

## 1 SENATE BILL NO. 397

2 INTRODUCED BY S. BOULANGER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING PROVISIONAL HUNTING AND TRAPPING  
5 SEASONS FOR CERTAIN LARGE PREDATORS WHEN RESTRICTIVE HARVEST REGULATIONS FOR ELK  
6 ARE ADOPTED; ALLOWING USE OF HOUNDS AND BAIT WHEN HUNTING BLACK BEARS DURING A  
7 PROVISIONAL SEASON; ALLOWING USE OF HOUNDS WHEN HUNTING MOUNTAIN LIONS DURING A  
8 PROVISIONAL SEASON; CREATING BEAR BAITING AND HOUND HUNTING LICENSES; ESTABLISHING  
9 WOLF TRAPPING REGULATIONS; ESTABLISHING REDUCED COST NONRESIDENT LICENSES;  
10 PROVIDING AN EXCEPTION TO THE REQUIREMENT THAT HUNTERS WEAR ORANGE AND THE  
11 PROHIBITION ON WASTE OF GAME; AMENDING SECTIONS 87-1-301, 87-1-304, 87-2-507, 87-2-603,  
12 87-2-701, 87-2-702, 87-6-205, 87-6-401, 87-6-404, AND 87-6-414, MCA; AND PROVIDING AN IMMEDIATE  
13 EFFECTIVE DATE."

14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16

17 NEW SECTION. **Section 1. Provisional seasons for certain large predators -- regulations --**  
18 **nonresident licenses.** (1) When the commission adopts restrictive harvest regulations for elk in a hunting district  
19 pursuant to the statewide elk management plan, the commission shall open the following provisional hunting and  
20 trapping seasons in that district:

21 (a) spring black bear hunting from April 15 to June 30, during which hounds may be used pursuant to  
22 [section 2] and bait may be used pursuant to [section 3];

23 (b) fall black bear hunting from September 1 to December 1, during which bait may be used pursuant  
24 to [section 3]. Hounds may not be used during this season.

25 (c) winter mountain lion hunting from December 1 to April 15, during which hounds may be used  
26 pursuant to [section 2]. A person who takes a mountain lion during a provisional season is not required to  
27 purchase a trophy license in order to possess and transport the carcass.

28 (d) wolf hunting and trapping from September 1 to June 30. The trapping of wolves during a provisional  
29 season must be conducted pursuant to [section 4]. Except as provided in [section 4], bait may not be used during  
30 this season, but wolves may be taken incidentally to the use of bait for bears under subsection (1)(a) or (1)(b)

1 of this section.

2 (2) (a) Except as provided in subsection (2)(b):

3 (i) the commission may not limit the number of licenses or permits available for use in a hunting district  
4 during a provisional season opened pursuant to subsection (1); and

5 (ii) a provisional season must be held in a qualifying hunting district until the commission adopts standard  
6 or liberal harvest regulations for elk in that district for 2 consecutive years.

7 (b) The commission may close or elect not to open a provisional wolf season if the statewide gray wolf  
8 population falls below 200 wolves.

9 (3) The department shall issue nonresident black bear hunting, mountain lion hunting, and wolf hunting  
10 and trapping licenses to be used during a provisional season for a fee of \$50 each. These licenses:

11 (a) may be issued only to a nonresident who is 12 years of age or older or who will turn 12 years old  
12 before or during the provisional season for which the license is issued;

13 (b) except for wolf hunting licenses, may be used only in a hunting district with a provisional season; and

14 (c) entitle a holder to hunt the animal authorized by the license and to possess the carcass of that animal  
15 as authorized by this section and commission rules.

16 (4) A person who obtains a black bear, mountain lion, wolf, or trapping license issued under Title 87,  
17 chapter 2, may use that license in a hunting district that has a provisional season in accordance with the  
18 provisions of this section.

19 (5) A person who obtains a black bear, mountain lion, or wolf hunting license under Title 87, chapter 2,  
20 and under this section may take only one animal of that species in a license year except as otherwise allowed  
21 by commission rules.

22 (6) A person hunting during a provisional season is not required to wear hunter orange under 87-6-414  
23 outside of the general deer and elk season.

