SENATE BILL NO. 81

INTRODUCED BY CRIPPEN

IN THE SENATE

7.11	
JANUARY 2, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
JANUARY 4, 1993	FIRST READING.
FEBRUARY 3, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 4, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 5, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 46; NOES, 4.
	TRANSMITTED TO HOUSE.
IN	THE HOUSE
FEBRUARY 6, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
MARCH 12, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 29, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 31, 1993	THIRD READING, CONCURRED IN. AYES, 74; NOES, 24.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1993 ON MOTION, CONSIDERATION PASSED FOR THE DAY.

APRIL 5, 1993

SECOND READING, AMENDMENTS CONCURRED IN.

APRIL 6, 1993

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

2	INTRODUCED BY CRIPPEN
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4	A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE TAKING
5	OF CRAYFISH FOR SALE OR COMMERCIAL DISTRIBUTION; PROVIDING A
6	PENALTY; AND AMENDING SECTION 87-4-609, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	NEW SECTION. Section 1. Unlawful taking of crayfish
10	penalty. (1) It is unlawful for a person to take crayfish
11	from the waters of the state for sale or commercial
12	distribution.
13	(2) A person who violates this section is guilty of a
14	misdemeanor and, if convicted, may be fined not less than
15	\$50 or more than \$500 or may be imprisoned in the county
16	jail for not more than 6 months, or both.
17	Section 2. Section 87-4-609, MCA, is amended to read:
18	*87-4-609. Regulation of commercial taking of aquatic
19	fish food organisms permit rulemaking authority. (1)
20	The department shall regulate the taking, for sale or
21	commercial distribution, of crayfish, mysis shrimp, and
22	other aquatic organisms that provide a food source for fish.
23	(2) It is unlawful for a person to take aquatic fish
24	food organisms for commercial purposes without obtaining a
25	permit from the department. A permit applicant shall provide

SENATE BILL NO. 81

the	departmen	nt with	sufficient	details	of the	proposed
oper	ation to	take any	aquatic fish	food org	anism for	sale or
comm	ercial di	stributio	n to enable	the depar	tment to	evaluate
any	potential	overharv	est or confl	ict with	existing	fishing

(3) The department may:

and recreational uses of the waters.

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- (a) deny a permit if it determines that there is substantial potential that the proposed operation may harm a fishery or conflict with existing recreational uses of the 10 waters;
- 11 (b) condition a permit to restrict the method of taking, the location of the taking, and the quality and 12 13 quantity of harvest, to prevent overharvest or conflict with 14 existing fishing and recreational uses of the waters; or
- 15 (c) require a permittee to submit harvest data to the department. 16
- 17 (4) A permit may be revoked for a violation of the conditions of the permit. 18
 - (5) The department may adopt rules for the regulation of commercial taking of aquatic fish food organisms, including but not limited to the setting of seasons, methods of taking, quantities of harvest, size limitations, and reporting requirements for a particular aquatic fish food organism, in order to prevent overharvest or conflict with fishing and recreational uses of the waters."

- 1 NEW SECTION. Section 3. Codification instruction.
- 2 [Section 1] is intended to be codified as an integral part
- of Title 87, chapter 4, and the provisions of Title 87 apply
- to [section 1].

APPROVED BY COMM. ON FISH AND GAME

1	SENATE BILL NO. 81
2	INTRODUCED BY CRIPPEN
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4	A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE TAKING
5	OF CRAYFISH FOR SALE OR COMMERCIAL DISTRIBUTION EXCEPT FROM
6	PRIVATE PONDS; PROVIDING A PENALTY; AND AMENDING SECTION
7	87-4-609, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
0	NEW SECTION. Section 1. Unlawful taking of crayfish
.1	penalty. (1) It is unlawful for a person to take crayfish
12	from the waters of the state, EXCEPT FROM PRIVATE FISH PONDS
13	REGULATED UNDER 87-4-603, for sale or commercial
4	distribution.
1.5	(2) A person who violates this section is guilty of a
16	misdemeanor and, if convicted, may be fined not less than
7	\$50 or more than \$500 or may be imprisoned in the county
.8	jail for not more than 6 months, or both.
9	Section 2. Section 87-4-609, MCA, is amended to read:
20	*87-4-609. Regulation of commercial taking of aquatic
21	fish food organisms permit rulemaking authority. (1)
22	The department shall regulate the taking, for sale or
23	commercial distribution, of erayfish, CRAYFISH FROM PRIVATE
24	FISH PONDS REGULATED UNDER 87-4-603, mysis shrimpy, and

other aquatic organisms that provide a food source for fish.

1	(2) It is unlawful for a person to take aquatic fish
2	food organisms for commercial purposes without obtaining a
3	permit from the department. A permit applicant shall provide
4	the department with sufficient details of the proposed
5	operation to take any aquatic fish food organism for sale or
6	commercial distribution to enable the department to evaluate
7	any potential overharvest or conflict with existing fishing
8	and recreational uses of the waters.

(3) The department may:

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- 10 (a) deny a permit if it determines that there is
 11 substantial potential that the proposed operation may harm a
 12 fishery or conflict with existing recreational uses of the
 13 waters;
 - (b) condition a permit to restrict the method of taking, the location of the taking, and the quality and quantity of harvest, to prevent overharvest or conflict with existing fishing and recreational uses of the waters; or
- 18 (c) require a permittee to submit harvest data to the 19 department.
- 20 (4) A permit may be revoked for a violation of the 21 conditions of the permit.
- 22 (5) The department may adopt rules for the regulation 23 of commercial taking of aquatic fish food organisms, 24 including but not limited to the setting of seasons, methods 25 of taking, quantities of harvest, size limitations, and

-2-

- 1 reporting requirements for a particular aquatic fish food
- 2 organism, in order to prevent overharvest or conflict with
- 3 fishing and recreational uses of the waters."
- 4 NEW SECTION. Section 3. Codification instruction.
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- 6 of Title 87, chapter 4, and the provisions of Title 87 apply
- 7 to [section 1].

