bird, or fur-bearing animal in this state;

4 (b) pursue or hunt for the purpose of trapping,
 5 taking, shooting, or killing any game animal, game bird, or
 6 fur-bearing animal in this state;

7 (c) attempt to trap, take, shoot, or kill any game
 8 animal, game bird, or fur-bearing animal in this state;

9 (d) take, kill, trap, or fish for any fish in this
 10 state; or

11 (e) have, keep, or possess a game animal, game bird,
 12 fur-bearing animal, or fish or part thereof in this state,
 13 except as provided by commission rule.

14 (2) The license or permit shall state the authority or
 15 permission granted the holder.

16 (3) The holder of a license or permit may perform
 17 those acts listed upon the license or permit only at the
 18 places, during the periods, and in the manner prescribed by
 19 law or commission rule.

20 (4) No person may acquire a hunting license or permit
 21 or make application for a license or permit unless that
 22 person is at least 12 years of age at the time of
 23 application.

24 (5) Persons under 15 years of age may fish for and
 25 take fish during the open season without a license; however,

1 no nonresident under the age of 15 years may fish in or on
 2 any Montana waters without first having obtained a
 3 nonresident annual, nonresident temporary, or nonresident
 4 1-day fishing license, a nonresident bird and fish license,
 5 or a nonresident combination license, unless that person is
 6 in the company of an adult holder of a valid Montana fishing
 7 license. The limit of fish for that nonresident and the
 8 accompanying adult combined may not exceed the limit for one
 9 adult as established by law or by commission rule.

10 Section 3. There is a new R.C.M. section that reads as
 11 follows:

12 Application for license. (1) A hunting or fishing
 13 license or permit may be procured only from the department
 14 director, departmental employees designated by the director,
 15 or an authorized license agent of the department director.
 16 The applicant shall state his name, age, place of residence,
 17 post-office address, the length of time of residence in the
 18 state of Montana, and other facts, data, or descriptions as
 19 may be required by the commission. The statements made by
 20 the applicant shall be subscribed to before the officer or
 21 agent issuing the license.

22 (2) It is unlawful to subscribe to an application
 23 containing a material false statement. A material false
 24 statement contained in an application renders it and any
 25 license issued pursuant to it void.

1 (3) A person violating any provision of this section
 2 is guilty of a misdemeanor.

3 Section 4. There is a new R.C.M. section that reads as
 4 follows:

5 Alteration or transfer of license, permit, certificate,
 6 or tag. No person may at any time alter or change in any
 7 material manner or loan or transfer to another a license,
 8 permit, certificate, or tag issued under the provisions of
 9 this chapter, nor may a person other than the person to whom
 10 it is issued use a license, permit, certificate, or tag.

11 Section 5. There is a new R.C.M. section that reads as
 12 follows:

13 Termination of licenses, permits, and certificates. All
 14 licenses, permits, and certificates issued by the commission
 15 are valid only for the license year or time period written
 16 on the license, permit, or certificate.

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

19 Number and replacement of licenses. (1) Except for the
 20 nonresident 1-day and temporary fishing licenses, only one
 21 license of any one type may be issued to a person during a
 22 license year. The commission may prescribe rules for the
 23 issuance or sale of a replacement license of the same type
 24 if the original license is lost, stolen, or destroyed.

25 (2) The fee for a replacement license is \$1.

1 (3) When determined necessary for management purposes,
2 the commission may authorize issuance of more than one
3 license to a person for a species within a license year.

4 Section 7. There is a new R.C.M. section that reads as
5 follows:

6 Power of fish and game commission to make rules. The
7 fish and game commission may make and enforce reasonable
8 rules not inconsistent with the provisions of this chapter
9 as in its judgment will accomplish the purposes of this
10 chapter.

11 Section 8. There is a new R.C.M. section that reads as
12 follows:

13 Form and contents of licenses, permits, certificates,
14 and tags. License, permit, certificate, and tag forms shall
15 be determined and blank forms prepared by the commission.
16 The commission shall furnish forms to the officers and other
17 persons authorized to issue them. Licenses, permits,
18 certificates, and tags shall be issued in the name of the
19 commission and countersigned by the officer or person
20 issuing them. Each person receiving a license, permit,
21 certificate, or tag shall sign it on its face in ink or
22 indelible pencil.

