

This rule was filed as 19 NMAC 35.2.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 35 CAPTIVE WILDLIFE USES
PART 2 CALL PEN AND RETRIEVER TRIALS

19.35.2.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[12/30/95; Recompiled 12/31/01]

19.35.2.2 SCOPE: People interested in training bird dogs and holding field trials or field tests for dogs.
[12/30/95; Recompiled 12/31/01]

19.35.2.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-1-26, and 17-15-4 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.
[7/8/92, 12/30/95; Recompiled 12/31/01]

19.35.2.4 DURATION: Permanent.
[12/30/95; Recompiled 12/31/01]

19.35.2.5 EFFECTIVE DATE: December 30, 1995 [unless a later date is cited at the end of a section]
[12/30/95; Recompiled 12/31/01]

19.35.2.6 OBJECTIVE: Establish the use of legally propagated game birds in training bird dogs, with or without the use of call pens, and establishing the use of game birds and raccoons in field trials and field tests.
[7/8/92, 12/30/95; Recompiled 12/31/01]

19.35.2.7 DEFINITIONS:

- A. "Legally propagated game birds for use in training bird dogs" shall mean pen-raised pheasants, bobwhite quail, and chukar.
- B. "Game birds for use in field trials and tests" shall mean legally propagated pen-raised pheasants, quail, chukars, and mallards.
- C. "Field trial" shall mean the activity of releasing, killing and possessing game birds for the purpose of competence testing and competition in dog training.
- D. "Field test" shall mean the activity of using legally propagated and possessed game birds or [raccoon held under a retention permit for dog] competence testing and competition. No wildlife shall be intentionally killed during a field test.
[7/8/92; Recompiled 12/31/01]

19.35.2.8 USE OF LEGALLY PROPAGATED GAME BIRDS IN TRAINING BIRD DOGS; CALL PENS:

- A. In conjunction with bird dog training, a person may daily possess, liberate and kill up to ten (10) legally propagated game birds raised or obtained in accordance with New Mexico laws and regulations.
- B. While engaged in this activity, a person must have in possession a proper propagator's receipt for the birds being used. If a person is using birds he has raised, he must have in possession a copy of his propagation permit.
- C. This regulation does not address or affect activities associated with protected wildlife for purposes other than those herein described.
- D. If a call pen is to be used in association with this activity, a call pen permit is required. Application must be submitted to the deparatment, stating the name of the person and the location of the call pen. The call pen shall be permanently marked with the permittee's name, address, and permit number.
[7/8/92, 12/30/95; Recompiled 12/31/01]

19.35.2.9 USE OF GAME BIRDS AND RACCOONS IN FIELD TRIALS AND FIELD TESTS:

A. It shall be unlawful to conduct a field trial or field test without first submitting an application to the director of the department of game and fish.

B. The application and fee for a field trial or field test must be received by the department of game and fish at least 15 days prior to the start of the trial. The application shall include dates of the trial, location, source of game birds and copies of pertinent documents authorizing possession of protected wildlife to be used. A copy of the application must be maintained by the sponsor and in his/her possession during the trial/test. The application shall be considered approved unless notified in writing by the department.

C. A receipt or retention permit for all wildlife held during the trial or test shall be in the possession of the sponsor.

D. Raccoons may be released during a field test provided the application states the dates of the release and that an authorization for the release is granted by the director of the department of game and fish.

E. Posting: Notices of the field trial/field test will be posted at each corner and entrance to the field trial/test area.

F. Any person registered with the sponsor may take, hunt or pursue game birds during the trial.

G. Game birds taken at bona fide field trials may be sold or donated. The sponsor shall provide to all persons receiving such birds, an invoice stating the name of the club or organization, the date the bird or birds were taken, the species and number of birds covered by the invoice.

[7/8/92, 12/30/95; Recompiled 12/31/01]

HISTORY OF 19.35.2 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives:

DGF 69-9, Order No. 5-69, Amending Regulation No. 472, 8/26/69.

Regulation No. 697, Establishing the Use of Game Birds and Raccoons in Field Trials and Field Tests, 7/8/92.

DGF 69-10, Regulation No. 506, Regulating the Use of Call Pens, 9/2/69.

Regulation No. 692, Establishing the Regulation for the Use of Call Pens, 12/3/91.

Regulation No. 696, Establishing the Use of Legally Propagated Game Birds in Training Bird Dogs, 7/8/92.

History of Repealed Material: [RESERVED]