SENATE BILL NO. 387

INTRODUCED BY MOHAR, DARKO, MUELLER, REAM, MARBUT, J. JENSEN, E. SMITH, LEE

IN THE SENATE

February	9, 1983		Introduced and referred to Committee on Fish and Game.
February	16, 1983		Committee recommend bill do pass. Report adopted.
			Statement of Intent attached.
February	17, 1983		Bill printed and placed on members' desks.
February	18, 1983		Second reading, do pass.
February	19, 1983		Correctly engrossed.
February	21, 1983		Third reading, passed. Ayes, 43; Noes, 7. Transmitted to House.
		IN THE HO	DUSE
February	28, 1983		Introduced and referred to Committee on Fish and Game.
March 15	, 1983		Committee recommend bill be concurred in. Report adopted.
March 18	, 1983		Second reading, concurred in.
March 19,	, 1983		Third reading, concurred in.
		IN THE SI	INATE

Reported correctly enrolled.

LC 2285/01

J. Jenson Hant BILL NO. 381 INTRODUCED BY Floco darko Mully Ream 1 2 Munht E Smith (3 A BIL: FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE CATCHING 4 5 WHITEFISH FROM THE KOOTENAL RIVER BY NETS AND TRAPS FOR 6 PURPOSES OF SALE; AMENDING SECTIONS 87-3-204 AND 87-4-601.

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MCA.

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 87-3-204. ACA. is amended to read: 10 #87-3-204, Restrictions on fishing methods. (1) No 11 12 same 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 sun or trap, nor may any such set gun, trap, or other 15 device to entrap game fish be used, made, or set.

(2) It is unlawful for a person to take or catch fish 15 in any of the waters of this state, except with hook and 17 18 line held in hand or line and hock 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 catch fish by means of the use of fishtraps, grabhooks, 22 23 seines, nets, or other similar means for catching fish. (3) The department may designate such waters within 24 the state of Montana wherein, in the judgment of the 25

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

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

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

(5) Game fish shall be taken only by angling, that is 24 by book and single line in hand or single rod in hand or 25 -2- INTRODUCED BILL

within immediate control. This does not prevent, however:
 (a) the snaqging of paddlefish, coho (silver salmon),
 and kokanee (sockeye salmon) when the department declares an
 open season when paddlefish, coho (silver salmon), and
 kokanee (sockeye salmon) may be taken by snagging;

(b) the taking of paddlefish with longbow and arrow
when the department declares an open season when paddlefish
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 (c) 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 departmentsion

21 <u>(f)_tbe_taking_of_wbitefisb_by_nets_or_traps_in_tbe</u>
22 Koptedai_Rivers_and_in_its_tributary_streams_within_one_mile
23 of_the_Koptenai_Rivers_under_such_rules_and_regulations_as
24 the_fisb_and_game_commission_may_prescribes"

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Section 2. Section 87-4-601, MCA, is amended to read:

"37-4-601. Sale of fish or spawn unlawful --1 exceptions. (1) Except as provided in subsection (2), no 2 person may, for speculative purposes, for market, or for 3 sale, in any way, catch any of the fish which in this title 4 are classified as game fish or remove or cause to be removed 5 the eggs or spawn of any such fish. No person may sell or 6 offer for sale any of the game fish of this state as defined 7 in this title or the eags or spawn therefrom. 8

9 (2) The restrictions of subsection (1) do not apply 10 to:

11 (a) the catching of fish in private ponds by the12 owners thereof;

(a) the taking of fish by the state authorities for
the purpose of obtaining eggs for propagation in state fish
hatcheries or by any person who receives a permit from the
department to take eggs for such purposes; or

17 (c) the catching of whitefish by the holder of a valid
18 fishing license fishing with hook and line or rod in
19 specified waters designated by rules and regulations of the
20 departmention

21 (d) the taking of whitefish by nets or traps in the

22 Kostenai_Rivers_and_in_its_tributary_streams_within_one_wile

23 of the Kootenai River, under such rules and regulations as

24 the fish and Game_commission_max_prescribe."

