

HOUSE BILL NO. 324

INTRODUCED BY W. WARBURTON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A NONRESIDENT TRAPPER TO TRAP
5 FUR-BEARING ANIMALS AND TO HUNT BOBCAT; AMENDING ~~SECTION~~ SECTIONS 87-2-603 AND 87-6-404,
6 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 87-2-603, MCA, is amended to read:
11 **"87-2-603. Class C-2--nonresident trapper's license.** (1) A Subject to the provisions of subsections
12 (2) and (3) THROUGH (4), a person who is not a resident, as defined in 87-2-102, but who IS A RESIDENT OF THE
13 UNITED STATES AND is 12 years of age or older, upon making application and payment of a fee of \$250 to the
14 department, is entitled to a nonresident trapper's license that authorizes the holder to trap and snare predatory
15 animals, and nongame wildlife, and fur-bearing animals and to hunt bobcat within the state. ~~The trapping or~~
16 ~~snaring is permitted only after October 15 of each license year~~ at the times AND PLACES and in the manner
17 provided by law and the rules of the commission ~~and at the places that may be designated in the license.~~

18 (2) The trapping or snaring of predatory animals and nongame wildlife by nonresidents is permitted only
19 after October 15 of each license year.

20 ~~(2)(3)~~ A person who is not a resident ~~and~~:
21 (A) whose state of residence does not sell nonresident trapper's licenses to Montanans may not be
22 issued a Class C-2 license under subsection (1);

23 (B) WHO IS ISSUED A CLASS C-2 LICENSE UNDER SUBSECTION (1) MAY TRAP ONLY THOSE FUR-BEARING ANIMALS
24 ALLOWED TO BE TRAPPED OR HUNT ONLY THOSE FUR-BEARING ANIMALS ALLOWED TO BE HUNTED BY NONRESIDENTS IN
25 THE PERSON'S STATE OF RESIDENCE; AND

26 (C) MAY NOT HUNT BOBCAT WITH THE AID OF A DOG OR DOGS.

27 (4) THE COMMISSION MAY:

28 (A) LIMIT THE NUMBER OF CLASS C-2 LICENSES TO BE ISSUED; AND

29 (B) SET QUOTAS AND METHODS FOR NONRESIDENT TAKING OF FUR-BEARING ANIMALS."

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1 **SECTION 2. SECTION 87-6-404, MCA, IS AMENDED TO READ:**

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

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

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

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

14 (3) A person may:

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

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

18 (c) except as provided in 87-2-603(3)(c), hunt bobcats during the trapping season, as established by the
19 commission, with the aid of a dog or dogs; and

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

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

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

28 (i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached
29 to the dog's collar or harness;

30 (ii) during the general season, whether handling or accompanying the dog, shall wear hunter orange

1 material pursuant to 87-6-414;

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

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

4 and

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

6 (b) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements
7 under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded the game
8 animal.

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

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

16 (8) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through
17 87-6-907."

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19 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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