Chapter 497

1959 REPLACEMENT PART

Licenses and Permits

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WHEN LICENSE REQUIRED

497.010 Necessity for license. It is unlawful at any time or place within the state for any person 14 years of age or over, without first having procured a license to do so, to:

(1) Hunt, trap, pursue or kill with a gun, bow and arrow or other means or devices any wild bird or wild animals.

(2) Take, catch or angle for any game fish.

(3) Engage in hunting, trapping, pursuing or killing any wild animals or wild birds.

(4) Engage in taking, catching or angling for any game fish.

497.020 Contents of license. The license mentioned in ORS 497.010 shall authorize the person therein named to hunt, trap, pursue or kill wild birds or wild animals and to take, catch or angle for game fish, or engage in hunting, trapping, pursuing or killing wild birds or wild animals and taking, catching or angling for game fish at such seasons or times of the year, at such places, in such kinds, species, numbers, quantities, sex and bag limits and in such manner as the State Game Commission finds, after hearings as provided in ORS 496.190 to 496.210, will not affect injuriously the supply thereof, and not otherwise.

497.030 Requirement of license in public hunting areas. It is unlawful for any person to go upon any public hunting grounds or waters described in ORS 496.410 for the purpose of hunting, trapping, pursuing or killing any wild birds or wild animals or to take, catch or angle for any fish without first obtaining a permit from the game commission and paying the fee established therefor by the game commission.

497.040 When license not required. (1) No license is required of persons under 14 years of age to hunt, trap, pursue or kill wild birds or wild animals or to take, catch or angle for game fish, except that all persons, regardless of age, including landowners hunting on their own land, are required to have a license and tag to hunt deer, elk and antelope.

(2) No license is required of a person who is a resident of this state or members of his immediate family who are residents of this state, to hunt, trap or angle upon his own land.

(3) No license is required of any person while angling for other than game fish, salmon or sturgeon in the waters of the Pacific Ocean and the bays and inlets containing the salt water of the Pacific Ocean. [Amended by 1959 c.272 §1]

497.050 License to be in possession of licensee. Every person shall have on his person at the time of hunting, trapping, pursuing or killing wild birds or wild animals and at the time of taking, catching or angling for game fish and while engaged in so doing a license therefor issued pursuant to ORS 497.210. Failure to have the license on his person is a violation of a statute within the meaning of subsection (4) of ORS 496.990.

497.060 License subject to inspection. Any license issued to any person pursuant to ORS 497.210 is at all times subject to inspection by any officer of the state charged with the enforcement of the game and fish laws of the state, or the owner, or his agent or representative, of the real property upon which the holder of the license is hunting, trapping or angling.

497.070 [Repealed by 1959 c.341 §2]

497.072 [1955 c.216 §1; repealed by 1959 c.341 §2]

497.080 Oregon or Idaho license valid on Snake River. (1) The right to take fish and game from the waters of the Snake River or the islands of the Snake River, where the river forms the boundary line between the State of Idaho and the State of Oregon, by a holder of either an Idaho or an Oregon license in accordance with the fish and game laws of the respective states is lawful.

(2) Law enforcement officers shall honor the license of either state and the right of the holder thereof to take fish and game from the waters and islands of the river in accordance with the laws of the state issuing the license.

(3) The purpose of this section is to avoid the conflict, confusion and difficulty of an attempt to find the exact location of the state boundary in or on the waters and on islands of the Snake River, and shall not be construed to permit the holder of an Idaho license to fish or hunt on the shore line, sloughs or tributaries on the Oregon side, nor permit the holder of an Oregon license to fish or hunt on the shore line, sloughs or tributaries on the Idaho side.

497.090 Aliens; gun license as prerequisite for hunter's or trapper's license; fee. (1) It is unlawful for any unnaturalized, foreign-born person within this state, to hunt, trap for or kill or take any of the wild animals or wild birds of this state, or to have in possession any shotgun, rifle or any firearms, while in the field or forest, or in any tent, vehicle, car or camp in the state without first having secured a gun license from the game commission, paying $25 therefor.

(2) It is unlawful for any such unnaturalized person to apply for, secure or in any way attempt to secure a trapper's or hunter's license without having in possession at the time of applying for or securing the hunter's or trapper's license, a gun license.

(3) Nothing in this section allows such unnaturalized person to hunt without first obtaining a regular hunter's license.

497.100 Salmon angler's license. (1) It is unlawful for any person, who is required to procure a license under subsection (2) of ORS 497.010, to take, catch or angle for any salmon named in paragraph (d) of subsection (3) of ORS 496.010 or salmo gairdneri, commonly known as steelhead trout, unless he first procures a salmon angler's license and carries the license on his person. This section does not apply to persons described in ORS 497.170.

(2) The salmon angler's license shall be in addition to and not in lieu of the license provided under subsection (2) of ORS 497.010.