-End-

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1	STATEMENT OF INTENT
2	SENATE BILL 387
3	Senate Fish and Game Committee
4	
5	A statement of intent is required for Senate Bill 387
6	because rulemaking authority is granted to the Montana Fish
7	and Game Commission to prescribe rules and regulations for
8	the taking of Whitefish by nets or traps in the Kootenai
9	River and in its tributary systems within one mile of the
10	Kootenal River. It is proposed that such rules will
11	encompass the following:

12 1. method of taking the fish;

13 2. permit requirements for those taking the fish; and

14 3. the times of taking the fish.



48th Legislature

SB 0387/02

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Approved by Comm. on Fish and Game

1	SENATE BILL NO. 387
2	INTRODUCED BY MOHAR, DARKO, MUELLER,
3	REAM, MARBUT, J. JENSEN, E. SMITH, LEE

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE CATCHING. 6 WHITEFISH FROM THE KOOTENAI RIVER BY NETS AND TRAPS FOR 7 PURPOSES OF SALE; AMENDING SECTIONS 87-3-204 AND 87-4-601, 8 MCA."

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BF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 87-3-204, MCA, is amended to read: "87-3-204. Restrictions on fishing methods. (1) No game fish may be caught, captured, or taken or attempted to be caught, captured, or taken by the aid or with the use of any gun or trap, nor may any such set gun, trap, or other device to entrap game fish be used, made, or set.

(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 19 line held in hand or line and hook attached to rod or pole 20 held in hand; to take or catch fish with hook baited with 21 any paisonous substance or by means of the use of any poisonous substance, including fish berries; or to take or 22 23 catch fish by means of the use of fishtraps, grabhooks, 24 seines, nets, or other similar means for catching fish.

25 (3) The department may designate such waters within

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the state of Montana wherein, in the judgment of the 1 2 department, spears or gigs may be used for taking walleyed 3 pike, sauger, northern pike, and nongame fish and traps, seines, nets, and rubber or spring-propelled spears, when 4 5 employed by sportsmen swimming or submerged in the water. may be used for the taking of designated species of fish. 6 7 The waters so designated may be closed at the discretion of 8 the department. The taking of all fish by such means in the Q. waters, when so designated, is to be done under such rules 10 as the department may prescribe with reference thereto and 11 under the supervision of the department. All such nongame 12 fish so taken may be possessed and sold in such manner and 13 under such restrictions as the department may direct. All 14 fish, other than those herein designated, so taken under 15 department rules, when prescribed by the department, shall 16 be returned uninjured to the waters from which they were 17 taken. 18 (4) The taking of black bass in Flathead Lake may be

19 permitted by the department.

20 (5) The department shall have the power to designate 21 certain waters where setlines may be used to fish for 22 certain species of game or nongame fish, and the department 23 may designate the number of hooks and lines and the length 24 of line or lines which may be used as setlines.

(6) Game fish shall be taken only by angling, that is

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SECOND READING

1 by hook and single line in hand or single rod in hand or 2 within immediate control. This does not prevent, however: 3 (a) the snagging of paddlefish, coho (silver salmon), 4 and kokanee (suckeye salmon) when the department declares an 5 open season when paddlefish, coho (silver salmon), and kokanee (sockeye salmon) may be taken by snagging; 6

7 (b) the taking of paddlefish with longbow and arrow 8 when the department declares an open season when paddlefish 9 may be taken by longbow and arrow;

10 (c) the taking of walleyed pike, sauger, northern pike, purbot (ling), and nongame fish with spear or gig when 11 12 the department declares an open season for taking walleyed 13 pike, sauger, northern pike, burbot (ling), and nongame fish 14 with spear or gig;

15 (d) the use of landing net or gaff to land a game fish 16 after the same has been hooked by angling as above 17 specified; or

18 (e) the taking of minnows other than game fish variety by the use or aid of a net not to exceed 12 feet in length 19 20 and 4 feet in width in such waters as may be designated by 21 the department+1_gr

22 If1_the_taking_of_whitefish_by_nets_or_traps_in_the 23 Kootenal_Biver, and in_its_tributary_streams_within_one_mile of the Kootenai River, under such rules and regulations as 24 25 the fish and game commission way prescribe."

