

CHAPTER NO. 46.

HOUSE BILL NO. 29

INTRODUCED BY KESSLER

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Fish and Game.
January 6, 1979	On motion, joint rule 6-6 suspended and sponsor's signature allowed to be added to Pre-Filed bill.
January 18, 1979	Committee recommend bill do pass. Report adopted.
January 19, 1979	Printed and placed on members' desks.
January 20, 1979	On Motion rules suspended and bill placed on Second Reading this day.  Second Reading, pass consideration.
January 22, 1979	Second Reading, do pass as amended.
January 23, 1979	Correctly engrossed.
January 24, 1979	Third Reading, passed. Transmitted to Second House.

IN THE SENATE

January 25, 1979	Introduced and referred to Committee on Fish and Game.
February 5, 1979	Committee recommend bill be concurred in. Report adopted.
February 7, 1979	Second Reading, concurred in.
February 9, 1979	Third Reading, concurred in.

IN THE HOUSE

February 10, 1979

Returned from Second House.  
Concurred in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 29

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A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE WOLVERINE AND LYNX AS FUR-BEARING ANIMALS AND TO REMOVE WOLVERINE AND LYNX FROM THE LISTING OF NONGAME WILDLIFE IN NEED OF MANAGEMENT; AMENDING SECTION 87-2-101, MCA."

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

Section 1. Section 87-2-101, MCA, is amended to read:

"87-2-101. Definitions. For the purpose of this [act], the following shall be construed, respectively to mean:

(1) angling or fishing--the taking of or attempting to take fish by hook and single line or single rod, in hand or within immediate control;

(2) closed season--the time during which game birds, fish, game and fur-bearing animals may not be lawfully taken;

(3) commission--the state fish and game commission;

(4) fur-bearing animals--marten or sable, otter, muskrat, fisher, mink, bobcat, ~~lynx, wolverine,~~ and beaver;

(5) game animals--deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, and bear;

(6) game fish--all species of the family salmonidae

(charr, trout, salmon, grayling, and whitefish); all species of the 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 micropterus (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);

(7) migratory game birds--waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown, sandhill, and whooping cranes; rails, including coots, gallinules, sora, or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, wilson's snipes or jacksnipes, snipes, stilts, plovers, willets, and yellowlegs;

(8) nongame birds--all wild birds not defined herein as upland game birds or migratory game birds;

(9) 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;

(10) open season--the time during which game birds, fish, game and fur-bearing animals may be lawfully taken;

1 (11) person--the plural or singular, male or female, as  
2 the case demands, including individuals, associations,  
3 partnerships, and corporations, unless the context requires  
4 otherwise;

5 (12) predatory animals--coyote, weasel, skunk, and  
6 civet cat;

7 (13) upland game birds--sharptailed grouse, blue  
8 grouse, prairie chicken, sage hen or sage grouse, fool hen,  
9 ruffed grouse, commonly called native pheasant or native  
10 partridge, quail, Chinese pheasant and Mongolian pheasant,  
11 commonly called ring-necked pheasant, Hungarian partridge,  
12 ptarmigan, wild turkey, and chukar partridge;

13 (14) wild buffalo--buffalo or bison which have not been  
14 reduced to captivity."

15 NEW SECTION. Section 2. It is the intent of this  
16 legislature that the department of fish and game take the  
17 necessary administrative action to remove lynx and wolverine  
18 from the listing of nongame species in need of management.

-End-

Approved by Comm.  
on Fish and Game

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(4) fur-bearing animals--marten or sable, otter, muskrat, fisher, mink, bobcat, ~~lynx, wolverine,~~ and beaver;

(5) game animals--deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, and bear;

(6) game fish--all species of the family salmonidae

(char, trout, salmon, grayling, and whitefish); all species of the 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 micropterus (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);

(7) migratory game birds--waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown, sandhill, and whooping cranes; rails, including coots, gallinules, sora, or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, wilson's snipes or jacksnipes, snipes, stilts, plovers, willets, and yellowlegs;

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2 the case demands, including individuals, associations,  
3 partnerships, and corporations, unless the context requires  
4 otherwise;

5           (12) predatory animals--coyote, weasel, skunk, and  
6 civet cat;

7           (13) upland game birds--sharptailed grouse, blue  
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10 partridge, quail, Chinese pheasant and Mongolian pheasant,  
11 commonly called ring-necked pheasant, Hungarian partridge,  
12 ptarmigan, wild turkey, and chukar partridge;

13           (14) wild buffalo--buffalo or bison which have not been  
14 reduced to captivity."

15           ~~NEW SECTION.~~ Section 2. It is the intent of this  
16 legislature that the department of fish and game take the  
17 necessary administrative action to remove lynx and wolverine  
18 from the listing of nongame species in need of management.

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2 INTRODUCED BY KESSLER

3 BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

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6 NORTHERN SWIFT FOX, AND LYNX AS FUR-BEARING ANIMALS AND TO  
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17 within immediate control;18 (2) closed season--the time during which game birds,  
19 fish, game and fur-bearing animals may not be lawfully  
20 taken;

21 (3) commission--the state fish and game commission;

22 (4) fur-bearing animals--marten or sable, otter,  
23 muskrat, fisher, mink, bobcat, lynx, wolverine, NORTHERN  
24 SWIFT FOX, and beaver;

25 (5) game animals--deer, elk, moose, antelope, caribou,

1 mountain sheep, mountain goat, mountain lion, and bear;

2 (6) game fish--all species of the family salmonidae  
3 (char, trout, salmon, grayling, and whitefish); all species  
4 of the genus stizostedion (sandpike or sauger and walleyed  
5 pike or yellowpike perch); all species of the genus esox  
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7 the genus micropterus (bass); all species of the genus  
8 polyodon (paddlefish); all species of the family  
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11 (channel catfish);

12 (7) migratory game birds--waterfowl, including wild  
13 ducks, wild geese, brant, and swans; cranes, including  
14 little brown, sandhill, and whooping cranes; rails,  
15 including coots, gallinules, sora, or other rails; shore  
16 birds, including avocets, curlew, dowitcher, godwits, knots,  
17 upland plover, killdeer, sandpipers, wilson's snipes or  
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20 (8) nongame birds--all wild birds not defined herein  
21 as upland game birds or migratory game birds;

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