

HOUSE BILL NO. 576

INTRODUCED BY B. HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT CLASSIFYING MOUNTAIN LIONS AS PREDATORS; ELIMINATING THE NEED FOR MOUNTAIN LION HUNTING LICENSES; AMENDING SECTIONS 40-5-701, 87-1-102, 87-1-111, 87-1-217, 87-1-242, 87-1-271, 87-1-301, 87-1-304, 87-2-101, 87-2-521, 87-2-702, 87-3-102, 87-3-124, 87-3-127, AND 87-3-130, MCA; REPEALING SECTIONS 87-2-507 AND 87-2-508, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 40-5-701, MCA, is amended to read:

**"40-5-701. Definitions.** As used in this part, the following definitions apply:

(1) (a) "Child" means:

(i) a person under 18 years of age who is not emancipated, self-supporting, married, or a member of the armed forces of the United States;

(ii) a person under 19 years of age who is still in high school;

(iii) a person who is mentally or physically incapacitated when the incapacity began prior to that person reaching 18 years of age; and

(iv) in IV-D cases, a person for whom:

(A) support rights are assigned under 53-2-613;

(B) a public assistance payment has been made;

(C) the department is providing support enforcement services under 40-5-203; or

(D) the department has received a referral for IV-D services under the provisions of the Uniform Interstate Family Support Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Reciprocal Enforcement of Support Act, or Title IV-D of the Social Security Act.

(b) The term may not be construed to limit the ability of the department to enforce a support order according to its terms when the order provides for support extending beyond the time the child reaches 18 years of age.

(2) "Delinquency" means a support debt or support obligation due under a support order in an amount



1 greater than or equal to 6 months' support payments as of the date of service of a notice of intent to suspend a  
2 license.

3 (3) "Department" means the department of public health and human services.

4 (4) "License" means a license, certificate, registration, permit, or any other authorization issued by an  
5 agency of the state of Montana granting a person a right or privilege to engage in a business, occupation,  
6 profession, recreational activity, or any other privilege that is subject to suspension, revocation, forfeiture,  
7 termination, or a declaration of ineligibility to purchase by the licensing authority prior to its date of expiration.

8 (5) "Licensing authority" means any department, division, board, agency, or instrumentality of this state  
9 that issues a license.

10 (6) "Obligee" means:

11 (a) a person to whom a support debt or support obligation is owed; or

12 (b) a public agency of this or another state or an Indian tribe that has the right to receive current or  
13 accrued support payments or that is providing support enforcement services under this chapter.

14 (7) "Obligor" means a person who owes a duty of support or who is subject to a subpoena or warrant  
15 in a paternity or child support proceeding.

16 (8) "Order suspending a license" means an order issued by a support enforcement entity to suspend a  
17 license. The order must contain the name of the obligor, the type of license, and, if known, the social security  
18 number of the obligor.

19 (9) "Payment plan" includes but is not limited to a plan approved by the support enforcement entity that  
20 provides sufficient security to ensure compliance with a support order and that incorporates voluntary or  
21 involuntary income withholding under part 3 or 4 of this chapter or a similar plan for periodic payment of a support  
22 debt and, if applicable, current and future support.

23 (10) "Recreational activity" means an activity for which a license or permit is issued by the department  
24 of fish, wildlife, and parks under Title 87, chapter 2, part 6 or 7, except 87-2-708 or 87-2-711, or under 87-2-505;  
25 ~~87-2-507, 87-2-508~~, or 87-2-510.

26 (11) "Subpoena" means a writ or order issued by a court or the department in a proceeding or as part  
27 of an investigation related to the paternity or support of a child that commands a person to appear at a particular  
28 place and time to testify or produce documents or things under the person's control.

29 (12) "Support debt" or "support obligation" means the amount created by the failure to provide or pay:

30 (a) support to a child under the laws of this or any other state or under a support order;

