

HOUSE BILL NO. 290

INTRODUCED BY GIACOMETTO, D. BROWN,
DRISCOLL, BISHOP, GRADY, HARPER

IN THE HOUSE

JANUARY 18, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
JANUARY 19, 1989	FIRST READING.
JANUARY 25, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 26, 1989	PRINTING REPORT.
JANUARY 28, 1989	SECOND READING, DO PASS.
JANUARY 30, 1989	ENGROSSING REPORT.
JANUARY 31, 1989	THIRD READING, PASSED. AYES, 90; NOES, 7.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
FEBRUARY 8, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 11, 1989	PASS CONSIDERATION.
FEBRUARY 13, 1989	ON MOTION, BILL TAKEN FROM SECOND READING AND REREFERRED TO COMMITTEE.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, CONCURRED IN.

MARCH 7, 1989

THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 9, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 10, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *290*
2 INTRODUCED BY *James D. Brown*
3 *Bishop Dudley Hager*
4 A BILL FOR AN ACT ENTITLED, "AN ACT PERMITTING PERSONS TO
5 FISH THROUGH ICE WITH UNATTENDED LINES OR RODS IF VISUAL
6 CONTACT WITH THEIR LINES OR RODS IS MAINTAINED; AMENDING
7 SECTION 87-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."

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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, under such rules and
9 regulations as the fish and game commission may prescribe;

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

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

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

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

1 (g) the taking of any game fish through a hole in ice
2 with an unattended line or rod as long as the angler is in
3 the vicinity of the line or rod and maintains visual contact
4 with the line or rod."

5 NEW SECTION. Section 2. Extension of authority. Any
6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

9 NEW SECTION. Section 3. Effective date. [This act] is
10 effective on passage and approval.

-End-

APPROVED BY COMM.
ON FISH AND GAME

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3 *Bishop Dudley Hager*
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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
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23 Kootenai River and in its tributary streams within 1 mile of
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SENATE STANDING COMMITTEE REPORT

March 3, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration HB 290 (third reading copy -- blue), respectfully report that HB 290 be concurred in.

Sponsor: Giacometto (Jacobson)

1. Title, line 5.

Following: "IF"

Insert: "THEY ARE WITHIN"

2. Title, line 6.

Strike: "IS MAINTAINED"

3. Page 4, lines 3 and 4.

Following: "vicinity" on line 3

Insert: "and within visual contact"

Following: "rod" on line 3

Strike: remainder of line 3 through "rod" on line 4

AND AS AMENDED BE CONCURRED IN

Signed:


Elmer D. Severson, Chairman

SENATE

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3 DRISCOLL, BISHOP, GRADY, HARPER

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