

## 1 HOUSE BILL NO. 144

2 INTRODUCED BY T. WASHBURN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSING LAWS RELATED TO THE HUNTING OF  
5 CERTAIN LARGE PREDATORS; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 87-1-217  
6 AND 87-1-304, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

7

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

9

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

11 **"87-1-217. Policy for management of large predators -- legislative intent.** (1) In managing large  
12 predators, the primary goals of the department, in the order of listed priority, are to:

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

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

15 and

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

17 (2) As used in this section:

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

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

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

23 (4) For the management of wolves in accordance with the priorities established in subsection (1), the  
24 department may use lethal action to take problem wolves that attack livestock, so long as the state objective for  
25 breeding pairs has been met. For the purposes of this subsection, "problem wolves" means any individual wolf  
26 or pack of wolves with a history of livestock predation.

27 (5) The commission shall establish hunting season quotas for mountain lions and wolves that will prevent  
28 the population of elk, deer, and antelope from decreasing beyond the sustainable levels determined pursuant to  
29 87-1-323. Resident hunting licenses and permits for mountain lions and wolves may not be issued by special  
30 drawing."

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2 **Section 2.** Section 87-1-304, MCA, is amended to read:

3 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) ~~(a)~~ The Subject to the provisions

4 of 87-1-217, the commission may:

5 ~~(i)~~(a) fix seasons, bag limits, possession limits, and season limits;

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

8 ~~(iii)~~(c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear,  
9 and wolf by persons holding an archery stamp and the required license, permit, or tag and designate times when  
10 only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat, mountain lion, bear, and wolf  
11 in those areas-;

12 ~~(b)~~(d) ~~The commission may~~ restrict areas and species to hunting with only specified hunting arms,  
13 including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences-;

14 and

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

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

26 (3) ~~The~~ Subject to the provisions of 87-1-217, the commission may divide the state into fish and game  
27 districts and create fish, game, or fur-bearing animal districts throughout the state. The commission may declare  
28 a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to  
29 hunting, fishing, or trapping.

30 (4) The commission may declare a closed season on any species of game, fish, game birds, or

1 fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or  
2 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited  
3 periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking  
4 waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds,  
5 and nongame birds. The commission may open the area or district upon consent of a majority of the property  
6 owners affected.

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

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

13

14 NEW SECTION. **Section 3. Effective date.** [This act] is effective March 1, 2012.

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