

HOUSE BILL NO. 630

INTRODUCED BY P. FIELDER

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE USE OF DOGS WHILE HUNTING BLACK BEARS OUTSIDE OF GRIZZLY BEAR RECOVERY ZONES; AND AMENDING SECTION 87-6-404, MCA."

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

Section 1. Section 87-6-404, MCA, is amended to read:

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

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

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

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

(3) A person may:

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

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

(c) hunt bobcats during the trapping season, as established by the commission, with the aid of a dog or dogs;

(d) subject to subsection (5), hunt black bears during the spring season with the aid of a dog or

1 dogs ~~as authorized by the commission;~~ outside of existing grizzly bear recovery zones that have been
2 delineated by the United States fish and wildlife service;

3 (e) train bird hunting dogs pursuant to the requirements of 87-3-602;

4 (f) conduct field trials for bird hunting dogs pursuant to the requirements of 87-3-603 or on private
5 land; and

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

9 (4) A resident who possesses a Class D-3 resident hound training license may:

10 (a) pursue mountain lions and bobcats with a dog or dogs during a training season from December
11 2 of each year to April 14 of the following year; and

12 (b) pursue black bears with a dog or dogs during a training season from the end of the spring
13 season for black bear through June 15 of that year ~~as authorized by the commission;~~ outside of existing grizzly
14 bear recovery zones that have been delineated by the United States fish and wildlife service.

15 (5) A nonresident who possesses a Class D-4 hound license may:

16 (a) pursue mountain lions or black bears with a dog or dogs pursuant to 87-2-519; and

17 (b) pursue black bears with a dog or dogs during a training season from the end of the spring
18 season for black bear through June 15 of that year outside of existing grizzly bear recovery zones that have
19 been delineated by the United States fish and wildlife service.

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

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

24 (ii) during the general season, whether handling or accompanying the dog, shall wear hunter
25 orange material pursuant to 87-6-414;

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

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

