

HOUSE BILL NO. 287

INTRODUCED BY B. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING MANDATORY TRAP AND SNARE CHECK REQUIREMENTS; PROVIDING AN EXCEPTION; 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 snare trap for the purpose of snaring a fur-bearing animal, a predatory animal, or a nongame species unless:

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

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

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

(4) (a) Except as provided in 87-3-127 and subsection (4)(b) of this section, a person setting traps or snares for any animal shall check the traps or snares at least daily. An animal found in a trap or snare must be immediately removed or the trapper shall immediately notify a designated department employee or regional office to determine the disposition or collection of the animal.

(b) A person unable to comply with the provisions of subsection (4)(a) of this section due to special circumstances may give permission to a trapper licensed pursuant to Title 87, chapter 2, part 6, to comply with the provisions of subsection (4)(a) on the person's behalf for a period of up to 1 week from the last day the person tended the traps or snares personally. Notice of such authorization, including the name and automated licensing

1 system number of the substitute trapper, must be given to the department's office for that administrative region
2 within 24 hours. In addition, a substitute trapper shall comply with any other law or regulation in effect during that
3 week.

4 ~~(4)~~(5) A person may not at any time willfully destroy, open or leave open, or partially destroy a house
5 of any muskrat or beaver, except that trapping in the house of muskrats is not prohibited when authorized by the
6 commission.

7 ~~(5)~~(6) (a) A person may not destroy, disturb, or remove any trap or snare belonging to another person
8 or remove wildlife from a trap or snare belonging to another person without permission of the owner of the trap
9 or snare, except that from March 1 to October 1 of each year a person may remove any snare from land owned
10 or leased by the person if the snare would endanger livestock.

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

13 ~~(6)~~(7) A person convicted of a violation of this section shall be fined not less than \$50 or more than
14 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the
15 person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing,
16 or trapping license issued by the state and the privilege to hunt, fish, or trap in this state or to use state lands, as
17 defined in 77-1-101, for recreational purposes for a period of time set by the court.

18 ~~(7)~~(8) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 and
19 87-6-906."

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