

CHAPTER NO. 52

HOUSE BILL NO. 30

INTRODUCED BY YARDLEY

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 25, 1979	Committee recommend bill do pass as amended. Report adopted.
January 26, 1979	Printed and placed on members' desks.
January 27, 1979	Second Reading, do pass as amended.
January 29, 1979	Correctly engrossed.
January 30, 1979	Third Reading, passed. Transmitted to Second House.

IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Fish and Game.
February 7, 1979	Committee recommend bill be concurred in. Report adopted.
February 9, 1979	Second Reading, concurred in.
February 12, 1979	Third Reading, concurred in.

IN THE HOUSE

February 13, 1979

Returned from Second House.  
Concurred in.

Sent to enrolling.  
Reported correctly enrolled.

1                    HOUSE BILL NO. 30  
 2 INTRODUCED BY \_\_\_\_\_  
 3 BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A  
 6 COMMERCIAL WHITEFISH ANGLING LICENSE AND TO MAKE NECESSARY  
 7 PROVISION THEREFOR; AMENDING SECTION 87-4-601, MCA; AND  
 8 PROVIDING AN EFFECTIVE DATE."

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

11 Section 1. Section 87-4-601, MCA, is amended to read:

12 "87-4-601. Sale of fish or spawn unlawful --  
 13 exceptions. (1) No Except as provided in subsection (2), no  
 14 person may, for speculative purposes, for market, or for  
 15 sale, in any way, catch any of the fish which in this title  
 16 are classified as game fish or remove or cause to be removed  
 17 the eggs or spawn of any such fish. No person may sell or  
 18 offer for sale any of the game fish of this state as defined  
 19 in this title or the eggs or spawn therefrom.

20 (2) ~~This section does~~ The restrictions of subsection  
 21 (1) do not apply to:

22 (a) the catching of fish caught in private ponds by  
 23 the owners thereof;

24 (b) ~~or--to~~ the taking of fish by the state authorities  
 25 for the purpose of obtaining eggs for propagation in state

1 fish hatcheries or by any person who receives a permit from  
 2 the department to take eggs for such purposes; or  
 3 ~~(c) the catching, selling, or offering for sale of~~  
 4 ~~whitefish or whitefish eggs or spawn by the holder of a~~  
 5 ~~valid commercial whitefish fishing license."~~

6 NEW SECTION. Section 2. Class AM-commercial whitefish  
 7 fishing license. Any resident, as defined by 87-2-102, upon  
 8 payment of a fee of \$15 shall receive a class AM-commercial  
 9 whitefish fishing license which shall entitle the holder to  
 10 fish with hook and line or rod as authorized by rules of the  
 11 department.

12 NEW SECTION. Section 3. Records and report by  
 13 commercial whitefish license holders. A holder of a  
 14 commercial whitefish fishing license shall keep a monthly  
 15 record and make an annual report to the department of the  
 16 number of whitefish taken, number of whitefish sold, and the  
 17 date of each sale. The monthly record may be inspected by  
 18 authorized department employees at any reasonable time. The  
 19 annual report shall be submitted to the appropriate  
 20 department regional office within 15 days of the end of the  
 21 license year.

22 Section 4. Codification instructions. (1) Section 2 of  
 23 this act is intended to be codified as an integral part of  
 24 Title 87, chapter 2, part 3, and the provisions contained in  
 25 Title 87, chapter 2 apply to section 2 of this act.

1           (2) Section 3 of this act is intended to be codified  
2 as an integral part of Title 87, chapter 4, part 6, and the  
3 provisions of Title 87, chapter 4, part 6, apply to section  
4 3 of this act.

