

1 <sup>HB</sup> BILL NO. <sup>126</sup>  
 2 INTRODUCED BY *Erin Kelly*  
 3 *Staiquilla Frates Johnson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 26-301  
 5 BY PROVIDING FOR THE DESTRUCTION OF DOGS PURSUING,  
 6 HARASSING, ATTACKING, OR KILLING HOVED GAME ANIMALS."

7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 9 Section 1. Section 26-301, R.C.M. 1947, is amended to  
 10 read as follows:

11 "26-301. Restrictions of manner of taking and  
 12 possessing fish and game and powers of commission relating  
 13 thereto. (1) It shall be unlawful for anyone to take,  
 14 capture, shoot, kill, or attempt to take, capture, shoot or  
 15 kill, any game animal, or game bird from any self propelled  
 16 or drawn vehicle, or on, or from any public highway in the  
 17 state of Montana, or by the aid or with the use of any set  
 18 gun, jack-light, or other artificial light, trap, snare,  
 19 salt lick, nor shall any such set gun, jack-light or other  
 20 artificial light, trap, snare, salt lick or other device to  
 21 entrap or entice game animals or game birds be used, made or  
 22 set, nor may rifles be used to hunt or shoot upland game  
 23 birds unless the use of rifles is permitted by the  
 24 commission; provided, however, that this does not prohibit  
 25 the shooting of wild waterfowl from blinds over decoys with

1 a shotgun only, not larger than a number ten (10) gauge  
 2 fired from the shoulder, nor shall any game fish be caught,  
 3 captured, or taken, or attempted to be caught, captured or  
 4 taken by the aid or with the use of any gun, or trap, nor  
 5 shall any such set gun, or trap or other device to entrap  
 6 game fish be used, made, or set.

7 (2) (a) No game birds or game or fur-bearing animals  
 8 shall be killed, taken or shot at from any aircraft, nor  
 9 shall any aircraft be used for the purpose of concentrating,  
 10 pursuing, driving, rallying or stirring up any game or  
 11 migratory birds, game or fur-bearing animals, nor shall any  
 12 powerboat, sailboat, or any boat under sail or any floating  
 13 device towed by a powerboat, sailboat, or any boat under  
 14 sail be used for the purpose of killing, capturing, taking,  
 15 pursuing, concentrating, driving or stirring up any upland  
 16 game birds, or game or fur-bearing animals.

17 (b) No person in an aircraft in the air shall spot or  
 18 locate any game, or migratory bird, game or fur-bearing  
 19 animals and communicate the location or approximate location  
 20 thereof by any signals whatsoever, whether radio, visual or  
 21 otherwise, to any person or persons then on the ground.

22 (3) No person shall take into a field or forest, or  
 23 have in his possession while out hunting, any device or  
 24 mechanism devised to silence, or muffle or minimize the  
 25 report of any firearms, whether such device or mechanism be

1 operated from or attached to any firearm.

2 (4) No person may use a shotgun to hunt, kill or shoot  
3 deer except with loads as specified by the commission.

4 (5) ~~(a) No person shall~~ may chase with dogs any of the  
5 game or fur-bearing animals as defined by the fish and game  
6 laws of this state; provided, however, that livestock  
7 owners and employees of the ~~state fish and game~~ commission  
8 ~~and of or~~ the federal fish and wildlife service may use dogs  
9 in pursuit of stock-killing bears, and stock-killing  
10 mountain lions, ~~or other~~ Other means of taking  
11 stock-killing bears and stock-killing mountain lions may be  
12 used, except the use of the dead fall; ~~providing, however,~~  
13 ~~that traps, traps~~ used in capturing bear shall be inspected  
14 twice each day, ~~which inspection shall be~~ with the  
15 inspections twelve ~~(12)~~ hours apart; ~~and provided further~~  
16 ~~that a~~ A person may take game birds during the appropriate  
17 open season ~~thereon~~ with the aid of a dog or dogs, and any  
18 person or association organized for the protection of game  
19 may run field trials at any time upon obtaining written  
20 permission from the ~~state fish and game~~ director.

