

HOUSE BILL 341

Introduced by Harper, et al.

1/25	Introduced
1/25	Referred to Fish & Game
1/25	First Reading
2/02	Hearing
2/18	Committee Report--Bill Passed as Amended
2/19	2nd Reading Passed
2/22	3rd Reading Passed
	Transmitted to Senate
3/01	First Reading
3/01	Referred to Fish & Game
3/11	Hearing
3/18	Tabled in Committee

1 House BILL NO. 341
 2 INTRODUCED BY Rep. Dennis Mercer Laramie
 3 Sen. Don Roney
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE
 5 POSSESSION OR TRANSPORTATION OF CERTAIN LIVE FISH AWAY FROM
 6 THE BODY OF WATER IN WHICH THE FISH WERE TAKEN; AMENDING
 7 SECTION 87-3-111, MCA; AND PROVIDING AN EFFECTIVE DATE."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 87-3-111, MCA, is amended to read:

11 "87-3-111. (Temporary) Unlawful to buy, sell, possess,
 12 or transport fish or game -- exceptions -- penalties. (1) It
 13 is unlawful for any person to purchase, sell, offer to sell,
 14 possess, ship, or transport any game fish, game bird,
 15 migratory game bird, game animal, or fur-bearing animal or
 16 part thereof protected by the laws of this state, whether
 17 belonging to the same or different species from that native
 18 to the state of Montana, except as specifically permitted by
 19 the laws of this state.

20 (2) The provisions of this section do not prohibit:

21 (a) the possession or transportation within the state
 22 of any legally taken fish, game bird, migratory game bird,
 23 game animal, or fur-bearing animal or part thereof;

24 (b) the sale, purchase, or transportation of hides,
 25 heads, or mounts of lawfully killed game birds, game fish,

1 fur-bearing animals, or game animals, except that the sale
 2 or purchase of a hide, head, or mount of a grizzly bear is
 3 prohibited, except as provided in 87-3-110;

4 (c) the possession, transportation, sale, or purchase
 5 of naturally shed antlers; or

6 (d) the donation and sale of paddlefish roe as caviar
 7 under the provisions of 87-4-601.

8 (3) Any person violating any of the provisions of this
 9 section is guilty of a misdemeanor and upon conviction shall
 10 be punished as provided in 87-1-102. (Terminates June 30,
 11 1993--sec. 5, Ch. 409, L. 1989.)

12 "87-3-111. (Effective July 1, 1993) Unlawful to buy,
 13 sell, possess, or transport fish or game -- exceptions --
 14 penalties. (1) It is unlawful for any person to purchase,
 15 sell, offer to sell, possess, ship, or transport any game
 16 fish, game bird, migratory game bird, game animal, or
 17 fur-bearing animal or part thereof protected by the laws of
 18 this state, whether belonging to the same or different
 19 species from that native to the state of Montana, except as
 20 specifically permitted by the laws of this state.

21 (2) The provisions of this section shall do not
 22 prohibit:

23 (a) the possession or transportation within the state
 24 of any ~~legally--taken~~ lawfully killed fish, game bird,
 25 migratory game bird, game animal, or fur-bearing animal or

1 part thereof;

2 (b) the sale, purchase, or transportation of hides,
3 heads, or mounts of lawfully killed game birds, game fish,
4 fur-bearing animals, or game animals, except that the sale
5 or purchase of a hide, head, or mount of a grizzly bear is
6 prohibited, except as provided in 87-3-110; or

7 (c) the possession, transportation, sale, or purchase
8 of naturally shed antlers.

9 (3) It is unlawful for a person to possess or transport
10 live fish, except fish species approved by the commission
11 for use as live bait, away from the body of water in which
12 the fish were taken except as provided in Title 87, chapter
13 4, part 6, or specifically permitted in the laws of this
14 state.

15 ~~†3†~~(4) Any person violating any of the provisions of
16 this section is guilty of a misdemeanor and upon conviction
17 shall be punished as provided in 87-1-102."

18 NEW SECTION. Section 2. Effective date. [This act] is
19 effective July 1, 1993.

-End-

APPROVED BY COMM.
ON FISH AND GAME

HOUSE BILL NO. 341

INTRODUCED BY HARPER, BRANDEWIE, MERCER,
LARSON, CRIPPEN, SIMON, DAVIS, RANEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE
POSSESSION OR TRANSPORTATION OF CERTAIN LIVE FISH AWAY FROM
THE BODY OF WATER IN WHICH THE FISH WERE TAKEN; AMENDING
SECTION 87-3-111, MCA; AND PROVIDING AN A DELAYED EFFECTIVE
DATE."

STATEMENT OF INTENT

THE PURPOSE OF HOUSE BILL NO. 341 IS TO IMPROVE THE
EFFECTIVENESS OF EXISTING REGULATIONS THAT PROHIBIT
TRANSPLANTING OF FISH IN MONTANA WATERS BY CLARIFYING
RULEMAKING AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE,
AND PARKS AND THE FISH, WILDLIFE, AND PARKS COMMISSION WITH
REGARD TO TRANSPLANTATION ACTIVITIES. THE LEGISLATURE
RECOGNIZES THAT SOME ACTIVITIES BY ANGLERS WILL BE
RESTRICTED BY THIS LEGISLATION. THEREFORE, IT IS THE INTENT
OF THE LEGISLATURE THAT THE DEPARTMENT OF FISH, WILDLIFE,
AND PARKS DEVELOP RULES TO ALLEVIATE SOME OF THOSE CONCERNS.
THE COMMISSION SHALL CONSIDER RULES THAT PERMIT ANGLERS TO
FILLET THEIR FISH IN THE FIELD AND THAT DESIGNATE LOCATIONS
WITHIN THE STATE WHERE LEGALLY TAKEN GAME FISH MAY BE
TRANSPORTED IN LIVE WELLS AWAY FROM THE BODY OF WATER IN

