

SENATE BILL NO. 24

INTRODUCED BY D. WEINBERG

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE SALE OR PURCHASE OF CERTAIN TYPES OF TWO-STROKE MARINE ENGINES AND PERSONAL WATERCRAFT POWERED BY THOSE TYPES OF TWO-STROKE MARINE ENGINES THAT ARE INTENDED TO BE USED ON THE WATERS OF MONTANA; PROVIDING FOR ENFORCEMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND AMENDING SECTION 87-1-506, MCA."

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

NEW SECTION. Section 1. Purpose. (1) It is the public policy of the state of Montana to protect the quality of the water in Montana's navigable lakes, rivers, and streams. The legislature finds that research has shown that certain types of carbureted two-stroke marine engines discharge as much as 30% of their unburned fuel into the water and that gasoline contains many chemicals that can pose a threat to human health if the chemicals enter drinking water supplies.

(2) In order to protect the waters of Montana, [sections 1 and 2] are intended to limit the pollution caused by certain types of two-stroke marine engines by prohibiting the sale or purchase of those types of two-stroke engines or personal watercraft using those types of engines in the state of Montana when the intent is to use those engines on the waters of this state.

NEW SECTION. Section 2. Prohibition on purchase or sale of certain two-stroke marine engines -- penalty. (1) It is illegal for any person to sell or purchase a two-stroke marine engine or a personal watercraft powered by a two-stroke marine engine that is not a direct fuel-injected two-stroke engine or an electronically fuel-injected two-stroke engine if the two-stroke engine or personal watercraft is to be used on the waters of this state. This subsection does not apply to four-stroke marine engines or personal watercraft powered by four-stroke marine engines.

(2) A person who violates the provisions of subsection (1) is subject to a fine of \$1,000 for each violation. The department shall place any fines that it collects in the department's special revenue account provided for in 87-1-601(4).

1 (3) A person is not subject to the penalty provisions of subsection (2) if the person can demonstrate by
2 way of a bill of sale or similar document that the person sold or purchased a two-stroke marine engine or a
3 personal watercraft powered by a two-stroke engine that is not a direct fuel-injected two-stroke engine or an
4 electronically fuel-injected two-stroke engine prior to October 1, 2007.

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6 **Section 3.** Section 87-1-506, MCA, is amended to read:

7 **"87-1-506. Enforcement powers of wardens.** (1) A warden may:

8 (a) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;

9 (b) search, without a warrant, any tent not used as a residence, any boat, vehicle, box, locker, basket,
10 creel, crate, game bag, or package, or their contents upon probable cause to believe that any fish and game law
11 or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has
12 been violated;

13 (c) search, with a search warrant, any dwelling house or other building;

14 (d) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in
15 violation of the law or the rules of the department;

16 (e) seize and hold, subject to law or the orders of the department, devices that have been used to
17 unlawfully take game, fish, birds, or fur-bearing animals;

18 (f) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the
19 department, violation of which is a misdemeanor;

20 (g) enforce the disorderly conduct and public nuisance laws, 45-8-101 and 45-8-111, as they apply to
21 the operation of motorboats on all waters of the state;

22 (h) enforce the provisions relating to the sale or purchase of certain types of two-stroke marine engines
23 provided for in [section 2];

24 ~~(h)~~(i) as provided for in 37-47-345, investigate and make arrests for violations of the provisions of Title
25 37, chapter 47, and of any rules adopted pursuant to that chapter relating to the regulation of outfitters and guides
26 in the state; and

27 ~~(i)~~(j) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules
28 of the department, and judgments obtained for violation of those laws or rules.

29 (2) The meat of game animals that are seized pursuant to subsection (1)(d) must be donated directly
30 to the Montana food bank network, or to public or charitable institutions, to the extent reasonably feasible. Any

1 meat that the department is unable to donate must be sold pursuant to 87-1-511, with the proceeds to be
2 distributed as provided in 87-1-513(2)."

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4 NEW SECTION. **Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified
5 as an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to [sections 1 and 2].

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