21 (b) Any dog found pursuing, harassing, attacking, or  
22 killing hooved game animals may be destroyed, on private  
23 lands with written permission of the landowner or on public  
24 lands, without criminal or civil liability, by any peace  
25 officer, warden, or other person authorized to enforce the

1 Montana fish and game laws.

2 (6) The state fish and game commission shall have the  
3 power to designate certain waters where set lines may be  
4 used to fish for certain species of game or nongame fish,  
5 and the commission may designate the number of hooks and  
6 lines and the length of line or lines which may be used as  
7 set lines.

8 (7) Game fish shall be taken only by angling, that is  
9 by hook and single line in hand or single rod in hand, or  
10 within immediate control; this does not prevent, however,  
11 the snagging of paddlefish, coho (silver salmon), and  
12 kokanee (sockeye salmon) when the commission shall declare  
13 an open season when paddlefish, coho (silver salmon), and  
14 kokanee (sockeye salmon) may be taken by snagging, the  
15 taking of paddlefish with long bow and arrow when the  
16 commission shall declare an open season when paddlefish may  
17 be taken by long bow and arrow, the taking of walleyed pike,  
18 sauger, northern pike and nongame fish with spear or gig,  
19 when the commission shall declare an open season for taking  
20 walleyed pike, sauger, northern pike and nongame fish with  
21 spear or gig, nor the use of landing net or gaff to land a  
22 game fish after the same has been hooked by angling as above  
23 specified, nor does it prevent the taking of minnows other  
24 than game fish variety by the use or aid of a net not to  
25 exceed twelve (12) feet in length and four (4) feet in

1 width, in such waters as may be designated by the  
2 commission.

3 (8) No person, while hunting game animals or game  
4 birds shall use a motor-driven vehicle on any other than an  
5 established road or trail, unless he has reduced a big game  
6 animal to possession and cannot easily retrieve said big  
7 game animal, in which case a motor-driven vehicle may be  
8 used to retrieve the big game animal, except in areas where  
9 more restrictive regulations apply or where the landowner  
10 has not granted such permission, provided that after such  
11 retrieval, such motor-driven vehicle is again returned to an  
12 established road or trail by the shortest possible route.  
13 For purposes of safety and allowing normal travel, a  
14 motor-driven vehicle may be parked on the roadside or  
15 directly adjacent to said road or trail. No person, while  
16 hunting game animals or game birds, shall drive or attempt  
17 to drive, run or attempt to run, molest or attempt to  
18 molest, flush or attempt to flush, or harass or attempt to  
19 harass any game animal or game bird with the use or aid of  
20 any motor-driven vehicle. No person, while hunting game  
21 animals or game birds shall drive through any retired  
22 cropland, brush area, slough area, timber area, open  
23 prairie, or unharvested or harvested cropland, except upon  
24 an established road or trail unless written permission has  
25 been given by the land owner and in possession of the

1 hunter. The restrictions in this subsection on motor-driven  
2 vehicle use off an established road or trail apply only to  
3 hunting on state or private land, not to hunting on federal  
4 land unless the federal agency specifically requests or  
5 approves state enforcement.

6 (9) Whenever said fish and game commission shall have  
7 made any orders, rules or regulations for the carrying out  
8 of the powers granted to it under this act, the same shall  
9 take effect and be in force from and after the publication  
10 and posting of notice of said orders, rules and regulations  
11 as required by the fish and game laws.

12 (10) The provisions of this section relating to methods  
13 of herding, driving, capturing, taking, locating or  
14 concentrating of fish, game animals, game birds or  
15 fur-bearing animals do not apply to the department of fish  
16 and game, or any employee thereof, while acting within the  
17 scope and course of the powers and duties of the department.

18 Any person violating any of the provisions of this  
19 section shall be deemed guilty of a misdemeanor and shall be  
20 punishable as provided by law."

-End-

Approved by Comm.  
on Fish and Game

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2 INTRODUCED BY Ernie Ellis  
3 Staiquille Frates Johnston

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15 kill, any game animal, or game bird from any self propelled  
16 or drawn vehicle, or on, or from any public highway in the  
17 state of Montana, or by the aid or with the use of any set  
18 gun, jack-light, or other artificial light, trap, snare,  
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24 commission; provided, however, that this does not prohibit  
25 the shooting of wild waterfowl from blinds over decoys with

1 a shotgun only, not larger than a number ten (10) gauge  
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21 otherwise, to any person or persons then on the ground.

