

HOUSE BILL NO. 804

Introduced: 02/15/83

Referred to Committee on Fish & Game: 02/15/83

Hearing: 2/19/83

Died in Committee

1 House BILL NO. 804
2 INTRODUCED BY Barbara
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE
5 GRIZZLY BEAR AS AN ENDANGERED SPECIES IN MONTANA;
6 PROHIBITING THE HUNTING OF GRIZZLY BEAR EXCEPT AS PROVIDED
7 BY REGULATION OF THE FISH AND GAME COMMISSION; PROVIDING
8 PENALTIES; AMENDING SECTIONS 87-2-101, 87-2-701, 87-3-102,
9 87-5-301, AND 87-5-302, MCA."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 87-2-101, MCA, is amended to read:
13 "87-2-101. Definitions. As used in this chapter and
14 chapter 3, unless the context clearly indicates otherwise,
15 the following definitions apply:
16 (1) "Angling" or "fishing" means the taking of or
17 attempting to take fish by hook and single line or single
18 rod, in hand or within immediate control.
19 (2) "Closed season" means the time during which game
20 birds, fish, and game and fur-bearing animals may not be
21 lawfully taken.
22 (3) "Commission" means the state fish and game
23 commission.
24 (4) "Fur-bearing animals" means marten or sable,
25 otter, muskrat, fisher, mink, bobcat, lynx, wolverine,

1 northern swift fox, and beaver.
2 (5) "Game animals" means deer, elk, moose, antelope,
3 caribou, mountain sheep, mountain goat, mountain lion, and
4 bears except grizzly bear.
5 (6) "Game fish" means all species of the family
6 salmonidae (char, trout, salmon, grayling, and whitefish);
7 all species of the genus stizostedion (sandpike or sauger
8 and walleyed pike or yellowpike perch); all species of the
9 genus esox (northern pike, pickerel, and muskellunge); all
10 species of the genus micropterus (bass); all species of the
11 genus polyodon (paddlefish); all species of the family
12 acipenseridae (sturgeon); all species of the genus lota
13 (burbot or ling); and the species ictalurus punctatus
14 (channel catfish).
15 (7) "Migratory game birds" means waterfowl, including
16 wild ducks, wild geese, brant, and swans; cranes, including
17 little brown and sandhill; rails, including coots; wilson's
18 snipes or jacksnipes.
19 (8) "Nongame wildlife" means any wild mammal, bird,
20 amphibian, reptile, fish, mollusk, crustacean, or other
21 animal not otherwise legally classified by statute or
22 regulation of this state.
23 (9) "Open season" means the time during which game
24 birds, fish, game and fur-bearing animals may be lawfully
25 taken.

1 (10) "Person" means individuals, associations,
2 partnerships, and corporations.

3 (11) "Predatory animals" means coyote, weasel, skunk,
4 and civet cat.

5 (12) "Upland game birds" means sharptailed grouse, blue
6 grouse, spruce (Franklin) grouse, prairie chicken, sage hen
7 or sage grouse, ruffed grouse, quail, pheasant, Hungarian
8 partridge, ptarmigan, wild turkey, and chukar partridge.

9 (13) "Wild buffalo" means buffalo or bison which have
10 not been reduced to captivity."

11 Section 2. Section 87-2-701, MCA, is amended to read:

12 "87-2-701. Special licenses. (1) Any applicant who
13 will be 12 years of age or older prior to September 15 of
14 the season for which the license is issued and is the holder
15 of a resident wildlife conservation license or a nonresident
16 wildlife conservation license may apply for a special
17 license which, in the judgment of the department, is to be
18 issued and shall pay the following fees therefor:

19 (a) moose--resident, \$25; nonresident, \$175;

20 (b) mountain goat--resident, \$15; nonresident, \$175;

21 (c) mountain sheep--resident, \$25; nonresident, \$175;

22 (d) antelope--resident, \$5; nonresident, \$100;

23 (e)--grizzly bear--resident--\$25+nonresident--\$175+

24 (f)(1) black or brown bear--nonresident, \$100.

25 (2)--in-the-event-a-holder-of-a-valid-special-grizzly

1 bear-license-kills-a-grizzly-bear-he-must-purchase-a-trophy
2 license--for-a-fee-of-\$25-within-10-days-after-date-of-kill
3 Such trophy-license-shall-authorize-the-holder-to-possess
4 and-transport-said-trophy

5 (3)(2) Special licenses shall be issued in a manner
6 prescribed by the department."

7 Section 3. Section 87-3-102, MCA, is amended to read:

8 "87-3-102. Waste of fish or game. It shall-be is
9 unlawful and a misdemeanor for any person responsible for
10 the death of any game animal of this state, excepting
11 grizzly, black, and brown bear and mountain lion, to detach
12 or remove from the carcass only the head, hide, antlers,
13 tusks, or teeth or any or all of aforesaid parts or to waste
14 any part of any game animal, game bird, or game fish
15 suitable for food or to abandon the carcass of any game
16 animal in the field, except black and brown bear and
17 mountain lion, which need have removed and taken from the
18 carcass only the head or the hide of such bear or mountain
19 lion--and--except-grizzly-bear-which-need-have-removed-and
20 taken-from-the-carcass-only-the-head-and-hide-and-such-other
21 parts-as-the-department-may-demand-for-scientific-purposes
22 All-parts-of-grizzly-bear-demanded-by-the-department-for
23 scientific-purposes-must-be-delivered-to-an-officer-or
24 employee-of-the-department-for-inspection-as-soon-as
25 possible-after-removal-and-the-department-shall-return-to

1 ~~the licensee any bone structure and skull within a year upon~~
2 ~~written request. The hide shall be returned immediately."~~

3 Section 4. Section 87-5-301, MCA, is amended to read:

4 "87-5-301. Policy toward grizzly bear. It is hereby
5 declared the policy of the state of Montana to protect,
6 conserve, and manage grizzly bear as a rare an endangered
7 species of Montana wildlife."

8 Section 5. Section 87-5-302, MCA, is amended to read:

9 "87-5-302. Commission regulations on grizzly bear. The
10 commission ~~shall have authority to~~ may provide open and
11 ~~closed seasons; means of taking; shooting hours; tagging~~
12 ~~requirements for carcasses; skulls; and hides; possession~~
13 ~~limits; and requirements~~ by regulation for the hunting,
14 transportation, exportation, and importation of grizzly bear
15 ~~whenever:~~

16 (1) the presence of the grizzly bear constitutes a
17 significant threat to the safety of man or domestic animals;
18 or

19 (2) necessary for the preservation and propagation of
20 the species."

21 NEW SECTION. Section 6. Grizzly bear protected. It is
22 unlawful to hunt, shoot, kill, capture, or possess grizzly
23 bear except as permitted by 87-3-130 or by regulations
24 adopted by the fish and game commission under 87-5-302. A
25 violation is punishable as provided in 87-5-111.