5           Section 5. Effective date. This act is effective May  
6 1, 1980.

-End-

Approved by Comm.  
on Fish and Game

HOUSE BILL NO. 30

INTRODUCED BY YARDLEY

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH--A  
COMMERCIAL--WHITEFISH--ANGLING--LICENSE--AND--TO--MAKE--NECESSARY  
PROVISION--THEREFOR EXCEPT WHITEFISH FROM THE PROHIBITION  
AGAINST SALE OF GAME FISH; AMENDING SECTION 87-4-601, MCA  
AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 87-4-601, MCA, is amended to read:

"87-4-601. Sale of fish or spawn unlawful --  
exceptions. (1) No Except as provided in subsection (2), no  
person may, for speculative purposes, for market, or for  
sale, in any way, catch any of the fish which in this title  
are classified as game fish or remove or cause to be removed  
the eggs or spawn of any such fish. No person may sell or  
offer for sale any of the game fish of this state as defined  
in this title or the eggs or spawn therefrom.

(2) ~~This section does the restrictions of subsection~~  
(1) do not apply to:

(a) the catching of fish caught in private ponds by  
the owners thereof;

(b) or to the taking of fish by the state authorities

for the purpose of obtaining eggs for propagation in state  
fish hatcheries or by any person who receives a permit from  
the department to take eggs for such purposes; or

~~(c) the catching, selling, or offering for sale of  
whitefish or whitefish eggs or spawn by the holder of a  
valid commercial whitefish fishing license.~~ THE TAKING OF  
WHITEFISH."

~~NEW SECTION. Section 2. Class AW commercial whitefish  
fishing license. Any resident, as defined by 87-2-102, upon  
payment of a fee of \$15 shall receive a class AW commercial  
whitefish fishing license which shall entitle the holder to  
fish with hook and line or rod as authorized by rules of the  
department.~~

NEW SECTION. Section 2. Records and report OF  
WHITEFISH SALES by commercial whitefish FISHING license  
holders. A holder of a commercial whitefish fishing license  
WHO CATCHES WHITEFISH FOR SPECULATIVE PURPOSES, FOR MARKET,  
OR FOR SALE shall keep a monthly record and make an annual  
report to the department of the number of whitefish taken  
number of whitefish sold, and the date of each sale. The  
monthly record may be inspected by authorized department  
employees at any reasonable time. The annual report shall be  
submitted to the appropriate department regional office  
within 15 days of the end of the license year.

Section 3. Codification instructions. ~~††~~ Section 2 of

1 ~~this act is intended to be codified as an integral part of~~  
2 ~~Title 87, chapter 2, part 3, and the provisions contained in~~  
3 ~~Title 87, chapter 2 apply to section 2 of this act.~~

4 {2} Section 3 2 of this act is intended to be codified  
5 as an integral part of Title 87, chapter 4, part 6, and the  
6 provisions of Title 87, chapter 4, part 6, apply to section  
7 3 of this act.

8 ~~Section 5--Effective date--This act is effective May~~  
9 ~~1, 1988.~~

-End-

HOUSE BILL NO. 30

INTRODUCED BY YARDLEY

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A COMMERCIAL--WHITEFISH--ANGLING LICENSE AND TO MAKE NECESSARY PROVISION THEREFOR EXCEPT WHITEFISH FROM THE PROHIBITION AGAINST SALE OF GAME FISH; AMENDING SECTION 87-4-601, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 87-4-601, MCA, is amended to read:

"87-4-601. Sale of fish or spawn unlawful -- exceptions. (1) No except as provided in subsection (2), no person may, for speculative purposes, for market, or for sale, in any way, catch any of the fish which in this title are classified as game fish or remove or cause to be removed the eggs or spawn of any such fish. No person may sell or offer for sale any of the game fish of this state as defined in this title or the eggs or spawn therefrom.

(2) ~~This section does the restrictions of subsection (1) do~~ not apply to:

(a) the catching of fish caught in private ponds by the owners thereof;

(b) or to the taking of fish by the state authorities

for the purpose of obtaining eggs for propagation in state fish hatcheries or by any person who receives a permit from the department to take eggs for such purposes; OR

~~(c) the catching, selling, or offering for sale of whitefish or whitefish eggs or spawn by the holder of a valid commercial whitefish fishing license.~~ THE TAKING OF WHITEFISH THE CATCHING OF WHITEFISH BY THE HOLDER OF A VALID FISHING LICENSE FISHING WITH HOOK AND LINE OR ROD IN SPECIFIED WATERS DESIGNATED BY RULES AND REGULATIONS OF THE DEPARTMENT."

