

Senate BILL NO. *169*
 INTRODUCED BY *Lou DeLuca - Marilyn Norman*

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 2
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE USE OF
 5 RECORDED OR ELECTRICALLY AMPLIFIED CALLS AS AN AID IN TAKING
 6 ANY WILDLIFE, EXCEPT PREDATORY ANIMALS AND NONPROTECTED
 7 BIRDS; AMENDING SECTION 26-301, R.C.M. 1947."

8
 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) (a) 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 ~~(b) It is unlawful to use any recorded or electrically~~
 9 ~~amplified bird or animal calls or sounds or recorded or~~
 10 ~~electrically amplified imitations of bird or animal calls or~~
 11 ~~sounds to assist in the hunting, taking, killing, or~~
 12 ~~capturing of wildlife, except predatory animals and~~
 13 ~~nonprotected birds listed as exceptions in 26-501.~~

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

24 (b) No person in an aircraft in the air shall spot or
 25 locate any game, or migratory bird, game or fur-bearing

1 animals and communicate the location or approximate location
2 thereof by any signals whatsoever, whether radio, visual or
3 otherwise, to any person or persons then on the ground.

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

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

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

1 game director.

2 (6) The state fish and game commission shall have the
3 power to designate certain waters where set lines may be
4 used to fish for certain species of game or nongame fish,
5 and the commission may designate the number of hooks and
6 lines and the length of line or lines which may be used as
7 set lines.

8 (7) Game fish shall be taken only by angling, that is
9 by hook and single line in hand or single rod in hand, or
10 within immediate control; this does not prevent, however,
11 the snagging of paddlefish, coho (silver salmon), and
12 kokanee (sockeye salmon) when the commission shall declare
13 an open season when paddlefish, coho (silver salmon), and
14 kokanee (sockeye salmon) may be taken by snagging, the
15 taking of paddlefish with long bow and arrow when the
16 commission shall declare an open season when paddlefish may
17 be taken by long bow and arrow, the taking of walleyed pike,
18 sauger, northern pike and nongame fish with spear or gig
19 when the commission shall declare an open season for taking
20 walleyed pike, sauger, northern pike and nongame fish with
21 spear or gig, nor the use of landing net or gaff to land a
22 game fish after the same has been hooked by angling as above
23 specified, nor does it prevent the taking of minnows other
24 than game fish variety by the use or aid of a net not to
25 exceed twelve (12) feet in length and four (4) feet in

1 width, in such waters as may be designated by the
2 commission.

3 (8) No person, while hunting game animals or game
4 birds shall use a motor-driven vehicle on any other than an
5 established road or trail, unless he has reduced a big game
6 animal to possession and cannot easily retrieve said big
7 game animal, in which case a motor-driven vehicle may be
8 used to retrieve the big game animal, except in areas where
9 more restrictive regulations apply or where the landowner
10 has not granted such permission, provided that after such
11 retrieval, such motor-driven vehicle is again returned to an
12 established road or trail by the shortest possible route.
13 For purposes of safety and allowing normal travel, a
14 motor-driven vehicle may be parked on the roadside or
15 directly adjacent to said road or trail. No person, while
16 hunting game animals or game birds, shall drive or attempt
17 to drive, run or attempt to run, molest or attempt to
18 molest, flush or attempt to flush, or harass or attempt to
19 harass any game animal or game bird with the use or aid of
20 any motor-driven vehicle. No person, while hunting game
21 animals or game birds shall drive through any retired
22 cropland, brush area, slough area, timber area, open
23 prairie, or unharvested or harvested cropland, except upon
24 an established road or trail unless written permission has
25 been given by the land owner and in possession of the

1 hunter. The restrictions in this subsection on motor-driven
2 vehicle use off an established road or trail apply only to
3 hunting on state or private land, not to hunting on federal
4 land unless the federal agency specifically requests or
5 approves state enforcement.

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

12 (10) The provisions of this section relating to methods
13 of herding, driving, capturing, taking, locating or
14 concentrating of fish, game animals, game birds or
15 fur-bearing animals do not apply to the department of fish
16 and game, or any employee thereof, while acting within the
17 scope and course of the powers and duties of the department.

18 Any person violating any of the provisions of this
19 section shall be deemed guilty of a misdemeanor and shall be
20 punishable as provided by law."

