

# MONTANA LAWS

## UAPPEAL

### **MENAGERIES, SANCTUARIES, ZOOS**

PERMIT required for wild animal menageries, sanctuaries and zoos (\$25 – 5+ animals, \$10 - rest).

- BANS taking or possessing healthy animals from wild
  - EXCLUDES: Capture Permit by sanctuaries and zoos
- Captive-born animals must come from zoo, menagerie, alternative livestock ranch, fur farm, game bird farm, wildlife sanctuary or animal rehabilitation center

#### PERMITS:

- Roadside Menageries (keeping captive born animals for exhibition or attracting trade or other commercial purpose)
  - \$25,000/person up to \$100,000/incidence injury insurance and \$5,000 property damage insurance, caging and care minimum standards, copy of federal permit, facility plans, species and # of animals to be held, label with name of animal on enclosure, evidence of legal possession
- Wild Animal Menageries (keeping up to 10 captive born bears or large cats for purposes other than exhibition)
  - Proof demonstrating responsibility, facility plans, # and species of animals to be held
- Wildlife Sanctuaries (nonprofit or accredited by American Sanctuary Association or Global Federation of Animal Sanctuaries to provide homes for nonreleaseable animals)
  - Need accreditation report if accredited by ASA or GFAS
- Zoos (state nonprofit zoological garden or AZA or ZAA zoos)
  - Nonprofit corporation document, location of facility, federal permits, and AZA or ZAA accreditation paper if applicable
  - Need accreditation report
- Capture Permit (capture and hold injured or nonreleaseable wildlife due to injury, human conflict or seizure)

- Must be deemed by department and USFWS
- LIMITED TO: zoos and sanctuaries

(Montana Code Ann. 87-4-801 et. al., 87-6-715; Admin. Rules Montana 12.6 Subch. 13 - Revised by HB805/Chapter 211 Signed into law 4/16/2021 - Effective 10/1/21)

## **BEARS, WOLVES AND COYOTES & HYBRIDS, MOUNTAIN LIONS, TIGERS**

Must be reported within 3 days of being held in captivity along with hybrids 50% or more wild.

- EXEMPT:
  - Game management or predator control program
  - Capture and release by scientific, educational, or research program
- FEE: \$10 per animal (6+ - \$10 each for first 5 and \$5 each per additional up to \$200)

### REQUIREMENTS:

- Permanent tattoo certified by a veterinarian with assigned number on the left thigh not more than 6" from the abdomen with letters and numbers at least 3/8" tall on coyotes and 1/2" tall on all others
- Deaths, escapes and transfers must be reported immediately
- Only allows ear tags or ear tattoos if being slaughtered for their fur
- Department must keep tattoo records
- Liable for property damage caused by animal

(Montana Code Ann. 87-1-232 to 87-1-234, 87-6-701; Admin. Rules of Montana 12.6.19)

## **ALTERNATIVE LIVESTOCK**

Alternative livestock = privately owned native caribou, white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, and mountain goat; privately owned reindeer, or other cloven-hoofed ungulates

Cloven-hoofed Ungulate – Artiodactyla except swine, camelids, hippos and domestic pigs, cows, yaks, sheep, goats and bison

## **RESTRICTED SPECIES**

BANS import of white-tailed deer and moose until testing protocols are established.

BANS import and transport of wild or captive elk, mule deer, and whitetail deer from a CWD endemic or diagnosed area or farm except when all requirements are met.

Reindeer import limited to those from south of the Canada/U.S. border certified brucellosis TB free as determined by whole herd testing and Canada and Alaska imports that meet testing requirements, were in state for a year and the females have had one calf.

## **PROHIBITED SPECIES**

- Prohibited Species – Connochaetes (wildebeest), Damaliscus (sassabies: blesbok, bontebok, topi), Alcelaphus (hartebeest)

BANS prohibited species along with elk-red deer hybrids.

## **OTHERS**

PERMIT (Alternative Livestock Ranch License) required to operate alternative livestock ranch but must have one before 11/7/2000.

BANS taking game animals for alternative livestock ranch.

### **REQUIREMENTS:**

- individual tattoo and ear tag (herds)
- microchip for omnivores or carnivores (except MCA 87-6-701)
- meet testing before ownership change
- testing for escaped animals if required
- free from elk-red deer hybridization (elks)
- Meet import, export, transport and CWD requirements

(Montana Code Ann. 87-4-401 et.al. 87-6-705; Admin. Rules of Montana 32.4)

## **EXOTIC WILDLIFE**

Classifies all exotic wildlife under species categories.

