

SB 81 INTRODUCED BY WEEDING, HANSON, M.
PERMIT COMMERCIAL FISHING OF THE GAME FISH CISCO
BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE,
& PARKS

1/10 INTRODUCED

1/10 REFERRED TO FISH & GAME

1/20 HEARING

1/29 STATEMENT OF INTENT ADOPTED

1/29 ADVERSE COMMITTEE REPORT ADOPTED

41 8

1 Senate BILL NO. 81
 2 INTRODUCED BY Clayton W. Brown
 3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT COMMERCIAL
 6 FISHING OF THE GAME FISH CISCO; AND AMENDING SECTIONS
 7 87-3-204, 87-4-601, AND 87-4-605, MCA."
 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 with longbow and arrow
7 when the department declares an open season when paddlefish
8 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;

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 cisco by nets, traps, or seines

1 under rules prescribed by the commission."

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

3 "87-4-601. Sale of fish or spawn unlawful --
4 exceptions. (1) Except as provided in subsection (2), no
5 person may, for speculative purposes, for market, or for
6 sale, in any way, catch any of the fish which in this title
7 are classified as game fish or remove or cause to be removed
8 the eggs or spawn of any such fish. No person may sell or
9 offer for sale any of the game fish of this state as defined
10 in this title or the eggs or spawn therefrom.

11 (2) The restrictions of subsection (1) do not apply
12 to:

13 (a) the catching of fish in private ponds by the
14 owners thereof;

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

19 (c) the catching of whitefish by the holder of a valid
20 fishing license fishing with hook and line or rod in
21 specified waters designated by rules and regulations of the
22 department; or

23 (d) 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; or
2 (e) the taking of cisco by nets, traps, or seines
3 under rules prescribed by the commission."

4 Section 3. Section 87-4-605, MCA, is amended to read:
5 "87-4-605. Records and report of whitefish and cisco
6 sales by fishing license holders. A holder of a fishing
7 license who catches whitefish or cisco for speculative
8 purposes, for market, or for sale shall keep a record and
9 make an annual report to the department of the number of
10 whitefish sold and the date of each sale. The annual report
11 shall be submitted to the appropriate department regional
12 office within 15 days of the end of the license year."

13 NEW SECTION. Section 4. Extension of authority. Any
14 existing authority of the fish and game commission to make
15 rules on the subject of the provisions of this act is
16 extended to the provisions of this act.

-End-