~~NEW SECTION. Section 2. Class A commercial whitefish fishing license. Any resident, as defined by 87-2-102, upon payment of a fee of \$15 shall receive a class A commercial whitefish fishing license which shall entitle the holder to fish with hook and line or rod as authorized by rules of the department.~~

NEW SECTION. Section 2. Records and report OF WHITEFISH SALES by commercial whitefish FISHING license holders. A holder of a commercial whitefish fishing license WHO CATCHES WHITEFISH FOR SPECULATIVE PURPOSES, FOR MARKET, OR FOR SALE shall keep a monthly record and make an annual report to the department of the number of whitefish taken, number of whitefish sold, and the date of each sale. The monthly record may be inspected by authorized department employees at any reasonable time. The annual report shall be

1 submitted to the appropriate department regional office  
2 within 15 days of the end of the license year.

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9 provisions of Title 87, chapter 4, part 6, apply to section  
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11 ~~Section 5. --Effective date-- This act is effective May~~  
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 7 PROVISION--THEREFOR EXCEPT WHITEFISH FROM THE PROHIBITION  
 8 AGAINST SALE OF GAME FISH; AMENDING SECTION 87-4-601, MCA,  
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 14 exceptions. (1) No Except as provided in subsection (2), no  
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 16 sale, in any way, catch any of the fish which in this title  
 17 are classified as game fish or remove or cause to be removed  
 18 the eggs or spawn of any such fish. No person may sell or  
 19 offer for sale any of the game fish of this state as defined  
 20 in this title or the eggs or spawn therefrom.  
 21 (2) ~~This section does the restrictions of subsection~~  
 22 (1) do not apply to:  
 23 (a) the catching of fish caught in private ponds by  
 24 the owners thereof;  
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1 for the purpose of obtaining eggs for propagation in state  
 2 fish hatcheries or by any person who receives a permit from  
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 5 ~~whitefish or whitefish eggs or spawn by the holder of a~~  
 6 ~~valid commercial whitefish fishing license. THE TAKING OF~~  
 7 ~~WHITEFISH THE CATCHING OF WHITEFISH BY THE HOLDER OF A VALID~~  
 8 ~~FISHING LICENSE FISHING WITH HOOK AND LINE OR ROD IN~~  
 9 ~~SPECIFIED WATERS DESIGNATED BY RULES AND REGULATIONS OF THE~~  
 10 ~~DEPARTMENT."~~  
 11 ~~NEW SECTION. Section 2. Class-AW commercial whitefish~~  
 12 ~~fishing license. Any resident, as defined by 87-2-102, upon~~  
 13 ~~payment of a fee of \$15 shall receive a class-AW commercial~~  
 14 ~~whitefish fishing license which shall entitle the holder to~~  
 15 ~~fish with hook and line or rod as authorized by rules of the~~  
 16 ~~department.~~  
 17 ~~NEW SECTION. Section 2. Records and report OF~~  
 18 ~~WHITEFISH SALES by commercial whitefish FISHING license~~  
 19 ~~holders. A holder of a commercial whitefish fishing license~~  
 20 ~~WHO CATCHES WHITEFISH FOR SPECULATIVE PURPOSES, FOR MARKET,~~  
 21 ~~OR FOR SALE shall keep a monthly record and make an annual~~  
 22 ~~report to the department of the number of whitefish taken,~~  
 23 ~~number of whitefish sold, and the date of each sale. The~~  
 24 ~~monthly record may be inspected by authorized department~~  
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1 submitted to the appropriate department regional office  
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9 provisions of Title 87, chapter 4, part 6, apply to section  
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