

1 HOUSE BILL NO. 523

2 INTRODUCED BY T. FRANCE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE USE OF SNARE TRAPS ON
5 PUBLIC LANDS; REQUIRING THE USE OF RELAXING SNARE TRAPS; PROHIBITING THE USE OF
6 SNARE TRAPS AT CERTAIN TIMES OF THE YEAR; PROVIDING PENALTIES; AND AMENDING SECTIONS
7 87-1-303 AND 87-6-601, MCA."

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

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11 **Section 1.** Section 87-1-303, MCA, is amended to read:

12 **"87-1-303. Rules for use of lands and waters.** (1) Except as provided in 23-1-111, 87-1-301(6), 87-
13 6-601(1)(b), and subsection (3) of this section, the commission may adopt and enforce rules governing uses of
14 lands that are acquired or held under easement by the commission or lands that it operates under agreement
15 with or in conjunction with a federal or state agency or private owner. The rules must be adopted in the interest
16 of public health, public safety, and protection of property in regulating the use of these lands. All lease and
17 easement agreements must itemize uses as listed in 87-1-209.

18 (2) Except as provided in 87-1-301(6), the commission may adopt and enforce rules governing
19 recreational uses of all public fishing reservoirs, public lakes, rivers, and streams that are legally accessible to
20 the public or on reservoirs and lakes that it operates under agreement with or in conjunction with a federal or
21 state agency or private owner. These rules must be adopted in the interest of public health, public safety, public
22 welfare, and protection of property and public resources in regulating swimming, hunting, fishing, trapping,
23 boating, including but not limited to boating speed regulations, the operation of motor-driven boats, the
24 operation of personal watercraft, the resolution of conflicts between users of motorized and nonmotorized
25 boats, waterskiing, surfboarding, picnicking, camping, sanitation, and use of firearms on the reservoirs, lakes,
26 rivers, and streams or at designated areas along the shore of the reservoirs, lakes, rivers, and streams. Areas
27 regulated pursuant to the authority contained in this section must be areas that are legally accessible to the
28 public. These rules are subject to review and approval by the department of public health and human services

1 with regard to issues of public health and sanitation before becoming effective. Copies of the rules must show
2 that endorsement.

3 (3) (a) The commission may not regulate or classify domestic livestock trailing as a commercial
4 activity or commercial use that is subject to licensing, permitting, or fee requirements. Domestic livestock
5 trailing on land owned or controlled by the department is exempt from the requirements of Title 75, chapter 1,
6 parts 1 through 3.

7 (b) The commission may authorize domestic livestock trailing across land owned or controlled by the
8 department that is designated as a wildlife management area. The commission may adopt rules governing the
9 timing of and the route to be used for domestic livestock trailing activities to the extent that the rules are
10 necessary both to enable the trailing of domestic livestock across the designated wildlife management area and
11 to protect and enhance state lands. The rules may not:

- 12 (i) require a fee for domestic livestock trailing or related activities; or
- 13 (ii) prohibit or unreasonably interfere with domestic livestock trailing activities.

14 (4) For the purposes of this section, the following definitions apply:

15 (a) "Domestic livestock" means domestic animals kept for farm and ranch purposes, including but not
16 limited to horses, cattle, sheep, goats, and dogs.

17 (b) "Domestic livestock trailing" means the entering upon and crossing of department lands and the
18 use of the lands for forage by domestic livestock for a maximum of 96 consecutive hours."

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20 **Section 2.** Section 87-6-601, MCA, is amended to read:

21 **"87-6-601. Trapping and snaring offenses.** (1) A person may not use a snare trap for the purpose of
22 snaring a fur-bearing animal, a predatory animal, or a nongame species unless:

23 (a) the snare trap is tagged with a numbered metal device identifying the owner's name, address, and
24 telephone number;

25 (b) if set on public land, the snare trap is a relaxing snare trap set between January 1 and April 30;

26 ~~(b)(c)~~ if set on private property, the consent of the landowner has been obtained ~~for a set on private~~
27 ~~property;~~ and

28 ~~(e)(d)~~ the snare trap is set in a manner and at a time so that it will not unduly endanger livestock. A

1 person who injures livestock in snare traps is liable for damages to the owner of the livestock.

2 (2) A person trapping fur-bearing animals, predatory animals, or any other animals shall fasten a
3 metal tag to all traps bearing in legible English the name and address or wildlife conservation license number of
4 the trapper, except that a tag is not required on traps used by landowners trapping on their own land or on an
5 irrigation ditch right-of-way contiguous to the land.

6 (3) A holder of a Class C-2 trapper's license may not trap or snare predatory animals or nongame
7 wildlife on private property without obtaining written permission from the landowner, the lessee, or their agents.

8 (4) A person may not at any time willfully destroy, open or leave open, or partially destroy a house of
9 any muskrat or beaver, except that trapping in the house of muskrats is not prohibited when authorized by the
10 commission.

11 (5) (a) A person may not destroy, disturb, or remove any trap or snare belonging to another person or
12 remove wildlife from a trap or snare belonging to another person without permission of the owner of the trap or
13 snare, except that from March 1 to October 1 of each year a person may remove any snare from land owned or
14 leased by the person if the snare would endanger livestock.

15 (b) This subsection (5) does not apply to a law enforcement officer acting within the scope of the
16 officer's duty.

17 (6) A person convicted of a violation of this section shall be fined not less than \$50 or more than
18 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the
19 person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing,
20 or trapping license issued by the state and the privilege to hunt, fish, or trap in this state or to use state lands,
21 as defined in 77-1-101, for recreational purposes for a period of time set by the court.

22 (7) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 and
23 87-6-906."

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