

HOUSE BILL NO. 97

INTRODUCED BY FEDA, VINGER, MENAHAN

IN THE HOUSE

January 10, 1979	Introduced and referred to Committee on Fish and Game.
January 18, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 19, 1979	Printed and placed on members' desks.
January 22, 1979	Third Reading Consent Calendar passed. Transmitted to Second House.

IN THE SENATE

January 23, 1979	Introduced and referred to Committee on Fish and Game.
February 2, 1979	Committee recommend bill be concurred in. Report adopted.
February 5, 1979	Second Reading, concurred in.
February 7, 1979	Third Reading, concurred in.

IN THE HOUSE

February 8, 1979	Returned from Second House. Concurred in.  Sent to enrolling. Reported correctly enrolled.
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1 ~~House~~ BILL NO. 97  
 2 INTRODUCED BY Arden Vining Menahan  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 87-3-204, MCA, TO PERMIT THE TAKING OF BURBOT (LING) WITH  
 6 SPEAR OR GIG WHEN THE DEPARTMENT OF FISH AND GAME DECLARES  
 7 AN OPEN SEASON TO TAKE BURBOT (LING) WITH SPEAR OR GIG."  
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 87-3-204, MCA, is amended to read:

11 "87-3-204. Restrictions on fishing methods. (1) No  
 12 game fish may be caught, captured, or taken or attempted to  
 13 be caught, captured, or taken by the aid or with the use of  
 14 any gun or trap, nor may any such set gun, trap, or other  
 15 device to entrap game fish be used, made, or set.

16 (2) It is unlawful for a person to take or catch fish  
 17 in any of the waters of this state, except with hook and  
 18 line held in hand or line and hook attached to rod or pole  
 19 held in hand; to take or catch fish with hook baited with  
 20 any poisonous substance or by means of the use of any  
 21 poisonous substance, including fish berries; or to take or  
 22 catch fish by means of the use of fishtraps, grabhooks,  
 23 seines, nets, or other similar means for catching fish.

24 (3) The department may designate such waters within  
 25 the state of Montana wherein, in the judgment of the

1 department, spears or gigs may be used for taking walleyed  
 2 pike, sauger, northern pike, and nongame fish and traps,  
 3 seines, nets, and rubber or spring-propelled spears, when  
 4 employed by sportsmen swimming or submerged in the water,  
 5 may be used for the taking of designated species of fish.  
 6 The waters so designated may be closed at the discretion of  
 7 the department. The taking of all fish by such means in the  
 8 waters, when so designated, is to be done under such rules  
 9 as the department may prescribe with reference thereto and  
 10 under the supervision of the department. All such nongame  
 11 fish so taken may be possessed and sold in such manner and  
 12 under such restrictions as the department may direct. All  
 13 fish, other than those herein designated, so taken under  
 14 department rules, when prescribed by the department, shall  
 15 be returned uninjured to the waters from which they were  
 16 taken.

17 (4) The taking of black bass in Flathead Lake may be  
 18 permitted by the department.

19 (5) The department shall have the power to designate  
 20 certain waters where setlines may be used to fish for  
 21 certain species of game or nongame fish, and the department  
 22 may designate the number of hooks and lines and the length  
 23 of line or lines which may be used as setlines.

24 (6) Game fish shall be taken only by angling, that is  
 25 by hook and single line in hand or single rod in hand or

1 within immediate control. This does not prevent, however:

2 (a) the snagging of paddlefish, coho (silver salmon),  
3 and kokanee (sockeye salmon) when the department declares an  
4 open season when paddlefish, coho (silver salmon), and  
5 kokanee (sockeye salmon) may be taken by snagging;

6 (b) the taking of paddlefish with longbow and arrow  
7 when the department declares an open season when paddlefish  
8 may be taken by longbow and arrow;

9 (c) the taking of walleyed pike, sauger, northern  
10 pike, burbot (ling), and nongame fish with spear or gig when  
11 the department declares an open season for taking walleyed  
12 pike, sauger, northern pike, burbot (ling), and nongame fish  
13 with spear or gig;

14 (d) the use of landing net or gaff to land a game fish  
15 after the same has been hooked by angling as above  
16 specified; or

17 (e) the taking of minnows other than game fish variety  
18 by the use or aid of a net not to exceed 12 feet in length  
19 and 4 feet in width in such waters as may be designated by  
20 the department."

-End-

Approved by Comm.  
on Fish and Game

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