(3) The game commission shall provide by regulation for the issuance of the salmon angler's licenses provided under subsections (1) and (2) of this section.

(4) A salmon angler's license shall entitle the person to whom it is issued to take, catch or angle for the salmon and steelhead trout described in subsections (1) and (2) of this section during the calendar year in which the license is issued. [1959 c.692 §§2 and 3(1) and (3)]

Note: ORS 497.100 takes effect January 1, 1960.

LICENSE FEES

497.110 Hunting license fees. (1) Every resident person, upon the payment of $4, and every nonresident person, upon the payment of $35, shall receive a license to hunt for any of the wild animals or birds of the state during the open season, when it is lawful to kill them, except as otherwise provided.

(2) Any resident person between the ages of 14 years and 18 years, upon the payment of $2, shall receive a license to hunt for any of the wild animals or birds of the state during the open season, when it is lawful to take or kill them, except that this license does not entitle the holder to hunt for or take any of the deer or elk of the state under the provisions made by law for regulation of deer or elk hunting.

(3) Any person 14 years of age or over, who is a resident of a state bordering Oregon, upon application and payment of $10 shall receive a license to hunt for or take migratory waterfowl within this state during the open season when it is lawful to take or kill them provided that a resident of the State of Oregon may obtain a similar license at a similar fee in the state in which the applicant is a resident. [Amended by 1955 c.358 §1]

497.120 Angling license fees. (1) Any resident person, upon the payment of $4, and any nonresident person, upon the payment of $10, shall receive a license to angle for or take any fish during the open season, when it is lawful to angle for them.

(2) Any nonresident person, upon the payment of $5, shall receive a license to angle for or take any game fish within the state, which license when issued, shall be for a period of seven consecutive days.

(3) Until December 31, 1961, any resident or nonresident person, upon the payment of $1, shall receive a license to angle for or take any game fish within the state, for a period of one day or for any number of days upon the payment of $1 for each day during the open season when it is lawful to angle for such game fish.

(4) Any resident person between the ages of 14 years and 18 years, upon the payment of $2, shall receive a license to angle for or take any of the fish of the state during the open season when it is lawful to angle for them.

(5) No fee is required of any blind person in payment for an angling license. [Amended by 1955 c.358 §2; 1957 c.148 §1; 1959 c.221 §1]

497.122 [1955 c.474 §1; repealed by 1957 c.148 §2]

497.125 Salmon angler's license fee. Any person upon the payment of $1 shall receive a salmon angler's license. [1959 c.692 §3(2)]

Note: ORS 497.125 takes effect January 1, 1960.

497.130 Combination hunting and angling license fees. Every resident person, upon the payment of $7, shall receive a license to hunt for any of the wild animals or birds and angle for any of the fish of the state during the open season, when it is lawful to take or kill them.

497.140 Members of Armed Forces; fees for hunting and angling licenses. Every member of the Armed Forces of the United States on active duty who applies for a hunting or angling license in this state shall pay only the same fee therefor as residents pay.

497.150 Disabled war veterans; hunting and angling license fees. Every war veteran who has been a resident of this state for more than one year immediately preceding his application for a hunting or fishing license and who furnishes evidence satisfactory to the game commission that his last official rating of record by the United States Veterans' Administration or any branch of the Armed Forces of the United States shows him to be at least 25 percent disabled, shall be issued such license by the game commission for a fee of 50 cents. Any person desiring to apply for a license pursuant to this section shall file written proof of his service, residence and disability with the game commission, except that veterans of the Spanish American and Civil Wars, Philippine Insurrection or the Boxer Rebellion shall be deemed to have 25 percent disability without furnishing proof of such disability. [Amended by 1955 c.153 §1; 1957 c.54 §1]

497.160 Pioneer and aged, indigent residents; hunting and fishing license fees. The game commission shall grant for 50 cents an annual hunting or fishing license to any citizen who has been a resident of this state for more than 60 years prior to date of application and whose birth date is not later than 1899 or to any citizen over the age of 65 years who has been a resident of this state for 10 years and who furnishes to the county judge or chairman of the board of county commissioners an affidavit to the effect that he is unable to pay the regular license fee. A certified copy of such affidavit shall be forwarded to the game commission. In those counties where a game commission office is established, a citizen required to furnish an affidavit shall furnish it to such office rather than to the county judge or chairman of the board of county commissioners. [Amended by 1953 c.79 §2; 1955 c.295 §1]

497.170 Columbia River Indians; free hunting and fishing licenses. The game commission shall furnish a permanent hunting and fishing license, without payment of fee, to all Columbia River Indians who are eligible to hunt and fish under the terms of the Treaty of 1855 between the Columbia River Indians and the United States of America. The chief authority of the Columbia River Indians shall furnish from time to time to the game commission a list of all Indians who have become eligible, and shall certify under oath that the Indians named in the list are included in the terms of the treaty.