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23 have in his possession while out hunting, any device or  
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HB 126

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9 ~~in pursuit of stock-killing bears, and stock-killing~~  
10 ~~mountain lions, or other other means of taking~~  
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14 ~~twice each day, which inspection shall be with the~~  
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17 ~~open season thereon with the aid of a dog or dogs, and any~~  
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21 (b) Any dog found pursuing, harassing, attacking, or  
22 killing hooved game animals may be destroyed, on private  
23 lands with written permission of the landowner or on public  
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25 officer, warden, or other person authorized to enforce the

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17 scope and course of the powers and duties of the department.

18 Any person violating any of the provisions of this  
19 section shall be deemed guilty of a misdemeanor and shall be  
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-End-

## HOUSE BILL NO. 126

INTRODUCED BY MUDAILY, ELLIS,  
GOULD, STAIGHILLER, FRATES, JOHNSTON

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 26-301  
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19 person or association organized for the protection of game,  
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25 ~~lands, without criminal or civil liability, by any peace~~

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2 ~~Montana fish and game laws. ANY PEACE OFFICER, GAME WARDEN,~~  
3 ~~OR OTHER PERSON AUTHORIZED TO ENFORCE THE MONTANA FISH AND~~  
4 ~~GAME LAWS WHO WITNESSES ANY DOG PURSUING, HARASSING,~~  
5 ~~ATTACKING, OR KILLING HOOFED GAME ANIMALS MAY DESTROY THAT~~  
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8 power to designate certain waters where set lines may be  
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 24 section shall be deemed guilty of a misdemeanor and shall be  
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March 14, 1977

SENATE  
COMMITTEE OF THE WHOLE

That House Bill No. 126 be amended as follows:

1. Amend page 4, section 1, lines 2 through 6.

Following: "laws."

Strike: lines 2 through 6 in their entirety

Insert: "Any dog found pursuing, harassing, attacking, or killing hooved game animals may be destroyed, on private lands with written permission of the landowner or on public lands, without criminal or civil liability, by any peace officer, warden, or other person authorized to enforce the Montana fish and game laws."

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 3                   GOULD, STAIGMILLER, FRATES, JOHNSTON  
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18           (b) No person in an aircraft in the air shall spot or  
 19   locate any game, or migratory bird, game or fur-bearing  
 20   animals and communicate the location or approximate location  
 21   thereof by any signals whatsoever, whether radio, visual or  
 22   otherwise, to any person or persons then on the ground.

23           (3) No person shall take into a field or forest, or  
 24   have in his possession while out hunting, any device or  
 25   mechanism devised to silence, or muffle or minimize the

1 report of any firearms, whether such device or mechanism be  
 2 operated from or attached to any firearm.

3 (4) No person may use a shotgun to hunt, kill or shoot  
 4 deer except with loads as specified by the commission.

5 (5) (a) No person ~~shall~~ may chase with dogs any of the  
 6 game or fur-bearing animals as defined by the fish and game  
 7 laws of this state; provided, however, that livestock  
 8 owners and employees of the ~~state fish and game~~ commission  
 9 ~~and of~~ or the federal fish and wildlife service may use dogs  
 10 in pursuit of stock-killing bears and stock-killing  
 11 mountain lions or ~~other~~ other means of taking  
 12 stock-killing bears and stock-killing mountain lions may be  
 13 used except the use of the dead fall ~~providing, however~~  
 14 ~~that traps, traps~~ used in capturing bear shall be inspected  
 15 twice each day ~~which inspection shall be with the~~  
 16 inspections twelve ~~(12)~~ hours apart ~~and provided further~~  
 17 ~~that a~~ A person may take game birds during the appropriate  
 18 open season thereon with the aid of a dog or dogs and any  
 19 person or association organized for the protection of game  
 20 may run field trials at any time upon obtaining written  
 21 permission from the ~~state fish and game~~ director.

