

HOUSE BILL NO. 138

INTRODUCED BY P. FIELDER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WHAT CONSTITUTES A TRAPPING OR SNARING OFFENSE; REVISING TAGGING REQUIREMENTS; AND AMENDING SECTION 87-6-601, MCA."

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

Section 1. Section 87-6-601, MCA, is amended to read:

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

(a) the trap or snare trap is tagged with a numbered metal device identifying tag bearing an individual identifying number issued by the department or the owner's name, and address, and telephone number unless the person is trapping or snaring on the person's land or an irrigation ditch right-of-way contiguous to the person's land;

~~(b) the consent of the landowner has been obtained for a set on private property; and~~

~~(c)~~(b) the trap or snare trap is set in a manner and at a time so that it will not unduly endanger livestock. A person who injures livestock in a trap or snare trap is liable for damages to the owner of the livestock.

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

~~(3)~~(2) A holder of a Class C-2 trapper's license person may not use a trap or snare for the purpose of trapping or snaring a fur-bearing animal, a predatory animal, or a nongame wildlife species on private property without obtaining ~~written~~ permission from the landowner, the lessee, or their agents.

~~(4)~~(3) A person may not at any time willfully destroy, open or leave open, or partially destroy a house of any muskrat or beaver, except that trapping in the house of muskrats is not prohibited when authorized by

1 the commission.

2 ~~(5)~~(4) (a) A person may not destroy, disturb, or remove any trap or snare belonging to another
3 person or remove wildlife from a trap or snare belonging to another person without permission of the owner of
4 the trap or snare, except that from March 1 to October 1 of each year a person may remove any snare from
5 land owned or leased by the person if the snare would endanger livestock.

6 (b) This subsection ~~(5)~~ (4) does not apply to a law enforcement officer acting within the scope of the
7 officer's duty.

8 ~~(6)~~(5) A person convicted of a violation of this section shall be fined not less than \$50 or more than
9 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the
10 person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing,
11 or trapping license issued by the state and the privilege to hunt, fish, or trap in this state or to use state lands,
12 as defined in 77-1-101, for recreational purposes for a period of time set by the court.

13 ~~(7)~~(6) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 and
14 87-6-906."

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