- 1 (b) court-ordered spousal maintenance or other court-ordered support for the child's custodial parent;
- 2 (c) fines, fees, penalties, interest, and other funds and costs that the support enforcement entity is
- 3 authorized to collect by the use of any procedure available to the entity for the payment, enforcement, and
- 4 collection of child support or spousal maintenance or support; or
- 5 (d) contributions ordered pursuant to 41-5-1525.
- 6 (13) "Support enforcement entity" means:
- 7 (a) in IV-D cases, the department; or
- 8 (b) in all other cases, the district court that entered the support order or a district court in which the
- 9 support order is registered.
- 10 (14) (a) "Support order" means an order that provides a determinable amount for temporary or final
- 11 periodic payment of a support debt or support obligation and that may include payment of a determinable or
- 12 indeterminable amount for insurance covering the child issued by:
- 13 (i) a district court of this state;
- 14 (ii) a court of appropriate jurisdiction of another state, an Indian tribe, or a foreign country;
- 15 (iii) an administrative agency pursuant to proceedings under Title 40, chapter 5, part 2; or
- 16 (iv) an administrative agency of another state or an Indian tribe with a hearing function and process
- 17 similar to those of the department.
- 18 (b) If an action for child support is commenced under this part and the context so requires, support order
- 19 also includes:
- 20 (i) judgments and orders providing periodic payments for the maintenance or support of the child's
- 21 custodial parent; and
- 22 (ii) amounts for the recovery of fines, fees, penalties, interest, and other funds and costs that the support
- 23 enforcement entity is authorized to collect by the use of any procedure available to the entity for the payment,
- 24 enforcement, and collection of child support or spousal maintenance or support.
- 25 (15) "Suspension" includes the withdrawal, withholding, revocation, forfeiture, or nonissuance of a license
- 26 and license privileges.
- 27 (16) "Warrant" means a bench warrant, a warrant to appear, an order to show cause, or any other order
- 28 issued by a court relating to the appearance of a party in a paternity or child support proceeding.
- 29 (17) "IV-D case" means a case in which the department is providing support enforcement services as
- 30 a result of:

- 1 (a) an assignment of support rights under 53-2-613;  
2 (b) a payment of public assistance;  
3 (c) an application for support enforcement services under 40-5-203; or  
4 (d) a referral for services from an agency of another state or an Indian tribe under the provisions of the  
5 Uniform Reciprocal Enforcement of Support Act, the Revised Uniform Reciprocal Enforcement of Support Act,  
6 the Uniform Interstate Family Support Act, or Title IV-D of the Social Security Act."  
7

8 **Section 2.** Section 87-1-102, MCA, is amended to read:

9 **"87-1-102. Penalties -- violation of state law.** (1) (a) A person who purposely, knowingly, or negligently  
10 violates a provision of this title or any other state law pertaining to fish and game is guilty of a misdemeanor,  
11 except if a felony is expressly provided by law, and shall be fined an amount of not less than \$50 or more than  
12 \$1,000, be imprisoned in the county detention center for not more than 6 months, or both unless a different  
13 punishment is expressly provided by law for the violation. In addition, the person, upon conviction or forfeiture  
14 of bond or bail, may be subject to forfeiture of that person's license and the privilege to hunt, fish, or trap in this  
15 state or to use state lands, as defined in 77-1-101, for recreational purposes for a period set by the court.

16 (b) (i) If the court imposes forfeiture of the person's license and privilege to hunt, fish, or trap or to use  
17 state lands, the department shall notify the person of the loss of privileges as imposed by the court. The person  
18 shall surrender all licenses, as ordered by the court, to the department within 10 days.

19 (ii) After a forfeiture period imposed pursuant to this section and upon receipt of notification from the court  
20 that the defendant has appeared and all terms of the court sentence, including making payment of any fine, costs,  
21 or restitution, have been met or the defendant is in compliance with installment payments specified by the court,  
22 the department shall reinstate the privileges unless the person is not otherwise entitled to reinstatement. After  
23 the privileges are reinstated, the department may revoke the privileges if it is notified by the clerk of court that the  
24 person is in default on any installment payment.

25 (iii) A person convicted of hunting, fishing, or trapping while the person's license or privilege is forfeited  
26 shall be imprisoned in the county detention center for not less than 5 days or more than 6 months and may be  
27 fined an amount of not less than \$500 or more than \$2,000.

28 (2) (a) A person convicted of unlawfully taking, killing, possessing, or transporting a bighorn sheep,  
29 moose, wild buffalo, caribou, mountain goat, black bear, or grizzly bear or any part of these animals shall be fined  
30 an amount of not less than \$500 or more than \$2,000, be imprisoned in the county detention center for not more

1 than 6 months, or both. In addition, that person, upon conviction or forfeiture of bond or bail, shall forfeit any  
2 current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish,  
3 or trap in this state for 30 months from the date of conviction or forfeiture unless the court imposes a longer  
4 forfeiture period.

5 (b) A person convicted of unlawfully taking, killing, possessing, or transporting a deer, antelope, or elk;  
6 ~~or mountain lion~~ or any part of these animals shall be fined an amount of not less than \$300 or more than \$1,000,  
7 be imprisoned in the county detention center for not more than 6 months, or both. In addition, that person, upon  
8 conviction or forfeiture of bond or bail, shall forfeit any current hunting, fishing, or trapping license issued by this  
9 state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture  
10 unless the court imposes a longer forfeiture period.

11 (c) A person convicted of unlawfully attempting to trap or hunt a game animal shall be fined an amount  
12 of not less than \$200 or more than \$600, be imprisoned in the county detention center for not more than 60 days,  
13 or both.