497.180 to 497.200 [Reserved for expansion]

ISSUANCE, APPLICATION, TRANSFERRING, TERM, LOSS AND FORFEITURE

497.210 Who may issue licenses. (1) The game commission or an authorized agent of the game commission, under such rules and regulations as are made by the commission, may issue licenses according to law and collect the fees prescribed by law therefor.

(2) Any county clerk may issue licenses according to law and the applicable rules and regulations of the commission, and may collect the fees prescribed by law therefor. [Amended by 1955 c.109 §2]

497.220 [Repealed by 1955 c.109 §1]

497.230 False statement of residence on license application. No person shall knowingly make any false statement in regard to his place of residence, or the residence of any applicant, either in applying for a license for himself or in signing the application of any other person applying for a license.

497.240 Altering, borrowing, loaning or transferring license. No person shall at any time alter, change, borrow, loan or transfer to another, any hunter's or angler's license, deer tag, elk tag, antelope tag, big game tag, or any coupon thereof, issued in accordance with law.

497.250 Obtaining or possessing more licenses, tags and coupons than required. No person shall apply for, purchase, procure, obtain or possess for himself or any other person more than one general hunting or angling license, or salmon angler's license, or more deer, elk or antelope tags or other special licenses, tags or permits for game birds, game fish or game animals, than he is required to have for hunting or fishing in compliance with regulations governing bag limits established by the game commission for the current year. [Amended by 1959 c.692 §11]

497.260 Term of licenses; licenses nontransferable. (1) No license shall be granted for a period longer than one year. All licenses and coupons shall expire on December 31 next after issuance.

(2) No license or any coupon thereof is transferable.

497.270 Lost or destroyed license; certificate in lieu; fee. (1) Upon the receipt of a fee of 50 cents and the filing of an affidavit that an angling or hunting license has been lost or destroyed, the game commission shall issue a certificate that the license has been issued and has since been lost or destroyed, which certificate may be used in lieu of the lost or destroyed hunting or angling license.

(2) ORS 497.230 to 497.250 shall not be construed to conflict with this section.

497.280 Forfeiture of license. When any person in this state is convicted of a violation of any law for the protection, as defined in ORS 496.620, of any of the wild animals, birds or fish, or any violation of this Act, as defined in subsection (2) of ORS 496.025, the court in which such person is convicted may, in its discretion, forfeit his trapping, hunting or angling license in addition to penalties otherwise provided. If the license is forfeited such person shall be denied the privilege of trapping, hunting or angling for any of the animals, birds or fish of the state for the balance of the calendar year in which the offense is committed.

497.290 Trapping, hunting, angling or securing license after privilege denied. No person, after being denied the privileges of trapping, hunting or angling by any of the provisions of this Act, as defined in subsection (2) of ORS 496.025, for any stated period, shall trap, hunt or angle for any of the wild animals, birds or fish of this state or secure by fraud or otherwise, a license to trap, hunt or angle.

497.300 to 497.400 [Reserved for expansion]

DISPOSITION OF LICENSE MONEYS COLLECTED

497.410 County clerks to forward license moneys to commission; deposit by commission. (1) Except as otherwise provided by ORS 497.430, all moneys collected by the county clerks for the sale of fishing and hunting licenses and salmon angler's licenses shall, on the last day of every month, be forwarded to the game commission.

(2) Except as provided under ORS 496.345, the game commission shall deposit such moneys with a national bank or other bank doing business in this state, and shall require the bank to keep such funds and the accrued interest thereon fully secured in the same manner that the public funds in the custody of the State Treasurer are by law required to be secured. [Amended by 1959 c.692 §12]

497.420 County clerk to report license moneys collected and forwarded; return of unissued licenses. (1) County clerks shall also on the last day of every month send a report of all moneys collected and forwarded to the game commission under ORS 497.410.

(2) Every county clerk shall on December 15 of every calendar year forward all unissued licenses and duplicates or stubs to the game commission.

497.430 County clerk to collect and deposit in county fund additional fees. Every county clerk issuing licenses for hunting or fishing or salmon angler's licenses, in addition to collecting the fees prescribed by law for issuing the license, shall charge 25 cents for each license for which a charge of $5 or more is prescribed by law, and 10 cents for each license for which a charge of less than $5 is prescribed. These sums shall be deposited in the general fund of the county for which he is clerk. [Amended by 1959 c.692 §13]

497.440 Licensing agents may deposit license moneys in bank; effect of insolvency of bank. Except as otherwise provided in ORS 497.460, any person authorized by the

game commission to issue hunters' and anglers' licenses, except county clerks, may deposit in a local bank, in an account to be known as State of Oregon game license account, all moneys received by such agent from the sale of hunters' and anglers' licenses. Should the bank become insolvent and thereby occasion a loss to such account, the license agent shall not be liable for the loss if he has complied with ORS 497.450.

