

HOUSE BILL NO. 101

INTRODUCED BY J. ISALY

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO GRAY WOLVES AND FURBEARERS; DEFINING GRAY WOLVES AS FURBEARERS; CREATING FURBEARER TAGGING OFFENSES FOR GRAY WOLVES; CLASSIFYING WOLF LICENSES AS FURBEARER LICENSES; EXCLUDING A WOLF LICENSE FROM A CLASS C NONRESIDENT TRAPPING LICENSE; REVISING THE PROCESS FOR GRAY WOLF MANAGEMENT FOLLOWING DELISTING; PREVENTING THE HUNTING OF FURBEARERS WITHIN CITIES OR TOWNS, FROM PUBLIC HIGHWAYS, FROM VEHICLES, OR WITH THE ASSISTANCE OF MOTION-TRACKING CAMERAS; FORBIDDING WASTE OF A GRAY WOLF HEAD OR PELT IN THE FIELD; AMENDING SECTIONS 87-1-901, 87-2-101, 87-2-602, 87-2-603, 87-4-1001, 87-5-131, 87-6-101, 87-6-401, 87-6-402, 87-6-403, 87-6-405, 87-6-415, AND 87-6-603, MCA; REPEALING SECTIONS 87-2-523 AND 87-2-524, MCA."

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

**NEW SECTION. Section 1. Furbearer tagging offenses -- gray wolves.** (1) When a person kills a gray wolf under a license or tag, the person shall, before the carcass is removed from or the person leaves the site of the kill, take physical possession of the gray wolf by:

(a) electronically validating the license or tag pursuant to 87-2-119; or

(b) validating the license or tag by cutting out the date the animal was killed.

(2) When a gray wolf has been lawfully killed and the proper license or tag is electronically validated or accompanies the gray wolf that was killed, the gray wolf becomes the property of the person who lawfully killed the animal and may be possessed, used, stored, donated to another or to a charity, transferred to another person pursuant to 87-3-310, or transported.

(3) A person shall keep the license or tag accompanying the gray wolf or portion of the gray wolf while the gray wolf is possessed by the person unless the license or tag was electronically validated.

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

7  
 8           NEW SECTION. Section 2. Class E-1--resident gray wolf license. (1) Except as otherwise  
 9 provided in this chapter and in subsection (2) of this section, a person who is a resident, as defined in 87-2-102,  
 10 and who is 12 years of age or older or who will turn 12 years old before or during the season for which the  
 11 license is issued, upon payment of a fee of \$12, may receive a Class E-1 license that entitles a holder who is  
 12 12 years of age or older to hunt a gray wolf and possess the carcass of the wolf as authorized by commission  
 13 regulations.

14           (2)     A resident holder of a Class AAA combination sports license, regardless of whether it includes  
 15 a Class A-6 bear tag, may purchase the first Class E-1 license the person obtains in that license year for \$10.

16           (3)     Fees collected pursuant to this section must be deposited and used in accordance with 87-1-  
 17 623.

18  
 19           NEW SECTION. Section 3. Class E-2--nonresident gray wolf license. (1) Except as otherwise  
 20 provided in this chapter and in subsection (2) of this section, a person who is not a resident, as defined in 87-2-  
 21 102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the  
 22 license is issued, upon payment of a fee of \$50, may receive a Class E-2 license that entitles a holder who is  
 23 12 years of age or older to hunt a gray wolf and possess the carcass of the wolf as authorized by commission  
 24 regulations.

25           (2)     A nonresident holder of a valid Class B-10 nonresident big game combination license or Class  
 26 B-11 deer combination license may purchase the first Class E-2 license the person obtains in that license year  
 27 for one-half the cost.

28           (3)     Fees collected pursuant to this section must be deposited and used in accordance with 87-1-

1 623.

2

3 **Section 4.** Section 87-1-901, MCA, is amended to read:

4 **"87-1-901. Gray wolf management -- rulemaking -- reporting.** (1) Except as provided in subsection  
5 (3), the commission shall establish by rule hunting and trapping seasons for wolves with the intent to reduce the  
6 wolf population in this state to a sustainable level, but not less than the number of wolves necessary to support  
7 at least 15 breeding pairs. Trapping seasons must allow for the use of snares by the holder of a trapping  
8 license.