14 (d) A person convicted of purposely, knowingly, or negligently taking, killing, trapping, possessing,  
15 transporting, shipping, labeling, or packaging a fur-bearing animal or pelt of a fur-bearing animal in violation of  
16 any provision of this title shall be fined an amount of not less than \$100 or more than \$1,000, be imprisoned in  
17 the county detention center for not more than 6 months, or both. In addition, that person, upon conviction or  
18 forfeiture of bond or bail, shall forfeit any current license and the privilege to hunt, fish, or trap in this state for 24  
19 months from the date of conviction or forfeiture unless the court imposes a longer forfeiture period, and any pelts  
20 possessed unlawfully must be confiscated.

21 (e) Upon conviction of or forfeiture of bond or bail imposed for an act of criminal mischief, as defined in  
22 45-6-101, involving property owned or administered by the department, a person shall forfeit any current license  
23 and the privilege to hunt, fish, or trap in this state for at least 24 months from the date of conviction or forfeiture.

24 (f) Upon conviction of or forfeiture of bond or bail imposed for committing an act of criminal trespass, as  
25 defined in 45-6-203, involving property owned or administered by the department or while hunting, fishing, or  
26 trapping, the privilege of a person to hunt, fish, or trap in this state may be revoked for up to 24 months from the  
27 date of conviction or forfeiture.

28 (3) If a person is convicted of illegally taking an animal described in 87-1-111 or 87-1-115 through the  
29 use of projected artificial light, nightscopes, or infrared scopes, the person is prohibited from fishing or hunting  
30 in the state for an additional 5 years following the ending date of the original prohibition period. In addition, the

1 person, upon conviction or forfeiture of bond or bail, shall successfully complete, at the person's own expense,  
2 a department-sponsored hunter education course.

3 (4) A person convicted or who has forfeited bond or bail under this section and whose license privileges  
4 are forfeited may not purchase, acquire, obtain, possess, or apply for a hunting, fishing, or trapping license or  
5 permit during the period when license privileges have been forfeited. A person convicted of unlawfully purchasing,  
6 acquiring, obtaining, possessing, or applying for a hunting, fishing, or trapping license during the period when  
7 license privileges have been forfeited shall be fined an amount of not less than \$500 or more than \$2,000, be  
8 imprisoned in the county jail for not more than 60 days, or both.

9 (5) A person convicted or who has forfeited bond or bail under this section and who has been ordered  
10 to pay restitution under the provisions of 87-1-111 or 87-1-115 may not apply for any special license under Title  
11 87, chapter 2, part 7, or enter any drawing for a special license or permit for a period of 5 years following the date  
12 of conviction or restoration of license privileges, whichever is later. If the violation involved the unlawful taking of  
13 a moose, a bighorn sheep, or a mountain goat, the person may not apply for a special license or enter a drawing  
14 for a special license or permit for the same species of game animal that was unlawfully taken for an additional  
15 period of 5 years following the ending date of the first 5-year period. A person convicted of unlawfully applying  
16 for any special license under Title 87, chapter 2, part 7, or unlawfully entering a drawing for a special license or  
17 permit shall be fined an amount of not less than \$500 or more than \$2,000, be imprisoned in the county detention  
18 center for not more than 60 days, or both.

19 (6) (a) A person convicted of a second offense of any of the following offenses within 10 years of the first  
20 conviction or who is convicted of two or more of the following offenses at different times within a 10-year period  
21 is subject to the penalties provided in subsection (6)(b):

- 22 (i) hunting during a closed season;  
23 (ii) taking an animal or hunting while using projected artificial light;  
24 (iii) hunting without a license;  
25 (iv) unlawful taking of more than double the legal bag limit;  
26 (v) unlawful possession of more than double the legal bag limit; and  
27 (vi) waste of game by abandonment in the field.

28 (b) A person convicted of the offenses in subsection (6)(a) in the time periods specified in subsection  
29 (6)(a) shall be fined an amount of not less than \$2,000 or more than \$5,000, be imprisoned in the county jail for  
30 not more than 1 year, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall forfeit all

1 current hunting, fishing, and trapping licenses issued by this state and the privilege to hunt, fish, or trap in this  
2 state for 60 months from the date of conviction or forfeiture unless the court imposes a longer forfeiture period.

3 (7) (a) A person convicted of a third offense of any of the following offenses within 10 years of the first  
4 conviction is subject to the penalties provided in subsection (7)(b):

5 (i) hunting during a closed season;

6 (ii) taking an animal or hunting while using projected artificial light;

7 (iii) hunting without a license; and

8 (iv) unlawful taking of more than double the legal bag limit.

9 (b) A person convicted of the offenses in subsection (7)(a) in the time period specified in subsection  
10 (7)(a) shall be fined an amount of not less than \$5,000 or more than \$10,000, be imprisoned in the county jail for  
11 not more than 1 year, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall forfeit all  
12 current hunting, fishing, and trapping licenses issued by this state and the privilege to hunt, fish, or trap in this  
13 state for life.