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1 Section 2. Section 87-4-601, MCA+ is amended to read: 2 #87-4-601. Sale of fish or spawn unlawful --exceptions. (1) Except as provided in subsection (2), no 3 person may, for speculative purposes, for market, or for 4 sale, in any way, catch any of the fish which in this title 5 are classified as game fish or remove or cause to be removed 6 the eggs or spawn of any such fish. No person may sell or 7 8 offer for sale any of the game fish of this state as defined 9 in this title or the eggs or spawn therefrom. (2) The restrictions of subsection (1) do not apply 10 to: 11 (a) the catching of fish in private ponds by the 12 owners thereof: 13 (b) the taking of fish by the state authorities for 14 15 the purpose of obtaining eggs for propagation in state fish 16 hatcheries or by any person who receives a permit from the 17 department to take eogs for such ourposes; or 18 (c) the catching of whitefish by the holder of a valid 19 fishing license fishing with hook and line or rod in 20 specified waters designated by rules and regulations of the 21 departmenti_or 22 (d)__tbe_taking_of_whitefisb_by_nets_or__trans__in__the 23 Kootecai_River.and_in_its_tributary_streams_within_one_mile of the Kootenai River, under such rules and regulations as 24

the_fish_and_game_commission_max_prescribe."

-End-SB 387 -4-

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SB 387

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2/11 SB 387

1	STATEMENT OF INTENT
2	SENATE BILL 397
3	Senate Fish and Game Committee
4	
5	\ statement of intent is required for Senate Bill 387
6	because rulemaking authority is granted to the Montana Fish
7	and Game Commission to prescribe rules and regulations for
8	the taking of Whitefish by nets or traps in the Kootenai
9	River and in its tributary systems within one mile of the
10	Kootenai River. It is proposed that such rules will
11	encompass the following:
12	1. method of taking the fish;
13	2. permit requirements for those taking the fish; and

3. the times of taking the fish.

THIRD READING SB387

1	SENATE BILL NO. 387
2	INTRODUCED BY MOHAR, DARKO, MUELLER,
3	REAM, MARBUT, J. JENSEN, E. SMITH, LEE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE CATCHING.
6	WHITEFISH FROM THE KOOTENAI RIVER BY NETS AND TRAPS FOR
7	PURPOSES OF SALE; AMENDING SECTIONS 87-3-204 AND 87-4-601,
8	MCA •**
9	
10	BF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 87-3-204, MCA, is amended to read:
12	*87-3-204。 Restrictions on fishing methods。 (1) No
13	game fish may be caught, captured, or taken or attempted to
14	be caught, captured, or taken by the aid or with the use of
15	any gun or trap, nor may any such set gun, trap, or other
16	device to entrap game fish be used, made, or set.
17	(2) It is unlawful for a person to take or catch fish
18	in any of the waters of this state, except with hook and
19	line held in hand or line and hook attached to rod or pole
20	held in hand; to take or catch fish with hook baited with
21	any poisonous substance or by means of the use of any
22	poisonous substance, including fish berries; or to take or
23	catch fish by means of the use of fishtraps, grabhooks,
24	seines, nets, or other similar means for catching fish.
25	(3) The department may designate such waters within

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1 the state of Montana wherein. in the judgment of the 2 department, spears or gigs may be used for taking walleyed 3 pike, sauger, northern pike, and nongame fish and traps, 4 seines, nets, and rubber or spring-propelled spears, when 5 employed by sportsmen swimming or submerged in the water, 6 may be used for the taking of designated species of fish. 7 The waters so designated may be closed at the discretion of 8 the department. The taking of all fish by such means in the waters, when so designated, is to be done under such rules 9 10 as the department may prescribe with reference thereto and 11 under the supervision of the department. All such nongame fish so taken may be possessed and sold in such manner and 12 13 under such restrictions as the department may direct. All 14 fish, other than those herein designated, so taken under 15 department rules, when prescribed by the department, shall 16 be returned uninjured to the waters from which they were 17 taken. 18 (4) The taking of black bass in Flathead Lake may be

19 permitted by the department.

