

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the Environmental Quality Council

A Bill for an Act entitled: "An Act revising bird hunting dog laws; establishing requirements for bird hunting dog training and field trials; requiring a permit for field trials on public land; defining terms; providing rulemaking authority; amending section 87-6-404, MCA; repealing sections 87-4-915 and 87-6-220, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Definitions.** As used in this part, the following definitions apply:

(1) "Bird hunting dog" means a dog trained or being trained to point, flush, or retrieve game birds.

(2) "Field trial" means an organized event affiliated with a national organization to examine, evaluate, or test the ability of bird hunting dogs to point, flush, or retrieve game birds.

(3) "Game bird" means a bird defined as an upland game bird or migratory game bird in 87-2-101."

NEW SECTION. **Section 2. Training bird hunting dogs.** (1) Training of bird hunting dogs is allowed.

(2) A person training bird hunting dogs with a method that kills game birds shall tag or mark the game bird prior to release. Game birds must be obtained from a game bird farm

licensed under 87-4-903 or from a source of game birds approved by the department.

(3) A person who takes an untagged or unmarked game bird while training a bird hunting dog outside of the established season for that species or who is not licensed to take that species shall immediately report the taking to a representative of the department.

NEW SECTION. **Section 3. Field trials -- requirements -- reporting taking of untagged game birds.** (1) A person or organization shall apply for a permit from the department using a form provided by the department prior to conducting a field trial on public land.

(2) A signed application must be submitted to the department at least 20 days prior to the date of the field trial.

(3) The application must state the name and address of the national affiliate, the location of the field trial, the date or dates of the field trial, whether live game birds are to be used, and any other information required by the department to determine the advisability of granting permission for the field trial.

(4) The department may deny an application that it determines is not in the best interests of the protection, preservation, propagation, and conservation of game birds.

(5) The department may condition a permit for a field trial as necessary for the protection, preservation, propagation, and conservation of game birds.

(6) Within 10 days of receiving the application, the department shall notify the applicant if the permit is granted,

granted with conditions, or denied.

(7) Game birds used in a field trial must be tagged or marked before being planted or released. Game birds must be obtained from a game bird farm licensed under 87-4-903 or from a source of game birds approved by the department.

(8) A person who takes an untagged game bird during a field trial outside of the established season for that species or who is not licensed to take that species shall immediately report the taking to a representative of the department.

NEW SECTION. **Section 4. Rulemaking authority.** The department may adopt rules to implement the provisions of [sections 1 through 3].

**Section 5.** Section 87-6-404, MCA, is amended to read:

**"87-6-404. Unlawful use of dog while hunting.** (1) Except as provided in subsections (3) through ~~(6)~~ (5), a person may not:

(a) chase any game animal or fur-bearing animal with a dog;  
or

(b) purposely, knowingly, or negligently permit a dog to chase, stalk, pursue, attack, or kill a hooved game animal. If the dog is not under the control of an adult at the time of the violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by another person is not allowable unless it is shown that at the time of the violation, the dog was running at large without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running at large.

(2) Except as provided in subsection (3)(d), a peace officer, game warden, or other person authorized to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or killing a hooved game animal may destroy that dog on public land or on private land at the request of the landowner without criminal or civil liability.

(3) A person may:

(a) take game birds during the appropriate open season with the aid of a dog;

(b) hunt mountain lions during the winter open season, as established by the commission, with the aid of a dog or dogs;

(c) hunt bobcats during the trapping season, as established by the commission, with the aid of a dog or dogs; ~~and~~

(d) train bird hunting dogs pursuant to the requirements of [section 2];

(e) conduct field trials for bird hunting dogs pursuant to the requirements of [section 3] or on private land; and

~~(d)~~ (f) use trained or controlled dogs to chase or herd away game animals or fur-bearing animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored hay and grain. The dog may not be destroyed pursuant to subsection (2).

(4) A resident who possesses a Class D-3 resident hound training license may pursue mountain lions and bobcats with a dog or dogs during a training season from December 2 of each year to April 14 of the following year.

(5) (a) A person with a valid hunting license issued pursuant to Title 87, chapter 2, may use a dog to track a wounded

game animal during an appropriate open season. Any person using a dog in this manner:

(i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached to the dog's collar or harness;

(ii) during the general season, whether handling or accompanying the dog, shall wear hunter orange material pursuant to 87-6-414;

(iii) may carry any weapon allowed by law;

(iv) may dispose of the wounded game animal using any weapon allowed by the valid hunting license; and

(v) shall tag an animal that has been reduced to possession in accordance with 87-6-411.

(b) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded the game animal.

~~(6) Any person or association organized for the protection of game may run field trials at any time upon obtaining written permission from the director.~~

~~(7)~~(6) A person who is convicted of or who forfeits bond or bail after being charged with a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state or to use

state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

~~(8)~~(7) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

{Internal References to 87-6-404:  
87-2-521x}

NEW SECTION. **Section 6. {standard} Repealer.** The following sections of the Montana Code Annotated are repealed:

87-4-915. Field trials -- permits.

87-6-220. Field trial offenses.

{Internal References to 87-4-915: 87-6-220r  
Internal References to 87-6-220: None.}

NEW SECTION. **Section 7. {standard} Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 87, chapter 3, part 4, and the provisions of Title 87, chapter 3, part 4, apply to [sections 1 through 4].

NEW SECTION. **Section 8. {standard} Effective date.** [This act] is effective on passage and approval.

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