497.450 Licensing agents to forward license moneys to commission. The agent mentioned in ORS 497.440 shall on or before the tenth day of each month forward to the game commission all moneys belonging to the state collected for licenses sold during the preceding month. If the agent has deposited the license money in a local bank, then he shall draw a check or draft on the bank for all moneys then on deposit to the credit of the account payable to the order of State Game Commission. The agent shall forthwith forward such check or draft to the game commission on or before the tenth day of each month. The check or draft shall be in an amount to include all moneys received from the sale of hunting and fishing licenses, including salmon angler's licenses, during the preceding calendar month. [Amended by 1959 c.692 §14]

497.460 Licensing agents to collect and retain additional fees. (1) Persons, firms or corporations authorized by the game commission to issue licenses for hunting or fishing and salmon angler's licenses, in addition to collecting the fees prescribed by law for issuing the license, shall charge 25 cents for each license for which a charge of $5 or more is prescribed by law, and 10 cents for each license for which a charge of less than $5 is prescribed. These sums shall be retained by the authorized person, firm or corporation for his or its services.

(2) Whenever the game commission finds that any person, firm or corporation mentioned in subsection (1) of this section has violated this section, the commission shall suspend the authorization of such person, firm or corporation to issue hunters' or anglers' licenses, and in no event shall any suspension be for a period of less than three months. [Amended by 1959 c.692 §15]

497.470 Failure to turn over license moneys. No county clerk or person authorized to issue hunters' and anglers' licenses shall fail to turn over all moneys received from the sale of the licenses, as provided in ORS 497.410 and 497.450.

497.480 to 497.500 [Reserved for expansion]

SPECIAL BIG GAME ANIMAL TAGS; ELK AND DEER TAGS

497.505 [Amended by 1957 c.259 §1; renumbered 496.006]

497.510 Power of commission to issue special big game animal tags and controlled hunt permits. (1) Whenever the game commission finds that a limited number only of any species or kinds of big game animals or of either sex thereof may be hunted, trapped, pursued or killed, as provided in ORS 496.195, the game commission may, in its discretion, make a regulation providing for the issuance of special big game hunting tags or controlled hunt permits to resident licensed hunters. Every such regulation shall specify the species and sex of big game animal, the area and season in which the same may be hunted or taken, the maximum number of tags or permits to be issued to any one person, the total number of tags or permits to be issued and the terms and conditions under which such big game animals may be hunted, trapped, pursued or killed. The game commission may specify in such regulation the requirements for eligibility of applicants to obtain special big game hunting tags or controlled hunt permits. Matters which may be considered by the game commission in specifying such requirements for eligibility include (a) possession of a general big game hunting tag for the big game animal applied for, and (b) the issuance of a special big game hunting tag or controlled hunt permit in previous years to the applicant regardless of the applicant's use or nonuse of such tag or permit.

(2) The game commission may, during the course of such controlled season, close such special areas to the hunting of any wild animals and birds other than those designated. [Amended by 1955 c.172 §1; 1959 c.329 §1]

497.520 Application for and issuance of special big game animal tags or permits. (1) Each year the tags or permits mentioned in ORS 497.510 shall be issued in the order in which applications are received after a date fixed by the game commission for each species. Any application received prior to such date shall be considered received on such date.

If by the end of the day's business on such date more applications are received than the specified number of tags or permits to be issued, then a drawing shall be held to determine to whom the tags or permits shall be issued.

(2) It is unlawful for any applicant to attempt to increase his advantage in drawing a tag or permit for any species by filing more applications than permitted by the game commission whether such applications are filed as individual or party applications, and any such attempt is sufficient cause for disallowing the application in toto and giving no further consideration to the applicant.

(3) Application may be made either individually or as a member of a party not exceeding four applicants when party application is authorized by the game commission. [Amended by 1955 c.171 §1; 1957 c.50 §1; 1959 c.329 §2]

497.530 Fees for and contents of special big game animal tags and permits. (1) The game commission shall fix the prices to be paid for the special tags and permits issued under ORS 497.510, but the price to be paid by a resident licensee for any such tag or permit shall not exceed $10; provided, however, that the game commission may, in its discretion, issue permits without charge.

(2) Every such tag or permit shall authorize the holder to hunt or take only the number, species and sex of game animal specified thereon, but only as prescribed and permitted by and strictly in accordance with the terms and conditions specified in the regulation of the commission providing for the issuance of such tag or permit. [Amended by 1955 c.170 §1; 1959 c.329 §3]

497.540 Special big game animal tag or permit to be in holder's possession; inspection. (1) In the event the game commission makes a regulation directing the issuance of special hunting tags or permits as provided in ORS 497.510, it is unlawful for any person to hunt, trap, pursue or kill any game animal for which a tag or permit is required by ORS 497.510 until he first obtains the tag or permit and unless, while so hunting, pursuing, trapping and killing such game animal, he has the tag or permit on his person.