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

25 Carrying and exhibiting license or permit. (1) No

1 person may engage in a hunting, fishing, or trapping
2 activity for which a license or permit is required unless
3 that person has the applicable license or permit on his
4 person.

5 (2) Upon request, the holder of a license or permit
6 shall exhibit the license or permit to a warden or other
7 authorized agent for inspection.

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

10 Firearms safety courses. (1) The department shall
11 provide for a course of instruction in the safe handling of
12 firearms and for this purpose may cooperate with any
13 reputable association or organization having as one of its
14 objectives the promotion of safety in the handling of
15 firearms. The department may designate any person found by
16 it to be competent to give instruction in the handling of
17 firearms. The appointed instructor shall give the course of
18 instruction and, upon the successful completion of the
19 course, shall issue to the person instructed a certificate
20 of competency in the safe handling of firearms.

21 (2) No hunting license or permit may be issued to a
22 resident under the age of 18 years unless he presents to the
23 person authorized to issue that license or permit a
24 certificate of competency as provided by this section or, in
25 the case of a nonresident under the age of 18 years, unless

1 that person has a certificate verifying successful
2 completion of a similar course from any other state or
3 province.

4 Section 11. There is a new R.C.M. section that reads
5 as follows:

6 Applicability of commission rules to licenses, permits,
7 and certificates. All licenses, permits, and certificates
8 issued by the department are subject to rules made by the
9 commission.

10 Section 12. There is a new R.C.M. section that reads
11 as follows:

12 Limitations on numbers of licenses to be issued or
13 wildlife to be taken. (1) The commission, in the interests
14 of proper management, propagation, or preservation of the
15 wildlife of this state, may:

16 (a) limit the numbers of licenses to be issued for a
17 species of wildlife for a given year, season, or period; or

18 (b) limit the numbers of any species of wildlife that
19 may be taken in a given year, season, or period. Such
20 limitations of species may include sex, age, time of taking,
21 condition, or other appropriate limitation.

22 (2) The limitations imposed under this section may be
23 applied by hunting district, fishing district, or other
24 geographic designation as determined by the commission.

25 Section 13. There is a new R.C.M. section that reads

1 as follows:

2 Tagging game carcasses — penalty. (1) Every hunting
3 license issued by the department may provide a device in the
4 form of tags, coupons, or markers as the commission
5 prescribes to be attached to the taken carcass.

6 (2) When a person takes or kills a game animal or wild
7 turkey, that person shall immediately attach the device to
8 the carcass so that the device is externally visible. The
9 holder shall provide all the information requested on the
10 device. The device shall be kept attached to the carcass so
11 long as any considerable portion of the carcass remains
12 unconsumed.

13 (3) When the proper device is attached to the carcass
14 in the appropriate manner, with all required information on
15 it, that carcass then may be lawfully possessed, used,
16 stored, and transported.

17 (4) A person is guilty of a misdemeanor who:

18 (a) kills a game animal or wild turkey by authority of
19 a license or permit issued for the killing of that game
20 animal or wild turkey and fails to show the day and month of
21 kill on the required tag;

22 (b) fails to provide other information as is required;

23 (c) fails to attach the proper device, as provided by
24 the hunting license, to the carcass of the game animal or
25 wild turkey or portion of it so that the device is clearly

1 visible; or

2 (d) fails to keep the device attached to the game
3 animal or wild turkey or portion of it while it is in his
4 possession.

5 Section 14. There is a new R.C.M. section that reads
6 as follows:

7 Spotlighting unlawful — exception. (1) It is unlawful
8 for a person or a group of persons to throw or cast the rays
9 of a spotlight having a luminance of greater than .75
10 candlepower attached to or cast from a motorized vehicle
11 into any field, pasture, woodland, forest, or prairie where
12 wildlife or domestic livestock might be present, while
13 having in his possession or control or their possession or
14 control a firearm or other implement by which any wildlife
15 or domestic animal could be killed by aid of an artificial
16 light, except that all officers authorized to enforce the
17 game and livestock laws of the state of Montana, department
18 employees engaged in official duties, and all landowners,
19 lessees, or their agents and employees of those landowners,
20 lessees, and agents while on their own lands in connection
21 with predator control are exempt from the provisions of this
22 section.

