

SENATE BILL NO. 76

INTRODUCED BY E. MCCLAFFERTY

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT A PAPER LICENSE OR TAG BE ATTACHED TO A GAME ANIMAL OR TURKEY; ALLOWING FOR A PAPER LICENSE OR TAG TO ACCOMPANY THE CARCASS OF A GAME ANIMAL OR TURKEY; AMENDING SECTIONS 87-3-310, 87-6-411, AND 87-6-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-3-310, MCA, is amended to read:

"87-3-310. Transfer of possession of harvested game. (1) A person licensed to hunt and authorized to possess a carcass of a game animal that requires mandatory department biological inspection or a wolf that requires mandatory department biological inspection may, after validating ~~and attaching~~ the license or tag in accordance with 87-6-411, transfer possession of all or part of that game animal or wolf to any person at any time after leaving the site of the kill, provided a statement of possession has been completed.

(2) A statement of possession must be on a form prescribed by the department and signed by the licensed person and the person or persons receiving possession and must accompany the carcass or portion of carcass presented for inspection.

(3) Upon receipt of game or a part of game, the recipient is authorized and responsible to present the harvested game to the department as required for biological inspection, if applicable, and salvage the edible meat for human consumption, if required by law.

(4) A person may not transfer possession of all or part of a grizzly bear carcass."

Section 2. Section 87-6-411, MCA, is amended to read:

"87-6-411. Tagging of game animal offenses. (1) Each license issued by the department authorizing the holder of the license to hunt game animals, whether issued to a resident or a nonresident, must

1 provide any tags the department prescribes.

2 (2) When a person kills a game animal under the license, the person shall, before the carcass is
3 removed from or the person leaves the site of the kill, take physical possession of the game animal by:

4 (a) electronically validating the license or tag pursuant to rules adopted in accordance with 87-2-
5 119; or

6 (b) cutting out from the license or tag the date the animal was killed ~~and attaching the license or~~
7 ~~tag to the animal.~~ A license or tag that is not electronically validated must be:

8 (i) ~~completely filled out with the name of the license holder, the license holder's address, and any~~
9 ~~other information requested on the license or tag; and~~

10 (ii) ~~kept attached to~~ accompany the carcass as long as any considerable portion of the carcass
11 remains unconsumed.

12 (3) When a game animal has been lawfully killed and the proper license or tag is electronically
13 validated or ~~is attached to~~ accompanies the game animal that was killed, the game animal becomes the
14 property of the person who lawfully killed the animal and may be possessed, used, stored, donated to another
15 or to a charity, transferred to another person pursuant to 87-3-310, or transported.

16 (4) A person ~~may not fail to~~ shall keep the license or tag ~~attached to~~ accompanying the game
17 animal or portion of the game animal while the animal is possessed by the person unless the license or tag was
18 electronically validated.

19 (5) A person may not tag a game animal with or electronically validate a license or tag that is
20 restricted to a hunting district other than the hunting district where the game animal was killed.

21 (6) A person who is convicted of or who forfeits bond or bail after being charged with a violation of
22 this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention
23 center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail,
24 may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the
25 privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational
26 purposes for a period of time set by the court."
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28 **Section 3.** Section 87-6-412, MCA, is amended to read:

1 **"87-6-412. Tagging of turkey-Turkey tagging offenses.** (1) A person who kills, captures, or
2 possesses a wild turkey by authority of any turkey tag or permit ~~may not~~:
3 (a) ~~fail or neglect to attach the tag to the turkey in compliance with instructions on the tag or to~~
4 shall electronically validate the tag in accordance with rules adopted pursuant to 87-2-119 prior to the person
5 leaving or the turkey being removed from the site of the kill;
6 (b) ~~fail to~~shall validate the tag either electronically or by ~~not~~-filling out or punch marking the tag as
7 required;
8 (c) ~~unless the tag was electronically validated, fail to keep the tag attached while the turkey is~~
9 ~~possessed by the person~~ shall keep the license or tag accompanying the turkey while the turkey is in the
10 person's possession unless the license or tag was electronically validated; or and
11 (d) may not tag a turkey with or electronically validate a license or tag that is restricted to a hunting
12 district other than the hunting district where the turkey was killed.
13 (2) A person who is convicted of or who forfeits bond or bail after being charged with a violation of
14 this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention
15 center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail,
16 may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the
17 privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational
18 purposes for a period of time set by the court."

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20 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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