

HOUSE BILL NO. 93

INTRODUCED BY HANSON, ELLISON, PAVLOVICH
JENKINS, PETERSON, COBB, PATTERSON, PHILLIPS

IN THE HOUSE

JANUARY 7, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

JANUARY 14, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 15, 1987 PRINTING REPORT.

JANUARY 16, 1987 SECOND READING, DO PASS.

JANUARY 17, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 95; NOES, 2.

 TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

MARCH 6, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 10, 1987 SECOND READING, CONCURRED IN.

MARCH 12, 1987 THIRD READING, CONCURRED IN.
 AYES, 49; NOES, 1.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 13, 1987 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

1 HB BILL NO. 93
 2 INTRODUCED BY *M. Hanson Ellison Carlson*
 3 *Janice Peterson Lakes Patterson Phillips*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TAKING OF
 5 CATFISH AND NONGAME FISH WITH LONGBOW AND ARROW; AMENDING
 6 SECTION 87-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 7 DATE."
 8

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 game 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 gun or trap, nor may any such set gun, trap, or other
 15 device to entrap game fish be used, made, or set.

16 (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 line held in hand or line and hook 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
 22 catch fish by means of the use of fishtraps, grabhooks,
 23 seines, nets, or other similar means for catching fish.

24 (3) The department may designate such waters within
 25 the state of Montana wherein, in the judgment of the

1 department, spears or gigs may be used for taking walleyed
 2 pike, sauger, northern pike, and nongame fish and traps,
 3 seines, nets, and rubber or spring-propelled spears, when
 4 employed by sportsmen swimming or submerged in the water,
 5 may be used for the taking of designated species of fish.
 6 The waters so designated may be closed at the discretion of
 7 the department. The taking of all fish by such means in the
 8 waters, when so designated, is to be done under such rules
 9 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
 14 department rules, when prescribed by the department, shall
 15 be returned uninjured to the waters from which they were
 16 taken.

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

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

1 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
5 kokanee (sockeye salmon) may be taken by snagging;

6 (b) the taking of paddlefish, channel catfish, and
7 nongame fish with longbow and arrow, when--the--department
8 declares--an--open--season--when--paddlefish--may--be--taken--by
9 longbow-and-arrow under such rules and regulations as the
10 fish and game commission may prescribe;

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

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

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

23 (f) the taking of whitefish by nets or traps in the
24 Kootenai River and in its tributary streams within 1 mile of
25 the Kootenai River, under such rules and regulations as the

1 fish and game commission may prescribe."

2 NEW SECTION. Section 2. Extension of authority. Any
3 existing authority of the fish and game commission to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

6 NEW SECTION. Section 3. Effective date. This act is
7 effective on passage and approval.

-End-

APPROVED BY COMM.
ON FISH AND GAME

1 HB BILL NO. 93
2 INTRODUCED BY *M. Hanson Ellison Carlson*
3 *Jenkins Peterson Cook Peterson Phillip*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TAKING OF
5 CATFISH AND NONGAME FISH WITH LONGBOW AND ARROW; AMENDING
6 SECTION 87-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
7 DATE."
8

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 game 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 gun or trap, nor may any such set gun, trap, or other
15 device to entrap game fish be used, made, or set.

16 (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 line held in hand or line and hook 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
22 catch fish by means of the use of fishtraps, grabhooks,
23 seines, nets, or other similar means for catching fish.

24 (3) The department may designate such waters within
25 the state of Montana wherein, in the judgment of the

1 department, spears or gigs may be used for taking walleyed
2 pike, sauger, northern pike, and nongame fish and traps,
3 seines, nets, and rubber or spring-propelled spears, when
4 employed by sportsmen swimming or submerged in the water,
5 may be used for the taking of designated species of fish.
6 The waters so designated may be closed at the discretion of
7 the department. The taking of all fish by such means in the
8 waters, when so designated, is to be done under such rules
9 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
14 department rules, when prescribed by the department, shall
15 be returned uninjured to the waters from which they were
16 taken.