23 (2) The provisions of this section do not apply when
24 the headlights of a motor vehicle operating and proceeding
25 in a normal manner on any highway or roadway cast a light

1 upon wildlife or livestock on or adjacent to the highway or
2 roadway and there is no intent or attempt to locate that
3 animal.

4 Section 15. There is a new R.C.M. section that reads
5 as follows:

6 Wildlife conservation license. (1) There is a wildlife
7 conservation license. This license is required as a
8 prerequisite for the purchase of any hunting, fishing, or
9 trapping license except the resident sportsman's license or
10 the nonresident bird and fish license. Upon the purchase of
11 this license, a resident who is 62 years of age or older may
12 fish and hunt game birds.

13 (2) Hunting, fishing, or trapping licenses in the form
14 of tags or stamps issued to a holder of a wildlife
15 conservation license must be affixed to or recorded on the
16 wildlife conservation license according to commission rule.

17 (3) The commission may issue the wildlife conservation
18 license for more than 1 year. The fee for the multiple years
19 shall be an amount equal to the total of the several yearly
20 fees.

21 (4) Before a person may obtain a resident wildlife
22 conservation license, that person must meet the requirements
23 of a resident as defined in 26-101.1.

24 Section 16. There is a new R.C.M. section that reads
25 as follows:

1 Nongame certificate. (1) There is a nongame certificate
2 that the commission may issue. The purpose of this
3 certificate is to promote the preservation and management of
4 nongame wildlife in Montana. The certificate shall indicate
5 that the holder is supporting the natural resource interests
6 of the state of Montana.

7 (2) No hunting, fishing, or trapping privilege is
8 conferred or authorized by this certificate, and the
9 certificate shall so indicate.

10 (3) The proceeds from the sale of these certificates
11 shall be deposited in the earmarked revenue fund to the
12 credit of the department. These proceeds shall be expended
13 for management, preservation, and propagation of all species
14 of nongame wildlife in this state.

15 Section 17. There is a new R.C.M. section that reads
16 as follows:

17 Fishing licenses. (1) There are fishing licenses as
18 named in this section that entitle the holders of these
19 licenses to fish or angle with hook and line, rod, or other
20 means, as authorized by rules of the commission.

21 (2) Fishing licenses and applicable limitations are:

22 (a) resident, annual;

23 (b) nonresident, annual;

24 (c) nonresident, temporary, valid for 6 days including
25 date of issuance; and

1 (d) nonresident, 1-day, valid for 1 day, date indicated
2 on license.

3 Section 18. There is a new R.C.M. section that reads
4 as follows:

5 Hunting licenses. (1) There are hunting licenses as
6 named in this section that entitle the holders of those
7 licenses to pursue, hunt, shoot, or kill game birds or game
8 animals with a nonautomatic firing rifle, pistol, shotgun,
9 or a bow and arrow and possess their dead bodies, as
10 authorized by law and rule of the commission.

11 (2) The hunting licenses and applicable limitations
12 are:

13 (a) resident game bird;

14 (b) nonresident game bird;

15 (c) wild turkey, available only to a holder of a
16 resident game bird, resident sportsman's, nonresident game
17 bird, nonresident bird and fish, or a nonresident
18 combination license;

19 (d) resident deer;

20 (e) nonresident deer, available only to a holder of a
21 nonresident bird and fish license;

22 (f) resident elk;

23 (g) nonresident elk, available only as part of a
24 nonresident combination license;

25 (h) resident black bear;

