

SENATE BILL NO. 106

INTRODUCED BY D. LOGE, W. MCKAMEY, J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE USE OF AIRCRAFT WHILE HUNTING; AND AMENDING SECTIONS 87-3-126 AND 87-6-208, MCA."

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

Section 1. Section 87-3-126, MCA, is amended to read:

"87-3-126. Use of aircraft or helicopter-- authority to issue permits and adopt rules. (1) An aircraft or helicopter A manned or unmanned aircraft may be used for the purpose of herding, driving, or hazing wild animals damaging private property or crops on the property in question pursuant to a permit issued by the department.

(2) The commission shall adopt rules for the issuance of the permit. The permit may be conditioned to address individual circumstances of each application for a permit.

(3) ~~The~~ Except for elk shoulder seasons, the department ~~may not shall~~ issue permits except during any legal general or regular hunting season for the species for which a permit was requested.

(4) The permitting program must comply with requirements of federal law for the activity."

Section 2. Section 87-6-208, MCA, is amended to read:

"87-6-208. Unlawful use of aircraft. (1) Except as provided in 87-3-126, a person may not:

(a) kill, take, or shoot at any game bird, game animal, or fur-bearing animal from an aircraft;

(b) use an aircraft:

(i) to spot or locate any game animal for the purpose of hunting ~~that animal~~ during the same calendar day; or

(ii) ~~for the purpose of concentrating, pursuing, driving, rallying, or stirring up any~~ to concentrate, pursue, drive, rally, or stir up a game bird, migratory bird, game animal, or fur-bearing animal; or