

Shiloh
House BILL NO. 375

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INTRODUCED BY *Ray* *Swanson* *Rox* *Nevon* *Macon* *B. Burchart* *Meridian* *Harp* *Wells*
BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS *Ever* *Bob Brown*

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 IMMEDIATE EFFECTIVE DATE."

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~~ a 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 or transportation within the state of any legally taken 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;

(c) the possession, transportation, sale, or purchase of naturally shed antlers or the antlers with a skull or portion of a skull attached from a game animal that has died from natural causes and that has not been unlawfully or accidentally killed; or

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

(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:

(a) as provided in Title 87, chapter 4, part 6, or as specifically permitted in the laws of this state;

or

1 (b) for fish species approved by the commission for use as live bait and subject to any restrictions
2 imposed by the commission.

3 ~~(3)(4)~~ Any A person violating any of the provisions of this section is guilty of a misdemeanor and
4 upon conviction shall be punished as provided in 87-1-102. (Terminates June 30, 2003--sec. 2, Ch. 196,
5 L. 1993.)

6 **87-3-111. (Effective July 1, 2003) Unlawful to buy, sell, possess, or transport fish or game --**
7 **exceptions -- penalties.** (1) It is unlawful for ~~any~~ a person to purchase, sell, offer to sell, possess, ship,
8 or transport any game fish, game bird, migratory game bird, game animal, or fur-bearing animal or part
9 thereof protected by the laws of this state, whether belonging to the same or different species from that
10 native to the state of Montana, except as specifically permitted by the laws of this state.

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

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

14 (b) the sale, purchase, or transportation of hides, heads, or mounts of lawfully killed game birds,
15 game fish, fur-bearing animals, or game animals, except that the sale or purchase of a hide, head, or mount
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17 (c) the possession, transportation, sale, or purchase of naturally shed antlers or the antlers with
18 a skull or portion of a skull attached from a game animal that has died from natural causes and that has not
19 been unlawfully or accidentally killed.

20 (3) It is unlawful for a person to possess or transport live fish away from the body of water in
21 which the fish were taken, except:

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24 (b) for fish species approved by the commission for use as live bait and subject to any restrictions
25 imposed by the commission.

26 ~~(3)(4)~~ Any A person violating any of the provisions of this section is guilty of a misdemeanor and
27 upon conviction shall be punished as provided in 87-1-102."

28

29 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

30

-END-

1 HOUSE BILL NO. 375

2 INTRODUCED BY HARPER, CRIPPEN, SIMON, MENAHAN, HARP, WELLS, SLITER, RANEY, EWER,

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2 (b) for fish species approved by the commission for use as live bait and subject to any restrictions
3 imposed by the commission; OR

4 (C) WITHIN AND ALONG THE BOUNDARIES OF THE EASTERN MONTANA FISHING DISTRICT,
5 AS ESTABLISHED BY THE 1994-95 COMMISSION REGULATIONS.

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