14 (8) Subject to sentencing restrictions, the court shall order a person who is convicted pursuant to this  
15 section to pay the costs of imprisonment under this section.

16 (9) A mandatory forfeiture of privileges imposed pursuant to this section does not apply to juveniles.  
17 However, the court may, at its discretion, order forfeiture of a juvenile's license and privilege to hunt, fish, or trap  
18 upon conviction or forfeiture of bond or bail for a violation of this title.

19 (10) Notwithstanding the provision of subsection (1), the penalties provided by this section are in addition  
20 to any penalties provided in Title 37, chapter 47, and Title 87, chapter 4, part 2.

21 (11) If an administrative authority suspends a license, permit, or privilege to obtain a license or permit  
22 issued under this title, the administrative authority or the department shall notify the person of the suspension and  
23 the person shall surrender the license or permit to the department within 10 days.

24 (12) For the purposes of this section, the terms "knowingly", "negligently", and "purposely" have the same  
25 meanings provided in 45-2-101."

26

27 **Section 3.** Section 87-1-111, MCA, is amended to read:

28 **"87-1-111. Restitution for illegal killing or possession of certain wildlife.** (1) Except as provided in  
29 87-1-115 and in addition to other penalties provided by law, a person convicted or forfeiting bond or bail upon a  
30 charge of the illegal taking, killing, or possession of a wild bird, mammal, or fish listed in this section shall

1 reimburse the state for each bird, mammal, or fish according to the following schedule:

2 (a) bighorn sheep and endangered species, \$2,000;

3 (b) elk, caribou, bald eagle, black bear, wolf, and moose, \$1,000;

4 (c) ~~mountain lion~~, lynx, wolverine, buffalo, golden eagle, osprey, falcon, antlered deer as defined by  
5 commission regulation, bull trout longer than 18 inches, and adult buck antelope as defined by commission  
6 regulation, \$500;

7 (d) deer not included in subsection (1)(c), antelope not included in subsection (1)(c), fisher, raptor not  
8 included in subsection (1)(c), swan, bobcat, white sturgeon, river-dwelling grayling, and paddlefish, \$300;

9 (e) fur-bearing animals, as defined in 87-2-101 and not listed in subsection (1)(c) or (1)(d), \$100;

10 (f) game bird (except swan), \$25;

11 (g) game fish, \$10.

12 (2) When a court enters an order declaring bond or bail to be forfeited, the court may also order that  
13 some or all of the forfeited bond or bail be paid as restitution to the state according to the schedule in subsection  
14 (1). A hearing to determine the amount of restitution, as required under 46-9-512, is not required for an order of  
15 restitution under this section."  
16

17 **Section 4.** Section 87-1-217, MCA, is amended to read:

18 **"87-1-217. Policy for management of large predators -- legislative intent.** (1) In managing large  
19 predators, the primary goals of the department, in the order of listed priority, are to:

20 (a) protect humans, livestock, and pets;

21 (b) preserve and enhance the safety of the public during outdoor recreational and livelihood activities;

22 and

23 (c) preserve citizens' opportunities to hunt large game species.

24 (2) As used in this section:

25 (a) "large game species" means deer, elk, mountain sheep, moose, antelope, and mountain goats; and

26 (b) "large predators" means bears, ~~mountain lions~~, and wolves.

27 (3) With regard to large predators, it is the intent of the legislature that the specific provisions of this  
28 section concerning the management of large predators will control the general supervisory authority of the  
29 department regarding the management of all wildlife.

30 (4) For the management of wolves in accordance with the priorities established in subsection (1), the



1 department may use lethal action to take problem wolves that attack livestock, so long as the state objective for  
 2 breeding pairs has been met. For the purposes of this subsection, "problem wolves" means any individual wolf  
 3 or pack of wolves with a history of livestock predation."

4

5 **Section 5.** Section 87-1-242, MCA, is amended to read:

6 **"87-1-242. (Temporary) Funding for wildlife habitat.** (1) The amount of money specified in this  
 7 subsection from the sale of each hunting license or permit listed must be used exclusively by the commission to  
 8 secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature:

9 (a) Class B-10, nonresident combination, \$77;

10 (b) Nonresident antelope, \$20;

11 (c) Nonresident moose, \$20;

12 (d) Nonresident mountain goat, \$20;

13 (e) Nonresident mountain sheep, \$20;

14 ~~(f) Class D-1, nonresident mountain lion, \$20;~~

15 ~~(g)(f)~~ Nonresident black bear, \$20;

16 ~~(h)(g)~~ Nonresident wild turkey, \$10;

17 ~~(i)(h)~~ Class AAA, combination sports, \$7;

18 ~~(j)(i)~~ Class B-11 nonresident deer combination, \$200.

19 (2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in  
 20 subsection (1), except outfitter-sponsored Class B-10 and Class B-11 licenses subject to variable pricing under  
 21 87-1-268, must be allocated for use as provided in subsection (1).

