

SENATE BILL NO. 214

INTRODUCED BY J. COHENOUR

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING SUBMERGED SPEAR FISHING OF GAME FISH FOR RECREATIONAL PURPOSES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 87-3-204, MCA; AND PROVIDING AN IMMEDIATE 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. Designation of state waters for particular fishing methods. (1) (a) The Except as provided in subsection (2), 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 (1), 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 (1)(a)(ii), all game fish captured while fishing as authorized under this subsection (1) must be returned uninjured to the waters from which they were taken.~~

(C) EXCEPT WHEN THE TAKING OF GAME FISH IS AUTHORIZED PURSUANT TO SUBSECTIONS (1)(A)(II) AND (2)(A), ALL GAME FISH CAPTURED WHILE FISHING AS AUTHORIZED UNDER THIS SUBSECTION (1) MUST BE RETURNED UNINJURED TO THE WATERS FROM WHICH THEY WERE TAKEN.

(2) (a) Except as provided in subsection (2)(c), THE COMMISSION SHALL ADOPT REGULATIONS TO ALLOW a person who, for recreational purposes, is swimming or submerged in a lake or reservoir may PUBLIC WATER BODY TO take OTHER game fish with a spear as long as the person is fully submerged and takes the game fish in accordance with any other laws or regulations in effect. A spear attached to a spear gun must be attached with a lanyard that is not more than 20 feet in length.

(b) When a person is spear fishing pursuant to this subsection (2), a diver's flag, red with a white slash,

1 must be displayed on the water ~~above~~ WITHIN 200 FEET OF the angler.

2 (c) A person spear fishing pursuant to this subsection (2) may not:

3 (i) ~~use artificial light;~~

4 (ii)(I) spear fish within 100 yards of a designated swimming or water ski area, boat dock, ramp, or
5 spillway; or

6 (iii)(II) spear fish in waters restricted by the commission to only catch-and-release fishing.

7 (d) The commission may, on request, consider opening other waters or portions of waters to spear
8 fishing pursuant to this subsection (2) as long as the method is feasible and safe.

9 (2)(3) The commission may designate certain waters where setlines may be used to fish for certain
10 species of game or nongame fish, and the commission may designate the number of hooks and lines and the
11 length of line or lines that may be used as setlines.

12 (3)(4) The commission may designate waters where authorized commercial fishing operators may use
13 approved nets, seines, and traps to fish for designated species of nongame fish."

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

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