1 (i) nonresident black bear, available only to a holder
 2 of a nonresident bird and fish license;
 3 (j) resident moose;
 4 (k) nonresident moose, available only to a holder of a
 5 nonresident bird and fish license;
 6 (l) resident mountain goat;
 7 (m) nonresident mountain goat, available only to a
 8 holder of a nonresident bird and fish license;
 9 (n) resident mountain sheep;
 10 (o) nonresident mountain sheep, available only to a
 11 holder of a nonresident bird and fish license;
 12 (p) resident antelope;
 13 (q) nonresident antelope, available only to a holder
 14 of a nonresident bird and fish license;
 15 (r) resident grizzly bear;
 16 (s) nonresident grizzly bear, available only to a
 17 holder of a nonresident bird and fish license;
 18 (t) resident mountain lion;
 19 (u) nonresident mountain lion, available only to a
 20 holder of a nonresident bird and fish license;
 21 (v) resident sportsman's license, which entitles the
 22 holder to exercise the rights granted holders of resident
 23 fishing, resident game bird, resident deer, resident elk,
 24 resident black bear, and wildlife conservation licenses;
 25 (w) nonresident bird and fish license, which entitles

1 the holder to exercise the rights granted holders of
 2 nonresident fishing and nonresident game bird licenses and
 3 wildlife conservation licenses. This license is a
 4 prerequisite license for species as designated by law. When
 5 this license is purchased as a prerequisite license and
 6 successful license holders are determined by drawing,
 7 unsuccessful applicants may obtain a refund upon return of
 8 this license, except for \$1 which shall be retained to cover
 9 the department's administrative costs.

10 (x) nonresident combination license, which entitles
 11 the holder to exercise the rights granted holders of
 12 nonresident bird and fish, nonresident deer, nonresident
 13 black bear, nonresident elk, and wildlife conservation
 14 licenses. Only 17,000 of these licenses may be issued in a
 15 license year.

16 (3) When the number of valid resident applications for
 17 licenses exceeds the number of licenses the commission
 18 desires to issue in a specific hunting district or a
 19 geographic area, the number of licenses issued to
 20 nonresidents in that district or area may not exceed 10% of
 21 the total licenses issued.

22 Section 19. There is a new R.C.M. section that reads
 23 as follows:

24 Bow and arrow license. (1) There is a bow and arrow
 25 license that entitles the holder to pursue, hunt, shoot, or

1 kill with a longbow and arrow the species listed on the
2 appropriate accompanying hunting license and to possess the
3 carcass of that animal.

4 (2) An applicant for this license shall purchase the
5 appropriate accompanying hunting license prior to or at the
6 same time as application for this license.

7 (3) This license is required only during special
8 seasons and in special areas designated by the commission as
9 "bow and arrow only" seasons or areas.

10 Section 20. There is a new R.C.M. section that reads
11 as follows:

12 Restrictions on issuance of certain licenses — trophy
13 licenses. (1) Any person who has obtained a grizzly bear,
14 moose, mountain goat, or mountain sheep license is not
15 eligible to apply for another such license for the next
16 succeeding 7 years after that person has killed or taken an
17 animal of the species for which the special license was
18 issued. Any person who has obtained a grizzly bear, moose,
19 mountain goat, or mountain sheep license but did not kill or
20 take an animal of the species for which that special license
21 was issued shall be eligible to apply for another license in
22 any succeeding year if that person returns the unused
23 license to the department before or at the time application
24 is made.

25 (2) When a holder of a valid grizzly bear license

1 kills a grizzly bear, that person shall purchase a trophy
2 license for the bear within 10 days after the date of the
3 kill. The fee for this license is \$25. The trophy license
4 authorizes the holder to possess and transport the bear.
5 The commission may issue other trophy licenses when it
6 determines that they are necessary.

7 Section 21. There is a new R.C.M. section that reads
8 as follows:

9 Elk licenses — power of commission. The commission
10 may:

11 (1) provide for the refund of resident elk tag license
12 fees to persons applying for elk permits in hunting
13 districts where there is no general elk hunting and may set
14 time limits and describe area restrictions;

15 (2) designate elk permit areas where priority will be
16 given to applicants who have not held elk permits for a
17 period of years as determined by the commission.

18 Section 22. There is a new R.C.M. section that reads
19 as follows:

20 Fees for fishing licenses. The fees for fishing
21 licenses are:

- 22 (1) resident, annual, \$5;
23 (2) nonresident, annual, \$20;
24 (3) nonresident, 6-day, \$10;
25 (4) nonresident, 1-day, \$2.