22 (b) ~~Any dog found pursuing, harassing, attacking, or~~  
 23 ~~killing, hooved, game animals may be destroyed on private~~  
 24 ~~lands with written permission of the landowner or on public~~  
 25 ~~lands without criminal or civil liability by any peace~~

1 ~~officer, warden, or other person authorized to enforce the~~  
 2 ~~Montana fish and game laws. ANY PEACE OFFICER, GAME WARDEN,~~  
 3 ~~OR OTHER PERSON AUTHORIZED TO ENFORCE THE MONTANA FISH AND~~  
 4 ~~GAME LAWS WHO WITNESSES ANY DOG PURSUING, HARASSING,~~  
 5 ~~ATTACKING, OR KILLING HOODED GAME ANIMALS MAY DESTROY THAT~~  
 6 ~~DOG WITHOUT CRIMINAL OR CIVIL LIABILITY. ANY DOG FOUND~~  
 7 ~~PURSUING, HARASSING, ATTACKING, OR KILLING HOODED GAME~~  
 8 ~~ANIMALS MAY BE DESTROYED, ON PRIVATE LANDS WITH WRITTEN~~  
 9 ~~PERMISSION OF THE LANDOWNER OR ON PUBLIC LANDS, WITHOUT~~  
 10 ~~CRIMINAL OR CIVIL LIABILITY, BY ANY PEACE OFFICER, WARDEN,~~  
 11 ~~OR OTHER PERSON AUTHORIZED TO ENFORCE THE MONTANA FISH AND~~  
 12 ~~GAME LAWS.~~

13 (6) The state fish and game commission shall have the  
 14 power to designate certain waters where set lines may be  
 15 used to fish for certain species of game or nongame fish,  
 16 and the commission may designate the number of hooks and  
 17 lines and the length of line or lines which may be used as  
 18 set lines.

19 (7) Game fish shall be taken only by angling, that is  
 20 by hook and single line in hand or single rod in hand, or  
 21 within immediate control; this does not prevent, however,  
 22 the snagging of paddlefish, coho (silver salmon), and  
 23 kokanee (sockeye salmon) when the commission shall declare  
 24 an open season when paddlefish, coho (silver salmon), and  
 25 kokanee (sockeye salmon) may be taken by snagging, the

1 taking of paddlefish with long bow and arrow when the  
 2 commission shall declare an open season when paddlefish may  
 3 be taken by long bow and arrow, the taking of walleyed pike,  
 4 sauger, northern pike and nongame fish with spear or gig  
 5 when the commission shall declare an open season for taking  
 6 walleyed pike, sauger, northern pike and nongame fish with  
 7 spear or gig, nor the use of landing net or gaff to land a  
 8 game fish after the same has been hooked by angling as above  
 9 specified, nor does it prevent the taking of minnows other  
 10 than game fish variety by the use or aid of a net not to  
 11 exceed twelve (12) feet in length and four (4) feet in  
 12 width, in such waters as may be designated by the  
 13 commission.

14 (8) No person, while hunting game animals or game  
 15 birds shall use a motor-driven vehicle on any other than an  
 16 established road or trail, unless he has reduced a big game  
 17 animal to possession and cannot easily retrieve said big  
 18 game animal, in which case a motor-driven vehicle may be  
 19 used to retrieve the big game animal, except in areas where  
 20 more restrictive regulations apply or where the landowner  
 21 has not granted such permission, provided that after such  
 22 retrieval, such motor-driven vehicle is again returned to an  
 23 established road or trail by the shortest possible route.  
 24 For purposes of safety and allowing normal travel, a  
 25 motor-driven vehicle may be parked on the roadside or

1 directly adjacent to said road or trail. No person, while  
 2 hunting game animals or game birds, shall drive or attempt  
 3 to drive, run or attempt to run, molest or attempt to  
 4 molest, flush or attempt to flush, or harass or attempt to  
 5 harass any game animal or game bird with the use or aid of  
 6 any motor-driven vehicle. No person, while hunting game  
 7 animals or game birds shall drive through any retired  
 8 cropland, brush area, slough area, timber area, open  
 9 prairie, or unharvested or harvested cropland, except upon  
 10 an established road or trail unless written permission has  
 11 been given by the land owner and in possession of the  
 12 hunter. The restrictions in this subsection on motor-driven  
 13 vehicle use off an established road or trail apply only to  
 14 hunting on state or private land, not to hunting on federal  
 15 land unless the federal agency specifically requests or  
 16 approves state enforcement.

17 (9) Whenever said fish and game commission shall have  
 18 made any orders, rules or regulations for the carrying out  
 19 of the powers granted to it under this act, the same shall  
 20 take effect and be in force from and after the publication  
 21 and posting of notice of said orders, rules and regulations  
 22 as required by the fish and game laws.