20 (5) The department shall have the power to designate 21 certain waters where setlines may be used to fish for 22 certain species of game or nongame fish, and the department 23 may designate the number of hooks and lines and the length 24 of line or lines which may be used as setlines.

25 (6) Game fish shall be taken only by angling, that is

-2- SB 387 THIRD READING

SB 0387/02

1 by hook and single line in hand or single rod in hand or 2 within immediate control. This does not prevent, however: 3 (3) the snagging of paddlefish, coho (silver salmon). 4 and kokanee (sockeye salmon) when the department declares an 5 open season when paddlefish, coho (silver salmon), and 6 kokanee (sockeye salmon) may be taken by snagging;

7 (b) the taking of paddlefish with longbow and arrow 8 when the department declares an open season when paddlefish 9 may be taken by longbow and arrow;

10 (c) the taking of walleved pike, sauger, northern 11 pike, burbot (ling), and nongame fish with spear or gig when 12 the department declares an open season for taking walleyed 13 pike, sauger, northern pike, burbot (ling), and nongame fish 14 with spear or gig;

15 (d) the use of landing net or gaff to land a game fish after the same has been hooked by angling as above 16 17 specified; or

18 (e) the taking of minnows other than game fish variety by the use or aid of a net not to exceed 12 feet in length 19 20 and 4 feet in width in such waters as may be designated by 21 the department+1_or

22 (f) the taking of whitefish by nets or trans in the 23 Kootenai_River. and in_its_tributary_streams_within_one_mile 24 of_the_Kootenai_Rivers_under_Such_rules_and__regulations__as 25 the fish and game compission may prescribe." Yu

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SB: 387

Section 2. Section 87-4-601, MCA, is amended to read: 1 2 #87-4-601. Sale of fish or spawn unlawful --3 exceptions. (1) Except as provided in subsection (2), no person may, for speculative purposes, for market, or for sale, in any way, catch any of the fish which in this title 5 are classified as game fish or remove or cause to be removed 6 the eggs or spawn of any such fish. No person may sell or 7 offer for sale any of the game fish of this state as defined 8 9 in this title or the eggs or spawn therefrom. (2) The restrictions of subsection (1) do not apply 10 11 to: 12 (a) the catching of fish in private ponds by the owners thereof: 13 (b) the taking of fish by the state authorities for 14 15 the purpose of obtaining eggs for propagation in state fish 16 hatcheries or by any person who receives a permit from the 17 department to take eggs for such purposes; or 18 (c) the catching of whitefish by the holder of a valid 19 fishing license fishing with hook and line or rod in 20 specified waters designated by rules and regulations of the 21 department: or 22 (d)_the_taking_of_whitefish_by_nets_or__trans__in__the

23 Kootenai_Rivers_and_in_its_tributary_streams_within_one_mile

24 of the Kootenai River, under Such rules and regulations as

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25 the fish and game commission may prescribe."

> -End-SB 387

1	STATEMENT OF INTENT
2	SENATE BILL 387
3	Senate Fish and Game Committee
4	
5	A statement of intent is required for Senate Bill 387
6	because rulemaking authority is granted to the Montana Fish
7	and Game Commission to prescribe rules and regulations for
8	the taking of Whitefish by nets or traps in the Kootenai
9	River and in its tributary systems within one mile of the
10	Kootemai River. It is proposed that such rules will

11 encompass the following:

12 1. method of taking the fish;

13 2, permit requirements for those taking the fish; and

14 3. the times of taking the fish.