1 Section 23. There is a new R.C.M. section that reads
2 as follows:

3 Fees for hunting licenses. The fees for hunting
4 licenses are:

- 5 (1) resident game bird, \$4;
- 6 (2) nonresident game bird, \$30;
- 7 (3) wild turkey, \$2;
- 8 (4) bow and arrow, \$6;
- 9 (5) resident deer, \$7;
- 10 (6) nonresident deer, \$50;
- 11 (7) resident elk, \$8;
- 12 (8) resident black bear, \$6;
- 13 (9) nonresident black bear, \$50;
- 14 (10) resident moose, \$25;
- 15 (11) nonresident moose, \$125;
- 16 (12) resident mountain goat, \$15;
- 17 (13) nonresident mountain goat, \$75;
- 18 (14) resident mountain sheep, \$25;
- 19 (15) nonresident mountain sheep, \$125;
- 20 (16) resident antelope, \$5;
- 21 (17) nonresident antelope, \$50;
- 22 (18) resident grizzly bear, \$25;
- 23 (19) nonresident grizzly bear, \$125;
- 24 (20) resident mountain lion, \$5;
- 25 (21) nonresident mountain lion, \$25;

- 1 (22) resident sportsman's license, \$35;
- 2 (23) nonresident bird and fish license, \$50;
- 3 (24) nonresident combination license, \$225.

4 Section 24. There is a new R.C.M. section that reads
5 as follows:

6 Fees for trapping licenses. The fees for trapping
7 licenses are:

- 8 (1) general, \$10; and
- 9 (2) landowner, \$1.

10 Section 25. There is a new R.C.M. section that reads
11 as follows:

12 Fees for conservation licenses, certificates, and
13 applications for permits. Fees for the licenses,
14 applications for permits, and certificates listed in this
15 section are as follows:

- 16 (1) wildlife conservation, \$1;
- 17 (2) nongame certificate, \$5;
- 18 (3) application for permit, \$1.

19 Section 26. There is a new R.C.M. section that reads
20 as follows:

21 Administrative fees. In addition to the statutory fee,
22 the department may charge an administrative fee of \$1 for
23 issuance of a permit.

24 Section 27. There is a new R.C.M. section that reads
25 as follows:

1 Fees for persons twelve, thirteen, and fourteen years
2 of age. Residents 12, 13, and 14 years of age may purchase
3 resident game bird, resident deer, and resident elk licenses
4 at \$2 per license.

5 Section 28. There is a new R.C.M. section that reads
6 as follows:

7 Hunting permits. There are hunting permits as provided
8 by law or determined by the commission which the commission
9 may issue in the interests of proper management,
10 propagation, and preservation of the wildlife of this state.
11 The holder of a hunting permit may exercise the privilege
12 stated on it within the district or area, during the season
13 and time periods, and under other restrictions the
14 commission considers necessary.

15 Section 29. There is a new R.C.M. section that reads
16 as follows:

17 Nonfee licenses. There are nonfee licenses that entitle
18 the holders to the privileges of a resident fishing license.
19 These licenses are defined and their requirements are as
20 follows:

21 (1) A veteran who is a patient residing at a hospital
22 operated by the veterans administration within or outside
23 this state or a resident of an institution under the
24 jurisdiction of the department of institutions, except the
25 Montana state prison at Deer Lodge, may fish without payment

1 of a fishing license fee. Upon request, such a person shall
2 receive an institutional fishing license as prescribed by
3 the commission and signed by the superintendent of the
4 appropriate institution. The license is valid so long as
5 the holder is residing in an institution operated by the
6 department of institutions or a veterans' hospital.

7 (2) Upon request, a disabled person may obtain a
8 disabled person's fishing license and fish without payment
9 of a fishing license fee when that person is a resident of
10 Montana, is not residing in an institution, and is certified
11 as disabled by a medical doctor licensed to practice in this
12 state. For purposes of this section, disability is defined
13 as a physical or mental condition expected to last for the
14 rest of a person's life that prevents that person from doing
15 any substantial gainful work. The license is valid so long
16 as the holder is disabled.

