

SENATE BILL NO. 81
INTRODUCED BY CRIPPEN

IN THE SENATE

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.
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APRIL 5, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 6, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 81
INTRODUCED BY CRIPPEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE TAKING OF CRAYFISH FOR SALE OR COMMERCIAL DISTRIBUTION; PROVIDING A PENALTY; AND AMENDING SECTION 87-4-609, MCA."

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

NEW SECTION. **Section 1.** Unlawful taking of crayfish -- penalty. (1) It is unlawful for a person to take crayfish from the waters of the state for sale or commercial distribution.

(2) A person who violates this section is guilty of a misdemeanor and, if convicted, may be fined not less than \$50 or more than \$500 or may be imprisoned in the county jail for not more than 6 months, or both.

Section 2. Section 87-4-609, MCA, is amended to read:

"87-4-609. Regulation of commercial taking of aquatic fish food organisms -- permit -- rulemaking authority. (1) The department shall regulate the taking, for sale or commercial distribution, of crayfish, mysis shrimp, and other aquatic organisms that provide a food source for fish.

(2) It is unlawful for a person to take aquatic fish food organisms for commercial purposes without obtaining a permit from the department. A permit applicant shall provide

the department with sufficient details of the proposed operation to take any aquatic fish food organism for sale or commercial distribution to enable the department to evaluate any potential overharvest or conflict with existing fishing and recreational uses of the waters.

(3) The department may:

(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;

(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

(c) require a permittee to submit harvest data to the department.

(4) A permit may be revoked for a violation of the conditions of the permit.

(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."

SB 0081/01

1 NEW SECTION. **Section 3.** Codification instruction.

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

-End-

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 81

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE TAKING OF CRAYFISH FOR SALE OR COMMERCIAL DISTRIBUTION EXCEPT FROM PRIVATE PONDS; PROVIDING A PENALTY; AND AMENDING SECTION 87-4-609, MCA."

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

NEW SECTION. **Section 1.** Unlawful taking of crayfish -- penalty. (1) It is unlawful for a person to take crayfish from the waters of the state, EXCEPT FROM PRIVATE FISH PONDS REGULATED UNDER 87-4-603, for sale or commercial distribution.

(2) A person who violates this section is guilty of a misdemeanor and, if convicted, may be fined not less than \$50 or more than \$500 or may be imprisoned in the county jail for not more than 6 months, or both.

Section 2. Section 87-4-609, MCA, is amended to read:

"87-4-609. Regulation of commercial taking of aquatic fish food organisms -- permit -- rulemaking authority. (1) The department shall regulate the taking, for sale or commercial distribution, of crayfish, CRAYFISH FROM PRIVATE FISH PONDS REGULATED UNDER 87-4-603, mysis shrimp, and other aquatic organisms that provide a food source for fish.

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

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3 fishing and recreational uses of the waters."

4 NEW SECTION. **Section 3.** Codification instruction.
5 [Section 1] is intended to be codified as an integral part
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-End-

#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: *Brad Molnar*
Representative Molnar

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-

ADOPT

DETECT

HOUSE
SB 81

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penalty. (1) It is unlawful for a person to take crayfish from the waters of the state, EXCEPT FROM PRIVATE FISH PONDS REGULATED UNDER 87-4-603 OR AS PROVIDED IN SUBSECTION (2), for sale or commercial distribution.

(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.

~~(2)~~(3) A person who violates this section is guilty of a misdemeanor and, if convicted, may be fined not less than \$50 or more than \$500 or may be imprisoned in the county jail for not more than 6 months, or both.

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