

HOUSE BILL NO. 291

Introduced: 01/18/83

Referred to Committee on Fish & Game: 01/18/83

Hearing: 1/25/83

Report: 01/29/83, Do Pass, As Amended

2nd Reading: 02/01/83, Do Pass

3rd Reading: 02/03/83, Do Pass

Transmitted to Senate: 2/3/83

Referred to Committee on Fish & Game: 02/04/83

Hearing: 3/17/83

Report: 3/18/83, Be Not Concurred In. Report Adopted.

Bill Killed

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

11 Section 1. Section 87-2-806, MCA, is amended to read:

12 "87-2-806. Taking fish or game for scientific purposes

13 ~~== birds for propagation.~~ (1) It is lawful for the duly

14 accredited representative of an accredited school, college,

15 university, or other institution of learning or of any

16 governmental agency, who may be investigating a scientific

17 subject making it necessary, to take, kill, capture, and

18 possess for that purpose any birds, fish, or animals

19 protected by Montana law or state fish and game rule. He may

20 take, kill, and capture protected or unprotected birds,

21 fish, or animals in any way except by the explosion of

22 dynamite. No more of the birds, fish, or animals may be

23 taken than are necessary for the investigation.

24 (2) A person who desires to engage in the scientific

25 investigation shall apply to the director for a permit. The

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director may set qualifications for persons to whom permits are issued and may place special authorizations or special requirements and limitations on any permit. If the director is satisfied of the good faith and qualifications of the applicant, he shall issue a permit which shall place a time limit on the collections and may place a restriction on the number of birds, fish, or animals to be taken and shall require a report of the numbers and species of animals taken by collection areas.

(3) The permittee shall pay \$5 for the permit.

(4) The ~~no~~ permittee may not take, have, or capture any other or greater number of birds, fish, or animals than are mentioned in the permit.

(5) Any representative of an accredited school, college, university, or other institution of learning who may have various students or associates assisting him throughout the year may apply to have his permit issued to himself and his associates. The associates, when carrying a copy of the permit, shall have the same authorizations and restrictions as the original applicant. The original applicant shall keep a record of all associates to whom he issued a copy of his permit and of the times for which each associate is issued a copy. The original applicant is responsible for his associates' use of the permit or copies of the permit, including their reports of species and

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1 numbers of animals collected.

2 (6) (a) A person desiring to take, capture, or possess
3 migratory birds or waterfowl or their nests or eggs for the
4 purpose of propagation must provide the director with a
5 certified copy of all permits required for such purposes by
6 the United States department of the interior or fish and
7 wildlife service.

8 (b) Upon receipt of the copy, the director shall issue
9 a letter of approval to the permittee for the purposes
10 stated in, and under such conditions and restrictions as
11 imposed by, the permit. However, if the director finds that
12 the provisions of the permit are not in the best interest of
13 the state's migratory bird or waterfowl resources, he shall
14 issue a letter to the permittee that:

15 (i) states the specific reasons why the provisions of
16 the permit are not in the best interest of the state's
17 migratory bird and waterfowl resources; and

18 (ii) voids the federal permit for use in this state."

-End-

Approved by Comm.
on Fish and Game

HOUSE BILL NO. 291

INTRODUCED BY SWIFT, THOFT, PHILLIPS, SEIFERT,

MUELLER, MARKS, M. HANSON, ELLISON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COMMERCIAL
PROPAGATION OF MIGRATORY BIRDS AND WATERFOWL UNDER REQUIRED
FEDERAL PERMITS; AND DEFINING THE AUTHORITY OF THE MONTANA
DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO RESTRICT
PROPAGATION; AMENDING SECTION 87-2-806, MCA."

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

Section 1. Section 87-2-806, MCA, is amended to read:

"87-2-806. Taking fish or game for scientific purposes
-----birds-----for-----propagation----- (1) It is lawful for the duly
accredited representative of an accredited school, college,
university, or other institution of learning or of any
governmental agency who may be investigating a scientific
subject making it necessary to take, kill, capture, and
possess for that purpose any birds, fish, or animals
protected by Montana law or state fish and game rules. He may
take, kill, and capture protected or unprotected birds,
fish, or animals in any way except by the explosion of
dynamite. No more of the birds, fish, or animals may be
taken than are necessary for the investigation.

(2) A person who desires to engage in the scientific

investigation shall apply to the director for a permit. The
director may set qualifications for persons to whom permits
are issued and may place special authorizations or special
requirements and limitations on any permit if the director
is satisfied of the good faith and qualifications of the
applicant. He shall issue a permit which shall place a time
limit on the collections and may place a restriction on the
number of birds, fish, or animals to be taken and shall
require a report of the numbers and species of animals taken
by collection areas.