22 (3) Eighty percent of the money allocated by this section, together with the interest and income from the  
 23 money, must be used to secure wildlife habitat pursuant to 87-1-209.

24 (4) Twenty percent of the money allocated by this section must be used as follows:

25 (a) up to 50% a year may be used for development and maintenance of real property used for wildlife  
 26 habitat; and

27 (b) the remainder and any money not allocated for development and maintenance under subsection  
 28 (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for  
 29 use in the manner prescribed for the development and maintenance of real property used for wildlife habitat.

30 **87-1-242. (Effective March 1, 2011) Funding for wildlife habitat.** (1) The amount of money specified

1 in this subsection from the sale of each hunting license or permit listed must be used exclusively by the  
2 commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature:

3 (a) Class B-10, nonresident combination, \$77;

4 (b) Nonresident antelope, \$20;

5 (c) Nonresident moose, \$20;

6 (d) Nonresident mountain goat, \$20;

7 (e) Nonresident mountain sheep, \$20;

8 ~~(f) Class D-1, nonresident mountain lion, \$20;~~

9 ~~(g)~~(f) Nonresident black bear, \$20;

10 ~~(h)~~(g) Nonresident wild turkey, \$10;

11 ~~(i)~~(h) Class AAA, combination sports, \$7;

12 ~~(j)~~(i) Class B-11 nonresident deer combination, \$200.

13 (2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in  
14 subsection (1) must be allocated for use as provided in subsection (1).

15 (3) Eighty percent of the money allocated by this section, together with the interest and income from the  
16 money, must be used to secure wildlife habitat pursuant to 87-1-209.

17 (4) Twenty percent of the money allocated by this section must be used as follows:

18 (a) up to 50% a year may be used for development and maintenance of real property used for wildlife  
19 habitat; and

20 (b) the remainder and any money not allocated for development and maintenance under subsection  
21 (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for  
22 use in the manner prescribed for the development and maintenance of real property used for wildlife habitat."  
23

24 **Section 6.** Section 87-1-271, MCA, is amended to read:

25 **"87-1-271. Annual lottery of hunting licenses -- proceeds dedicated to hunting access**  
26 **enhancement.** (1) The commission may issue through a lottery one license each year for each of the following:

27 (a) deer;

28 (b) elk;

29 (c) shiras moose;

30 (d) mountain sheep;

- 1 (e) mountain goat;  
2 (f) wild buffalo or bison; and  
3 (g) antelope; ~~and~~  
4 ~~—— (h) mountain lion.~~

5 (2) The restriction in 87-2-702(4) that a person who receives a moose, mountain goat, or mountain sheep  
6 special license is not eligible to receive another license for that species for the next 7 years does not apply to a  
7 person who receives a license through a lottery conducted pursuant to this section.

8 (3) The commission shall establish rules regarding:

- 9 (a) the conduct of the lottery authorized in this section;  
10 (b) the use of licenses issued through the lottery; and  
11 (c) the price of lottery tickets.

12 (4) All proceeds from a lottery conducted pursuant to this section must be used by the department for  
13 hunting access enhancement programs and law enforcement."  
14

15 **Section 7.** Section 87-1-301, MCA, is amended to read:

16 **"87-1-301. Powers of commission.** (1) The commission:

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

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

21 (c) shall establish the rules of the department governing the use of lands owned or controlled by the  
22 department and waters under the jurisdiction of the department;

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

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

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

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

29 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided  
30 in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as

1 provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider  
2 landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular  
3 hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal  
4 opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting  
5 district where a restriction on elk hunting on public property is proposed.

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

9 (3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons,  
10 conditions, programs, or other provisions that the commission considers appropriate to promote or enhance  
11 hunting by Montana's youth and persons with disabilities.

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

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

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

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

17 (iv) limit the number of licenses sold.

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

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

21 (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

22 (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321  
23 through 87-1-325.

24 (5) The commission may adopt rules establishing license preference systems to distribute hunting  
25 licenses and permits:

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

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

- 1           ~~(6) (a) The commission may adopt rules to:~~
- 2           ~~—— (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and~~
- 3           ~~—— (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting~~
- 4           ~~districts.~~
- 5           ~~—— (b) The commission shall consider, but is not limited to consideration of, the following factors:~~
- 6           ~~—— (i) harvest of lions by resident and nonresident hunters;~~
- 7           ~~—— (ii) history of quota overruns;~~
- 8           ~~—— (iii) composition, including age and sex, of the lion harvest;~~
- 9           ~~—— (iv) historical outfitter use;~~
- 10          ~~—— (v) conflicts among hunter groups;~~
- 11          ~~—— (vi) availability of public and private lands; and~~
- 12          ~~—— (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters."~~

13

14           **Section 8.** Section 87-1-304, MCA, is amended to read:

15           **"87-1-304. Fixing of seasons and bag and possession limits.** (1) (a) The commission may:

- 16           (i) fix seasons, bag limits, possession limits, and season limits;
- 17           (ii) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal
- 18           as defined by 87-2-101; and
- 19           (iii) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, ~~mountain lion~~, bear,
- 20           and wolf by persons holding an archery stamp and the required license, permit, or tag and designate times when
- 21           only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat, ~~mountain lion~~, bear, and wolf
- 22           in those areas.

