

## HOUSE BILL NO. 47

INTRODUCED BY K. PETERSON

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING FISHING WITHOUT A LICENSE ON A SPECIFIC DAY WEEKEND EACH YEAR; AMENDING SECTION 87-2-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 87-2-103, MCA, is amended to read:

**"87-2-103. License required -- exceptions.** (1) Except as provided in ~~subsection~~ subsections (2) and (3), it is unlawful for a person to:

(a) hunt or trap or attempt to hunt or trap any game animal, any game bird, or any fur-bearing animal or to fish for any fish within this state or possess within this state any game animal, game bird, fur-bearing animal, game fish, or parts of those animals or birds, except as provided by law or as provided by the department; or

(b) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or to fish for any fish, except at the places and during the periods and in the manner defined by law or as defined by the department; or

(c) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess, sell, purchase, ship, or reship any imported or other fur-bearing animal or parts of fur-bearing animals without first having obtained a proper and valid license or permit from the department to do so; or

(d) trap or attempt to trap predatory animals or nongame wildlife without a license, as prescribed in 87-2-603, if that person is not a resident as defined in 87-2-102.

(2) The provisions of this section do not require a person who accompanies a licensed disabled hunter, as authorized under 87-2-803(4), to be licensed in order to kill or attempt to kill a game animal that has been wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal. However, the person must meet the qualifications for a license in the person's state of residence.

(3) Each year on the first Saturday of June FATHER'S DAY WEEKEND, a person may fish for any fish within

1 this state without obtaining a fishing license required in subsection (1)(c) as long as the person does so in  
2 accordance with any other law or regulation of the department in effect on that day WEEKEND."

3  
4 COORDINATION SECTION. SECTION 2. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 124 AND  
5 [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTIONS 1 AND 4 OF THIS ACT] ARE VOID AND [THIS ACT] MUST READ AS  
6 FOLLOWS:

7 "NEW SECTION. Section 1. Free fishing weekend. Each year on Father's Day weekend, a person  
8 may fish for any fish within this state without obtaining a fishing license pursuant to this part as long as the person  
9 does so in accordance with any other law or regulation of the department in effect on that weekend.

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

12 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."  
13

14 COORDINATION SECTION. SECTION 3. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 124 AND  
15 [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTION 22] OF SENATE BILL NO. 124 MUST READ AS FOLLOWS:

16 "NEW SECTION. Section 22. Hunting, fishing, or trapping without a license. (1) Except as provided  
17 in [section 1 of House Bill No. 47] and subsection (2) of this section, a person may not:

18 (a) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for  
19 any fish within this state or possess within this state any game animal, game bird, fur-bearing animal, game fish,  
20 or parts of those animals or birds except as provided by law or as provided by the department;

21 (b) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for  
22 any fish, except at the places and during the periods and in the manner established by law or as prescribed by  
23 the department;

24 (c) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for  
25 any fish within this state or possess, sell, purchase, ship, or reship any imported or other fur-bearing animal or  
26 parts of fur-bearing animals without first having obtained a proper and valid license or permit from the department  
27 to do so;

28 (d) trap or attempt to trap predatory animals or nongame wildlife without a license, as prescribed in  
29 87-2-603, if that person is not a resident; or

30 (e) hunt migratory game birds without first having obtained a valid migratory game bird license from the

1 department if the person is 16 years of age or older.

2 (2) The provisions of this section do not require a person who accompanies a licensed disabled hunter,  
3 as authorized under 87-2-803(4), to be licensed in order to kill or attempt to kill a game animal that has been  
4 wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal.  
5 However, the person must meet the qualifications for a license in the person's state of residence.

6 (3) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000  
7 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon  
8 conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping  
9 license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in  
10 77-1-101, for recreational purposes for a period of time set by the court.

11 (4) A person convicted of hunting without a license may be subject to the additional penalties provided  
12 in [sections 63 and 64].

13 (5) A violation of this section may also result in an order to pay restitution pursuant to [sections 67  
14 through 69]."

15  
16 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

17 - END -