(3) The permittee shall pay \$5 for the permit.

(4) The permittee may not take, have, or capture
any other or greater number of birds, fish, or animals than
are mentioned in the permit.

(5) Any representative of an accredited school,
college, university, or other institution of learning who
may have various students or associates assisting him
throughout the year may apply to have his permit issued to
himself and his associates. The associates, when carrying a
copy of the permit, shall have the same authorizations and
restrictions as the original applicant. The original
applicant shall keep a record of all associates to whom he
issued a copy of his permit and of the times for which each
associate is issued a copy. The original applicant is
responsible for his associates' use of the permit or copies.

~~of the permit including their reports of species and numbers of animals collected.~~

~~(1) A person desiring to take, capture, or possess migratory birds or waterfowl or their nests or eggs for the purpose of propagation must provide the director with a certified copy of all permits required for such purposes by the United States department of the interior or fish and wildlife service.~~

~~(b) Upon receipt of the copy, the director shall issue a letter of approval to the permittee for the purposes stated in, and under such conditions and restrictions as imposed by the permit. However, if the director finds that the provisions of the permit are not in the best interest of the state's migratory bird or waterfowl resources, he shall issue a letter to the permittee that:~~

~~(i) states the specific reasons why the provisions of the permit are not in the best interest of the state's migratory bird and waterfowl resources; and~~

~~(ii) voids the federal permit for use in this state."~~

~~THERE IS A NEW MCA SECTION THAT READS:~~

Section 1. Propagation permit for migratory birds or waterfowl. (1) A person desiring to take, capture, or possess migratory birds or waterfowl or their nests or eggs for the purpose of propagation must provide the director of the department of fish, wildlife, and parks with a certified

copy of all permits required for such purposes by the United States department of the interior.

(2) Upon receipt of the copy, the director shall issue a letter of approval to the permittee for the purposes stated in, and under such conditions and restrictions as imposed by, the permit. However, if the director finds that the provisions of the permit are not in the best interest of the state's migratory bird or waterfowl resources, he shall issue a letter to the permittee that:

(a) states the specific reasons why the provisions of the permit are not in the best interest of the state's migratory bird and waterfowl resources; and

(b) voids the federal permit for use in this state.

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"87-2-806. Taking fish or game for scientific purposes

~~birds for propagation~~ (1) It is lawful for the duly
accredited representative of an accredited school, college,
university, or other institution of learning or of any
governmental agency, who may be investigating a scientific
subject making it necessary to take, kill, capture, and
possess for that purpose any birds, fish, or animals
protected by Montana law or state fish and game rules. He may
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dynamite. No more of the birds, fish, or animals may be
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responsible for his associates' use of the permit or copies.

1 of the permit including their reports of species and
2 numbers of animals collected.

3 ~~(1) A person desiring to take, capture, or possess~~
4 ~~migratory birds or waterfowl or their nests or eggs for the~~
5 ~~purpose of propagation must provide the director with a~~
6 ~~certified copy of all permits required for such purposes by~~
7 ~~the United States department of the interior or fish and~~
8 ~~wildlife services.~~

9 ~~(1) Upon receipt of the copy, the director shall issue~~
10 ~~a letter of approval to the permittee for the purposes~~
11 ~~stated in, and under such conditions and restrictions as~~
12 ~~imposed by the permit. However, if the director finds that~~
13 ~~the provisions of the permit are not in the best interest of~~
14 ~~the state's migratory bird or waterfowl resources, he shall~~
15 ~~issue a letter to the permittee that:~~

16 ~~(i) states the specific reasons why the provisions of~~
17 ~~the permit are not in the best interest of the state's~~
18 ~~migratory bird and waterfowl resources; and~~

19 ~~(ii) voids the federal permit for use in this state."~~

20 THERE IS A NEW MCA SECTION THAT READS:

21 Section 1. Propagation permit for migratory birds or
22 waterfowl. (1) A person desiring to take, capture, or
23 possess migratory birds or waterfowl or their nests or eggs
24 for the purpose of propagation must provide the director of
25 the department of fish, wildlife, and parks with a certified

1 copy of all permits required for such purposes by the United
2 States department of the interior.

3 (2) Upon receipt of the copy, the director shall issue
4 a letter of approval to the permittee for the purposes
5 stated in, and under such conditions and restrictions as
6 imposed by the permit. However, if the director finds that
7 the provisions of the permit are not in the best interest of
8 the state's migratory bird or waterfowl resources, he shall
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