- EXEMPT:
  - domestic animals
  - institutions with adequate facilities including nonprofit zoological gardens, wildlife sanctuaries, roadside menageries and research facilities

CATEGORIES:

- Domestic Animals (not regulated)
  
- Prohibited Exotic Wildlife (BANS import, possession and sale except limited permits)
  - LIMITED TO:
    - AZA
    - roadside zoos and menageries
    - non-resident USDA Class C exhibiting or doing commercial photography or television for up to 90 days
      - NEED: evidence of lawful possession, certificate of veterinary inspection, entry permit within 10 days - NO public contact except with written permission
    - college, university or government agency for scientific or public health research
    - other scientific institutions for research or medical necessity
    - USDA tax-exempt nonprofit for educational or scientific purposes
    - assistance animal for medical necessity
    - rescue facilities with national or state agency affiliation
  - EXEMPTS: interstate shipment through state if not unloaded with evidence of lawful possession and a certificate of veterinary inspection (mammals, birds and herp) or health certificate (fish)
  
- Controlled Exotic Wildlife (PERMIT for import, possession and sale)
  - Permit fees: \$25 for possession, \$100 to sell, breed or exchange
  - EXEMPTS:
    - Exhibitors or commercial photography or television in state up to 90 days with evidence of lawful possession, USDA license, certificate of veterinary inspection and entry permit within 10 days - BANS public contact without written permission
    - shipment through state under same conditions as for prohibited species
  - 18 or older, NO convictions of exotic wildlife or illegal commercialization violations in past 3 years; NO conviction of animal cruelty; annual reports, biosecurity plan and emergency response plan, reporting within 24 hours: escapes to department, injuries to human to local health department, injuries to domestic animal to Department of Livestock, and injuries to native wildlife to the department
  
- Noncontrolled Exotic Wildlife (traditional pets – NO PERMIT NEEDED)
  - Facilities must be sanitary, secure, large enough, and protect the public.

- BANS restraining with chain, rope or other holding device except when needed for appropriate care
- Coho salmon and Pacific White shrimp are limited to commercial facilities, and goldfish and koi are limited to outdoor ponds which must meet the listed requirements

LISTS: [See detailed list](#)

(Montana Code Ann. 87-5 Part 7; Admin. Rules of Montana 12.6 Subch. 22)

## **INTRODUCTION AND TRANSPLANTATION OF WILDLIFE**

Introduction and transplantation of wildlife limited to:

- gray partridge
- chukar partridge
- ring-necked pheasant
- turkey
- rainbow trout
- golden trout
- brown trout
- brook trout
- lake trout
- northern pike
- black bullhead
- yellow bullhead
- largemouth bass
- smallmouth bass
- pumpkinseed sunfish
- bluegill
- green sunfish
- rock bass
- black crappie
- white crappie
- yellow perch
- walleye
- cisco
- spottail shiner
- kokanee salmon
- chinook salmon

- lake whitefish
- golden shiner

APPLICABILITY: 87-5-701 to 87-5-704 (wildlife rulemaking), 87-5-711, 87-5-713 through 87-5-716 (introduction and transplant), and 87-5-721 (penalty) do NOT apply to:

- Title 80 Agriculture
- Caged fish in public waters (87-3-208 and 87-6-219(1)(a))
- Import of salmonid fish (87-3-221 to 87-3-224)
- Import of nonsalmonid fish (87-3-210)
- Inspection of fish hatcheries and culture (87-3-225 to 227)
- Relocation of nonsalmonid fish (87-6-219(1)(b))
- Alternative livestock ranch rulemaking (87-4-422)
- Wildlife from another state or country (87-5-112)
- Falconry species restrictions (87-5-205)
- Regulations on grizzly bears (87-5-302)
- Title 81 Chapter 2 livestock disease control

(Montana Code Ann. 87-5-714)

## **NATIVE WILDLIFE PERMITS**

- Game farm animals – game farm animals and cloven-hoofed ungulates except domestic water buffalo
- Nongame wildlife – wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other animal not otherwise legally classified
- Predatory animals – coyote, weasel, skunk, civet cat

- Wild buffalo – bison not reduced to captivity, never subject to per capita fee, never owned by a person and not offspring of bison subject to per capita fee (Revised HB318 signed into law 5/14/21 – Effective immediately)

(Montana Code Ann. 87-2-101)

PERMIT required for native species for various purposes.

