HOUSE BILL NO. 131

INTRODUCED BY ELLISON

IN THE HOUSE

JANUARY 9,	1987	INTR	ODUC	ED	AND	REFERRED	TO	COMMITTEE
		ON F	ISH	&	GAME .	•		

- JANUARY 23, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- JANUARY 24, 1987 PRINTING REPORT.
- JANUARY 26, 1987 SECOND READING, DO PASS.
- JANUARY 27, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 96; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 28, 1987

MARCH 6, 1987 COMMITTEE RECOMMEND BILL BE

CONCURRED IN. REPORT ADOPTED.

INTRODUCED AND REFERRED TO COMMITTEE

- MARCH 10, 1987 SECOND READING, CONCURRED IN.
- MARCH 12, 1987 THIRD READING, CONCURRED IN. AYES, 48; NOES, 2.

RETURNED TO HOUSE.

ON FISH & GAME.

IN THE HOUSE

MARCH 13, 1987	RECEIVED	FROM	SENATE.
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SENT TO ENROLLING.

LC 0699/01

INTRODUCED BY 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AUTHORITY 4 5 FOR THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO SELL EXCESS FISH EGGS; AND AMENDING SECTION 87-4-601, MCA." 6 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 87-4-601, MCA, is amended to read: 10 "87-4-601. Sale of fish or spawn unlawful -exceptions. (1) Except as provided in subsection (2), no 11 12 person may, for speculative purposes, for market, or for 13 sale, in any way, catch any of the fish which in this title are classified as game fish or remove or cause to be removed 14 15 the equs or spawn of any such fish. No person may sell or 16 offer for sale any of the game fish of this state as defined 17 in this title or the eggs or spawn therefrom.

18 (2) The restrictions of subsection (1) do not apply 19 to:

20 (a) the catching of fish in private ponds by the21 owners thereof;

(b) the taking of fish by 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;

Montana Legislative Council

(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
 department; or

5 (d) the taking of whitefish by nets or traps in the 6 Kootenai River and in its tributary streams within 1 mile of 7 the Kootenai River, under such rules and regulations as the 8 fish and game commission may prescribe; or

9 (e) the sale by the department of fish eggs produced
 10 from brood stock owned by the department but determined to
 11 be in excess of the department's needs."

12 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 13 existing authority of the department of fish, wildlife, and 14 parks or the fish and game commission to make rules on the 15 subject of the provisions of this act is extended to the 16 provisions of this act.

-End-

-2- INTRODUCED BILL HB-131 LC 0699/01

LC 0699/01

APPROVED BY COMM. On Fish and game

H.B. BILL NO. 13/ 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AUTHORITY 4 5 FOR THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO SELL 6 EXCESS FISH EGGS; AND AMENDING SECTION 87-4-601, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 87-4-601, MCA, is amended to read: 10 "87-4-601. Sale of fish or spawn unlawful -exceptions. (1) Except as provided in subsection (2), no 11 12 person may, for speculative purposes, for market, or for 13 sale, in any way, catch any of the fish which in this title 14 are classified as game fish or remove or cause to be removed 15 the eggs or spawn of any such fish. No person may sell or 16 offer for sale any of the game fish of this state as defined 17 in this title or the eggs or spawn therefrom. 18 (2) The restrictions of subsection (1) do not apply 19 to: 20 (a) the catching of fish in private ponds by the 21 owners thereof; 22 (b) the taking of fish by 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;



(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
 department; or

5 (d) the taking of whitefish by nets or traps in the 6 Kootenai River and in its tributary streams within 1 mile of 7 the Kootenai River, under such rules and regulations as the 8 fish and game commission may prescribe; or

9 (e) the sale by the department of fish eggs produced
10 from brood stock owned by the department but determined to
11 be in excess of the department's needs."

12 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 13 existing authority of the department of fish, wildlife, and 14 parks or the fish and game commission to make rules on the 15 subject of the provisions of this act is extended to the 16 provisions of this act.

-End-

SECOND READING -2- HB 131 . .

LC 0699/01

1	<u><i>H.B.</i></u> BILL NO. <u>/3/</u>
2	INTRODUCED BY Collesion
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AUTHORITY
5	FOR THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO SELL
6	EXCESS FISH EGGS; AND AMENDING SECTION 87-4-601, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 87-4-601, MCA, is amended to read:
10	"87-4-601. Sale of fish or spawn unlawful
11	exceptions. (1) Except as provided in subsection (2), no
12	person may, for speculative purposes, for market, or for
13	sale, in any way, catch any of the fish which in this title
14	are classified as game fish or remove or cause to be removed
15	the eggs or spawn of any such fish. No person may sell or
16	offer for sale any of the game fish of this state as defined
17	in this title or the eggs or spawn therefrom.
18	(2) The restrictions of subsection (1) do not apply
1 9	to:
20	(a) the catching of fish in private ponds by the
21	owners thereof;
22	(b) the taking of fish by state authorities for the
23	purpose of obtaining eggs for propagation in state fish
24	hatcheries or by any person who receives a permit from the
25	department to take eggs for such purposes;

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(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
 department; or

5 (d) the taking of whitefish by nets or traps in the 6 Kootenai River and in its tributary streams within 1 mile of 7 the Kootenai River, under such rules and regulations as the 8 fish and game commission may prescribe; or

9 (e) the sale by the department of fish eggs produced
 10 from brood stock owned by the department but determined to
 11 be in excess of the department's needs."

NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of fish, wildlife, and parks or the fish and game commission to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-

-2- THIRD READING HB-131

1 HOUSE BILL NO. 131 INTRODUCED BY ELLISON 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AUTHORITY 4 5 FOR THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO SELL EXCESS FISH EGGS; AND AMENDING SECTION 87-4-601, MCA." 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section 87-4-501, MCA, is amended to read: 9 "87-4-601. Sale of fish or spawn unlawful --10 exceptions, (1) Except as provided in subsection (2), no 11 person may, for speculative purposes, for market, or for 12 sale, in any way, catch any of the fish which in this title 13 are classified as game fish or remove or cause to be removed 14 15 the eqgs or spawn of any such fish. No person may sell or offer for sale any of the game fish of this state as defined 16 in this title or the eggs or spawn therefrom. 17

18 (2) The restrictions of subsection (1) do not apply19 to:

20	(a)	the	catching	of	fish	in	private	ponds	bу	the
21	owners thereof;									

(b) the taking of fish by 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;

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

6 Kootenai River and in its tributary streams within 1 mile of
7 the Kootenai River, under such rules and regulations as the
8 fish and game commission may prescribe; or

9 (e) the sale by the department of fish eggs produced
10 from brood stock owned by the department but determined to
11 be in excess of the department's needs."

12 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 13 existing authority of the department of fish, wildlife, and 14 parks or the fish and game commission to make rules on the 15 subject of the provisions of this act is extended to the 16 provisions of this act.

-End-

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HB 131