17 (3) When a person is convicted of a violation of the
18 fish and game laws of this state or rules of the commission,
19 the privilege conferred by this section shall be revoked for
20 not less than 6 months.

21 Section 30. There is a new R.C.M. section that reads
22 as follows:

23 Trapping license. There is a general trapping license
24 available to residents only that authorizes the holder to
25 trap fur-bearing animals as provided by rules of the

1 commission.

2 Section 31. There is a new R.C.M. section that reads
3 as follows:

4 Landowner's trapping license. (1) There is a
5 landowner's trapping license, available to residents only,
6 which entitles the holder to trap any fur-bearing animal on
7 land owned or leased by that person or any member of his
8 immediate family and household, as provided by rules of the
9 commission.

10 (2) Each person who desires to trap under this section
11 shall purchase a landowner's trapping license.

12 Section 32. There is a new R.C.M. section that reads
13 as follows:

14 Appointment of license agents. (1) The director may
15 appoint license agents, as required to serve the public
16 convenience and need, to sell state hunting and fishing
17 licenses.

18 (2) The appointment shall be evidenced by a
19 certificate or letter from the director, which shall state
20 limitations, if any, on it.

21 (3) The commission may make rules to implement the
22 statutes on license agents.

23 Section 33. There is a new R.C.M. section that reads
24 as follows:

25 Bond of license agent. (1) An appointed license agent

1 shall furnish a minimum corporate surety bond of \$5,000 or
2 in an amount sufficient to cover the value of licenses
3 received for distribution. The amount shall be set at the
4 discretion of the director.

5 (2) The bond shall secure the faithful performance of
6 the duties imposed on the license agent, the accounting for
7 and payment to the state of all moneys received from the
8 sale of hunting and fishing licenses, and the return of all
9 unused licenses.

10 (3) The license agent shall account in the manner
11 prescribed by the director for all moneys obtained from the
12 sale of licenses and all unsold licenses by the 10th day of
13 each month. A final license year accounting shall be
14 submitted by June 30 of each year.

15 Section 34. There is a new R.C.M. section that reads
16 as follows:

17 Preferred claim of state. All money received for the
18 sale of licenses at all times belongs to the state of
19 Montana. If there is an assignment for the benefit of
20 creditors, receivership, bankruptcy, or like occurrence, the
21 state has a preferred claim against the assets and estate of
22 a license agent for all moneys owed the state.

23 Section 35. There is a new R.C.M. section that reads
24 as follows:

25 Compensation. License agents, except salaried employees

1 of the department, shall receive for all services rendered
2 the sum of 15 cents for each license issued.

3 Section 36. There is a new R.C.M. section that reads
4 as follows:

5 Monthly remittances. On or before the 10th day of each
6 month, each license agent shall forward to the department
7 all duplicates of each type of license sold during the
8 preceding month. The moneys received for sale of licenses,
9 minus the lawful compensation, shall be remitted with the
10 license duplicates.

11 Section 37. There is a new R.C.M. section that reads
12 as follows:

13 License accounts open — cooperation with department.

14 (1) Each license agent shall keep his license account open
15 at all reasonable hours to inspection by the commission,
16 director, wardens, legislative auditor, or their authorized
17 agents.

18 (2) Each license agent shall cooperate with department
19 personnel, upon reasonable request, in the investigation of
20 violations of fish and game laws.

21 Section 38. There is a new R.C.M. section that reads
22 as follows:

23 Appointments nontransferable — revocation — oaths.

24 (1) Appointments of license agents are nontransferable, and
25 each appointment is valid only at the single location of the

1 business as stated on the certificate or letter of
2 appointment.

3 (2) Appointments of license agents may be revoked by
4 the director, upon reasonable notice, at any time:

5 (a) for discontinuance of the business at the stated
6 location;

7 (b) for noncompliance with the provisions of this
8 chapter; or

9 (c) upon the determination that the public convenience
10 or need is not served by that agent.