- Scientific Collection Permit (take, kill, capture and possess protected and unprotected birds, animals and fish by school, college, university, government agency or individual for scientific subject)
  - Qualifications: Bachelor's or Arts or Science plus 5 years of experience or Masters of Science in fish, wildlife or related field; electrofishing method training if using listed method
- Migratory Game Bird Avicultural Permit (take, capture and possess migratory game birds for propagation)
  - Record within 10 days of expiration of all migratory birds taken and a copy of the federal report for those still possessed, permanent marking or identification
  - Taking from wild requires approval with a detailed statement of need
- Game Farm Permit (own and propagate game farm animals)
  - BANS prohibited species = Chamois, Himalayan tahr, wild goat species, Barbary sheep, mouflon sheep, oryx and gemsbok, addax, reedbuck, wild swine, collared peccary and the following deer: red, axis, rusa, sambar, sika, roe
  - Written description of acreage of farm, 72 minute topographical map of area, drawing of facility showing exterior gates and fences, catch pens and quarantine, description of specs of outside fencing, compliance with Livestock catch pen, quarantine, and handling device rules, species and numbers of animals, evaluation that all nonnative species are not threat to native wildlife or livestock, ability to conduct regular inspections on ingress and egress, minimum enclosures, notify department within 10 days of any lease changes, notification of escapes
  - Transport and sale of carnivores and omnivores require department inspection
- Game Bird Farm Permit (own and propagate upland game birds in captivity)
  - EXEMPT:
    - Non sellers that receive written authorization
    - migratory game bird avicultural permit
    - shooting preserve license
  - Must allow inspections, notify department prior to changes in animals or facility, keep records of acquisitions, transfers and sales, and have adequate fencing to prevent entry and escapes

- Fur Dealer's License (buy, sell and trade in skin/pelts of fur-bearing and predatory animals)
  
- Fur Farm License (own, control or propagate furbearers for sale)
  - LIMITED TO: marten, otter, muskrat, fisher, bobcat, lynx, wolverine, beaver
  - Must allow inspections, notify department prior to changes in animals or facility, keep records of acquisitions, transfers and sales, and have adequate fencing to prevent entry and escapes
  - BANS taking from wild
  
- Possess Captive-reared Upland Game Birds for Noncommercial Purposes Permit – keep captive-reared birds in captivity for noncommercial purposes other than training, release or field trials
  
- Field Trial Permit (conduct field trial on public land)
  - Must be marked before release and come from game bird farm or approved source
  
- Use of Captive-reared Upland Game Birds for Dog Training Permit (use game birds for dog training)
  
- Use of Captive-reared Upland Game Birds for the Training of Raptors in the Sport of Falconry Permit
  
- Falconry License (hunt with raptors)
  - BANS: take of bald eagles, 50 CFR, part 17, endangered species
  - Allows general or master class residents to take 10 and nonresidents to take 1 nestling or fledged peregrine falcons during 2022-2023 between Jun 1 – Aug 31 (Rule adopted 4/19/22)
    - 2 year wait period if successful
    - BANS sale, barter, and exchange of wild-caught ones along with take from 8 listed nests of high value
    - Must report catch to FWP and USFWS within 5 days so that numbers can be monitored
    - No restrictions on take in Eastern Montana
  
- Raptor Propagation Permit (breeding wild-caught raptors and sell eggs)
  - ALSO NEED: Federal raptor propagation permit
  
- Nonresident Capture of Raptors License – capture raptors by nonresidents for use in falconry

- Release Ring-necked Pheasants for Noncommercial Purposes Permit

(MCA 87-2-806, 87-2-807, 87-3-603, 87-4-30, 87-4-901, 87-4.1001 et. al., 87-5-201, 87-5-210, 87-6-704, 87-6-716 to 87-6-718, 87-6-801; ARM 12.6.1401, 12.6.1520, 12.6.1601, 12.6.1801, 12.7.1301)

## **GAME AND FUR-BEARING ANIMALS**

- Fur-bearing animals – marten, otter, muskrat, fisher, mink, bobcat, lynx, wolverine, northern swift fox, beaver
- Game animals – deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, bear, wild buffalo

BANS sale and purchase of game and fur-bearing animals.

- EXEMPT:
  - certain parts
  - Captive-reared migratory waterfowl

(Montana Code Ann. 87-6-206)

## **GAME BIRDS**

- Migratory game birds – waterfowl (wild ducks, geese, brant, and swans); cranes; rails and coots; Wilson’s snipe; mourning dove
- Upland game birds –blue, ruffed, sage, sharp-tailed, and spruce grouse; prairie chicken, ring-necked pheasant, Hungarian partridge, ptarmigan, wild turkey, chukar partridge

Purchase Legal:

- game bird farm
- Out-of-State

## **FURBEARERS**

Sale Legal: fur farm license

Purchase Legal:

- fur farm license
- out-of-state

(Montana Code Ann. 87-6-206; Admin. Rules of Montana 12.6)

## **GAME FISH**

- Game fish – Salmonidae (chars, trout, salmon, grayling, and whitefish); genus Sander (sauger, yellow pike-perch); genus Esox (northern pike, pickerel, and muskellunge); genus Micropterus (bass); genus Polyodon (paddlefish); family Acipenseridae (sturgeons); Genus Lota (burbot); yellow perch; genus Pomoxis (crappie); channel catfish

BANS possessing live game fish away from the body where taken.