WHICH THE FISH WERE TAKEN. THE DEPARTMENT SHALL PREPARE
THESE PROPOSED REGULATIONS FOR PUBLIC REVIEW AND APPROVAL BY
THE FISH, WILDLIFE, AND PARKS COMMISSION FOR INCORPORATION
IN THE 1994-95 MONTANA FISHING REGULATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-3-111, MCA, is amended to read:

"87-3-111. (Temporary) Unlawful to buy, sell, possess,
or transport fish or game -- exceptions -- penalties. (1) It
is unlawful for any person to purchase, sell, offer to sell,
possess, ship, or transport any game fish, game bird,
migratory game bird, game animal, or fur-bearing animal or
part thereof protected by the laws of this state, whether
belonging to the same or different species from that native
to the state of Montana, except as specifically permitted by
the laws of this state.

(2) The provisions of this section do not prohibit:

(A) THE POSSESSION AND TRANSPORTATION OF LEGALLY TAKEN
GAME FISH ACCORDING TO RULES ADOPTED BY THE COMMISSION;

(B) the possession or transportation within the
state of any legally taken fish, game bird, migratory game
bird, game animal, or fur-bearing animal or part thereof;

(C) the sale, purchase, or transportation of hides,
heads, or mounts of lawfully killed game birds, game fish,
fur-bearing animals, or game animals, except that the sale
or purchase of a hide, head, or mount of a grizzly bear is

prohibited, except as provided in 87-3-110;

(d)(D) the possession, transportation, sale, or purchase of naturally shed antlers; or

(d)(E) the donation and sale of paddlefish roe as caviar under the provisions of 87-4-601.

(3) Any person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in 87-1-102. (Terminates June 30, 1993--sec. 5, Ch. 409, L. 1989.)

"87-3-111. (Effective July 1, 1993) Unlawful to buy, sell, possess, or transport fish or game -- exceptions -- penalties. (1) It is unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport any game fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof protected by the laws of this state, whether belonging to the same or different species from that native to the state of Montana, except as specifically permitted by the laws of this state.

(2) The provisions of this section shall do not prohibit:

(a) the possession or transportation within the state of any legally--taken lawfully killed fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof;

(b) the sale, purchase, or transportation of hides,

heads, or mounts of lawfully killed game birds, game fish, fur-bearing animals, or game animals, except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited, except as provided in 87-3-110; or

(c) the possession, transportation, sale, or purchase of naturally shed antlers.

(3) It is unlawful for a person to possess or transport live fish AWAY FROM THE BODY OF WATER IN WHICH THE FISH WERE TAKEN, except fish species approved by the commission for use as live bait, away from the body of water in which the fish were taken AND except as provided in Title 87, chapter 4, part 6, AND THIS SECTION or AS specifically permitted in the laws of this state.

(3)(4) Any person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in 87-1-102."

NEW SECTION. Section 2. Effective date. [This act] is effective ~~July 1, 1993~~ MARCH 1, 1994.

-End-

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16 AND PARKS AND THE FISH, WILDLIFE, AND PARKS COMMISSION WITH
17 REGARD TO TRANSPLANTATION ACTIVITIES. THE LEGISLATURE
18 RECOGNIZES THAT SOME ACTIVITIES BY ANGLERS WILL BE
19 RESTRICTED BY THIS LEGISLATION. THEREFORE, IT IS THE INTENT
20 OF THE LEGISLATURE THAT THE DEPARTMENT OF FISH, WILDLIFE,
21 AND PARKS DEVELOP RULES TO ALLEVIATE SOME OF THOSE CONCERNS.
22 THE COMMISSION SHALL CONSIDER RULES THAT PERMIT ANGLERS TO
23 FILLET THEIR FISH IN THE FIELD AND THAT DESIGNATE LOCATIONS
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25 TRANSPORTED IN LIVE WELLS AWAY FROM THE BODY OF WATER IN

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11 migratory game bird, game animal, or fur-bearing animal or
12 part thereof protected by the laws of this state, whether
13 belonging to the same or different species from that native
14 to the state of Montana, except as specifically permitted by
15 the laws of this state.

16 (2) The provisions of this section do not prohibit:

17 (A) THE POSSESSION AND TRANSPORTATION OF LEGALLY TAKEN
18 GAME FISH ACCORDING TO RULES ADOPTED BY THE COMMISSION;

19 (a)(B) the possession or transportation within the
20 state of any legally taken fish, game bird, migratory game
21 bird, game animal, or fur-bearing animal or part thereof;

22 (b)(C) the sale, purchase, or transportation of hides,
23 heads, or mounts of lawfully killed game birds, game fish,
24 fur-bearing animals, or game animals, except that the sale
25 or purchase of a hide, head, or mount of a grizzly bear is

1 prohibited, except as provided in 87-3-110;

2 {c}{D} the possession, transportation, sale, or
3 purchase of naturally shed antlers; or

4 {d}{E} the donation and sale of paddlefish roe as
5 caviar under the provisions of 87-4-601.

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11 fish were taken AND except as provided in Title 87, chapter
12 4, part 6, AND THIS SECTION or AS specifically permitted in
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