9 (2) For game management purposes, the commission may apply different management  
10 techniques depending on the conditions in each administrative region with the most liberal harvest regulations  
11 applied in regions with the greatest number of wolves. In doing so, the commission may authorize:

12 (a) the issuance of more than one Class E-1 or Class E-2 wolf hunting license to an applicant;

13 (b) the trapping or snaring of more than one wolf by the holder of a trapping license;

14 (c) the harvest of an unlimited number of wolves by the holder of a single wolf hunting or wolf  
15 trapping license;

16 (d) during the wolf trapping season, the use of bait while hunting or trapping wolves as long as no  
17 trap or snare trap is set within 30 feet of exposed bait visible from above; and

18 (e) the hunting of wolves on private lands outside of daylight hours with the use of artificial light or  
19 night vision scopes.

20 (3) The commission shall adopt rules to allow a landowner or the landowner's agent to take a wolf  
21 on the landowner's property at any time without the purchase of a Class E-1 or Class E-2 wolf license when the  
22 wolf is a potential threat to human safety, livestock, or dogs. The rules must:

23 (a) be consistent with the Montana gray wolf conservation and management plan and the adaptive  
24 management principles of the commission and the department for the Montana gray wolf population;

25 (b) require a landowner or the landowner's agent who takes a wolf pursuant to this subsection (3)  
26 to promptly report the taking to the department and to preserve the carcass of the wolf;

27 (c) establish a quota each year for the total number of wolves that may be taken pursuant to this  
28 subsection (3); and

1 (d) allow the commission to issue a moratorium on the taking of wolves pursuant to this subsection  
2 (3) before a quota is reached if the commission determines that circumstances require a limitation of the total  
3 number of wolves taken.

4 (4) Public land permittees who have experienced livestock depredation must obtain a special kill  
5 permit authorized in 87-5-131~~(3)(b)~~(2)(b) to take a wolf on public land without the purchase of a Class E-1 or  
6 Class E-2 license.

7 (5) The department shall report annually to the environmental quality council in accordance with 5-  
8 11-210 regarding the implementation of 87-5-131, 87-5-132, and this section."

9

10 **Section 5.** Section 87-2-101, MCA, is amended to read:

11 **"87-2-101. Definitions.** As used in Title 87, chapter 3, and this chapter, unless the context clearly  
12 indicates otherwise, the following definitions apply:

13 (1) "Angling" or "fishing" means to take or harvest fish or the act of a person possessing any  
14 instrument, article, or substance for the purpose of taking or harvesting fish in any location that a fish might  
15 inhabit.

16 (2) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an  
17 area inhabited by wildlife for the purpose of attracting game animals or game birds.

18 (b) The term does not include:

19 (i) decoys, silhouettes, or other replicas of wildlife body forms;

20 (ii) scents used only to mask human odor; or

21 (iii) types of scents that are approved by the commission for attracting game animals or game  
22 birds.

23 (3) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx,  
24 wolverine, gray wolf, northern swift fox, and beaver.

25 (4) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat,  
26 mountain lion, bear, and wild buffalo.

27 (5) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and  
28 whitefish); all species of the genus Sander (sandpike or sauger and walleyed pike or yellowpike perch); all

1 species of the genus *Esox* (northern pike, pickerel, and muskellunge); all species of the genus *Micropterus*  
2 (bass); all species of the genus *Polyodon* (paddlefish); all species of the family *Acipenseridae* (sturgeon); all  
3 species of the genus *Lota* (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus  
4 *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

5 (6) "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or  
6 the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the  
7 purpose of shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the  
8 laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently  
9 taken. The term includes an attempt to take or harvest by any means, including but not limited to pursuing,  
10 shooting, wounding, killing, chasing, luring, possessing, or capturing.

11 (7) "Migratory game birds" means waterfowl, including wild ducks, wild geese, brant, and swans;  
12 cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning  
13 doves.

14 (8) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean,  
15 or other animal not otherwise legally classified by statute or regulation of this state.

16 (9) "Open season" means the time during which game birds, game fish, game animals, and fur-  
17 bearing animals may be lawfully taken.

18 (10) "Person" means an individual, association, partnership, or corporation.

19 (11) "Predatory animals" means coyote, weasel, skunk, and civet cat.