(2) Any tag or permit issued to any person according to ORS 497.510 is at all times subject to the inspection of any officer of the state or other person charged with the enforcement of the game laws of the state. [Amended by 1955 c.173 §1]

497.550 [Repealed by 1955 c.280 §2]

497.560 Resident elk tags; contents; fee. Any resident hunter desiring to hunt for elk pursuant to any law permitting the taking of elk, shall first secure in addition to a resident hunter's or combination hunter's and angler's license, an elk tag. This tag shall have written thereon the hunter's or combination hunter's and angler's license number of the licensee. The hunter shall pay to the license agency issuing the tag, for the benefit of the State Game Fund, $7.50 for the tag.

497.570 Nonresident elk tags; contents; fee. Any nonresident desiring to hunt for elk pursuant to any law enacted permitting the taking of elk, shall first secure in addition to a nonresident hunter's license, an elk tag. This tag shall have written thereon the nonresident hunter's license number of the licensee. The nonresident hunter shall pay to the license agency issuing the tag, for the benefit of the State Game Fund, $35 for the tag.

497.580 [Repealed by 1955 c.280 §2]

497.590 Holder of elk tag to complete report card. Any person to whom an elk tag has been issued shall, within 30 days after the close of the hunting season for elk, completely fill out the report card issued with the elk tag by entering thereon the correct and true information called for and signing his genuine signature thereto, and file the card with the game commission. Any person purchasing an elk tag and failing to file the report card, after written demand therefor has been made by the game commission, may be refused a tag for the next succeeding season by the game commission.

497.600 Elk tags for disabled war veterans, pioneers and aged, indigent residents. Any holder of an annual hunting license or combination hunting and fishing license, as provided in ORS 497.150 or 497.160, may hunt for elk pursuant to the laws regulating such hunting, but such licensee shall first apply to and receive from the game commission an elk tag as provided by law, for which the game commission shall charge $2.50.

497.610 Resident deer tags; contents; fee. Any resident hunter desiring to hunt for

deer pursuant to any law permitting the taking of deer, shall first secure in addition to a resident hunter's or combination hunter's and angler's license, a deer tag. This tag shall have written thereon the hunter's or combination hunter's and angler's license number of the licensee. The hunter shall pay to the license agency issuing the tag, for the benefit of the State Game Fund, $1 for the tag.

497.620 Nonresident deer tags; contents; fee. Any nonresident desiring to hunt for deer pursuant to any law permitting the taking of deer, shall first secure in addition to a nonresident hunter's license, a deer tag. This tag shall have written thereon the nonresident hunter's license number of the licensee. The nonresident hunter shall pay to the license agency issuing the tag, for the benefit of the State Game Fund, $15 for the tag.

497.630 [Repealed by 1955 c.280 §2]

497.640 Holder of deer tag to complete report card. Any person to whom a deer tag has been issued shall, within 30 days after the close of the hunting season for deer, completely fill out the report card issued with the deer tag by entering thereon the correct and true information called for and signing his genuine signature thereto and file the card with the game commission. Any person purchasing a deer tag and failing to file the report card, after written demand therefor has been made by the game commission, may be refused a tag for the next succeeding season by the game commission.

497.650 Use of deer, elk or special big game tags. (1) For the purposes of this section "primal part" means the shoulder, rib, loin, rump or hindquarter of each side of a big game animal.

(2) When the owner of any deer, elk or special big game tag legally takes or kills an animal for which such tag is issued, such person shall immediately validate said tag in a manner prescribed by the game commission and attach the tag in plain sight, securely to the animal. The tag shall be kept attached to such carcass or parts thereof so long as the same are preserved or until replaced by a tag or seal of the game commission.

(3) When any primal part of the carcass is transferred to the possession of another person a written record indicating the name and address of the person whose tag was originally attached to the carcass and the number of that tag shall accompany such transfer and shall remain with such primal part so long as the same is preserved or until replaced by a tag or seal of the game commission. [1955 c.280 §1]

497.660 to 497.700 [Reserved for expansion]

SPECIAL LICENSES AND PERMITS; REGULATIONS APPLICABLE THERETO

497.710 Sandy River smelt and candle fish license; fee disposition. (1) It is unlawful for any person to take or fish for smelt or candle fish (eulachan) in the Sandy River without first obtaining a special license, except that this subsection has no application to commercial fishermen who shall pay such license and poundage fees for taking smelt or candle fish (eulachan) as are otherwise provided by law.

(2) Any person may obtain a license to fish for smelt or candle fish (eulachan) by paying a fee of 50 cents to the game commission. This license shall permit the holder to fish for and take smelt or candle fish (eulachan) in the Sandy River during the season or year for which it is issued.