24 (7) A person hunting black bear during a provisional season may use electronic motion-tracking devices  
25 or mechanisms.

26 (8) A person responsible for the death of a black bear during a provisional season may not abandon the  
27 head or hide in the field.

28

29 **NEW SECTION. Section 2. Hound hunting license for provisional season.** (1) A person who is 12  
30 years of age or older or who will turn 12 years old before or during the season for which the license is issued may,

1 upon payment of the following fee, receive a hound hunting license that entitles the holder to pursue black bears  
2 and mountain lions with the aid of a dog or dogs in accordance with this section during a provisional season:

3 (a) resident, \$12.75;

4 (b) nonresident, \$169.75.

5 (2) A hound hunting license issued under this section is valid for the calendar year in which it is issued.

6 (3) (a) Except as provided in subsection (3)(b), when dogs are used to hunt black bears or mountain  
7 lions during a provisional season, the following persons must have a valid hound hunting license and a valid black  
8 bear or mountain lion hunting license in their possession:

9 (i) a person who owns pursuit dogs;

10 (ii) a person who has control of pursuit dogs owned by another person; and

11 (iii) a person who harvests a black bear or mountain lion with the use of dogs.

12 (b) A client of a licensed outfitter is not required to obtain a hound hunting license under this section.

13 (4) (a) Except as provided in subsection (4)(b), no more than 50 nonresident hound hunting licenses may  
14 be made available under this section.

15 (b) If a person who has moved into Montana but who does not yet qualify as a resident under 87-2-102  
16 obtains a nonresident hound hunting license under this section, the issuance of that license does not count  
17 toward the restriction established in subsection (4)(a) if the person provides a notarized affidavit as proof of the  
18 person's intention to become a bona fide resident.

19  
20 **NEW SECTION. Section 3. Bear baiting license for provisional season -- regulations.** (1) A person  
21 who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is  
22 issued may, upon payment of the following fee, receive a bear baiting license that entitles the holder to use bait  
23 in accordance with this section to hunt black bears during a provisional season:

24 (a) resident, \$12.75;

25 (b) nonresident, \$31.75.

26 (2) A bear baiting license issued under this section is valid for the calendar year in which it is issued. A  
27 person may only obtain one bear baiting license per calendar year.

28 (3) Bait may be used only to hunt black bears and only during a provisional season under the following  
29 conditions:

30 (a) No bait or bait containers may be placed for the purpose of attracting or taking black bears before

1 the opening of a provisional season.

2 (b) All bait containers, any structures constructed at a bait site, and all materials must be removed and  
3 all excavations refilled no more than 7 days after the provisional season closes.

4 (c) A person may maintain up to three bait sites, except that the number of bait sites maintained by  
5 outfitters may be specified by the land management agency in the outfitter's operating plan. Possession of a bear  
6 baiting license does not exempt the holder of the license from any restrictions placed on users of federal, state,  
7 or private lands.

8 (d) Each bait site must be visibly marked at the nearest tree or on the bait container using a tag supplied  
9 by the department.

10 (e) A bait site may not be located:

11 (i) within 200 feet of any water, including a lake, pond, reservoir, or year-round, free-flowing stream or  
12 spring;

13 (ii) within 200 yards of any maintained trail;

14 (iii) within 200 yards of any road; or

15 (iv) within a half mile of any designated campground, picnic area, administrative site, or dwelling.

16 (f) Bait may be contained in a single metal container with a maximum size of 55 gallons that is securely  
17 attached at a bait site.

18 (g) Except as provided in subsection (3)(f), bait may not be contained:

19 (i) within paper, plastic, glass, metal, wood, or any other nonbiodegradable material; or

20 (ii) in any excavated hole greater than 4 feet in diameter.

21 (4) (a) Except as provided in subsection (4)(b), a person may not hunt over a bait site that does not  
22 comply with the provisions of this section.

23 (b) Guides and clients of outfitters are not required to obtain a bear baiting license.

24 (5) (a) Except as provided in subsection (5)(b), for the purposes of this section, the term "bait" means  
25 any substance placed to attract black bears.

26 (b) The term does not include:

27 (i) any part of any game animal or game fish, including from a commercial domestic source, such as  
28 pen-raised game birds or animals and hatchery-raised game fish; or

29 (ii) salt in any form, liquid or solid.

