

HOUSE BILL NO. 751

2/09 Introduced  
2/09 Referred to Fish & Game  
2/14 Hearing  
2/15 Adverse Committee Report  
2/18 Bill Killed

1 HOUSE BILL NO. 751  
2 INTRODUCED BY Spaith

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW CROSSBOW  
5 HUNTING DURING ARCHERY SEASON; AMENDING SECTIONS 87-1-304,  
6 87-2-708, 87-3-204, AND 87-5-405, MCA."  
7

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

9 Section 1. Section 87-1-304, MCA, is amended to read:  
10 "87-1-304. Fixing of seasons and bag and possession  
11 limits. (1) The commission may fix seasons, bag limits,  
12 possession limits, and season limits; open or close or  
13 shorten or lengthen seasons on any species of game, bird,  
14 fish, or fur-bearing animal as defined by 87-2-101; and  
15 declare areas open to the hunting of deer, antelope, elk,  
16 moose, sheep, and goat by crossbow and bow and arrow permit  
17 holders and designate times when only crossbows and bows and  
18 arrows may be used to hunt deer, antelope, elk, moose,  
19 sheep, and goat in those areas. It may declare areas open to  
20 deer hunting where shotguns only may be used to hunt or kill  
21 deer. It may declare areas open to special license holders  
22 only and issue special licenses in a limited number when it  
23 determines, after proper investigation, that such a season  
24 is necessary to assure the maintenance of an adequate supply  
25 of game birds, fish, or animals or fur-bearing animals. It

1 may declare a special season and issue special licenses when  
2 game birds or animals or fur-bearing animals are causing  
3 damage to private property or when written complaint of such  
4 damage has been filed with the commission by the owner of  
5 that property. In determining to whom those licenses shall  
6 be issued, it may, when more applications are received than  
7 the number of animals to be killed, award permits to those  
8 chosen under a drawing system. The procedures used for  
9 awarding the permits from the drawing system shall be  
10 determined by the commission.

11 (2) The commission may adopt rules governing the use  
12 of livestock and vehicles by archers and crossbowmen during  
13 special archery and crossbow seasons.

14 (3) It may divide the state into fish and game  
15 districts and create fish, game, or fur-bearing animal  
16 districts throughout the state. It may declare closed season  
17 for hunting, fishing, or trapping in any of those districts  
18 and later may open those districts to hunting, fishing, or  
19 trapping.

20 (4) It may declare a closed season on any species of  
21 game, fish, game birds, or fur-bearing animals threatened  
22 with undue depletion from any cause. It may close any area  
23 or district of any stream, public lake, or public water or  
24 portions thereof to hunting, trapping, or fishing for  
25 limited periods of time, when necessary to protect a



1 recently stocked area, district, water, spawning waters,  
 2 spawn-taking waters, or spawn-taking stations or to prevent  
 3 the undue depletion of fish, game and fur-bearing animals,  
 4 and game and nongame birds. It later may open the area or  
 5 district upon consent of a majority of the property owners  
 6 affected.

7 (5) The commission may authorize the director to open  
 8 or close any special season upon 12 hours' notice to the  
 9 public.

10 (6) It may declare certain fishing waters closed to  
 11 fishing except by persons under 13 years of age. The purpose  
 12 of this subsection is to provide suitable fishing waters for  
 13 the exclusive use and enjoyment of juveniles under 13 years  
 14 of age, at times and in areas the commission in its  
 15 discretion considers advisable and consistent with its  
 16 policies relating to fishing."

17 Section 2. Section 87-2-708, MCA, is amended to read:

18 "87-2-708. Class A-2--special bow and arrow and  
 19 crossbow license. A holder of a valid hunting license for  
 20 which a special archery and crossbow season is set by the  
 21 department may receive, upon payment of an additional fee of  
 22 \$6, a Class A-2 license which shall authorize the holder  
 23 thereof to pursue, hunt, shoot, and kill with bow and arrow  
 24 or crossbow the game animals so authorized by the licenses  
 25 held and to possess the carcass thereof during seasons and

1 in areas, as designated by the department."