20 (12) "Trap" means to take or harvest or participate in the taking or harvesting of any wildlife  
21 protected by the laws of the state by setting or placing any mechanical device, snare, deadfall, pit, or device  
22 intended to take wildlife or to remove wildlife from any of these devices.

23 (13) "Upland game birds" means sharp-tailed grouse, blue grouse, spruce (Franklin) grouse, prairie  
24 chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild  
25 turkey, and chukar partridge.

26 (14) "Wild buffalo or bison" or "wild buffalo" means a bison that:

27 (a) has not been reduced to captivity;

28 (b) has never been subject to the per capita fee under 15-24-921;

1 (c) has never been owned by a person; and

2 (d) is not the offspring of a bison that has been subject to the per capita fee under 15-24-921."

3

4 **Section 6.** Section 87-2-602, MCA, is amended to read:

5 **"87-2-602. Class C-1--~~landowner's~~ landowner trapping license.** Except as otherwise provided in  
6 this chapter, any individual who owns land in this state or any tenant or member of the immediate family of the  
7 owner or tenant, upon making application to the department and payment of the fee of \$1, may receive a Class  
8 C-1 license that entitles the holder to trap any fur-bearing animal and to hunt bobcat, wolverine, and lynx on  
9 land owned or leased by the individual or the individual's immediate family at times and in a manner that is  
10 lawful under the laws of the state and the regulations of the department and at places that may be designated  
11 in the license."

12

13 **Section 7.** Section 87-2-603, MCA, is amended to read:

14 **"87-2-603. Class C-2--~~nonresident trapper's~~ trapping license -- reciprocity.** (1) A person not a  
15 resident, as defined in 87-2-102, who is 12 years of age or older, on making application and payment of a fee of  
16 \$250 to the department, is entitled to a nonresident ~~trapper's~~ trapping license that authorizes the holder to trap  
17 and snare predatory animals, nongame wildlife, and, subject to the provisions of subsection (2), certain fur-  
18 bearing species within the state. The trapping or snaring is permitted only after October 15 of each license year  
19 and in the manner provided by law and the rules of the commission and at the places that may be designated in  
20 the license.

21 (2) A person seeking a license to trap fur-bearing species, except the gray wolf, under this  
22 subsection (2) shall:

23 (a) provide a notarized affidavit on a form approved by the department listing the person's legal  
24 residence, including the state;

25 (b) (i) provide documentation that the person's resident state issues nonresident trapping licenses  
26 that allow Montana residents to trap the same species for which the person seeks to trap in Montana; or

27 (ii) attest on the affidavit that the person's resident state does not offer reciprocity for trapping the  
28 fur-bearing species the person seeks to trap in Montana because the species does not exist in the resident

1 state; and

2 (c) provide evidence that the person completed a trapping education course that is equivalent to  
3 the trapping education requirements for residents."  
4

5 **Section 8.** Section 87-4-1001, MCA, is amended to read:

6 **"87-4-1001. Definitions.** For purposes of this part, the following definitions apply:

7 (1) "Fur farm" means the enclosed land area upon which furbearers may be kept for purposes of  
8 obtaining, rearing in captivity, keeping, and selling furbearers or parts of furbearers as authorized under this  
9 part.

10 (2) "Furbearer" means a marten or sable, otter, muskrat, fisher, bobcat, lynx, wolverine, or beaver.  
11 The term does not include fox, gray wolf, or mink."  
12

13 **Section 9.** Section 87-5-131, MCA, is amended to read:

14 **"87-5-131. Process for delisting of gray wolf -- management following delisting.** (1) If the United  
15 States fish and wildlife service removes the Northern Rocky Mountain or gray wolf from the United States' list of  
16 endangered or threatened wildlife, the department is authorized to remove the wolf from the state list of  
17 endangered species upon a determination by the department pursuant to this part that the wolf is no longer  
18 endangered.

19 (2) ~~Following state delisting of the wolf, the department shall manage the wolf as a species in need  
20 of management until the department and the commission determine that the wolf no longer needs protection as  
21 a species in need of management and can be managed and protected as a game animal or furbearer. Upon  
22 making that determination, the commission may declare the wolf a game animal or a furbearer and may  
23 regulate the taking of a wolf as a game animal or furbearer.~~

24 (3)(2) (a) Following state delisting of the wolf, the department, or the department of livestock,  
25 pursuant to 81-7-102 and 81-7-103, may control wolves for the protection and safeguarding of livestock if the  
26 control action is consistent with a wolf management plan approved by both the department and the department  
27 of livestock.