23 (10) The provisions of this section relating to methods  
 24 of herding, driving, capturing, taking, locating or  
 25 concentrating of fish, game animals, game birds or

1 fur-bearing animals do not apply to the department of fish  
2 and game, or any employee thereof, while acting within the  
3 scope and course of the powers and duties of the department.  
4 Any person violating any of the provisions of this  
5 section shall be deemed guilty of a misdemeanor and shall be  
6 punishable as provided by law."

-End-

1 HOUSE BILL NO. 126  
 2 INTRODUCED BY EUDAILY, ELLIS,  
 3 GOULD, STAIGMILLER, FRATES, JOHNSTON  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 26-301  
 6 BY PROVIDING FOR THE DESTRUCTION OF DOGS PURSUING,  
 7 HARASSING, ATTACKING, OR KILLING HOOVED GAME ANIMALS."  
 8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 Section 1. Section 26-301, R.C.M. 1947, is amended to  
 11 read as follows:  
 12 "26-301. Restrictions of manner of taking and  
 13 possessing fish and game and powers of commission relating  
 14 thereto. (1) It shall be unlawful for anyone to take,  
 15 capture, shoot, kill, or attempt to take, capture, shoot or  
 16 kill, any game animal, or game bird from any self propelled  
 17 or drawn vehicle, or on, or from any public highway in the  
 18 state of Montana, or by the aid or with the use of any set  
 19 gun, jack-light, or other artificial light, trap, snare,  
 20 salt lick, nor shall any such set gun, jack-light or other  
 21 artificial light, trap, snare, salt lick or other device to  
 22 entrap or entice game animals or game birds be used, made or  
 23 set, nor may rifles be used to hunt or shoot upland game  
 24 birds unless the use of rifles is permitted by the  
 25 commission; provided, however, that this does not prohibit

1 the shooting of wild waterfowl from blinds over decoys with  
 2 a shotgun only, not larger than a number ten (10) gauge  
 3 fired from the shoulder, nor shall any game fish be caught,  
 4 captured, or taken, or attempted to be caught, captured or  
 5 taken by the aid or with the use of any gun, or trap, nor  
 6 shall any such set gun, or trap or other device to entrap  
 7 game fish be used, made, or set.  
 8 (2) (a) No game birds or game or fur-bearing animals  
 9 shall be killed, taken or shot at from any aircraft, nor  
 10 shall any aircraft be used for the purpose of concentrating,  
 11 pursuing, driving, rallying or stirring up any game or  
 12 migratory birds, game or fur-bearing animals, nor shall any  
 13 powerboat, sailboat, or any boat under sail or any floating  
 14 device towed by a powerboat, sailboat, or any boat under  
 15 sail be used for the purpose of killing, capturing, taking,  
 16 pursuing, concentrating, driving or stirring up any upland  
 17 game birds, or game or fur-bearing animals.  
 18 (b) No person in an aircraft in the air shall spot or  
 19 locate any game, or migratory bird, game or fur-bearing  
 20 animals and communicate the location or approximate location  
 21 thereof by any signals whatsoever, whether radio, visual or  
 22 otherwise, to any person or persons then on the ground.  
 23 (3) No person shall take into a field or forest, or  
 24 have in his possession while out hunting, any device or  
 25 mechanism devised to silence, or muffle or minimize the

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AND SENATE

1 report of any firearms, whether such device or mechanism be  
2 operated from or attached to any firearm.

3 (4) No person may use a shotgun to hunt, kill or shoot  
4 deer except with loads as specified by the commission.

5 (5) (a) No person shall ~~may~~ chase with dogs any of the  
6 game or fur-bearing animals as defined by the fish and game  
7 laws of this state; provided, however, that livestock  
8 owners ~~and~~ employees of the state fish and game commission  
9 ~~and of~~ ~~or~~ the federal fish and wildlife service may use dogs  
10 in pursuit of stock-killing bears, and stock-killing  
11 mountain lions, ~~or other~~ ~~Other~~ means of taking  
12 stock-killing bears and stock-killing mountain lions ~~may be~~  
13 ~~used,~~ except the use of the dead fall; ~~providing,~~ however,  
14 ~~that traps,~~ traps used in capturing bear shall be inspected  
15 twice each day, ~~which inspection shall be~~ with the  
16 ~~inspections~~ twelve (12) hours apart; ~~and provided further,~~  
17 ~~that~~ ~~a~~ person may take game birds during the appropriate  
18 open season thereon with the aid of a dog or dogs, and any  
19 person or association organized for the protection of game  
20 may run field trials at any time upon obtaining written  
21 permission from the state fish and game director.