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

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

1 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
5 kokanee (sockeye salmon) may be taken by snagging;

6 (b) the taking of paddlefish, channel catfish, and
7 nongame fish with longbow and arrow, ~~when--the--department~~
8 ~~declares--an--open--season--when--paddlefish--may--be--taken--by~~
9 ~~longbow--and--arrow~~ under such rules and regulations as the
10 fish and game commission may prescribe;

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

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

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

23 (f) the taking of whitefish by nets or traps in the
24 Kootenai River and in its tributary streams within 1 mile of
25 the Kootenai River, under such rules and regulations as the

1 fish and game commission may prescribe."

2 NEW SECTION. Section 2. Extension of authority. Any
3 existing authority of the fish and game commission to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

6 NEW SECTION. Section 3. Effective date. This act is
7 effective on passage and approval.

-End-

1 HB BILL NO. 93
 2 INTRODUCED BY M. Hansen, Ellison, Carlson
 3 Peterson, Cook, Peterson, Phillips
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TAKING OF
 5 CATFISH AND NONGAME FISH WITH LONGBOW AND ARROW; AMENDING
 6 SECTION 87-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 7 DATE."
 8

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 game 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 gun or trap, nor may any such set gun, trap, or other
 15 device to entrap game fish be used, made, or set.

16 (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 line held in hand or line and hook 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
 22 catch fish by means of the use of fishtraps, grabhooks,
 23 seines, nets, or other similar means for catching fish.

24 (3) The department may designate such waters within
 25 the state of Montana wherein, in the judgment of the

1 department, spears or gigs may be used for taking walleyed
 2 pike, sauger, northern pike, and nongame fish and traps,
 3 seines, nets, and rubber or spring-propelled spears, when
 4 employed by sportsmen swimming or submerged in the water,
 5 may be used for the taking of designated species of fish.
 6 The waters so designated may be closed at the discretion of
 7 the department. The taking of all fish by such means in the
 8 waters, when so designated, is to be done under such rules
 9 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
 14 department rules, when prescribed by the department, shall
 15 be returned uninjured to the waters from which they were
 16 taken.

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

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



1 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
5 kokanee (sockeye salmon) may be taken by snagging;

6 (b) the taking of paddlefish, channel catfish, and
7 nongame fish with longbow and arrow, when--the--department
8 declares--an--open--season--when--paddlefish--may--be--taken--by
9 longbow--and--arrow under such rules and regulations as the
10 fish and game commission may prescribe;

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

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

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

23 (f) the taking of whitefish by nets or traps in the
24 Kootenai River and in its tributary streams within 1 mile of
25 the Kootenai River, under such rules and regulations as the

1 fish and game commission may prescribe."

2 NEW SECTION. Section 2. Extension of authority. Any
3 existing authority of the fish and game commission to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

6 NEW SECTION. Section 3. Effective date. This act is
7 effective on passage and approval.

-End-

1 HOUSE BILL NO. 93

2 INTRODUCED BY HANSON, ELLISON, PAVLOVICH
3 JENKINS, PETERSON, COBB, PATTERSON, PHILLIPS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TAKING OF
6 CATFISH AND NONGAME FISH WITH LONGBOW AND ARROW; AMENDING
7 SECTION 87-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."
9

10 BE 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

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
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.

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,

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 (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, channel catfish, and
8 nongame fish with longbow and arrow, ~~when--the--department~~
9 ~~declares--an--open--season--when--paddiefish--may--be--taken--by~~
10 ~~longbow--and--arrow~~ under such rules and regulations as the
11 fish and game commission may prescribe;

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

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

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

24 (f) the taking of whitefish by nets or traps in the
25 Kootenai River and in its tributary streams within 1 mile of

1 the Kootenai River, under such rules and regulations as the
2 fish and game commission may prescribe."

3 NEW SECTION. Section 2. Extension of authority. Any
4 existing authority of the fish and game commission to make
5 rules on the subject of the provisions of this act is
6 extended to the provisions of this act.

7 NEW SECTION. Section 3. Effective date. This act is
8 effective on passage and approval.

-End-