30

1            **NEW SECTION. Section 4. Wolf trapping regulations for provisional season.** (1) A person trapping  
2 wolves during a provisional season may do so only in accordance with [section 1], this section, and any other  
3 applicable trapping rule adopted by the commission.

4            (2) A person may use only ground sets when trapping wolves during a provisional season. Ground sets  
5 include any foothold trap, body-gripping trap, or snare originally set in or on the land, including any trap elevated  
6 up to a maximum of 36 inches above the natural ground level.

7            (3) Snares must be equipped with diverters and a breakaway device or stop within the loop.

8            (4) The inside jaw spread of a foothold trap may not exceed 9 inches.

9            (5) Traps must be checked at least every 72 hours.

10           (6) A gray wolf trapped under this section may be dispatched at any time of day or night.

11           (7) (a) Except as provided in subsection (7)(b), a person may not:

12           (i) use any ground set within 30 feet of any visible bait;

13           (ii) use a dirt hole set with bait unless the bait remains covered at all times to protect raptors and other  
14 meat-eating birds from being caught accidentally;

15           (iii) trap wolves within 200 yards of the perimeter of any designated dump or sanitary landfill;

16           (iv) use live animals as bait or an attractant; or

17           (v) use any part of a domestic or wild origin game bird, upland game bird, game fish, game animal, or  
18 protected nongame wildlife as bait or an attractant.

19           (b) A person may trap wolves more than 30 feet:

20           (i) from a naturally killed big game species as long as the carcass is left undisturbed;

21           (ii) from a legally salvaged road kill; and

22           (iii) from a wolf carcass from which the hide has been removed.

23

24           **Section 5.** Section 87-1-301, MCA, is amended to read:

25           **"87-1-301. Powers of commission.** (1) Except as provided in subsection (7) and subject to the  
26 provisions of [section 1], the commission:

27           (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife,  
28 fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment  
29 of all other responsibilities of the department as provided by law;

30           (b) shall establish the hunting, fishing, and trapping rules of the department;

1 (c) except as provided in 87-1-303(3), shall establish the rules of the department governing the use of  
2 lands owned or controlled by the department and waters under the jurisdiction of the department;

3 (d) must have the power within the department to establish wildlife refuges and bird and game preserves;

4 (e) shall approve all acquisitions or transfers by the department of interests in land or water, except as  
5 provided in 87-1-209(4);

6 (f) shall review and approve the budget of the department prior to its transmittal to the budget office;

7 (g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but  
8 less than \$5,000; and

9 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided  
10 in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as  
11 provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider  
12 landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular  
13 hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal  
14 opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting  
15 district where a restriction on elk hunting on public property is proposed.

16 (2) The commission may adopt rules regarding the use and type of archery equipment that may be  
17 employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in  
18 archery equipment change.

19 (3) ~~The Subject to [section 1], the~~ commission may adopt rules regarding the establishment of special  
20 licenses or permits, seasons, conditions, programs, or other provisions that the commission considers appropriate  
21 to promote or enhance hunting by Montana's youth and persons with disabilities.

22 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

23 (i) separate deer licenses from nonresident elk combination licenses;

24 (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the  
25 deer tag;

26 (iii) condition the use of the deer licenses; and

27 (iv) limit the number of licenses sold.

28 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and  
29 appropriate to regulate the harvest by nonresident big game combination license holders:

30 (i) for the biologically sound management of big game populations of elk, deer, and antelope;

1 (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and  
2 (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321  
3 through 87-1-325.

4 (5) (a) Subject to the provisions of 87-2-115, the commission may adopt rules establishing license  
5 preference systems to distribute hunting licenses and permits:

6 (i) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant  
7 who has been unsuccessful for a shorter period of time; and

8 (ii) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(a), "qualifying  
9 landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by  
10 the commission.

11 (b) The commission shall square the number of points purchased by an applicant per species when  
12 conducting drawings for licenses and permits.

13 (6) (a) ~~The~~ Except as provided in [section 1], the commission may adopt rules to:

14 (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

15 (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting  
16 districts.