28 (b) Any wolf management plan approved by the department and the department of livestock must

1 allow the issuance of special kill permits, also known as shoot-on-sight written take authorizations, by the  
2 department to landowners or public land permittees who have experienced livestock depredation."

3

4 **Section 10.** Section 87-6-101, MCA, is amended to read:

5 **"87-6-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions  
6 apply:

7 (1) "Alternative livestock" means a privately owned caribou, white-tailed deer, mule deer, elk,  
8 moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned  
9 reindeer, or any other cloven-hoofed ungulate as classified by the department. Black bear and mountain lion  
10 must be regulated pursuant to Title 87, chapter 4, part 8.

11 (2) "Alternative livestock ranch" means the enclosed land area upon which alternative livestock  
12 may be kept for purposes of obtaining, rearing in captivity, keeping, or selling alternative livestock or parts of  
13 alternative livestock, as authorized under Title 87, chapter 4, part 4.

14 (3) "Aircraft" means any manned or unmanned aerial vehicle or device that is used or intended to  
15 be used for flight in the air.

16 (4) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an  
17 area inhabited by wildlife for the purpose of attracting game animals or game birds.

18 (b) The term does not include:

19 (i) decoys, silhouettes, or other replicas of wildlife body forms;

20 (ii) scents used only to mask human odor; or

21 (iii) types of scents that are approved by the commission for attracting game animals or game  
22 birds.

23 (5) "Closed season" means the time during which game birds, fish, game animals, and fur-bearing  
24 animals may not be lawfully taken.

25 (6) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the  
26 families Suidae, Camelidae, or Hippopotamidae. The term does not include domestic pigs, domestic cows,  
27 domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of  
28 origin, or bison.



1           (7)     "Conviction" means a judgment or sentence entered following a guilty plea, a nolo contendere  
2     plea, a verdict or finding of guilty rendered by a legally constituted jury or by a court of competent jurisdiction  
3     authorized to try the case without a jury, or a forfeiture of bail or collateral deposited to secure the person's  
4     appearance in court that has not been vacated.

5           (8)     "Field trial" has the meaning provided in 87-3-601.

6           (9)     "Fishing" means to take or harvest fish or the act of a person possessing any instrument,  
7     article, or substance for the purpose of taking or harvesting fish in any location that a fish might inhabit.

8           (10)    (a) "Fur dealer" means a person engaging in, carrying on, or conducting wholly or in part the  
9     business of buying or selling, trading, or dealing within the state of Montana in the skins or pelts of fur-bearing  
10    animals or predatory animals.

11          (b)     If a fur dealer resides in Montana or if the fur dealer's principal place of business is within the  
12    state of Montana, the fur dealer is considered a resident fur dealer. All other fur dealers are considered  
13    nonresident fur dealers.

14          (11)    "Fur farm" means enclosed land on which furbearers are kept for purposes of obtaining, rearing  
15    in captivity, keeping, and selling furbearers or parts of furbearers.

16          (12)    (a) "Fur-bearing animal" or "furbearer" means marten or sable, otter, muskrat, fisher, mink,  
17    bobcat, lynx, wolverine, gray wolf, northern swift fox, and beaver.

18          (b)     As used in Title 87, chapter 4, part 10, "furbearer" does not include fox, gray wolf, or mink.

19          (13)    "Game animal" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat,  
20    mountain lion, bear, and wild buffalo.

21          (14)    "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and  
22    whitefish); all species of the genus Stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all  
23    species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus  
24    (bass); all species of the genus Polyodon (paddlefish); all species of the family Acipenseridae (sturgeon); all  
25    species of the genus Lota (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus  
26    *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

27          (15)    "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or  
28    the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the

1 purpose of shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the  
2 laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently  
3 taken. The term includes an attempt to take or harvest by any means, including but not limited to pursuing,  
4 shooting, wounding, killing, chasing, luring, possessing, or capturing.

5 (16) "Knowingly" has the meaning provided in 45-2-101.

6 (17) "Livestock" includes ostriches, rheas, and emus.