-End-

Approved by Comm.
on Fish and Game

SENATE BILL NO. 169

INTRODUCED BY LOWE, DUNKLE, MANLEY, MCNNAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE USE OF RECORDED OR ELECTRICALLY AMPLIFIED CALLS AS AN AID IN TAKING ANY WILDLIFE, EXCEPT PREDATORY ANIMALS AND NONPROTECTED BIRDS; AMENDING SECTION 26-301, R.C.M. 1947."

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

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

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

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

(b) It is unlawful to use any recorded or electrically amplified bird or animal calls or sounds or recorded or electrically amplified imitations of bird or animal calls or sounds to assist in the hunting, taking, killing, or capturing of wildlife, except predatory animals and nonprotected birds listed as exceptions in 26-501 THOSE BIRDS NOT PROTECTED BY STATE OR FEDERAL LAW.

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

(b) No person in an aircraft in the air shall spect or

1 locate any game, or migratory bird, game or fur-bearing
 2 animals and communicate the location or approximate location
 3 thereof by any signals whatsoever, whether radio, visual or
 4 otherwise, to any person or persons then on the ground.

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

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

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

1 upon obtaining written permission from the state fish and
 2 game director.

3 (6) The state fish and game commission shall have the
 4 power to designate certain waters where set lines may be
 5 used to fish for certain species of game or nongame fish,
 6 and the commission may designate the number of hooks and
 7 lines and the length of line or lines which may be used as
 8 set lines.

9 (7) Game fish shall be taken only by angling, that is
 10 by hook and single line in hand or single rod in hand, or
 11 within immediate control; this does not prevent, however,
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 13 kokanee (sockeye salmon) when the commission shall declare
 14 an open season when paddlefish, coho (silver salmon), and
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 16 taking of paddlefish with long bow and arrow when the
 17 commission shall declare an open season when paddlefish may
 18 be taken by long bow and arrow, the taking of walleyed pike,
 19 sauger, northern pike and nongame fish with spear or gig
 20 when the commission shall declare an open season for taking
 21 walleyed pike, sauger, northern pike and nongame fish with
 22 spear or gig, nor the use of landing net or gaff to land a
 23 game fish after the same has been hooked by angling as above
 24 specified, nor does it prevent the taking of minnows other
 25 than game fish variety by the use or aid of a net not to

1 exceed twelve (12) feet in length and four (4) feet in
2 width, in such waters as may be designated by the
3 commission.

4 (8) No person, while hunting game animals or game
5 birds shall use a motor-driven vehicle on any other than an
6 established road or trail, unless he has reduced a big game
7 animal to possession and cannot easily retrieve said big
8 game animal, in which case a motor-driven vehicle may be
9 used to retrieve the big game animal, except in areas where
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12 retrieval, such motor-driven vehicle is again returned to an
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14 For purposes of safety and allowing normal travel, a
15 motor-driven vehicle may be parked on the roadside or
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19 molest, flush or attempt to flush, or harass or attempt to
20 harass any game animal or game bird with the use or aid of
21 any motor-driven vehicle. No person, while hunting game
22 animals or game birds shall drive through any retired
23 cropland, brush area, slough area, timber area, open
24 prairie, or unharvested or harvested cropland, except upon
25 an established road or trail unless written permission has

1 been given by the land owner and in possession of the
2 hunter. The restrictions in this subsection on motor-driven
3 vehicle use off an established road or trail apply only to
4 hunting on state or private land, not to hunting on federal
5 land unless the federal agency specifically requests or
6 approves state enforcement.

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

13 (10) The provisions of this section relating to methods
14 of herding, driving, capturing, taking, locating or
15 concentrating of fish, game animals, game birds or
16 fur-bearing animals do not apply to the department of fish
17 and game, or any employee thereof, while acting within the
18 scope and course of the powers and duties of the department.

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

-End-

1 SENATE BILL NO. 169

2 INTRODUCED BY LOWE, DUNKLE, HANLEY, NORMAN

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:11 Section 1. Section 26-301, R.C.M. 1947, is amended to
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25 birds unless the use of rifles is permitted by the

1 commission; provided, however, that this does not prohibit
2 the shooting of wild waterfowl from blinds over decoys with
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21 powerboat, sailboat, or any boat under sail or any floating
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23 sail be used for the purpose of killing, capturing, taking,
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25 game birds, or game or fur-bearing animals.

THIRD READING

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

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8 mechanism devised to silence, or muffle or minimize the
9 report of any firearms, whether such device or mechanism be
10 operated from or attached to any firearms.