17 (b) The commission shall consider, but is not limited to consideration of, the following factors:

18 (i) harvest of lions by resident and nonresident hunters;

19 (ii) history of quota overruns;

20 (iii) composition, including age and sex, of the lion harvest;

21 (iv) historical outfitter use;

22 (v) conflicts among hunter groups;

23 (vi) availability of public and private lands; and

24 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.

25 (7) The commission may not regulate the use or possession of firearms, firearm accessories, or  
26 ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

27 (a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the  
28 establishment of special archery seasons;

29 (b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including  
30 bows and arrows, traditional handguns, and muzzleloading rifles;

- 1 (c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);  
2 (d) the regulation of migratory game bird hunting pursuant to 87-3-403; or  
3 (e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h)."  
4

5 **Section 6.** Section 87-1-304, MCA, is amended to read:

6 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) Subject to the provisions of [section  
7 1] and 87-5-302, the commission may:

8 (a) fix seasons, bag limits, possession limits, and season limits;

9 (b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing  
10 animal as defined by 87-2-101;

11 (c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear,  
12 wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and  
13 designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat,  
14 mountain lion, bear, wild buffalo or bison, and wolf in those areas;

15 (d) subject to the provisions of 87-1-301(7), restrict areas and species to hunting with only specified  
16 hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and  
17 experiences; and

18 (e) declare areas open to special license holders only and issue special licenses in a limited number  
19 when the commission determines, after proper investigation, that a special season is necessary to ensure the  
20 maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may  
21 declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are  
22 causing damage to private property or when a written complaint of damage has been filed with the commission  
23 by the owner of that property. In determining to whom special licenses must be issued, the commission may,  
24 when more applications are received than the number of animals to be killed, award permits to those chosen  
25 under a drawing system. The procedures used for awarding the permits from the drawing system must be  
26 determined by the commission.

27 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during  
28 special archery seasons.

29 (3) Subject to the provisions of 87-5-302, the commission may divide the state into fish and game  
30 districts and create fish, game, or fur-bearing animal districts throughout the state. The commission may declare



1 a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to  
2 hunting, fishing, or trapping.

3 (4) ~~The~~ Except as provided in [section 1], the commission may declare a closed season on any species  
4 of game, fish, game birds, or fur-bearing animals threatened with undue depletion from any cause. The  
5 commission may close any area or district of any stream, public lake, or public water or portions thereof to  
6 hunting, trapping, or fishing for limited periods of time when necessary to protect a recently stocked area, district,  
7 water, spawning waters, spawn-taking waters, or spawn-taking stations or to prevent the undue depletion of fish,  
8 game, fur-bearing animals, game birds, and nongame birds. The commission may open the area or district upon  
9 consent of a majority of the property owners affected.

10 (5) The commission may authorize the director to open or close any special season upon 12 hours'  
11 notice to the public.

12 (6) The commission may declare certain fishing waters closed to fishing except by persons under 15  
13 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and  
14 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers  
15 advisable and consistent with its policies relating to fishing."  
16

17 **Section 7.** Section 87-2-507, MCA, is amended to read:

18 **"87-2-507. Class D-1--nonresident mountain lion license.** Except as provided in [section 1] or as  
19 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years  
20 of age or older or who will turn 12 years old before or during the season for which the license is issued, upon  
21 payment of a fee of \$320 may receive a Class D-1 license that entitles a holder who is 12 years of age or older  
22 to hunt mountain lion and possess the carcass of the mountain lion as authorized by department rules. If a holder  
23 of a valid mountain lion license under this section kills a mountain lion, the licensee shall purchase a trophy  
24 license for a fee of \$50 within 10 days after the date of kill. The trophy license authorizes the holder to possess  
25 and transport the trophy."  
26

27 **Section 8.** Section 87-2-603, MCA, is amended to read:

28 **"87-2-603. Class C-2--nonresident trapper's license.** (1) ~~A~~ Except as provided in [section 1], a person  
29 not a resident, as defined in 87-2-102, who is 12 years of age or older, upon making application and payment of  
30 a fee of \$250 to the department, is entitled to a nonresident trapper's license that authorizes the holder to trap

1 and snare predatory animals and nongame wildlife within the state. ~~The~~ Except as provided in [section 1(1)(d)],  
2 the trapping or snaring is permitted only after October 15 of each license year and in the manner provided by law  
3 and the rules of the commission and at the places that may be designated in the license.