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14	distribution.
15	(2) A person who violates this section is guilty of a
16	misdemeanor and, if convicted, may be fined not less than
17	\$50 or more than \$500 or may be imprisoned in the county
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24	FISH PONDS REGULATED UNDER 87-4-603, mysis shrimpy, and
25	Other aquatic organisms that provide a food source for fish

other aquatic organisms that provide a food source for fish.

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1	(2) It is unlawful for a person to take aquatic fish
2	food organisms for commercial purposes without obtaining a
3	permit from the department. A permit applicant shall provide
4	the department with sufficient details of the proposed
5	operation to take any aquatic fish food organism for sale or
6	commercial distribution to enable the department to evaluate
7	any potential overharvest or conflict with existing fishing
8	and recreational uses of the waters.

(3) The department may:

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- (a) deny a permit if it determines that there is substantial potential that the proposed operation may harm a fishery or conflict with existing recreational uses of the waters;
- 14 (b) condition a permit to restrict the method of taking, the location of the taking, and the quality and 15 quantity of harvest, to prevent overharvest or conflict with 16 17 existing fishing and recreational uses of the waters; or
- 18 (c) require a permittee to submit harvest data to the 19 department.
- 20 (4) A permit may be revoked for a violation of the 21 conditions of the permit.
- 22 (5) The department may adopt rules for the regulation of commercial taking of aquatic fish food organisms, 23 24 including but not limited to the setting of seasons, methods 25 of taking, quantities of harvest, size limitations, and

- 1 reporting requirements for a particular aquatic fish food
- 2 organism, in order to prevent overharvest or conflict with
- 3 fishing and recreational uses of the waters."
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- Section 1) is intended to be codified as an integral part
- of Title 87, chapter 4, and the provisions of Title 87 apply
- 7 to {section 1}.

#1

HOUSE COMMITTEE OF THE WHOLE AMENDMENT Senate Bill 81 Representative Molnar

March 18, 1993 2:41 pm Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 81 (third reading copy -- blue).

Signed: Representative Moinar

And, that such amendments to Senate Bill 81 read as follows:

1. Title, line 6. Following: "PONDS"

Insert: "OR FOR FISHING BAIT"

2. Page 1, line 13. Following: "87-4603"

Insert: "or as provided in subsection (2)"

3. Page 1, line 15. Following: line 14

Insert: "(2) A person may take crayfish from the waters of the state for sale or commercial distribution as fishing bait under rules adopted by the department under 87-4-609."

Renumber: subsequent subsection

4. Page 1, line 23. Following: "crayfish,"

Insert: "crayfish for fishing bait,"

-END-



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waters:

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10	NEW SECTION. Section 1. Unlawful taking of crayfish
11	penalty. (1) It is unlawful for a person to take crayfish
12	from the waters of the state, EXCEPT FROM PRIVATE FISH PONDS
13	REGULATED UNDER 87-4-603 OR AS PROVIDED IN SUBSECTION (2),
14	for sale or commercial distribution.
15	(2) A PERSON MAY TAKE CRAYFISH FROM THE WATERS OF THE
16	STATE FOR SALE OR COMMERCIAL DISTRIBUTION AS FISHING BAIT
17	UNDER RULES ADOPTED BY THE DEPARTMENT UNDER 87-4-609.
18	+2+(3) A person who violates this section is guilty of
19	a misdemeanor and, if convicted, may be fined not less than
20	\$50 or more than \$500 or may be imprisoned in the county
21	jail for not more than 6 months, or both.
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24	fish food organisms permit rulemaking authority. (1)
25	The department shall regulate the taking, for sale or

2	BAIT, CRAYFISH FROM PRIVATE FISH PONDS REGULATED UNDER
3	87-4-603, mysis shrimp7, and other aquatic organisms that
4	provide a food source for fish.
5	(2) It is unlawful for a person to take aquatic fish
6	food organisms for commercial purposes without obtaining a
7	permit from the department. A permit applicant shall provide
8	the department with sufficient details of the proposed
9	operation to take any aquatic fish food organism for sale or
.0	commercial distribution to enable the department to evaluate
1	any potential overharvest or conflict with existing fishing
.2	and recreational uses of the waters.
.3	(3) The department may:

commercial distribution, of crayfish; CRAYFISH FOR FISHING

18 (b) condition a permit to restrict the method of taking, the location of the taking, and the quality and 19 quantity of harvest, to prevent overharvest or conflict with 20 existing fishing and recreational uses of the waters; or 21

(a) deny a permit if it determines that there is

substantial potential that the proposed operation may harm a fishery or conflict with existing recreational uses of the

- 22 (c) require a permittee to submit harvest data to the 23 department.
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1 (5) The department may adopt rules for the regulation
2 of commercial taking of aquatic fish food organisms,
3 including but not limited to the setting of seasons, methods
4 of taking, quantities of harvest, size limitations, and
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6 organism, in order to prevent overharvest or conflict with
7 fishing and recreational uses of the waters.**

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