

HOUSE BILL NO. 73

INTRODUCED BY K. FLYNN

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

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WOLF HUNTING LAWS; AUTHORIZING THE ISSUANCE OF MULTIPLE LICENSES; GRANTING RULEMAKING AUTHORITY; REDUCING THE PRICE OF A NONRESIDENT LICENSE; ALLOWING USE OF RECORDED OR ELECTRONICALLY AMPLIFIED CALLS; PROVIDING AN EXCEPTION TO THE REQUIREMENT THAT HUNTERS WEAR ORANGE; AMENDING SECTIONS 87-2-104, 87-2-524, 87-6-401, AND 87-6-414, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-2-104, MCA, is amended to read:

"87-2-104. Number of licenses, permits, or tags allowed -- fees. (1) The department may prescribe rules and regulations for the issuance or sale of a replacement license, permit, or tag if the original license, permit, or tag is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

(2) When authorized by the commission for game management purposes, the department may:

(a) issue more than one Class A-3 resident deer A, Class A-4 resident deer B, Class B-7 nonresident deer A, Class B-8 nonresident deer B, Class E-1 resident wolf, Class E-2 nonresident wolf, or special antelope license to an applicant; and

(b) issue a special antlerless moose license, a special cow or calf bison license, or one or more special adult ewe mountain sheep licenses to an applicant.

(3) For all of the game management licenses issued under subsection (2), the commission shall determine the hunting districts or portions of hunting districts for which the licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

(4) When authorized by the commission for game management purposes, the department may issue Class A-9 resident antlerless elk B tag licenses and Class B-12 nonresident antlerless elk B tag licenses entitling the holder to take an antlerless elk. Unless otherwise reduced pursuant to subsection (5), the fee for a Class B-12 license is \$273. The commission shall determine the hunting districts or portions of hunting districts for which



1 Class A-9 and Class B-12 licenses are to be issued, the number of licenses to be issued, and all terms and
2 conditions for the use of the licenses.

3 (5) The fee for a resident or nonresident license of any class issued under subsection (2) or (4) may be
4 reduced annually by the department."
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6 **Section 2.** Section 87-2-524, MCA, is amended to read:

7 **"87-2-524. Class E-2--nonresident wolf license.** (1) Except as otherwise provided in this chapter, a
8 person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years
9 old before or during the season for which the license is issued, upon payment of a fee of ~~\$350~~ \$50, may receive
10 a Class E-2 license that entitles a holder who is 12 years of age or older to hunt a wolf and possess the carcass
11 of the wolf as authorized by commission rules.

12 (2) Fees collected pursuant to this section must be deposited and used in accordance with 87-1-623."
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14 **Section 3.** Section 87-6-401, MCA, is amended to read:

15 **"87-6-401. Unlawful use of equipment while hunting.** (1) A person may not:

16 (a) hunt or attempt to hunt any game animal or game bird by the aid or with the use of any snare, except
17 as allowed in 87-3-127 and 87-3-128, set gun, projected artificial light, trap, salt lick, or bait;

18 (b) use any recorded or electrically amplified bird or animal calls or sounds or recorded or electrically
19 amplified imitations of bird or animal calls or sounds to assist in the hunting, taking, killing, or capturing of wildlife
20 except for predatory animals, wolves, and those birds not protected by state or federal law;

21 (c) while hunting, take into a field or forest or have in the person's possession any device or mechanism
22 devised to silence, muffle, or minimize the report of any firearm, whether the device or mechanism is operated
23 from or attached to any firearm;

24 (d) while hunting, possess any electronic motion-tracking device or mechanism, as defined by
25 commission rule, that is designed to track the motion of a game animal and relay information on the animal's
26 movement to the hunter. A radio-tracking collar attached to a dog that is used by a hunter engaged in lawful
27 hunting activities is not considered a motion-tracking device or mechanism for purposes of this subsection (1)(d).

28 (e) while hunting, use archery equipment that has been prohibited by rule of the commission;

29 (f) use a shotgun to hunt deer or elk except with weapon type and loads as specified by the department;

30 (g) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the department.

1 This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only, not larger than
2 a number 10 gauge, fired from the shoulder.

3 (h) use a rifle to hunt or shoot wild turkey during the spring wild turkey season.

4 (2) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000
5 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon
6 conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping
7 license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in
8 77-1-101, for recreational purposes for a period of time set by the court.

9 (3) A person convicted of hunting while using projected artificial light as described in subsection (1)(a)
10 may be subject to the additional penalties provided in 87-6-901 and 87-6-902.

11 (4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through
12 87-6-907."

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14 **Section 4.** Section 87-6-414, MCA, is amended to read:

15 **"87-6-414. Failure to wear hunter orange while big game hunting.** (1) Except as provided in
16 subsection (3), a person may not hunt any big game animals in this state or accompany any hunter as an outfitter
17 or guide under any of the provisions of the laws of this state without wearing as exterior garments above the waist
18 a total of not less than 400 square inches of hunter orange material visible at all times while hunting.

19 (2) As used in this section, "hunter orange" means a daylight fluorescent orange color.

20 (3) This section does not apply to a person hunting:

21 (a) with a bow and arrow during the special archery season; or

22 (b) wolves outside the general deer and elk season as authorized by commission rules.

23 (4) The department shall make rules to implement this section.

24 (5) A person convicted of a violation of this section shall be punished by a fine of not less than \$10 or
25 more than \$20."

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27 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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