

THE REVISED CODES OF MONTANA OF 1935

CONTAINING THE PERMANENT LAWS OF THE STATE IN
FORCE AT THE CLOSE OF THE TWENTY-FOURTH
LEGISLATIVE ASSEMBLY OF 1935

IN FIVE VOLUMES

COMPILED, REVISED AND ANNOTATED UNDER CHAPTER 89, LAWS OF 1933, AND
CHAPTERS 13 AND 32, LAWS OF 1935, AND PUBLISHED UNDER
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POLITICAL CODE

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found in any vehicle, at the camp, or on the premises of any person shall be prima facie evidence that the said seine, net or similar device belongs to the person or persons occupying said camp or premises; provided, that nothing herein contained shall apply to the owners of private fish ponds, as defined under the statute, nor to a person or persons having unexpired seine or net license, as provided for in the statutes of Montana; provided, further, that nothing herein contained shall apply to the use, by any person, of a landing net used in connection or in addition to the pole, line and hooks, in fishing for game fish; and provided, further, that nothing herein contained shall apply to the possession of traps, seines or nets where found in the vicinity of any waters which the fish and game commission have designated within the state, where traps, seines or nets may be used for the taking of non-game fish and Dolly Varden trout, as provided for in the statutes of Montana.

History: En. Sec. 25, Ch. 173, L. 1917; re-en. Sec. 3716, R. C. M. 1921; amd. Sec. 1, Ch. 113, L. 1933.

3717
Amended
S.L. 49, C. 101
Sec. 1, P. 202

3717. Use of explosives or poisons in taking fish unlawful—penalty. If any person or persons shall use any carbide, lime, giant powder, dynamite, or other explosive compounds, or any corrosive or narcotic poison or other deleterious substance, or have any of same in his possession within one hundred (100) feet of any stream where fish are found, for the purpose of catching, stunning, or killing fish, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than six (6) months or by both such fine and imprisonment.

History: En. Sec. 26, Ch. 173, L. 1917; re-en. Sec. 3717, R. C. M. 1921; amd. Sec. 24, Ch. 192, L. 1925; amd. Sec. 1, Ch. 82, L. 1933.

3717.1. Definition and use of lakes as navigable waters. All lakes, wholly or partly within this state, which have been meandered and returned as navigable by the surveyors employed by the government of the United States, and all lakes which are navigable in fact are hereby declared to be navigable and public waters, and all persons shall have the same rights therein and thereto that they have in and to any other navigable or public waters.

History: En. Sec. 1, Ch. 95, L. 1933.

3717.2. Navigable streams. All rivers and streams which have been meandered and returned as navigable by the surveyors employed by the government of the United States, and all rivers and streams which are navigable in fact are hereby declared navigable.

History: En. Sec. 2, Ch. 95, L. 1933.

3717.3. Navigable and public waters open to fishing. Navigable rivers, sloughs or streams between the lines of ordinary high water thereof, of the state of Montana, and all rivers, sloughs and streams flowing through any public lands of the state, shall hereafter be public waters for the purpose of angling, and any rights of title to such streams, or the land between the

high water flowlines or within the meander lines of navigable streams, shall be subject to the right of any person owning an angler's license of this state who desires to angle therein or along their banks to go upon the same for such purpose.

History: En. Sec. 3, Ch. 95, L. 1933.

3718. Dumping refuse from sawmill into streams. No person or corporation operating a sawmill on or near any stream, pond, lake, or river shall hereafter dump, drop, cart, or deposit, or cause to be dumped, dropped, carted, or deposited, sawdust, bark, shavings, oil, ashes, cinders, or debris in or near any such stream, pond, lake, or river, in such manner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake, or river; and any person so doing shall be deemed guilty of a misdemeanor, and, upon conviction, punished accordingly.

3718
Amended
S.L. '47, C. 224
Sec. 12, p. 311

History: En. Sec. 28, Ch. 173, L. 1917; re-en. Sec. 3718, R. C. M. 1921.

3719. Killing of moose, bison, buffalo, caribou, or antelope a misdemeanor. Any person who wilfully shoots or kills or captures, or causes to be shot or killed or captured, any moose, bison, buffalo, caribou, or antelope (and it is hereby made unlawful to kill any of said animals except as hereinafter stated), is guilty of a misdemeanor and shall be punished accordingly.

3719
Amended
S.L. '47, C. 224
Sec. 13, p. 311

History: En. Sec. 34, Ch. 173, L. 1917; re-en. Sec. 3719, R. C. M. 1921.

References

Rosenfeld v. Jakways et al., 67 M 558, 563, 216 P 776.

3720-3721. Repealed—Chapter 192, laws of 1925.

3721.1. Killing game for head, hide, antlers, tusks or teeth unlawful. Any person who at any time kills, captures or destroys any game animal of this state and detaches or removes from the carcass only the head, hide, antlers, tusks or teeth, or any, or all of the aforesaid parts, is guilty of a misdemeanor.

3721.1
Amended
S.L. '47, C. 224
Sec. 14, p. 312

History: En. Sec. 1, Ch. 115, L. 1931.

3721.2. Failure to dress game as prima facie evidence of violation. The failure of any person or persons to properly dress and care for any game animal killed by such person or persons within twenty-four hours and take or transport to the camp of such person or persons such carcass within a reasonable time and there properly take care of the same shall be prima facie evidence of the violation of the provisions of this act.

History: En. Sec. 2, Ch. 115, L. 1931.

3721.3. Penalty. Any person or persons violating the provisions of this act shall be punishable by a fine of not less than \$100.00 or more than \$300.00, or imprisonment in the county jail for a term of not less than thirty days or more than six months, or both such fine and imprisonment.

History: En. Sec. 3, Ch. 115, L. 1931.

3722. Protection of beaver—permit and fee—tagging, importing and exporting of skins—expiration of permit—penalty for violation. No person shall take, trap, kill, capture or attempt to take, trap, kill or capture, or in any way destroy any beaver in the state of Montana, or possess, buy, sell,

3722 (A)
New Sec.
S.L. '43 c. 173
Sec. 1 p. 313

3722
Amended
S.L. '47, C. 224
Sec. 15, p. 312