7 (18) "Migratory game bird" means waterfowl, including wild ducks, wild geese, brant, and swans;  
8 cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning  
9 doves.

10 (19) "Negligently" has the meaning provided in 45-2-101.

11 (20) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean,  
12 or other animal not otherwise legally classified by statute or regulation of this state.

13 (21) "Open season" means the time during which game birds, fish, and game and fur-bearing  
14 animals may be lawfully taken.

15 (22) "Participating state" means any state that enacts legislation to become a member of the  
16 Interstate Wildlife Violator Compact.

17 (23) "Person" means an individual, association, partnership, and corporation.

18 (24) "Possession" has the meaning provided in 45-2-101.

19 (25) "Predatory animal" means coyote, weasel, skunk, and civet cat.

20 (26) "Purposely" has the meaning provided in 45-2-101.

21 (27) "Raptor" means all birds of the orders Falconiformes and Strigiformes, commonly called  
22 falcons, hawks, eagles, ospreys, and owls.

23 (28) "Resident" has the meaning provided in 87-2-102.

24 (29) "Roadside menagerie" means any place where one or more wild animals are kept in captivity  
25 for the evident purpose of exhibition or attracting trade, on or off the facility premises. It does not include the  
26 exhibition of any animal by an educational institution or by a traveling theatrical exhibition or circus based  
27 outside of Montana.

28 (30) "Sale" means a contract by which a person:

- 1 (a) transfers an interest in either game or fish for a price; or
- 2 (b) transfers, barter, or exchanges an interest either in game or fish for an article or thing of value.
- 3 (31) "Site of the kill" means the location where a game animal or game bird expires and the person
- 4 responsible for the death takes physical possession of the carcass.
- 5 (32) "Supplemental feed attractant" means any food, garbage, or other attractant for game animals.
- 6 The term does not include growing plants or plants harvested for the feeding of livestock.
- 7 (33) "Taxidermist" means a person who conducts a business for the purpose of mounting,
- 8 preserving, or preparing all or part of the dead bodies of any wildlife.
- 9 (34) "Trap" means to take or harvest or participate in the taking or harvesting of any wildlife
- 10 protected by state law by setting or placing any mechanical device, snare, deadfall, pit, or device intended to
- 11 take wildlife or to remove wildlife from any of these devices.
- 12 (35) "Upland game birds" means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie
- 13 chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild
- 14 turkey, and chukar partridge.
- 15 (36) "Wild animal" means an animal that is wild by nature as distinguished from common domestic
- 16 animals, whether the animal was bred or reared in captivity, and includes birds and reptiles.
- 17 (37) "Wild animal menagerie" means any place where one or more bears or large cats, including
- 18 cougars, lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids of those large cats, are kept in
- 19 captivity for use other than public exhibition.
- 20 (38) "Wild buffalo or bison" or "wild buffalo" means a bison that:
- 21 (a) has not been reduced to captivity;
- 22 (b) has never been subject to the per capita fee under 15-24-921;
- 23 (c) has never been owned by a person; and
- 24 (d) is not the offspring of a bison that has been subject to the per capita fee under 15-24-921.
- 25 (39) "Wildlife sanctuary" means a facility organized as a Montana nonprofit corporation pursuant to
- 26 Title 35, chapter 2, or in good standing with and accredited by the American sanctuary association or the global
- 27 federation of animal sanctuaries for the purpose of providing homes for nonreleasable wild animals.
- 28 Accreditation and good standing must be proven with a copy of an accreditation report completed as required

1 by the accrediting organization.

2 (40) "Zoo" means any zoological garden chartered as a nonprofit corporation by the state or in good  
3 standing with and accredited by the association of zoos and aquariums or the zoological association of America  
4 for the purpose of exhibiting wild animals for public viewing. Accreditation and good standing must be proven  
5 with a copy of an accreditation report completed as required by the accrediting organization."  
6

7 **Section 11.** Section 87-6-401, MCA, is amended to read:

8 **"87-6-401. Unlawful use of equipment while hunting.** (1) A person may not:

9 (a) hunt or attempt to hunt any game animal or game bird by the aid or with the use of any snare,  
10 except as allowed in 87-3-127 and 87-3-128, set gun, projected artificial light, trap, salt lick, or bait;

11 (b) use any recorded or electrically amplified bird or animal calls or sounds or recorded or  
12 electrically amplified imitations of bird or animal calls or sounds to hunt wildlife except for predatory animals,  
13 wolves, and those birds not protected by state or federal law;

14 (c) while hunting, use any device or mechanism devised to silence, muffle, or minimize the report  
15 of any firearm, whether the device or mechanism is operated from or attached to any firearm. This subsection  
16 (1)(c) does not prohibit the use of a device or mechanism registered with the bureau of alcohol, tobacco,  
17 firearms and explosives to silence, muffle, or minimize the report of a firearm when hunting wildlife.