22 (b) ~~Any dog found pursuing, harassing, attacking, or~~  
23 ~~killing hooved game animals may be destroyed, on private~~  
24 ~~lands with written permission of the landowner or on public~~  
25 ~~lands without criminal or civil liability by any peace~~

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2 ~~Montana fish and game laws; ANY PEACE OFFICER, GAME WARDEN,~~  
3 ~~OR OTHER PERSON AUTHORIZED TO ENFORCE THE MONTANA FISH AND~~  
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6 ~~DOG WITHOUT CRIMINAL OR CIVIL LIABILITY; ANY DOG FOUND~~  
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8 ~~ANIMALS MAY BE DESTROYED, ON PRIVATE LANDS WITH WRITTEN~~  
9 ~~PERMISSION OF THE LANDOWNER OR ON PUBLIC LANDS, WITHOUT~~  
10 ~~CRIMINAL OR CIVIL LIABILITY, BY ANY PEACE OFFICER, WARDEN,~~  
11 ~~OR OTHER PERSON AUTHORIZED TO ENFORCE THE MONTANA FISH AND~~  
12 ~~GAME LAWS; ANY PEACE OFFICER, GAME WARDEN, OR OTHER PERSON~~  
13 ~~AUTHORIZED TO ENFORCE THE MONTANA FISH AND GAME LAWS WHO~~  
14 ~~WITNESSES ANY DOG PURSUING, HARASSING, ATTACKING, OR KILLING~~  
15 ~~HOVED GAME ANIMALS MAY DESTROY THAT DOG WITHOUT CRIMINAL OR~~  
16 ~~CIVIL LIABILITY.~~

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18 power to designate certain waters where set lines may be  
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1 the snagging of paddlefish, coho (silver salmon), and  
 2 kokanee (sockeye salmon) when the commission shall declare  
 3 an open season when paddlefish, coho (silver salmon), and  
 4 kokanee (sockeye salmon) may be taken by snagging, the  
 5 taking of paddlefish with long bow and arrow when the  
 6 commission shall declare an open season when paddlefish may  
 7 be taken by long bow and arrow, the taking of walleyed pike,  
 8 sauger, northern pike and nongame fish with spear or gig  
 9 when the commission shall declare an open season for taking  
 10 walleyed pike, sauger, northern pike and nongame fish with  
 11 spear or gig, nor the use of landing net or gaff to land a  
 12 game fish after the same has been hooked by angling as above  
 13 specified, nor does it prevent the taking of minnows other  
 14 than game fish variety by the use or aid of a net not to  
 15 exceed twelve (12) feet in length and four (4) feet in  
 16 width, in such waters as may be designated by the  
 17 commission.

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 19 birds shall use a motor-driven vehicle on any other than an  
 20 established road or trail, unless he has reduced a big game  
 21 animal to possession and cannot easily retrieve said big  
 22 game animal, in which case a motor-driven vehicle may be  
 23 used to retrieve the big game animal, except in areas where  
 24 more restrictive regulations apply or where the landowner  
 25 has not granted such permission, provided that after such

1 retrieval, such motor-driven vehicle is again returned to an  
 2 established road or trail by the shortest possible route.  
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 4 motor-driven vehicle may be parked on the roadside or  
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 7 to drive, run or attempt to run, molest or attempt to  
 8 molest, flush or attempt to flush, or harass or attempt to  
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 22 made any orders, rules or regulations for the carrying out  
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2 (10) The provisions of this section relating to methods  
3 of herding, driving, capturing, taking, locating or  
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5 fur-bearing animals do not apply to the department of fish  
6 and game, or any employee thereof, while acting within the  
7 scope and course of the powers and duties of the department.

8 Any person violating any of the provisions of this  
9 section shall be deemed guilty of a misdemeanor and shall be  
10 punishable as provided by law."

-End-