4 (2) A person not a resident whose state of residence does not sell nonresident trapper's licenses to  
5 Montanans may not be issued a Class C-2 license under subsection (1)."

6

7 **Section 9.** Section 87-2-701, MCA, is amended to read:

8 **"87-2-701. Special licenses.** (1) An applicant who is 12 years of age or older or who will turn 12 years  
9 old before or during the season for which the license is issued and is the holder of a resident wildlife conservation  
10 license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the  
11 department, is to be issued and shall pay the following fees:

- 12 (a) moose--resident, \$125; nonresident, \$750;  
13 (b) mountain goat--resident, \$125; nonresident, \$750;  
14 (c) mountain sheep--resident, \$125; nonresident, \$750;  
15 (d) antelope--resident, \$14; nonresident, \$200;  
16 (e) grizzly bear--resident, \$150; nonresident, \$1,000;  
17 (f) except as provided in [section 1], black bear--nonresident, \$350;  
18 (g) wild buffalo or bison--resident, \$125; nonresident, \$750.

19 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,  
20 the person shall purchase a trophy license for a fee of \$50 within 10 days after the date of the kill. The trophy  
21 license authorizes the holder to possess and transport the trophy.

22 (3) Except as provided in 87-5-302 for special grizzly bear licenses, special licenses must be issued in  
23 a manner prescribed by the department."

24

25 **Section 10.** Section 87-2-702, MCA, is amended to read:

26 **"87-2-702. Restrictions on special licenses -- availability of bear and mountain lion licenses.** (1)  
27 A person who has killed or taken any game animal, except a deer, an elk, or an antelope, during the current  
28 license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal  
29 of the same species.

30 (2) The commission may require applicants for special permits authorized by this chapter to obtain a valid

1 big game license for that species for the current year prior to applying for a special permit.

2 (3) A person may take only one grizzly bear in Montana with a license authorized by 87-2-701.

3 (4) (a) Except as provided in 87-1-271(2), a person who receives a moose, mountain goat, or limited  
4 mountain sheep license, as authorized by 87-2-701, with the exception of an antlerless moose or an adult ewe  
5 game management license issued under 87-2-104, is not eligible to receive another special license for that  
6 species for the next 7 years. For the purposes of this subsection (4)(a), "limited mountain sheep license" means  
7 a license that is valid for an area in which the number of licenses issued is restricted.

8 (b) Except as provided in 87-1-271(2), a person who takes a mountain sheep using an unlimited  
9 mountain sheep license, with the exception of a mountain sheep taken pursuant to an adult ewe license, as  
10 authorized by 87-2-701, is not eligible to receive another special license for that species for the next 7 years. For  
11 the purposes of this subsection (4)(b), "unlimited mountain sheep license" means a license that is valid for an  
12 area in which the number of licenses issued is not restricted.

13 (5) An application for a wild buffalo or bison license must be made on the same form and is subject to  
14 the same license application deadline as the special license for moose, mountain goat, and mountain sheep.

15 (6) (a) Licenses for spring bear hunts must be available for purchase at department offices after April  
16 15 of any license year. However, except for licenses obtained under [section 1], a person who purchases a  
17 license for a spring bear hunt after April 15 of any license year may not use the license until 5 days after the  
18 license is issued.

19 (b) Licenses for fall bear hunts must be available for purchase at department offices after August 31 of  
20 any license year. However, except for licenses obtained under [section 1], a person who purchases a license for  
21 a fall bear hunt after August 31 of any license year may not use the license until 5 days after the license is issued.

22 (7) Licenses for mountain lion hunts must be available for purchase at department offices after August  
23 31 of any license year. However, except for licenses obtained under [section 1], a person who purchases a  
24 license for a mountain lion hunt after August 31 of any license year may not use the license until 5 days after the  
25 license is issued."

