

HOUSE BILL NO. 133

INTRODUCED BY MENAHAN

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING HARASSMENT OF ANGLERS; MAKING ANGLER HARASSMENT A MISDEMEANOR; AND AMENDING SECTIONS 87-3-141 AND 87-3-142, MCA."

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

Section 1. Section 87-3-141, MCA, is amended to read:

"87-3-141. Definitions. As used in 87-3-141 through 87-3-144, the following definitions apply:

(1) "Fishing" means the efforts to capture, capture and release, possess, or kill fish.

(1)(2) "Taking" means the pursuit, hunting, trapping, shooting, or killing of a wild animal on land upon which the affected person has the right or privilege to pursue, hunt, trap, shoot, or kill the wild animal.

(2)(3) "Wild animal" means any game animal, fur-bearing animal, or predatory animal, as defined in 87-2-101."

Section 2. Section 87-3-142, MCA, is amended to read:

"87-3-142. Harassment prohibited. (1) ~~No~~ A person may not intentionally interfere with the lawful taking of a wild animal or lawful fishing by another.

(2) ~~No~~ A person may not, with intent to prevent or hinder its lawful taking or its capture;

(a) disturb a wild animal or engage in an activity or place in its way any object or substance that will tend to disturb or otherwise affect the behavior of a wild animal; or

(b) disturb a fish or engage in an activity or place in its way any object or substance that will tend to disturb or otherwise affect the behavior of a fish.

(3) ~~No~~ A person may not disturb an individual engaged in the lawful taking of a wild animal or engaged in lawful fishing with intent to ~~dissuade the individual or otherwise~~ prevent the taking of the animal or the capture of the fish.

(4) ~~Nothing in this~~ This section ~~prohibits~~ does not prohibit a landowner or lessee from taking

1 reasonable measures to prevent imminent danger to domestic livestock and equipment."

2 -END-