(3) All such license fees collected shall be converted into the State Game Fund account, and shall be devoted to and disbursed by the game commission in the improvement of the Sandy River for angling and smelt fishing purposes.

497.720 Coupons or script for upland game birds. (1) The game commission may enter into contracts with any landowner, his lessee or managing agent in any county of the state, by the terms of which contract the game commission shall issue to anyone holding a current hunting license or combination hunting and fishing license, script or coupons at a price not to exceed 50 cents. The coupons or script entitle, subject to this section, the person to whom they are issued to go upon any land of any owner who has contracted with the game commission, for the purpose of taking Chinese or Hungarian pheasants or any other of the upland game birds during the open season and within the lawful bag limits.

(2) It is lawful for the owner of such land, his lessee or managing agent to collect from the hunter one coupon for each of

such birds taken on the land of such landowner.

(3) The game commission may redeem any of the coupons for a sum not exceeding 90 percent of the amount for which the coupons are originally sold to the licensee.

(4) This section inures to the benefit of any and all owners of land, their lessees or managing agents, desiring to take advantage thereof in any county of the state where the game commission declares that such script may be used, but nothing in this section requires the game commission to provide for the use, sale or redemption of such script in each and every county in the state.

(5) The game commission may promulgate such rules and regulations as are necessary to carry out the intent of this section.

(6) The game commission shall furnish to all landowners, their lessees or managing agents, appropriate signs to be posted by such persons on lands subjected to this section.

(7) Nothing contained in this section prevents any landowner, his lessee or managing agent from limiting the number of such game birds killed on his land by limiting the number of persons allowed upon his land during any day, week or hunting season.

(8) No person shall counterfeit or alter any hunting script issued by the game commission.

497.730 License to trap or hunt fur-bearing animals; trapper's report. (1) No license shall be issued to any nonresident to trap or hunt any fur-bearing animal of this state at any time.

(2) It is unlawful for any person to trap for or hunt any fur-bearing animal of this state unless such person has first obtained a state trapper's license from the game commission, paying therefor $6.

(3) No person is required to purchase a trapper's license for the purpose of hunting or trapping fur-bearing animals, according to the regulations prescribed by law, upon land of which he is the lawful owner or lessee, but he shall be required to register the location of such land with the game commission and have in his possession a receipt of the registration each season before hunting or trapping fur-bearing animals.

(4) Any person trapping fur-bearing animals on his own or other lands shall within 30 days after the close of the season file with the game commission a report of the number and species of fur-bearing animals taken and the amount received from their sale. Any person failing to file the report may be refused a license to hunt or trap fur-bearing animals for succeeding seasons by the game commission.

(5) This section does not apply to the trapping of gophers, moles, ground squirrels and weasels.

(6) For the purposes of this section, beaver, fisher, mink, marten, muskrat, otter, raccoon and ringtailed cat shall be considered and are defined to be "fur-bearing animals."

497.740 Fur dealer's license; keeping and inspection of records; forfeiture of license. (1) It is unlawful for any person to engage in the business of buying otter, mink, fisher, marten, muskrat or the skins or pelts of same or of any other fur-bearing animals unless such person has first obtained a license from the game commission, which may be granted to any person on application to the game commission. The applicant shall pay to the game commission $10 for the license. The license shall expire on December 31 of the year in which it is issued.

(2) Every licensed fur dealer shall keep a record book which shall be open to inspection by any officer charged with enforcement of the game laws or any employe or representative of the game commission, upon request at any time. In the record book shall be entered a chronological record of all pelts and skins of fur-bearing animals purchased or acquired by the licensee, whether directly or through any agent, stating the number and variety of the pelts or skins, and the names and addresses of the respective persons from whom they were purchased or acquired. The licensee shall deposit with the game commission, not later than January 10 in each year, a verified record, on forms to be furnished by the game commission, of the pelts and skins acquired by the licensee during the preceding year and the respective dates on which the pelts were purchased or acquired.

(3) On proof that the holder of any fur dealer's license has violated any of the provisions of the Act, as defined in subsection (2) of ORS 496.025, his license shall be forfeited and, in addition, he shall be punished as provided in subsection (4) of ORS 496.990.

497.750 Guide's license; temporary license for fishing events; forfeiture of license. (1) Any person who acts as a guide, accepting compensation therefor, shall first obtain a guide's license from the game commission. This license may be issued to any Oregon resident who possesses the qualifications prescribed by and at the discretion of the commission, and who pays the commission $15. Each license shall expire December 31 of the year in which issued. An employe of a licensee who acts in the capacity of guide for horsepacking parties to and from a hunting or fishing area or who acts as a helper to a licensee on a charter boat, need not have a guide license in connection with such employment. Each licensee shall be responsible for all acts or omissions of his employes when acting within the scope of their employment.

