

SENATE BILL NO. 221  
INTRODUCED BY KITZENBERG

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE TAKING OF SALMON AND LAKE TROUT BY SPEAR OR GIG IN FORT PECK RESERVOIR DURING CERTAIN TIMES; AND AMENDING SECTION 87-3-204, MCA."

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.** (1) ~~No~~ 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 ~~such~~ set gun, trap, or other device to entrap game fish be used, made, or set.

(2) ~~It is unlawful for a~~ A person ~~to~~ 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; ~~to~~

(b) take or catch fish with hook baited with any poisonous substance or by ~~means of the use of~~ using any poisonous substance, including fish berries; or ~~to~~

(c) take or catch fish by ~~means of the use of~~ using fishtraps, grabhooks, seines, nets, or other similar means for catching fish.

(3) The department may designate ~~such~~ waters within the state of Montana wherein, in the judgment of the department, spears or gigs may be used for taking walleyed pike, sauger, northern pike, and nongame fish, and traps, seines, nets, and rubber or spring-propelled spears, when employed by ~~sportsmen~~ persons swimming or submerged in the water, may be used for the taking of designated species of fish. The waters so designated may be closed at the discretion of the department. The taking of all fish by ~~such~~ those means in the waters, when so designated, is to be done under ~~such~~ rules ~~as that~~ the department ~~may prescribe~~ prescribes with reference ~~thereto~~ to the waters and under the supervision of the department. All ~~such~~ nongame fish so taken may be possessed and sold in ~~such~~ a manner and under ~~such~~ restrictions ~~as that~~ the department may direct. All fish, other than those ~~herein~~ designated in this section, ~~so~~ taken under department rules, when prescribed by the department, ~~shall~~ must be returned uninjured to the waters from which they were taken.

(4) The taking of black bass in Flathead Lake may be permitted by the department.

(5) The department ~~shall have the power to~~ may designate certain waters where setlines may be used to fish for certain species of game or nongame fish, and the department may designate the number of hooks and lines and the length of line or lines ~~which that~~ that may be used as setlines.

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

(a) the snagging of paddlefish, coho (silver salmon), and kokanee (sockeye salmon) when the department declares an open season when paddlefish, coho (silver salmon), and kokanee (sockeye salmon) may be taken by snagging;

(b) the taking of paddlefish, channel catfish, and nongame fish with longbow and arrow, under ~~such~~ rules and regulations ~~as that the fish, wildlife, and parks commission may prescribe~~ prescribes;

(c) the taking of walleyed pike, sauger, northern pike, burbot (ling), and nongame fish with spear or gig when the department declares an open season for taking walleyed pike, sauger, northern pike, burbot (ling), and nongame fish with spear or gig;

(d) the use of landing net or gaff to land a game fish after the ~~same fish~~ fish has been hooked by angling as ~~above specified in subsection (6);~~

(e) the taking of minnows, other than game fish variety, by the use or aid of a net not to exceed 12 feet in length and 4 feet in width in ~~such~~ waters ~~as may be~~ designated by the department;

(f) the taking of whitefish by nets or traps in the Kootenai River and in its tributary streams within 1 mile of the Kootenai River, under ~~such~~ rules and regulations ~~as that the fish, wildlife, and parks commission may prescribe~~ prescribes; ~~or~~

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

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

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