26

27 **Section 11.** Section 87-6-205, MCA, is amended to read:

28 **"87-6-205. Waste of game animal, game bird, or game fish.** (1) Except as provided in [section 1(8)]  
29 and subsection (3) of this section, a person responsible for the death of any game animal, game bird, or game  
30 fish suitable for food may not purposely or knowingly waste the game by:

1 (a) detaching or removing only the head, hide, antlers, tusks, or teeth or any or all of these parts from  
2 the carcass of a game animal;

3 (b) transporting, hanging, or storing the carcass in a manner that renders it unfit for human consumption;  
4 or

5 (c) abandoning the carcass of a game animal or any portion of the carcass suitable for food in the field.

6 (2) A person in possession of a game animal or game animal parts, a game bird, or a game fish suitable  
7 for food may not purposely or knowingly waste the game by:

8 (a) transporting, storing, or hanging the animal, bird, or fish in a manner that renders it unfit for human  
9 consumption; or

10 (b) disposing of or abandoning any portion of the animal, bird, or fish that is suitable for food.

11 (3) A person responsible for the death of a mountain lion, except as provided in 87-6-106, may not  
12 abandon the head or hide in the field.

13 (4) A person responsible for the death of a grizzly bear wastes the game if the person abandons the  
14 head or hide or any parts required by department or commission regulation for scientific purposes pursuant to  
15 87-3-131.

16 (5) For the purposes of this section, the meat of a grizzly bear or a black bear that is found to be infected  
17 with trichinosis is not considered to be suitable for food.

18 (6) A person convicted of a violation of this section may be fined not less than \$50 or more than \$1,000  
19 or be imprisoned in the county jail for a term not to exceed 6 months, or both. In addition, the person, upon  
20 conviction or forfeiture of bond or bail, shall:

21 (a) forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt,  
22 fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer  
23 period; and

24 (b) pay restitution pursuant to 87-6-905 through 87-6-907.

25 (7) A person convicted of waste of game by abandonment in the field may be subject to the additional  
26 penalties provided in 87-6-901."

27

28 **Section 12.** Section 87-6-401, MCA, is amended to read:

29 **"87-6-401. Unlawful use of equipment while hunting.** (1) A person may not:

30 (a) except as allowed in [section 1], 87-3-127, and 87-3-128, hunt or attempt to hunt any game animal

1 or game bird by the aid or with the use of any snare, ~~except as allowed in 87-3-127 and 87-3-128~~, set gun,  
2 projected artificial light, trap, salt lick, or bait;

3 (b) use any recorded or electrically amplified bird or animal calls or sounds or recorded or electrically  
4 amplified imitations of bird or animal calls or sounds to assist in the hunting, taking, killing, or capturing of wildlife  
5 except predatory animals and those birds not protected by state or federal law;

6 (c) while hunting, take into a field or forest or have in the person's possession any device or mechanism  
7 devised to silence, muffle, or minimize the report of any firearm, whether the device or mechanism is operated  
8 from or attached to any firearm;

9 (d) except as allowed in [section 1], while hunting, possess any electronic motion-tracking device or  
10 mechanism, as defined by commission rule, that is designed to track the motion of a game animal and relay  
11 information on the animal's movement to the hunter. A radio-tracking collar attached to a dog that is used by a  
12 hunter engaged in lawful hunting activities is not considered a motion-tracking device or mechanism for purposes  
13 of this subsection (1)(d).

14 (e) while hunting, use archery equipment that has been prohibited by rule of the commission;

15 (f) use a shotgun to hunt deer or elk except with weapon type and loads as specified by the department;

16 (g) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the department.

17 This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only, not larger than  
18 a number 10 gauge, fired from the shoulder.

19 (h) use a rifle to hunt or shoot wild turkey during the spring wild turkey season.

20 (2) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000  
21 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon  
22 conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping  
23 license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in  
24 77-1-101, for recreational purposes for a period of time set by the court.

25 (3) A person convicted of hunting while using projected artificial light as described in subsection (1)(a)  
26 may be subject to the additional penalties provided in 87-6-901 and 87-6-902.