REFERENCE BILL SB 387

24

SENATE BILL NO. 387 1 INTRODUCED BY MOHAR+ DARKO+ MUELLER+ 2 3 REAM, MARBUT, J. JENSEN, E. SMITH, LEE 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE CATCHING 5 WHITEFISH FROM THE KOOTENAL RIVER BY NETS AND TRAPS FOR 6 PURPOSES OF SALE; ANENDING SECTIONS 87-3-204 AND 87-4-601, 7 8 MCA.* 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 13 game fish may be caught, captured, or taken or attempted to 14 be caught, captured, or taken by the aid or with the use of 15 any gun or trap, nor may any such set gun, trap, or other 16 device to entrap game fish be used, made, or set. 17 (2) It is unlawful for a person to take or catch fish 18 in any of the waters of this state, except with hook and 19 line held in hand or line and hook attached to rod or pole held in hand; to take or catch fish with hook baited with 20 21 any poisonous substance or by means of the use of any poisonous substance. including fish berries; or to take or 22 23 catch fish by means of the use of fishtraps+ grabhooks+ seines, nets, or other similar means for catching fish.

(3) The department may designate such waters within 25

the state of Montana wherein, in the judgment of the 1 2 department, spears or gigs may be used for taking walleyed pike, sauger, northern pike, and nongame fish and traps, 3 seines, nets, and rubber or spring-propelled spears, when employed by sportsmen swimming or submerged in the water. 5 6 may be used for the taking of designated species of fish. 7 The waters so designated may be closed at the discretion of the department. The taking of all fish by such means in the я 9 waters, when so designated, is to be done under such rules 10 as the department may prescribe with reference thereto and 11 under the supervision of the department. All such nongame 12 fish so taken may be possessed and sold in such manner and 13 under such restrictions as the department may direct. All 14 fish, other than those herein designated, so taken under 15 department rules, when prescribed by the department, shall 16 be returned uninjured to the waters from which they were 17 taken.

18 (4) The taking of black bass in Flathead Lake may be 19 permitted by the department.

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25

(5) Game fish shall be taken only by angling, that is

-2-

SB 387

REFERENCE BILL

by hook and single line in hand or single rod in hand or
 within immediate control. This does not prevent, however:
 (a) the snagging of paddlefish, coho (silver salmon),
 and kokanee (sockeye salmon) when the department declares an
 open season when paddlefish, coho (silver salmon), and
 kokanee (sockeye salmon) may be taken by snagging;

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

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

15 (d) the use of landing net or gaff to land a game fish 16 after the same has been hooked by angling as above 17 specified; or

18 (e) the taking of minnows other than game fish variety
19 by the use or aid of a net not to exceed 12 feet in length
20 and 4 feet in width in such waters as may be designated by
21 the department<u>vi pr</u>

22 <u>Ifl_the_taking_of_whitefisb_by_nets_or_traps_in_the</u> 23 <u>Kpotenai_Bivers_and_in_its_tributary_streams_within_ong_mile</u> 24 <u>of_the_Kpotenai_Bivers_under_such_rules_and_regulations_as</u> 25 <u>the_fisb_and_game_commission_may_prescribes</u>^m

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SB 387

1 Section 2. Section 87-4-601, MCA, is amended to read: 2 #87-4-601. Sale of fish or spawn unlawful --3 exceptions. (1) Except as provided in subsection (2), no 4 person may, for speculative purposes, for market, or for sale, in any way, catch any of the fish which in this title 5 are classified as game fish or remove or cause to be removed 6 the eggs or spawn of any such fish. No person may sell or 7 offer for sale any of the game fish of this state as defined 8 9 in this title or the eggs or spawn therefrom. 10 (2) The restrictions of subsection (1) do not apply 11 to: 12 (a) the catching of fish in private ponds by the 13 owners thereof: 14 (b) the taking of fish by the state authorities for

15 the purpose of obtaining eggs for propagation in state fish 16 hatcheries or by any person who receives a permit from the 17 department to take eggs for such purposes; em

(c) the catching of whitefish by the holder of a valid
fishing license fishing with hook and line or rod in
specified waters designated by rules and regulations of the
departmentionr

22 Idl_the_taking_of_whitefish_by_nets_or_trans_in_the 23 Kootenai.Rivers_and_in_its_tributary_streams_within_one_mile 24 of_the_Kootenai.Rivers_under_such_rules_and_regulations_as 25 the_fish_and_game_commission_max_prescribe."

-End-

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SB 387