## 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

INTRODUCED BY faift that Phoep Sajest Muelle,

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 rule. 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 No permittee may not take, have, or capture any other or greater number of birds, fish, or animals than are mentioned in the permit.
- 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

INTRODUCED BILL

| 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 copys 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

| 1  | HOUSE BILL NO. 291   |  |
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| 2  | INTRODUCED BY SWIFT, THOFT, PHILLIPS, SEIFERT,                   |  |
| 3  | MUELLER, MARKS, M. HANSON, ELLISON                               |  |
| 4  |  |  |
| 5  | A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COMMERCIAL          |  |
| 6  | PROPAGATION OF MIGRATORY BIRDS AND WATERFOWL UNDER REQUIRED      |  |
| 7  | FEDERAL PERMITS; AND DEFINING THE AUTHORITY OF THE MONTANA       |  |
| 8  | DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO RESTRICT              |  |
| 9  | PROPAGATION;-AMENDING-SECTION-OT-2-006y-MCA.*                    |  |
| O  |  |  |
| 1  | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:        |  |
| 2  | 5ection-luSection-87 <del>-2-</del> 806y-MGAy-is-amended-toread+ |  |
| 3  | #87-2-886*Taking-fish-or-game-for-scientific-purposes            |  |
| 4  | birdafor_propagation*(1)-It-+s-lawful-for-the-duly               |  |
| 5  | accredited-representative-of-an-accredited-schoolyeollegey       |  |
| 6  | universityorotherinstitutionoflearningor-of-any                  |  |
| 7  | governmental-agency+-who-may-be-investigatingascientific         |  |
| В  | subjectmakingitnecessaryyto-takey-killy-capturey-and             |  |
| 9  | possessforthatpurposeanybirdsyfishyoranimals                     |  |
| Q. | protected-by-Montana-law-or-state-fish-and-game-rulev-He-may     |  |
| 1  | takeykillyandcaptureprotectedor-unprotected-birdsy               |  |
| 2  | fishy-or-animals-in-anywayexceptbytheexplosionof                 |  |
| 3  | dynamiterNomoreofthebirdsy-fishy-or-animals-may-be               |  |
| 4  | taken-than-art-necessary-for-the-investigation:                  |  |
| 5  | t2}A-person-who-desires-to-engage-inthescientific                |  |

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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-permits-if-the-director
      is-satisfied-of-the-qood-faith--and--qualifications--of--the
      applicanty--he-shall-issue-a-permit-which-shall-place-a-time
      timit-on-the-collections-and-may-place-a-restriction-on-the
      number--of--birdsy--fishy--or--onimols-to-be-taken-ond-shall
      require-a-report-of-the-numbers-and-species-of-animals-taken
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      by-collection-areas
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           t3)--The-permittee-shall-pay-$5-for-the-permits
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           f4}--The-Mg-permittee-may-not-takey--hovey--or--capture
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      any--other-or-greater-number-of-birdsy-fishy-or-animals-than
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      are-mentioned-in-the-permits
          t5}--Any--representative--of--an---accredited---schooly
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     collegey--university;--or--other-institution-of-learning-who
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      may--have--various--students--or--associates--assisting--him
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      throughout--the--year-may-apply-to-have-his-permit-issued-to
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      htmself-and-his-associates:-The-associates;-when-carrying--a
     copy--of--the-permity-shall-have-the-same-authorizations-and
      restrictions--as--the--original--applicants---The---original
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      applicant--shall--keep-a-record-of-all-associates-to-whom-he
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     issued-a-copy-of-his-permit-and-of-the-times-for-which-each
     associate--is--issued--a--copy:--The--original--applicant-is
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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•

- 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 9 issue a letter to the permittee that:
- 10 (a) states the specific reasons why the provisions of
  11 the permit are not in the best interest of the state's
  12 migratory bird and waterfowl resources; and
- (b) voids the federal permit for use in this state.

-End-

| . 4 | HOOSE BILL NOS 271   |
|-----|--|
| 2   | INTRODUCED BY SWIFT, THOFT, PHILLIPS, SEIFERT,                             |
| 3   | MUELLER, MARKS, N. HANSON, ELLISON   |
| 4   |  |
| 5   | A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COMMERCIAL                    |
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| В   | DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO RESTRICT                        |
| 9   | PROPAGATION:-AM <del>ending-section-87-2-886Hea.</del> -                   |
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| 11  | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:                  |
| 12  | Section-ivSection-87-2-886v-HEAv-is-amended-toread+                        |
| 13  | #67-2-886»Taking-fish-or-game-for-scientific-purposes                      |
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- (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
- 13 (b) voids the federal permit for use in this state.

-End-