HOUSE BILL NO. 753

- 2/09 Introduced
 2/09 Referred to Fish & Game
- 2/14 Hearing 2/20 Adverse Committee Report 2/21 Bill Killed

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1 HOUSE BILL NO. 753
2 INTRODUCED BY Bullion HARP

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT PERSONS FISHING THROUGH ICE TO MAINTAIN VISUAL CONTACT WITH THEIR LINES OR RODS; AMENDING SECTION 87-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE 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 in any of the waters of this state, except with hook and 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 any poisonous substance or by means of the use of any poisonous substance, including fish berries; or to take or 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 the state of Montana wherein, in the judgment of the

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

department, spears or gigs may be used for taking walleyed

- 17 (4) The taking of black bass in Flathead Lake may be permitted by the department.
 - (5) The department shall have the power to designate certain waters where setlines may be used to fish for certain species of game or nongame fish, and the department may designate the number of hooks and lines and the length of line or lines which may be used as setlines.
- 24 (6) Game fish shall be taken only by angling; that is,25 by hook and single line in hand or single rod in hand or

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- within immediate control. This does not prevent, however:
- 2 (a) the snagging of paddlefish, coho (silver salmon),
- 3 and kokanee (sockeye salmon) when the department declares an
- 4 open season when paddlefish, coho (silver salmon), and
 - kokanee (sockeye salmon) may be taken by snagging;
- 6 (b) the taking of paddlefish with longbow and arrow
- 7 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;
- (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;

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- 17 (e) 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 department; or
- 21 (f) the taking of whitefish by nets or traps in the
- 22 Kootenai River and in its tributary streams within 1 mile of
- 23 the Kootenai River, under such rules and regulations as the
- 24 fish and game commission may prescribe: or
- 25 (g) the taking of any game fish through a hole in ice

- l with an unattended line or rod as long as the angler is in
- 2 the vicinity of the line or rod and maintains visual contact
- 3 with the line or rod."
- 4 NEW SECTION. Section 2. Extension of authority. Any
- 5 existing authority of the department of fish, wildlife, and
- 6 parks to make rules on the subject of the provisions of this
- 7 act is extended to the provisions of this act.
- 8 NEW SECTION. Section 3. Effective date. This act is
- 9 effective on passage and approval.

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