23           (b) The commission may restrict areas and species to hunting with only specified hunting arms, including

24           bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences.

25           (c) The commission may declare areas open to special license holders only and issue special licenses

26           in a limited number when the commission determines, after proper investigation, that a special season is

27           necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing

28           animals. The commission may declare a special season and issue special licenses when game birds, animals,

29           or fur-bearing animals are causing damage to private property or when a written complaint of damage has been

30           filed with the commission by the owner of that property. In determining to whom special licenses must be issued,

1 the commission may, when more applications are received than the number of animals to be killed, award permits  
2 to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system  
3 must be determined by the commission.

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

6 (3) The commission may divide the state into fish and game districts and create fish, game, or fur-bearing  
7 animal districts throughout the state. The commission may declare a closed season for hunting, fishing, or  
8 trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

9 (4) The commission may declare a closed season on any species of game, fish, game birds, or  
10 fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or  
11 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited  
12 periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking  
13 waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds,  
14 and nongame birds. The commission may open the area or district upon consent of a majority of the property  
15 owners affected.

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

18 (6) The commission may declare certain fishing waters closed to fishing except by persons under 15  
19 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and  
20 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers  
21 advisable and consistent with its policies relating to fishing."  
22

23 **Section 9.** Section 87-2-101, MCA, is amended to read:

24 **"87-2-101. Definitions.** As used in 87-1-102, chapter 3, and this chapter, unless the context clearly  
25 indicates otherwise, the following definitions apply:

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

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

30 (b) The term does not include:

- 1 (i) decoys, silhouettes, or other replicas of wildlife body forms;  
2 (ii) scents used only to mask human odor; or  
3 (iii) types of scents that are approved by the commission for attracting game animals or game birds.
- 4 (3) "Closed season" means the time during which game birds, fish, and game and fur-bearing animals  
5 may not be lawfully taken.
- 6 (4) "Commission" means the state fish, wildlife, and parks commission.
- 7 (5) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine,  
8 northern swift fox, and beaver.
- 9 (6) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat,  
10 ~~mountain lion~~, bear, and wild buffalo.
- 11 (7) "Game fish" means all species of the family salmonidae (chars, trout, salmon, grayling, and whitefish);  
12 all species of the genus stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all species of  
13 the genus esox (northern pike, pickerel, and muskellunge); all species of the genus micropterus (bass); all  
14 species of the genus polyodon (paddlefish); all species of the family acipenseridae (sturgeon); all species of the  
15 genus lota (burbot or ling); the species perca flavescens (yellow perch); all species of the genus pomoxis  
16 (crappie); and the species ictalurus punctatus (channel catfish).
- 17 (8) "Hunt" means to pursue, shoot, wound, kill, chase, lure, possess, or capture or the act of a person  
18 possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting,  
19 wounding, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife  
20 may inhabit, whether or not the wildlife is then or subsequently taken. The term includes an attempt to take by  
21 any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or  
22 capturing.
- 23 (9) "Migratory game birds" means waterfowl, including wild ducks, wild geese, brant, and swans; cranes,  
24 including little brown and sandhill; rails, including coots; wilson's snipes or jacksnipes; and mourning doves.
- 25 (10) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or  
26 other animal not otherwise legally classified by statute or regulation of this state.
- 27 (11) "Open season" means the time during which game birds, fish, and game and fur-bearing animals  
28 may be lawfully taken.
- 29 (12) "Person" means individuals, associations, partnerships, and corporations.
- 30 (13) "Predatory animals" means coyote, mountain lion, weasel, skunk, and civet cat.

1 (14) "Trap" means to take or participate in the taking of any wildlife protected by the laws of the state by  
2 setting or placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife or to remove  
3 wildlife from any of these devices.

4 (15) "Upland game birds" means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie  
5 chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild  
6 turkey, and chukar partridge.

