

SENATE BILL NO. 304

INTRODUCED BY

Spencer

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS FOR THE TAKING OF FISH OR GAME FOR SCIENTIFIC PURPOSES TO ALLOW AN INDIVIDUAL TO BE ELIGIBLE TO RECEIVE A PERMIT TO COLLECT FOR SCIENTIFIC PURPOSES; AMENDING SECTION 87-2-806, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-2-806, MCA, is amended to read:

"87-2-806. Taking fish or game for scientific purposes. (1) It is lawful for the duly accredited representative of an accredited school, college, university, or other institution of learning or of any governmental agency or for an individual, who may be investigating a scientific subject ~~making it~~ for which collection may be necessary, to take, kill, capture, and possess for that purpose any birds, fish, or animals protected by Montana law or state fish and game rule, provided that a permit to collect is authorized by the department. ~~He~~ Under the provisions of this section, a permittee may take, kill, and capture protected or unprotected birds, fish, or animals in any way that is approved by the department, except by the explosion of dynamite. ~~No~~ A permittee may not take, kill, or capture more of the birds, fish, or animals may be taken than are necessary for the investigation. A collection permit may not be given for a species for which a taking is prohibited by statute or rule.

(2) A person who desires to engage in the scientific investigation shall apply to the ~~director~~ department for a permit. The department may require the applicant to submit a plan of operations that includes the purpose for the collection, collection methodology to be employed, and the qualifications of the person who will be doing the collecting. The ~~director~~ department may set qualifications for persons to whom permits are issued and may place special authorizations or special requirements and limitations on any permit. If the ~~director~~ department is satisfied of the good faith and qualifications of the applicant and that the collecting is necessary for a valid purpose, ~~he shall~~ the department:

(a) may issue a permit which shall that must place a time limit on the collections and may place a restriction on the number of birds, fish, or animals to be taken; and

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30 (a) may issue a permit which shall that must place a time limit on the collections and may place a

1 restriction on the number of birds, fish, or animals to be taken; and

2 (b) shall require a report of the numbers and species of animals taken by collection areas.

3 (3) The department may deny a permit if:

4 (a) the applicant is not qualified to make the scientific investigation;

5 (b) the proposed collecting is not necessary for the proposed scientific investigation;

6 (c) the method of collecting is not appropriate;

7 (d) the proposed collecting may threaten the viability of the species; or

8 (e) there is no valid reason or need for the proposed scientific investigation.

9 (4) By December 31 of each year, a permittee is required to submit a report to the department that
 10 lists the species and numbers of individuals of the species taken and locations from which collections were
 11 taken. A permittee who fails to file a required report may not be issued another permit.

12 ~~(3)~~(5) The permittee shall pay \$5 \$50 for the permit.

13 ~~(4)~~(6) The permittee may not take, have, or capture any other or greater number of birds, fish, or
 14 animals than are mentioned allowed in the permit.

15 ~~(5)~~(7) Any A representative of an accredited school, college, university, or other institution of
 16 learning or an individual permittee who may have various students or associates assisting him throughout
 17 the year may apply to have his a permit issued to himself and his that includes the individual and the
 18 students or associates. The department shall approve the qualifications of a student or an associate and
 19 the level of supervision required by the primary permittee. The students or associates, when carrying a copy
 20 of the permit, shall have the same authorizations and restrictions as the original primary applicant. The
 21 original primary applicant shall keep a record of all students or associates to whom he issued a copy of his
 22 listed on the permit and of the times for which dates when each student or associate is issued a copy
 23 conducts a collection under the permit. The original primary applicant is responsible for his the students'
 24 or associates' use of the permit or copies of the permit, including their reports of species and numbers of
 25 animals collected."

26

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

28

-END-

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15 ~~(5)~~(7) Any A representative of an accredited school, college, university, or other institution of
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HOUSE STANDING COMMITTEE REPORT

March 3, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 304 (third reading copy -- blue) be concurred in as amended.

Signed: Douglas T. Wagner
Doug Wagner, Chair

Carried by: Rep. Pavlovich

And, that such amendments read:

1. Page 2, line 12.

Following: "permit"

Insert: ", except that a permittee who is a representative of an accredited school, college, university, or other institution of learning or of any governmental agency is exempt from payment of the fee "

-END-

SB 304

Committee Vote:
Yes 18, No 0.

HOUSE

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 13 REPRESENTATIVE OF AN ACCREDITED SCHOOL, COLLEGE, UNIVERSITY, OR OTHER INSTITUTION OF
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