

SENATE BILL NO. 230

INTRODUCED BY T. FACEY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF EXTERNAL FELT-SOLED BOOTS OR WADERS IN THE WATERS OF THIS STATE; PROVIDING EXCEPTIONS; AMENDING SECTION 87-3-204, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 87-3-204, MCA, is amended to read:

"87-3-204. Restrictions on fishing methods -- allowed fishing methods. (1) A game fish may not be caught, captured, or taken or attempted to be caught, captured, or taken by the aid or with the use of any gun or trap, nor may any gun, trap, or other device to entrap game fish be used, made, or set.

(2) Except when specifically authorized by law or commission rule, a person may not:

(a) take or catch fish in any of the waters of this state, except with hook and line held in hand or line and hook attached to rod or pole held in hand or within immediate control;

(b) take or catch fish with hook baited with any poisonous substance or using any poisonous substance, including fish berries; ~~or~~

(c) take or catch fish using fishtraps, grabhooks, seines, nets, spears, gigs, or other similar means for catching fish; or

(d) use external felt-soled boots or external felt-soled waders pursuant to [section 2].

(3) (a) The commission may designate waters within the state in which rubber or spring-propelled spears employed by persons swimming or submerged in the water or traps, seines, nets, spears, or gigs may be used for taking:

(i) nongame fish; or

(ii) walleyed pike, sauger, northern pike, burbot (ling), and whitefish.

(b) The commission may adopt rules for the taking of fish under this subsection (3), and the rules may be specific to the water designated. The designated waters may be closed at the discretion of the commission.

(c) Except when the taking of game fish is authorized pursuant to subsection (3)(a)(ii), all game fish captured while fishing as authorized under this subsection (3) must be returned uninjured to the waters from

1 which they were taken.

2 (4) The commission may designate certain waters where setlines may be used to fish for certain species
3 of game or nongame fish, and the commission may designate the number of hooks and lines and the length of
4 line or lines that may be used as setlines.

5 (5) Game fish must be taken only by hook and single line or single rod in hand or within immediate
6 control. This does not prevent, however:

7 (a) the snagging of paddlefish, chinook salmon, and kokanee (sockeye salmon) when the commission
8 declares an open season when paddlefish, chinook salmon, and kokanee (sockeye salmon) may be taken by
9 snagging;

10 (b) the taking of paddlefish, channel catfish, and nongame fish with longbow and arrow, under rules and
11 regulations that the commission prescribes;

12 (c) the taking of game fish pursuant to subsection (3);

13 (d) the use of landing net or gaff to land a game fish after the game fish has been hooked as specified
14 in this subsection (5);

15 (e) the taking of minnows other than game fish variety by the use or aid of a net not to exceed 12 feet
16 in length and 4 feet in width in waters designated by the commission;

17 (f) the taking of whitefish by nets or traps in the Kootenai River and in its tributary streams within 1 mile
18 of the Kootenai River, under the rules and regulations that the commission prescribes;

19 (g) the taking of any game fish through a hole in ice with an unattended line or rod as long as the angler
20 is in the vicinity and within visual contact of the line or rod; or

21 (h) the taking of salmon and lake trout in Fort Peck reservoir by spear or gig from December through
22 March, under rules and regulations prescribed by the commission.

23 (6) The commission may designate waters where authorized commercial fishing operators may use
24 approved nets, seines, and traps to fish for designated species of nongame fish."
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26 **NEW SECTION. Section 2. Use of felt-soled boots and waders prohibited.** (1) A person may not
27 use external felt-soled boots or external felt-soled waders in the waters of the state.

28 (2) The possession of external felt-soled boots or external felt-soled waders on the banks or shores of
29 a stream or lake or in a boat, raft, canoe, or other water vessel is prima facie evidence that the person or persons
30 in whose possession the boots or waders are found were using the boots or waders in the waters of the state.

1 (3) The provisions of this section do not apply to a state or federal employee or emergency personnel,
2 including fire, law enforcement, and emergency medical technicians, using external felt-soled boots or external
3 felt-soled waders when acting within the scope of duty.

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5 NEW SECTION. **Section 3. Use of felt-soled boots and waders prohibited.** A person may not use
6 external felt-soled boots or external felt-soled waders in the waters of the state as provided in [section 2].

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8 NEW SECTION. **Section 4. Codification instruction.** (1) [Section 2] is intended to be codified as an
9 integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [section 2].

10 (2) [Section 3] is intended to be codified as an integral part of Title 23, chapter 2, part 3, and the
11 provisions of Title 23, chapter 2, part 3, apply to [section 3].

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13 NEW SECTION. **Section 5. Effective date.** [This act] is effective October 1, 2012.

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