(2) Subject to all the qualifications and conditions specified in this Act, as defined in subsection (2) of ORS 496.025, a temporary guide license may be issued by the commission upon the payment of a fee of $3. This license shall expire not more than two weeks after the date of its issue. This license shall authorize the holder to act as a fishing guide in or along waters over which this state has exclusive jurisdiction, in connection with and during any regularly sponsored fish derby or other regularly sponsored fishing event, and not otherwise.

(3) Upon proof that any licensed guide or his employe has violated any of the provisions of this Act, as defined in subsection (2) of ORS 496.025, his license shall be forfeited and, in addition, he shall be punished as provided in subsection (4) of ORS 496.990. [Amended by 1959 c.204 §1]

497.760 Duties of guide and his employer. (1) No person shall act as a guide for any person without first satisfying himself that such person has the proper licenses for the hunting or angling he expects to do.

(2) No person shall go with any person who has undertaken to act as guide without first satisfying himself that such person has a guide's license or is employed to serve as a guide by a licensed guide.

(3) Every licensed guide, or his employe, shall use every reasonable effort to prevent any person for whom he is acting as guide from violating any of the provisions of this Act, as defined in subsection (3) of ORS 496.025.

(4) Every licensed guide shall keep an accurate record of all game fish, birds and animals taken by him, or his employe, and by his party on every trip on which he, or his employe, acts as guide. Within seven days after completion of each trip the licensed guide shall make to the game commission a full and correct report of all game fish, birds and animals taken on the trip, on forms to be provided by the commission.

(5) No licensed guide, or his employe, shall catch or kill or attempt to catch or kill any game fish, bird or animal for any person or party for whom he may be acting as a guide, but any guide holding a hunting license may kill, for his personal use only, any game bird or animal subject to the conditions of the license. No person shall knowingly accept from a guide, or his employe, any game fish, bird or animal or any part thereof so unlawfully caught, killed or taken by the guide, or his employe.

(6) No guide, or his employe, shall use any commercial fishing license while he is acting as guide for any person or party engaged in taking, catching or angling for game fish in the waters of this state or in any waters over which this state has concurrent jurisdiction.

(7) No guide shall fail to report to the game commission any violations of this Act, as defined in subsection (3) of ORS 496.025. [Amended by 1959 c.217 §1]

497.770 Permit to raise and sell game; shipping permits; disposition of fees; purpose of section. (1) Any person, desiring to engage in the business of raising and selling any kind of game animals or game birds shall make application in writing to the game commission, on a form approved and to be furnished by the State Game Commission, for a permit. Five dollars shall be charged for the permit. The permit shall expire on December 31 of the year in which it is issued. The permit shall name therein the kinds of game animals or game birds for which it is issued.

(2) When it appears that application is made in good faith, the game commission shall issue to the applicant a game breeder's permit, allowing the applicant to raise the game animals or game birds named therein in confinement and sell the same for breeding or stocking purposes or kill the same and sell the carcass for food. Any person to

whom a game breeder's permit has been issued by the game commission may kill such game animals or game birds raised in captivity at any time during the life of the permit.

(3) Before such person ships or transports by common carrier or parcel post or express without the state, he shall attach securely to the shipment a written shipping permit to be provided to each game raiser without charge by the game commission. This shipping permit shall be pre-numbered indelibly by the game commission with the game raiser's permit number and shall consist of two parts, as follows: An information return to be filled out and detached from the shipping permit and mailed post free to the game commission, and a remainder to be attached securely to the shipment. The permit shall specify the kind and quantity of game animal or game bird offered for shipment or transportation, and shall contain the name and address of the person making the shipment, the name and address of the person to whom the shipment is made and the name and address of the person carrying or transporting.

(4) All moneys received for the issuance of the permits shall be deposited by the game commission with the State Treasurer to be credited to the State Game Fund.

(5) The purpose of this section is to aid the game commission in the enforcement of the state game laws and not to place the game raisers under the jurisdiction of the game commission.

497.780 Permit to collect birds, nests and eggs for scientific purposes; bond; forfeiture of bond and permit. (1) Certificates may be granted by the game commission to any person of the state, and shall be granted on the recommendation of the president of the State Agricultural College or the president of the University of Oregon, permitting the holder to collect birds, their nests and eggs for strictly scientific purposes only.

(2) In order to obtain such certificates the applicant must present to the game commission testimonials from two well-known scientific men, certifying to the good character and fitness of the applicant to be trusted with the privilege. The applicant must pay to the game commission $1 to defray the necessary expenses of issuing the certificate, and must file with the game commission a properly executed bond to be approved by the game commission in the sum of $200, signed by a satisfactory and responsible surety company or by two satisfactory and responsible citizens of the state as sureties.