7 (16) "Wild buffalo" means buffalo or bison that have not been reduced to captivity."  
8

9 **Section 10.** Section 87-2-521, MCA, is amended to read:

10 **"87-2-521. Class D-3--resident hound training license.** A person who is a resident, as defined in  
11 87-2-102, and who is 12 years of age or older or who will turn 12 years old before or during the season for which  
12 the license is issued, upon payment of a fee of \$5, may receive a Class D-3 hound training license that entitles  
13 the holder to use a dog or dogs to aid in pursuing ~~mountain lions~~ or bobcats during the training season  
14 established in 87-3-124(3)(c)."  
15

16 **Section 11.** Section 87-2-702, MCA, is amended to read:

17 **"87-2-702. Restrictions on special licenses -- availability of bear ~~and mountain lion~~ licenses.** (1)  
18 A person who has killed or taken any game animal, except a deer, an elk, or an antelope, during the current  
19 license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal  
20 of the same species.

21 (2) The commission may require applicants for special permits authorized by this chapter to obtain a valid  
22 big game license for that species for the current year prior to applying for a special permit.

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

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

29 (b) Except as provided in 87-1-271(2), a person who takes a mountain sheep using an unlimited  
30 mountain sheep license, with the exception of a mountain sheep taken pursuant to an adult ewe license, as



1 authorized by 87-2-701, is not eligible to receive another special license for that species for the next 7 years. For  
2 the purposes of this subsection (4)(b), "unlimited mountain sheep license" means a license that is valid for an  
3 area in which the number of licenses issued is not restricted.

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

6 (6) (a) Licenses for spring bear hunts must be available for purchase at department offices after April  
7 15 of any license year. However, a person who purchases a license for a spring bear hunt after April 15 of any  
8 license year may not use the license until 5 days after the license is issued.

9 (b) Licenses for fall bear hunts must be available for purchase at department offices after August 31 of  
10 any license year. However, a person who purchases a license for a fall bear hunt after August 31 of any license  
11 year may not use the license until 5 days after the license is issued.

12 ~~(7) Licenses for mountain lion hunts must be available for purchase at department offices after August~~  
13 ~~31 of any license year. However, a person who purchases a license for a mountain lion hunt after August 31 of~~  
14 ~~any license year may not use the license until 5 days after the license is issued."~~

15

16 **Section 12.** Section 87-3-102, MCA, is amended to read:

17 **"87-3-102. Waste of fish or game.** (1) A person who is responsible for the death of a ~~mountain lion or~~  
18 wolf, except as provided in 87-3-130, commits the offense of waste of game if the person abandons the head or  
19 hide in the field.

20 (2) A person who is responsible for the death of a grizzly bear commits the offense of waste of game if  
21 the person abandons the head or hide or any parts required by department or commission regulation for scientific  
22 purposes. All parts of a grizzly bear required by department or commission regulation for scientific purposes must  
23 be delivered to an officer or employee of the department for inspection as soon as possible after removal, and  
24 the department shall return to the licensee any bone structure and skull within 1 year upon written request. The  
25 hide must be returned immediately.

26 (3) A person responsible for the death of any game animal, except a ~~mountain lion or~~ wolf, commits the  
27 offense of waste of game if the person purposely or knowingly:

28 (a) detaches or removes from the carcass only the head, hide, antlers, tusks, or teeth or any or all of  
29 these parts;

30 (b) wastes any part of any game animal, game bird, or game fish suitable for food by transporting,

- 1 hanging, or storing the carcass in a manner that renders it unfit for human consumption; or
- 2 (c) abandons in the field the carcass of any game animal or any portion of the carcass suitable for food.
- 3 (4) A person in possession of a game animal or game animal parts, a game bird, or a game fish suitable
- 4 for food commits the offense of waste of game if the person purposely or knowingly:
- 5 (a) transports, stores, or hangs the animal, bird, or fish in a manner that renders it unfit for human
- 6 consumption; or
- 7 (b) disposes of or abandons any portion of a game animal, game bird, or game fish that is suitable for
- 8 food.
- 9 (5) For the purposes of this section, the meat of a grizzly bear or a black bear that is found to be infected
- 10 with trichinosis is not considered to be suitable for food.
- 11 (6) A person convicted of waste of game may be fined not less than \$50 or more than \$1,000 or
- 12 imprisoned in the county jail for a term not to exceed 6 months, or both. In addition, the person, upon conviction
- 13 or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, and trapping licenses
- 14 issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction
- 15 or forfeiture, unless the court imposes a longer forfeiture period. If the court imposes forfeiture of the person's
- 16 license and privilege to hunt, fish, or trap, the department shall notify the person of the forfeiture and loss of
- 17 privileges. The person shall surrender all hunting, fishing, and trapping licenses to the department within 10 days
- 18 of notification."

19

20 **Section 13.** Section 87-3-124, MCA, is amended to read:

21 **"87-3-124. Dogs -- restrictions on hunting -- penalty for chasing hooved game animals.** (1) (a)

22 Except as provided in 87-3-127 and subsections (2) and (3) of this section, a person may not chase with a dog

23 any of the game or fur-bearing animals as defined by the fish and game laws of this state.

24 (b) A person may take game birds during the appropriate open season with the aid of a dog. Any person

25 or association organized for the protection of game may run field trials at any time upon obtaining written

26 permission from the director.

