

SENATE BILL NO. 111

INTRODUCED BY K. REGIER

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE SUPPLEMENTAL FEEDING OF WILD TURKEYS; ~~PROVIDING AN EXEMPTION; PROVIDING AN EXEMPTION;~~ AND AMENDING SECTION 87-6-216, MCA."

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

Section 1. Section 87-6-216, MCA, is amended to read:

"87-6-216. Unlawful supplemental feeding ~~--EXEMPTION -- EXEMPTION.~~ (1) ~~A EXCEPT AS PROVIDED IN SUBSECTION (2), A A EXCEPT AS PROVIDED IN SUBSECTION (2),~~ A person may not provide supplemental feed attractants to game animals or wild turkeys by:

(a) purposely or knowingly attracting any cloven-hoofed ungulates, bears, ~~or~~ mountain lions, or wild turkeys with supplemental feed attractants;

(b) after having received a previous warning, negligently failing to properly store supplemental feed attractants and allowing any cloven-hoofed ungulates, bears, ~~or~~ mountain lions, or wild turkeys access to the supplemental feed attractants; or

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

~~(2) A PERSON MAY PROVIDE SUPPLEMENTAL FEED TO WILD TURKEYS UNLESS THE DEPARTMENT FINDS THAT SUPPLEMENTAL FEED HARMS THE LOCAL POPULATION OF WILD TURKEYS OR CREATES A PUBLIC NUISANCE AS DEFINED IN 45-8-111.~~

~~(2) A PERSON MAY PROVIDE SUPPLEMENTAL FEED TO WILD TURKEYS UNLESS THE DEPARTMENT FINDS THAT SUPPLEMENTAL FEED HARMS THE LOCAL POPULATION OF WILD TURKEYS OR CREATES A PUBLIC NUISANCE AS DEFINED IN 45-8-111.~~

~~(2)(3)(2)(3)~~ A person is not subject to civil or criminal liability under this section if the person is engaged in:

(a) the normal feeding of livestock;



- 1 (b) a normal agricultural practice;
- 2 (c) cultivation of a lawn or garden;
- 3 (d) the commercial processing of garbage; or
- 4 (e) recreational feeding of birds unless, after having received a previous warning by the department, the
- 5 person continues to feed birds in a manner that attracts cloven-hoofed ungulates, ~~or bears,~~ or wild turkeys and
- 6 that may contribute to the transmission of disease or constitute a threat to public safety.

7 ~~(3)(4)(3)(4)~~ This section does not apply to supplemental feeding activities conducted by the department
8 for disease control purposes.

9 ~~(4)(5)(4)(5)~~ A person convicted of a violation of this section shall be fined not less than \$50 or more than
10 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the
11 person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing,
12 or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands,
13 as defined in 77-1-101, for recreational purposes for a period of time set by the court."

14 - END -