11 Section 39. There is a new R.C.M. section that reads
12 as follows:

13 Reciprocal fishing privileges of licensees of bordering
14 states — agreements authorized. (1) Any person who is
15 properly licensed to fish in a state which borders the state
16 of Montana and who complies with Montana fish and game laws
17 and rules may fish in any part of a lake, reservoir, pond,
18 or body of water in Montana that lies within or partly
19 within 10 miles of the boundaries of this state under the
20 following conditions:

21 (a) when that water is declared open to fishing by the
22 commission;

23 (b) when the bordering state grants the same or
24 similar privileges in any body of water or in all lakes,
25 reservoirs, ponds, or bodies of water similarly defined

1 within its boundaries to holders of valid Montana fishing
2 licenses; and

3 (c) when that state enters into a reciprocal agreement
4 with Montana setting forth terms as provided by [sections 40
5 through 42 of this act].

6 (2) The commission is authorized to enter into
7 reciprocal agreements with corresponding state officials of
8 adjoining states for purposes of providing such reciprocal
9 fishing privileges upon any body or bodies of water as
10 described above. These agreements may include provisions by
11 which each state shall honor the license of the other state
12 only when there is affixed to that license a stamp purchased
13 from the honoring state, the charge for that stamp being set
14 by mutual agreement of the states.

15 (3) These authorizations apply only to the water of
16 lakes, reservoirs, or ponds within this state and do not
17 apply to the waters of rivers or streams.

18 Section 40. There is a new R.C.M. section that reads
19 as follows:

20 Devices and equipment used under reciprocal privilege.
21 The commission may by rule authorize use by properly
22 licensed fishermen of both states of fishing devices and
23 equipment, unless otherwise prohibited by Montana law, in
24 waters forming the subject of reciprocal fishing agreements.

25 Section 41. There is a new R.C.M. section that reads

1 as follows:

2 Rules to implement reciprocal agreements — violations.
3 The commission may make rules for the purpose of
4 implementing reciprocal fishing agreements. A person
5 violating any orders or rules promulgated by the commission
6 under these sections is guilty of a misdemeanor.

7 Section 42. Section 26-319, R.C.M. 1947, is amended to
8 read as follows:

9 ~~"26-319. Penalty for violating closed season on~~
10 ~~certain game birds — power of commission to open season~~
11 Unlawful taking of upland game birds — penalty. (1) It
12 shall hereafter be is unlawful for any person to hunt,
13 shoot, kill, capture; ~~or~~ cause to be hunted, killed, or
14 captured; ~~or attempts~~ attempt to shoot, kill, or capture any
15 quail, Chinese or Mongolian pheasants, commonly called
16 ringneck pheasants, Hungarian partridge, chukar partridge,
17 sage grouse, sharptailed grouse, blue grouse, fool hen,
18 prairie chicken, ruffed grouse, ptarmigan or wild turkey
19 until such time as the commission shall provide an open
20 season on any quail, Chinese or Mongolian pheasants,
21 commonly called ringneck pheasant, Hungarian partridge,
22 chukar partridge, sage grouse, sharptailed grouse, blue
23 grouse, fool hen, prairie chicken, ruffed grouse, ptarmigan
24 or wild turkey upland game bird until the commission
25 provides an open season on these birds.

1 ~~(2)~~ Any person violating any of the provisions of this
2 act or any person who has in his possession out of season
3 any of such birds or any part of any such birds, shall be
4 guilty of a misdemeanor and upon conviction thereof shall be
5 punished by a fine of not less than ~~fifty dollars (\$50.00)~~,
6 ~~nor~~ or more than ~~two hundred fifty dollars (\$250.00)~~, or by
7 imprisonment in the county jail for not more than ~~sixty (60)~~
8 days, or by ~~both~~ both such fine and imprisonment."

9 Section 43. Codification. The sections of this act
10 shall be codified under one chapter of Title 26.

11 Section 44. Repealer. Chapter 2 of Title 26, R.C.M.
12 1947, in its entirety and sections 26-510, 26-511, and
13 26-512, R.C.M. 1947, are repealed.

14 Section 45. Effective date. This act is effective May
15 1, 1978.

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