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

13 (5) No person shall chase with dogs any of the game or
14 fur-bearing animals as defined by the fish and game laws of
15 this state; provided, however, that livestock owners, and
16 employees of the state fish and game commission and of the
17 federal fish and wildlife service may use dogs in pursuit of
18 stock-killing bears, and stock-killing mountain lions, or
19 other means of taking stock-killing bears and stock-killing
20 mountain lions except the use of the dead fall; providing,
21 however, that traps used in capturing bear shall be
22 inspected twice each day, which inspection shall be twelve
23 (12) hours apart; and provided further, that a person may
24 take game birds during the open season thereon with the aid
25 of a dog or dogs and any person or association organized for

1 the protection of game, may run field trials at any time
2 upon obtaining written permission from the state fish and
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5 power to designate certain waters where set lines may be
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8 lines and the length of line or lines which may be used as
9 set lines.

10 (7) Game fish shall be taken only by angling, that is
11 by hook and single line in hand or single rod in hand, or
12 within immediate control; this does not prevent, however,
13 the snagging of paddlefish, coho (silver salmon), and
14 kokanee (sockeye salmon) when the commission shall declare
15 an open season when paddlefish, coho (silver salmon), and
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17 taking of paddlefish with long bow and arrow when the
18 commission shall declare an open season when paddlefish may
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24 game fish after the same has been hooked by angling as above
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1 than game fish variety by the use or aid of a net not to
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 7 established road or trail, unless he has reduced a big game
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 14 established road or trail by the shortest possible route.
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 21 section shall be deemed guilty of a misdemeanor and shall be
 22 punishable as provided by law."

-End-

HOUSE OF REPRESENTATIVES

March 8, 1977

Committee of the Whole amendments to SENATE BILL NO. 169, third reading
copy, as follows:

1. Amend title, line 7.
Following: "LAW"
Strike: "BIRDS"

AND AS AMENDED
BE CONCURRED IN

1 SENATE BILL NO. 169

2 INTRODUCED BY LOWE, DUNKLE, MANLEY, NORMAN

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REFERENCE BILL

1 (b) No person in an aircraft in the air shall spot or
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 17 taking of paddlefish with long bow and arrow when the
 18 commission shall declare an open season when paddlefish may
 19 be taken by long bow and arrow, the taking of walleyed pike,
 20 sauger, northern pike and nongame fish with spear or gig
 21 when the commission shall declare an open season for taking
 22 walleyed pike, sauger, northern pike and nongame fish with
 23 spear or gig, nor the use of landing net or gaff to land a
 24 game fish after the same has been hooked by angling as above
 25 specified, nor does it prevent the taking of minnows other

1 than game fish variety by the use or aid of a net not to
 2 exceed twelve (12) feet in length and four (4) feet in
 3 width, in such waters as may be designated by the
 4 commission.

5 (8) No person, while hunting game animals or game
 6 birds shall use a motor-driven vehicle on any other than an
 7 established road or trail, unless he has reduced a big game
 8 animal to possession and cannot easily retrieve said big
 9 game animal, in which case a motor-driven vehicle may be
 10 used to retrieve the big game animal, except in areas where
 11 more restrictive regulations apply or where the landowner
 12 has not granted such permission, provided that after such
 13 retrieval, such motor-driven vehicle is again returned to an
 14 established road or trail by the shortest possible route.
 15 For purposes of safety and allowing normal travel, a
 16 motor-driven vehicle may be parked on the roadside or
 17 directly adjacent to said road or trail. No person, while
 18 hunting game animals or game birds, shall drive or attempt
 19 to drive, run or attempt to run, molest or attempt to
 20 molest, flush or attempt to flush, or harass or attempt to
 21 harass any game animal or game bird with the use or aid of
 22 any motor-driven vehicle. No person, while hunting game
 23 animals or game birds shall drive through any retired
 24 cropland, brush area, slough area, timber area, open
 25 prairie, or unharvested or harvested cropland, except upon

1 an established road or trail unless written permission has
 2 been given by the land owner and in possession of the
 3 hunter. The restrictions in this subsection on motor-driven
 4 vehicle use off an established road or trail apply only to
 5 hunting on state or private land, not to hunting on federal
 6 land unless the federal agency specifically requests or
 7 approves state enforcement.

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

14 (10) The provisions of this section relating to methods
 15 of herding, driving, capturing, taking, locating or
 16 concentrating of fish, game animals, game birds or
 17 fur-bearing animals do not apply to the department of fish
 18 and game, or any employee thereof, while acting within the
 19 scope and course of the powers and duties of the department.

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

-End-