

SENATE BILL NO. 327

INTRODUCED BY J. ELLSWORTH, M. BLASDEL, M. CUFFE, D. KARY, T. MANZELLA, G. VANCE, W. GALT

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING REGULATIONS FOR WASTING OF GAME BIRDS THAT ARE MORE RESTRICTIVE THAN FEDERAL REGULATIONS; PROVIDING AN EXCEPTION FOR MIGRATORY BIRDS; AND AMENDING SECTION 87-6-205, MCA."

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

Section 1. Section 87-6-205, MCA, is amended to read:

"87-6-205. Waste of game animal, game bird, or game fish. (1) Except as provided in subsection (3), a person responsible for the death of any game animal, game bird, or game fish suitable for food may not purposely or knowingly waste the game by:

(a) detaching or removing only the head, hide, antlers, tusks, or teeth or any or all of these parts from the carcass of a game animal;

(b) transporting, hanging, or storing the carcass in a manner that renders it unfit for human consumption; or

(c) abandoning the carcass of a game animal or any portion of the carcass suitable for food in the field.

(2) A person in possession of a game animal or game animal parts, a game bird, or a game fish suitable for food may not purposely or knowingly waste the game by:

(a) transporting, storing, or hanging the animal, bird, or fish in a manner that renders it unfit for human consumption; or

(b) disposing of or abandoning any portion of the animal, bird, or fish that is suitable for food. FOR MIGRATORY BIRDS, "SUITABLE FOR FOOD" MEANS THE BREAST MEAT.

(3) A person responsible for the death of a mountain lion, except as provided in 87-6-106, may not abandon the head or hide in the field.

(4) A person responsible for the death of a grizzly bear wastes the game if the person abandons the

1 head or hide or any parts required by department or commission regulation for scientific purposes pursuant to
2 87-3-131.

3 (5) For the purposes of this section, the meat of a grizzly bear or a black bear that is found to be
4 infected with trichinosis is not considered to be suitable for food.

5 (6) A person convicted of a violation of this section may be fined not less than \$50 or more than
6 \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. In addition, the person,
7 upon conviction or forfeiture of bond or bail, shall:

8 (a) forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt,
9 fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer
10 period; and

11 (b) pay restitution pursuant to 87-6-905 through 87-6-907.

12 (7) A person convicted of waste of game by abandonment in the field may be subject to the additional
13 penalties provided in 87-6-901.

14 (8) Regulations adopted pursuant to this section for game birds may not be more restrictive than
15 comparable federal regulations, EXCEPT AS PROVIDED IN SUBSECTION (2)(B)."

16 - END -