27 (c) Except as provided in subsection (2), any peace officer, game warden, or other person authorized

28 to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or killing

29 hooved game animals may destroy that dog, on public land or on private land at the request of the landowner,

30 without criminal or civil liability.

1 (d) Except as provided in subsection (2), a person who purposely, knowingly, or negligently permits a  
 2 dog to chase, stalk, pursue, attack, or kill hooved game animals is guilty of a misdemeanor and is subject to the  
 3 penalty in 87-1-102(1). If the dog is not under the control of an adult at the time of the violation, the owner of the  
 4 dog is personally responsible. A defense that the dog was allowed to run at large by another person is not  
 5 allowable, unless it is shown that at the time of the violation, the dog was running at large without the consent of  
 6 the owner and that the owner took reasonable precautions to prevent the dog from running at large.

7 (2) A person may use trained or controlled dogs to chase or herd away game animals or fur-bearing  
 8 animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored  
 9 hay and grain. The dog may not be destroyed pursuant to subsection (1)(c).

10 (3) (a) ~~A person may hunt mountain lions during the winter open season, as established by the~~  
 11 ~~commission, with the aid of a dog or dogs.~~

12 ~~———(b) A person may hunt bobcats during the trapping season, as established by the commission, with the~~  
 13 ~~aid of a dog or dogs.~~

14 ~~(e)(b) A resident who possesses a Class D-3 resident hound training license may pursue mountain lions~~  
 15 ~~and bobcats with a dog or dogs during a training season from December 2 of each year to April 14 of the following~~  
 16 ~~year."~~

17  
 18 **Section 14.** Section 87-3-127, MCA, is amended to read:

19 **"87-3-127. Taking of stock-killing animals.** (1) Livestock owners, their agents, or employees of the  
 20 department or a federal agency may use dogs in pursuit of stock-killing black bears, ~~stock-killing mountain lions,~~  
 21 and stock-killing bobcats. Other means of taking stock-killing black bears, ~~stock-killing mountain lions,~~ and  
 22 stock-killing bobcats may be used, except the deadfall.

23 (2) Traps used in capturing bears must be inspected twice each day with the inspections 12 hours apart."  
 24

25 **Section 15.** Section 87-3-130, MCA, is amended to read:

26 **"87-3-130. Taking of wildlife to protect persons or livestock.** (1) This chapter may not be construed  
 27 to impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this title if the wildlife  
 28 is attacking, killing, or threatening to kill a person or livestock, except that, for purposes of protecting livestock,  
 29 a person may not kill or attempt to kill a grizzly bear unless the grizzly bear is in the act of attacking or killing  
 30 livestock. In addition, a person may kill or attempt to kill a wolf ~~or mountain lion~~ that is in the act of attacking or

1 killing a domestic dog. A person who, under this subsection, takes wildlife protected by this title shall, within 72  
2 hours, notify the department and surrender or arrange to surrender the wildlife to the department.

3 (2) A person may not provide supplemental feed attractants to game animals or mountain lions by:

4 (a) purposely or knowingly attracting any ungulates, bears, or mountain lions with supplemental feed  
5 attractants;

6 (b) after having received a previous warning, negligently failing to properly store supplemental feed  
7 attractants and allowing any ungulates, bears, or mountain lions access to the supplemental feed attractants; or

8 (c) purposely or knowingly providing supplemental feed attractants in a manner that results in an artificial  
9 concentration of game animals that may potentially contribute to the transmission of disease or that constitutes  
10 a threat to public safety.

11 (3) A person who is engaged in the normal feeding of livestock, in a normal agricultural practice, in  
12 cultivation of a lawn or garden, or in the commercial processing of garbage is not subject to civil or criminal liability  
13 under this section.

14 (4) A person who is engaged in the recreational feeding of birds is not subject to civil or criminal liability  
15 under this section unless, after having received a previous warning by the department, the person continues to  
16 feed birds in a manner that attracts ungulates or bears and that may contribute to the transmission of disease  
17 or constitute a threat to public safety.

18 (5) A person who violates subsection (2) is guilty of a misdemeanor and is subject to the penalty provided  
19 in 87-1-102(1). This section does not apply to supplemental feeding activities conducted by the department for  
20 disease control purposes.

21 (6) As used in this section:

22 (a) "livestock" includes ostriches, rheas, and emus; and

23 (b) "supplemental feed attractant" means any food, garbage, or other attractant for game animals or  
24 mountain lions. The term does not include growing plants or plants harvested for the feeding of livestock."

25  
26 **NEW SECTION. Section 16. Repealer.** The following sections of the Montana Code Annotated are  
27 repealed:

28 87-2-507. Class D-1--nonresident mountain lion license.

29 87-2-508. Class D-2--resident mountain lion license.

30

