

HOUSE BILL NO. 94
INTRODUCED BY ELLISON

IN THE HOUSE

January 5, 1983	Introduced and referred to Committee on Fish and Game.
January 21, 1983	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
January 22, 1983	Bill printed and placed on members' desks.
January 24, 1983	Second reading, do pass.
January 25, 1983	Considered correctly engrossed.
January 26, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 27, 1983	Introduced and referred to Committee on Fish and Game.
March 12, 1983	Committee recommend bill be concurred in. Report adopted.
March 15, 1983	Second reading, concurred in.
March 17, 1983	Third reading, concurred in. Ayes, 47; Noes, 1.

IN THE HOUSE

March 17, 1983	Returned to House.
March 18, 1983	Sent to enrolling. Reported correctly enrolled.

1 House BILL NO. 94
2 INTRODUCED BY Ellison
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
5 DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ISSUE PERMITS FOR
6 THE TAKING AND HOLDING OF RAPTORS FOR CAPTIVE BREEDING
7 PROJECTS; AMENDING SECTIONS 87-5-204 AND 87-5-206, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 87-5-204, MCA, is amended to read:
11 "87-5-204. License and rules for falconry. (1) The
12 department may adopt specific rules for the keeping of
13 records and for the trapping, taking, possession,
14 propagation, or training of raptors used in the practice of
15 falconry and may authorize the issuance of licenses to
16 persons for the practice of falconry. It is unlawful for any
17 person to possess a raptor or to train a raptor in the
18 practice of falconry without a license.
19 (2) The fee for a falconry license is \$3 a year or any
20 part of a year. A license expires April 30 each year.
21 (3) A license may not be issued to a person under the
22 age of 12 years.
23 (4) Licensees shall have in possession a valid
24 falconer's license when engaged in the practice of falconry.
25 In addition, falconers loosing raptors at game birds shall

1 have in possession a valid resident or nonresident game bird
2 license.
3 (5) Falconry licenses or permits are not transferable
4 and may be revoked for due cause at any time by the
5 department."
6 Section 2. Section 87-5-206, MCA, is amended to read:
7 "87-5-206. Restrictions on taking, possessing, and
8 selling raptors. (1) A licensee may not at any time possess
9 more than three raptors, including those that have been
10 imported, except as permitted by the department under
11 subsection (3) of this section.
12 (2) Licensees may take raptors as young or fledglings
13 from nests (unless specifically prohibited by department
14 rules) or by traps or nets which are humane in their
15 operation and use. Not more than one young may be taken from
16 one nest by a permittee or permittees, and at least one
17 young must be left in the nest. The department may close an
18 area of the state to the taking of raptors at any time or
19 designate other raptors which may not be taken. This
20 subsection does not permit the removal of raptors in any
21 national or state refuge or park or in any area in which
22 local laws may prohibit that activity. Trapping raptors is
23 permitted only between September 1 and February 1.
24 (3) The department may grant permits to licensees for
25 the taking and holding of raptors for captive breeding

1 projects under such conditions consistent with this part as
2 the department may specify in the permit.

3 ~~(3)(4)~~ A licensee may not transfer ownership or
4 possession of a raptor taken or possessed under the
5 provisions of this part without notifying the department
6 within 10 days after the date of transfer.

7 ~~(4)(5)~~ A person may not sell or offer for sale Montana
8 raptors in this state. A person may not transport raptors
9 out of the state except by permit issued by the department."

-End-

Approved by Comm.
on Fish and Game

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ISSUE PERMITS FOR
THE TAKING AND HOLDING OF RAPTORS FOR CAPTIVE BREEDING
PROJECTS; AMENDING SECTIONS 87-5-204 AND 87-5-206, MCA."

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

Section 1. Section 87-5-204, MCA, is amended to read:

"87-5-204. License and rules for falconry. (1) The
department may adopt specific rules for the keeping of
records and for the trapping, taking, possession,
~~propagation~~ or training of raptors used in the practice of
falconry and may authorize the issuance of licenses to
persons for the practice of falconry. ~~It EXCEPT AS PROVIDED~~
~~IN [SECTION 3].~~ IT is unlawful for any person to possess a
raptor or to train a raptor in the practice of falconry
without a license.

(2) The fee for a falconry license is \$3 a year or any
part of a year. A license expires April 30 each year.

(3) A license may not be issued to a person under the
age of 12 years.

(4) Licensees shall have in possession a valid
falconer's license when engaged in the practice of falconry.

In addition, falconers loosing raptors at game birds shall
have in possession a valid resident or nonresident game bird
license.

(5) Falconry licenses or permits are not transferable
and may be revoked for due cause at any time by the
department."

Section 2. Section 87-5-206, MCA, is amended to read:

"87-5-206. Restrictions on taking, possessing, and
selling raptors. (1) A licensee may not at any time possess
more than three raptors, including those that have been
imported, ~~except as permitted by the department under~~
~~subsection (1) of this section~~ [SECTION 3].