(3) No holder of a certificate shall kill any bird or take any nests or eggs for other than scientific purposes. Upon proof of violation of this subsection, the holder's bond shall be forfeited to the state and his certificate shall be declared void and, in addition, he shall be punished as provided in subsection (6) of ORS 497.990.

(4) The game commission may, without bond or fee, authorize any employe of the game commission, Fish Commission of the State of Oregon, United States Departments of Agriculture, Interior or Commerce, the State Agricultural College or University of Oregon to collect any of the wild animals, birds or fish at any season of the year for the purpose of propagation or acquiring knowledge as to their distribution and food habits.

(5) As used in this section, "scientific purposes" includes only the examination and study of any bird or animal for the acquisition of knowledge thereof, and not the killing or taking of any animal or bird for mounting or preserving by taxidermy, or for any purpose otherwise than for making collection for educational purposes, but no collection shall be made for the purpose of barter or sale.

497.790 Taxidermist license. (1) It is unlawful within the state for any person engaging in conducting a taxidermist business, as the term is commonly understood, to prepare or mount any skins or dead bodies of any game birds or animals of this state for profit unless such person first obtains a license from the game commission, which may be granted to any person in the discretion of the game commission, upon paying $5 to the commission for the license. This license shall expire on December 31 of the year in which issued.

(2) On proof that any holder of any taxidermist license has violated any of the provisions of this Act, as defined in subsection (2) of ORS 496.025, his license shall be forfeited and, in addition, he shall be punished as provided in subsection (4) of ORS 496.990.

497.800 Taxidermist to keep and exhibit register. Every taxidermist who mounts specimens of game animals, birds or fish shall keep a register in which a list of the names

of all persons who furnish him with raw or unmounted specimens shall be kept, together with the species of bird or animal received and where the bird or animal was killed. The taxidermist is required to exhibit the register, together with all unmounted skins in his possession, to any game warden or other officer charged with the enforcement of the game laws upon request.

497.810 Permit to keep wild animals and birds belonging to state in captivity; revocation of permit. (1) It is lawful to keep wild animals and wild birds belonging to the state in captivity when authorized so to do by a permit from the game commission. No such permit shall be issued unless the commission deems it proper, and the fee of $1 has been paid therefor.

(2) Every such permit shall:

(a) Specify the animals and birds and the premises where they must be kept.

(b) Expire on December 31 of the year in which issued, unless sooner revoked.

(c) Be nontransferable.

(d) Be conditioned upon full compliance at all times with all rules and requirements of the game commission relative to care and other circumstances of the permitted keeping.

(3) Any such permit may be revoked at any time by the game commission, as it deems proper. Upon revocation of the permit, the game commission immediately shall take possession for the state of the animals and birds specified therein. [Amended by 1953 c.365 §3]

497.820 Permit to keep wild animals and birds in captivity. Any public park, zoo, museum or person desiring to acquire by purchase or otherwise, from within or without the state, any wild animals or birds shall first secure from the game commission a permit allowing them to hold the wild animals and birds in captivity. [Amended by 1953 c.365 §3]

497.830 Fish in private pools and game in parks as private property; tags for disposal. All fish in private ponds or pools and all game in the parks of individuals or municipal corporations, fed and protected by them, are the private property of the individuals and municipal corporations, and may be disposed of by the individual or municipal corporation under such tagging system as the game commission may prescribe.

497.840 to 497.980 [Reserved for expansion]

PENALTIES

497.990 Penalties. (1) Violation of ORS 497.230 to 497.250 is punishable, upon conviction, by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both.

(2) Violation of ORS 497.470 is punishable, upon conviction, by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail for not less than 30 days nor more than six months.

(3) Violation of ORS 497.710 is punishable, upon conviction, by a fine of not more than $100, or by imprisonment for not more than 30 days, or both.

(4) Violation of subsection (8) of ORS 497.720 is a felony and is punishable, upon conviction, by a fine of not less than $100 nor more than $5,000, or by imprisonment in the penitentiary for not more than five years, or both.

(5) Violation of ORS 497.770 is punishable, upon conviction, by a fine of not less than $50 nor more than $500, or by imprisonment in the county jail for not less than 60 days nor more than six months, or both.

(6) Violation of subsection (3) of ORS 497.780 is a misdemeanor.

(7) Any person who is convicted of having knowingly, wilfully and falsely obtained a license under ORS 497.160 is guilty of a misdemeanor and shall be punished by a fine of not less than $25 nor more than $500, or by imprisonment for not less than 10 days nor more than six months or by both such fine and imprisonment.

(8) Any person violating any provision of this chapter unless otherwise provided, shall be punished, upon conviction, by a fine of not less than $25 nor more than $500, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both. [Subsection (7) enacted as 1955 c.295 §2; 1959 c.352 §2]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1959.

Sam R. Haley
Legislative Counsel