

1 HOUSE BILL NO. 139  
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 5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING RESTRICTIONS ON THE CLOSURE OF MULE DEER  
 6 BUCK HUNTING DURING THE GENERAL RIFLE SEASON IN NOVEMBER; AND AMENDING SECTION 87-  
 7 1-304, MCA."

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 9 WHEREAS, to increase populations of mule deer, doe harvest is minimized, and to decrease  
 10 populations of mule deer, doe harvest is maximized; and

11 WHEREAS, mule deer buck harvest is generally not a major factor for population management; and

12 WHEREAS, Montana is unusual among the states in that it has always allowed the harvest of mule  
 13 deer bucks during the deer rut period; and

14 WHEREAS, harvesting mule deer bucks during the rut gives hunters the opportunity to harvest a  
 15 mature deer as the mature deer are more active at that time; and

16 WHEREAS, Montana hunters have longstanding personal and family traditions of hunting mule deer  
 17 during the rut; and

18 WHEREAS, Montana has hunting families whose traditions of hunting mule deer during the rut are  
 19 generational and culminate with Thanksgiving; and

20 WHEREAS, it is essential to preserve the longstanding opportunity and tradition of mule deer buck  
 21 harvest during the rut period while allowing the management of buck harvest in hunting districts where it may  
 22 be beneficial for population management.

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

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

27 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) Subject to the provisions of 87-5-  
 28 302 and subsections (7) through ~~(9)~~(10) of this section, the commission may:

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

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

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

8 (d) subject to the provisions of 87-1-301(6), restrict areas and species to hunting with only  
9 specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting  
10 opportunities and experiences; and

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

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

22 (3) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may  
23 divide the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the  
24 state. The commission may declare a closed season for hunting, fishing, or trapping in any of those districts  
25 and later may open those districts to hunting, fishing, or trapping.

26 (4) The commission may declare a closed season on any species of game, fish, game birds, or fur-  
27 bearing animals threatened with undue depletion from any cause. The commission may close any area or  
28 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited

1 periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-  
 2 taking waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals,  
 3 game birds, and nongame birds. The commission may open the area or district upon consent of a majority of  
 4 the property owners affected.

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

7 (6) The commission may declare certain fishing waters closed to fishing except by persons under  
 8 15 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and  
 9 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers  
 10 advisable and consistent with its policies relating to fishing.

11 (7) In an area immediately adjacent to a national park, the commission may not:

12 (a) prohibit the hunting or trapping of wolves; or

13 (b) close the area to wolf hunting or trapping unless a wolf harvest quota established by the  
 14 commission for that area has been met.

15 (8) The commission may authorize a wolf trapping season that opens the first Monday after  
 16 Thanksgiving and closes March 15 of the following calendar year, except that the commission may adjust the  
 17 dates for specific wolf management units based on regional recommendations.

18 (9) There is established a special muzzleloader heritage hunting season that begins on the second  
 19 Saturday after the end of the regular season and lasts 9 days. During this season, subject to the provisions of  
 20 87-6-401(1)(i) and rules adopted by the commission, a person may take a deer or elk with a valid license or  
 21 permit using plain lead projectiles and a muzzleloading rifle that is charged with loose black powder, loose  
 22 pyrodex, or an equivalent loose black powder substitute and ignited by a flintlock, wheel lock, matchlock, or  
 23 percussion mechanism using a percussion or musket cap. The muzzleloading rifle must be a minimum of 45  
 24 caliber and may not have more than two barrels.

25 (10) (a) The commission may not close the hunting of mule deer bucks during the general hunting  
 26 season:

27 (i) in more than 20% of hunting districts in the state in a given season;

28 (ii) for more than 2 years within a 6-year period in any one hunting district; or