18 (d) while hunting, use any electronic motion-tracking device or mechanism, as defined by  
19 commission rule, that is designed to track the motion of a game animal or furbearer and relay information on  
20 the animal's movement to the hunter. A radio-tracking collar attached to a dog that is used by a hunter engaged  
21 in lawful hunting activities is not considered a motion-tracking device or mechanism for purposes of this  
22 subsection (1)(d).

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

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

26 (g) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the  
27 department. This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only,  
28 not larger than a number 10 gauge, fired from the shoulder.

1 (h) use a rifle to hunt or shoot wild turkey during the spring wild turkey season; or  
2 (i) during the special muzzleloader heritage hunting season established in 87-1-304, use a  
3 muzzleloading rifle that requires insertion of a cap or primer into the open breech of the barrel, is capable of  
4 being loaded from the breech, or is mounted with an optical magnification device. Use of prepared paper or  
5 metallic cartridges, sabots, gas checks, or other similar power and range-enhancing manufactured loads that  
6 enclose the projectile from the rifling or bore of the firearm is also prohibited.

7 (2) A person convicted of a violation of this section shall be fined not less than \$50 or more than  
8 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the  
9 person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing,  
10 or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands,  
11 as defined in 77-1-101, for recreational purposes for a period of time set by the court.

12 (3) A person convicted of hunting while using projected artificial light as described in subsection  
13 (1)(a) may be subject to the additional penalties provided in 87-6-901 through 87-6-903.

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

16

17 **Section 12.** Section 87-6-402, MCA, is amended to read:

18 **"87-6-402. Unlawful hunting within city or town.** (1) A person may not hunt or attempt to hunt any  
19 game animal or furbearer within the boundaries of any incorporated or unincorporated city or town of this state  
20 except as allowed under a plan developed by a city or town and approved by the department pursuant to 7-3-  
21 1105, 7-3-1222, or 7-31-4110.

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

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

1

2           **Section 13.** Section 87-6-403, MCA, is amended to read:

3           **"87-6-403. Unlawful hunting from public highway.** (1) Except as provided in 87-2-803 and 87-6-  
4 405, a person may not hunt or attempt to hunt any game animal, furbearer, or game bird on, from, or across  
5 any public highway or the shoulder, berm, or barrow pit right-of-way of any public highway, as defined in 61-1-  
6 101, in the state.

7           (2) A person convicted of or who forfeits bond or bail after being charged with a violation of this  
8 section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for  
9 not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall  
10 forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and  
11 trap in this state for 24 months from the date of conviction or forfeiture of bond or bail unless the court imposes  
12 a longer period.

13           (3) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905  
14 through 87-6-907."  
15

16           **Section 14.** Section 87-6-405, MCA, is amended to read:

17           **"87-6-405. Unlawful use of vehicle while hunting.** (1) Except as provided in 87-2-803, a person  
18 may not hunt or attempt to hunt any game animal, furbearer, or game bird from any self-propelled, motor-  
19 driven, or drawn vehicle. For the purposes of this section, the term "hunt" does not include:

- 20           (a) spotting game from a vehicle; or
- 21           (b) if hunting on, from, or across a road or trail or the shoulder, berm, or barrow pit right-of-way of a  
22 road or trail that is not a public highway, as defined in 61-1-101, a person who has both feet on the ground and  
23 whose body is outside of a vehicle.

24           (2) While hunting, a person may not:

- 25           (a) use a motor-driven vehicle other than on a road or trail designated for travel by a landowner  
26 unless permission has been given by that landowner;
- 27           (b) use a motor-driven vehicle on a road or trail on state land if that road or trail is posted as closed  
28 by the land management agency unless permission has been given by that land management agency. The

1 restriction in this subsection (2)(b) applies only to state land and not to federal land.