(2) Licensees may take raptors as young or fledglings
from nests (unless specifically prohibited by department
rules) or by traps or nets which are humane in their
operation and use. Not more than one young may be taken from
one nest by a permittee or permittees, and at least one
young must be left in the nest. The department may close an
area of the state to the taking of raptors at any time or
designate other raptors which may not be taken. This
subsection does not permit the removal of raptors in any
national or state refuge or park or in any area in which
local laws may prohibit that activity. Trapping raptors is
permitted only between September 1 and February 1.

~~(1) The department may grant permits to licensees for~~

~~the-taking-and--holding--of--raptors--for--captive--breeding
projects--under--such--conditions--consistent--with--this--part--as
the--department--may--specify--in--the--permits~~

~~(3)(1)(3)~~ A licensee may not transfer ownership or possession of a raptor taken or possessed under the provisions of this part without notifying the department within 10 days after the date of transfer.

~~(4)(2)(4)~~ A person may not sell or offer for sale Montana raptors in this state. A person may not transport raptors out of the state except by permit issued by the department."

12 THERE IS A NEW MCA SECTION THAT READS:

13 NEW SECTION. Section 3. Permit for captive breeding of raptors. The department may grant permits to a person, whether or not licensed under this part, for the taking and holding of raptors for captive breeding purposes under such conditions, consistent with this part, as the department may specify in the permit.

19 THERE IS A NEW MCA SECTION THAT READS:

20 NEW SECTION. Section 4. Rules. The department may adopt rules for the keeping of records and for the trapping, taking, possession, propagation, and release of raptors taken and held for captive breeding projects.

24 THERE IS A NEW MCA SECTION THAT READS:

25 NEW SECTION. Section 5. Permit fee -- transfer. (1)

1 The fee for a captive breeding permit is \$20 a year.

2 (2) Captive breeding permits are not transferable and
3 may be revoked at any time by the department for violation
4 of any conditions of the permit or regulations of the
5 department.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 94

3 House Fish and Game Committee

4

5 House Bill No. 94 requires a statement of intent
6 because the proposed amendments would provide the Department
7 of Fish, Wildlife, and Parks with the authority to pass
8 regulations on the taking and keeping of raptors for captive
9 breeding purposes.

10 The reason for the Department to pass regulations
11 controlling captive breeding is to avoid abuses which could
12 endanger the birds captured or in some cases to protect
13 species which are already rare or unusual in Montana.
14 Accordingly regulations may be adopted which would regulate
15 the kinds of raptors which may be captured, the methods used
16 to capture birds, the facilities in which the birds are kept
17 and bred, the times of capture, the kinds of records to be
18 kept regarding the bird, and the qualifications of the
19 people requesting a captive breeding permit.

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(2) The fee for a falconry license is \$3 a year or any part of a year. A license expires April 30 each year.

(3) A license may not be issued to a person under the age of 12 years.

(4) Licensees shall have in possession a valid falconer's license when engaged in the practice of falconry.

In addition, falconers loosing raptors at game birds shall have in possession a valid resident or nonresident game bird license.

(5) Falconry licenses or permits are not transferable and may be revoked for due cause at any time by the department."

Section 2. Section 87-5-206, MCA, is amended to read:

"87-5-206. Restrictions on taking, possessing, and selling raptors. (1) A licensee may not at any time possess more than three raptors, including those that have been imported, ~~except as permitted by the department under subsection (3) of this section~~ [SECTION 3].

(2) Licensees may take raptors as young or fledglings from nests (unless specifically prohibited by department rules) or by traps or nets which are humane in their operation and use. Not more than one young may be taken from one nest by a permittee or permittees, and at least one young must be left in the nest. The department may close an area of the state to the taking of raptors at any time or designate other raptors which may not be taken. This subsection does not permit the removal of raptors in any national or state refuge or park or in any area in which local laws may prohibit that activity. Trapping raptors is permitted only between September 1 and February 1.

~~(3) The department may grant permits to licensees for~~

~~the taking and holding of raptors for captive breeding projects under such conditions consistent with this part as the department may specify in the permit.~~

~~(3)(13)~~ A licensee may not transfer ownership or possession of a raptor taken or possessed under the provisions of this part without notifying the department within 10 days after the date of transfer.

~~(4)(14)~~ A person may not sell or offer for sale Montana raptors in this state. A person may not transport raptors out of the state except by permit issued by the department."

12 THERE IS A NEW MCA SECTION THAT READS:

13 NEW SECTION. Section 3. Permit for captive breeding
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25 NEW SECTION. Section 5. Permit fee -- transfer. (1)

1 The fee for a captive breeding permit is \$20 a year.

2 (2) Captive breeding permits are not transferable and
3 may be revoked at any time by the department for violation
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5 department.

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REFERENCE BILL

HB 94

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~~the taking and holding of raptors for captive breeding projects under such conditions consistent with this part as the department may specify in the permit.~~

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