

1 SENATE BILL NO. 327

2 INTRODUCED BY J. ELLSWORTH, M. BLASDEL, M. CUFFE, D. KARY, T. MANZELLA, G. VANCE, W. GALT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING REGULATIONS FOR WASTING OF GAME BIRDS
5 THAT ARE MORE RESTRICTIVE THAN FEDERAL REGULATIONS; PROVIDING AN EXCEPTION FOR
6 MIGRATORY BIRDS; AND AMENDING SECTION 87-6-205, MCA."

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

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10 **Section 1.** Section 87-6-205, MCA, is amended to read:11 **"87-6-205. Waste of game animal, game bird, or game fish.** (1) Except as provided in subsection
12 (3), a person responsible for the death of any game animal, game bird, or game fish suitable for food may not
13 purposely or knowingly waste the game by:14 (a) detaching or removing only the head, hide, antlers, tusks, or teeth or any or all of these parts from
15 the carcass of a game animal;16 (b) transporting, hanging, or storing the carcass in a manner that renders it unfit for human
17 consumption; or18 (c) abandoning the carcass of a game animal or any portion of the carcass suitable for food in the
19 field.20 (2) A person in possession of a game animal or game animal parts, a game bird, or a game fish
21 suitable for food may not purposely or knowingly waste the game by:22 (a) transporting, storing, or hanging the animal, bird, or fish in a manner that renders it unfit for human
23 consumption; or24 (b) disposing of or abandoning any portion of the animal, bird, or fish that is suitable for food. FOR
25 MIGRATORY BIRDS, "SUITABLE FOR FOOD" MEANS THE BREAST MEAT.26 (3) A person responsible for the death of a mountain lion, except as provided in 87-6-106, may not
27 abandon the head or hide in the field.

28 (4) A person responsible for the death of a grizzly bear wastes the game if the person abandons the

1 head or hide or any parts required by department or commission regulation for scientific purposes pursuant to
2 87-3-131.

3 (5) For the purposes of this section, the meat of a grizzly bear or a black bear that is found to be
4 infected with trichinosis is not considered to be suitable for food.

5 (6) A person convicted of a violation of this section may be fined not less than \$50 or more than
6 \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. In addition, the person,
7 upon conviction or forfeiture of bond or bail, shall:

8 (a) forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt,
9 fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer
10 period; and

11 (b) pay restitution pursuant to 87-6-905 through 87-6-907.

12 (7) A person convicted of waste of game by abandonment in the field may be subject to the additional
13 penalties provided in 87-6-901.

14 (8) Regulations adopted pursuant to this section for game birds may not be more restrictive than
15 comparable federal regulations, EXCEPT AS PROVIDED IN SUBSECTION (2)(B)."

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