2 Section 3. Section 87-3-204, MCA, is amended to read:

3 "87-3-204. Restrictions on fishing methods. (1) No  
 4 game fish may be caught, captured, or taken or attempted to  
 5 be caught, captured, or taken by the aid or with the use of  
 6 any gun or trap, nor may any such set gun, trap, or other  
 7 device to entrap game fish be used, made, or set.

8 (2) It is unlawful for a person to take or catch fish  
 9 in any of the waters of this state, except with hook and  
 10 line held in hand or line and hook attached to rod or pole  
 11 held in hand; to take or catch fish with hook baited with  
 12 any poisonous substance or by means of the use of any  
 13 poisonous substance, including fish berries; or to take or  
 14 catch fish by means of the use of fishtraps, grabhooks,  
 15 seines, nets, or other similar means for catching fish.

16 (3) The department may designate such waters within  
 17 the state of Montana wherein, in the judgment of the  
 18 department, spears or gigs may be used for taking walleyed  
 19 pike, sauger, northern pike, and nongame fish and traps,  
 20 seines, nets, and rubber or spring-propelled spears, when  
 21 employed by sportsmen swimming or submerged in the water,  
 22 may be used for the taking of designated species of fish.  
 23 The waters so designated may be closed at the discretion of  
 24 the department. The taking of all fish by such means in the  
 25 waters, when so designated, is to be done under such rules

1 as the department may prescribe with reference thereto and  
 2 under the supervision of the department. All such nongame  
 3 fish so taken may be possessed and sold in such manner and  
 4 under such restrictions as the department may direct. All  
 5 fish, other than those herein designated, so taken under  
 6 department rules, when prescribed by the department, shall  
 7 be returned uninjured to the waters from which they were  
 8 taken.

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

11 (5) The department shall have the power to designate  
 12 certain waters where setlines may be used to fish for  
 13 certain species of game or nongame fish, and the department  
 14 may designate the number of hooks and lines and the length  
 15 of line or lines which may be used as setlines.

16 (6) Game fish shall be taken only by angling; that is,  
 17 by hook and single line in hand or single rod in hand or  
 18 within immediate control. This does not prevent, however:

19 (a) the snagging of paddlefish, coho (silver salmon),  
 20 and kokanee (sockeye salmon) when the department declares an  
 21 open season when paddlefish, coho (silver salmon), and  
 22 kokanee (sockeye salmon) may be taken by snagging;

23 (b) the taking of paddlefish with longbow and arrow or  
 24 crossbow when the department declares an open season when  
 25 paddlefish may be taken by longbow and arrow or crossbow;

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

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

9 (e) the taking of minnows other than game fish variety  
 10 by the use or aid of a net not to exceed 12 feet in length  
 11 and 4 feet in width in such waters as may be designated by  
 12 the department; or

13 (f) the taking of whitefish by nets or traps in the  
 14 Kootenai River and in its tributary streams within 1 mile of  
 15 the Kootenai River, under such rules and regulations as the  
 16 fish and game commission may prescribe."

17 Section 4. Section 87-5-405, MCA, is amended to read:

18 "87-5-405. Teton-Spring Creek bird preserve -- special  
 19 archery and crossbow season. (1) For the better protection  
 20 and propagation of birds, the following described area in  
 21 Teton County, state of Montana, is hereby set aside and  
 22 established as a state bird preserve, to be known as the  
 23 Teton-Spring Creek bird preserve: All of sections 2, 3, 4,  
 24 9, 10, 11, 12, 13, 14, and 15 in township 24 north, range 5  
 25 west.

1           (2) The department may open all or part of the  
2 Teton-Spring Creek bird preserve for a special archery and  
3 crossbow season in accordance with 87-1-304 and 87-2-708."  
4           NEW SECTION. Section 5. Extension of authority. Any  
5 existing authority of the department of fish, wildlife, and  
6 parks or the fish and game commission to make rules on the  
7 subject of the provisions of this act is extended to the  
8 provisions of this act.

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