27 (4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through  
28 87-6-907."  
29

30 **Section 13.** Section 87-6-404, MCA, is amended to read:

1           **"87-6-404. Unlawful use of dog while hunting.** (1) Except as provided in subsections (3) through (6),  
2 a person may not:

3           (a) chase any game animal or fur-bearing animal with a dog; or

4           (b) purposely, knowingly, or negligently permit a dog to chase, stalk, pursue, attack, or kill a hooved  
5 game animal. If the dog is not under the control of an adult at the time of the violation, the owner of the dog is  
6 personally responsible. A defense that the dog was allowed to run at large by another person is not allowable  
7 unless it is shown that at the time of the violation, the dog was running at large without the consent of the owner  
8 and that the owner took reasonable precautions to prevent the dog from running at large.

9           (2) Except as provided in subsection (3)(d), a peace officer, game warden, or other person authorized  
10 to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or killing  
11 a hooved game animal may destroy that dog on public land or on private land at the request of the landowner  
12 without criminal or civil liability.

13           (3) A person may:

14           (a) take game birds during the appropriate open season with the aid of a dog;

15           (b) hunt mountain lions during the winter open season, as established by the commission, with the aid  
16 of a dog or dogs;

17           (c) hunt mountain lions or black bears during a provisional season open pursuant to [section 1] with the  
18 aid of a dog or dogs;

19           ~~(c)(d)~~ hunt bobcats during the trapping season, as established by the commission, with the aid of a dog  
20 or dogs; and

21           ~~(d)(e)~~ use trained or controlled dogs to chase or herd away game animals or fur-bearing animals to  
22 protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored hay and  
23 grain. The dog may not be destroyed pursuant to subsection (2).

24           (4) A resident who possesses a Class D-3 resident hound training license may pursue mountain lions  
25 and bobcats with a dog or dogs during a training season from December 2 of each year to April 14 of the following  
26 year.

27           (5) (a) A person with a valid hunting license issued pursuant to [section 1] or Title 87, chapter 2, may use  
28 a dog to track a wounded game animal during an appropriate open season. Any person using a dog in this  
29 manner:

30           (i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached

1 to the dog's collar or harness;

2 (ii) during the general season, whether handling or accompanying the dog, shall wear hunter orange  
3 material pursuant to 87-6-414;

4 (iii) may carry any weapon allowed by law;

5 (iv) may dispose of the wounded game animal using any weapon allowed by the valid hunting license;

6 and

7 (v) shall immediately tag an animal that has been reduced to possession in accordance with 87-6-411.

8 (b) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements  
9 under [section 1] or Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded  
10 the game animal.

11 (6) Any person or association organized for the protection of game may run field trials at any time upon  
12 obtaining written permission from the director.

13 (7) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000  
14 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon  
15 conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping  
16 license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in  
17 77-1-101, for recreational purposes for a period of time set by the court.

18 (8) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through  
19 87-6-907."

20

21 **Section 14.** Section 87-6-414, MCA, is amended to read:

22 **"87-6-414. Failure to wear hunter orange while big game hunting.** (1) Except as provided in  
23 subsection (3), a person may not hunt any big game animals in this state or accompany any hunter as an outfitter  
24 or guide under any of the provisions of the laws of this state without wearing as exterior garments above the waist  
25 a total of not less than 400 square inches of hunter orange material visible at all times while hunting.

26 (2) As used in this section, "hunter orange" means a daylight fluorescent orange color.

27 (3) This section does not apply to a person hunting:

28 (a) with a bow and arrow during the special archery season; or

29 (b) during a provisional season established under [section 1] outside of the general deer and elk season.

30 (4) The department shall make rules to implement this section.

1 (5) A person convicted of a violation of this section shall be punished by a fine of not less than \$10 or  
2 more than \$20."

3  
4 **NEW SECTION. Section 15. Codification instruction.** (1) [Section 1] is intended to be codified as  
5 an integral part of Title 87, chapter 1, part 3, and the provisions of Title 87, chapter 1, part 3, apply to [section 1].

6 (2) [Sections 2 and 3] are intended to be codified as an integral part of Title 87, chapter 2, part 7, and  
7 the provisions of Title 87, chapter 2, part 7, apply to [sections 2 and 3].

8 (3) [Section 4] is intended to be codified as an integral part of Title 87, chapter 3, part 1, and the  
9 provisions of Title 87, chapter 3, part 1, apply to [section 4].

10

11 **NEW SECTION. Section 16. Effective date.** [This act] is effective on passage and approval.

12

- END -