2 (c) use a motor-driven vehicle off road on state land.

3 (3) The following penalties apply for a violation of this section:

4 (a) A person convicted of or who forfeits bond or bail after being charged with a violation of  
5 subsection (1) shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention  
6 center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or  
7 trapping license issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the  
8 date of conviction or forfeiture of bond or bail unless the court imposes a longer period.

9 (b) A person convicted of or who forfeits bond or bail after being charged with a violation of  
10 subsection (2) shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention  
11 center for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current  
12 hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state or to  
13 use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

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

16

17 **Section 15.** Section 87-6-415, MCA, is amended to read:

18 **"87-6-415. Failure to obtain landowner's permission for hunting.** (1) A person may not hunt or  
19 attempt to hunt furbearers, game animals, migratory game birds, nongame wildlife, predatory animals, or  
20 upland game birds, ~~or wolves~~ on private property without first obtaining permission of the landowner, the  
21 lessee, or their agents.

22 (2) A person who violates this section shall, upon conviction for a first offense, be fined not less  
23 than \$135 or more than \$500.

24 (3) A person convicted of a second or subsequent offense of hunting on private property without  
25 obtaining permission of the landowner within 5 years shall be fined not less than \$500 or more than \$1,000.

26 (4) In addition, the person, upon conviction under subsection (3) or forfeiture of bond or bail:

27 (a) shall forfeit any current hunting, fishing, or trapping license issued by this state and the  
28 privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes

1 for not less than 12 months or more than 3 years from the date of conviction or forfeiture of bond or bail; and  
 2 (b) may be ordered to make restitution for property damage resulting from the violation in an  
 3 amount and manner to be set by the court. The court shall determine the manner and amount of restitution after  
 4 full consideration of the convicted person's ability to pay the restitution. Upon good cause shown by the  
 5 convicted person, the court may modify any previous order specifying the amount and manner of restitution.  
 6 Full payment of the amount of restitution ordered must be made prior to the release of state jurisdiction over the  
 7 person convicted.

8 (5) For the purposes of this section, the term "hunt" has the same meaning as provided in 87-6-  
 9 101 and includes entering private land to:

- 10 (a) retrieve wildlife; or
- 11 (b) access public land to hunt."

12  
 13 **Section 16.** Section 87-6-603, MCA, is amended to read:

14 **"87-6-603. Waste of fur-bearing animal.** (1) A person may not waste a fur-bearing animal by  
 15 purposely or knowingly:

- 16 (a) failing to pick up traps or snares at the end of the trapping season so that the pelt of a fur-  
 17 bearing animal is wasted;
- 18 (b) attending traps or snares so that fur-bearing animals are wasted; ~~or~~
- 19 (c) wasting the pelt of any fur-bearing animal: ~~;~~ or
- 20 (d) abandoning the head or pelt of a gray wolf in the field, except as provided for in 87-1-901(3)

21 and 87-6-106.

- 22 (2) The department shall enforce the provisions of this section.
- 23 (3) The following are exempt from this section:
  - 24 (a) federal, state, and county predator control programs; and
  - 25 (b) pelts of muskrat and beaver killed pursuant to 87-6-602(2).
- 26 (4) As used in this section, "pelt" means the pelt, skin, or fur of a fur-bearing animal.
- 27 (5) A person convicted of a violation of this section shall be fined not less than \$50 or more than  
 28 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, a



1 person, upon conviction or forfeiture of bond or bail, shall:

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

5 (b) pay restitution pursuant to 87-6-905 and 87-6-906."  
6

7 **NEW SECTION. Section 17. Repealer.** The following sections of the Montana Code Annotated are  
8 repealed:

9 87-2-523. Class E-1--resident wolf license.

10 87-2-524. Class E-2--nonresident wolf license.  
11

12 **NEW SECTION. Section 18. Codification instruction.** (1) [Section 1] is intended to be codified as  
13 an integral part of Title 87, chapter 6, part 4, and the provisions of Title 87, chapter 6, part 4, apply to [section  
14 1].

15 (2) [Sections 2 and 3] are intended to be codified as an integral part of Title 87, chapter 2, part 6,  
16 and the provisions of Title 87, chapter 2, part 6, apply to [sections 2 and 3].  
17

- END -