- EXEMPT:
  - fish ponds
  - Eastern district
  - bait

(Montana Code Ann. 87-6-202)

## **WILD ANIMALS (RABIES LAW)**

BANS possession of wild animals under the rabies control laws.

- GRANDFATHERED: those in 1982
- EXEMPT:
  - fur-bearing enterprises
  - zoological exhibition - NO public contact
  - educational institutions for scientific research

LIST:

- skunk
- fox
- bat
- raccoon
- other animals added by rule

(Montana Code Ann. 50-23-101 et. al.)

## **WILD NONGAME BIRDS**

BANS hunting, capture, killing, possession, purchase, sale, shipment and transport of wild birds.

- EXEMPT:
  - game birds
  - hunting or trapping of house sparrows, crows, starlings, rock doves, blackbirds, magpies, and other listed birds
  - parts of eagles by Indian tribe

PERMIT issued at no cost for bird banding for scientific investigations, salvage of birds killed in accidents or collecting abandoned bird nests for school or museum collections and treating sick and injured birds.

- BANS killing birds for collection except for scientific collector's permits
- BANS allowing raptors in private ownership
- Director may set standards to determine merits of project, limit species and numbers, limit period of possession, set time period for permit and require a report

(Montana Code Ann. 87-5-201, 87-6-801; Admin. Rules of Montana 12.9.301)

## **FALCONRY**

Issues apprentice, general and master class licenses.

(Admin. Rules of Montana 12.6 SubCh. 11)

## **AQUATIC INVASIVE SPECIES**

BANS import, purchase, sale, barter, distribution, propagation, transport, introduction, and possession of aquatic invasive species.

- EXEMPT:
  - Transport to department for identification
  - Government agency
  - State or federal permit
  - As allowed by rule

(80 MCA Ch. 7, Part 10)

## **FISH AND AQUATIC ORGANISMS**

Allows possession and sale of legally taken nongame fish.

PERMIT required to take fish or aquatic organisms for commercial sale or distribution.

- INCLUDES: crayfish bait, crayfish from private ponds, mysis shrimp, nongame fish in designated waters, whitefish, other aquatic organisms

PERMIT (Fish Pond License) required to stock and sell fish from private fish pond.

- Temporary Fish Pond License issued for 1 year for those who do not meet definition of private fish pond

(Montana Code Ann. 87-4-601, 87- 4-609, 87-6-713)

## **FISH (RELEASE AND IMPORT)**

BANS releasing caged fish into public waters unless specifically allowed, moving live salmonid within the state without written approval, importing salmonids except under permit and certification, and allowing uncertified salmonids into surface waters except sewage or disposal systems.

(Montana Code Ann. 87-6-219)

## **CRAYFISH**

BANS taking crayfish from waters of state.

- EXEMPT: private fish ponds and bait

(Montana Code Ann. 87-6-714)

## **NONGAME IN NEED OF MANAGEMENT**

BANS take, possession, transport, export and sale of nongame in need of management except as otherwise allowed.

LIST (as of 10/10/08):

- Crayfish – *Pacifasticus* (Pacific Ocean species) and *Orconectes* (Eastern US species)
- Freshwater mussels and clams (Pelecypoda)
- Yellow perch
- Crappie
- Black-tailed and white-tailed prairie dogs (public lands only)
- Gray wolf

BANS taking northern flying squirrel, pika, pygmy rabbit, and native amphibians and reptiles for commercial purposes.

- EXEMPT:
  - harvest of prairie rattlesnakes for commercial purposes
  - payment for removing nongame by landowner
  - outfitting for shooting nongame
  - byproducts

(Montana Code Ann. 87-5-101 et. al.; Admin. Rules of Montana 12.2.501)

## **ENDANGERED SPECIES**

BANS take, possession, transport, export and sale of native state endangered wildlife and US endangered native and foreign wildlife.

- EXEMPT:
  - Scientific, zoological, or educational purposes
  - propagation in captivity
  - special purposes
  - Imported

LIST (as of 10/10/2008):

- Whooping crane
- Northern Rocky Mountain wolf
- Black-footed ferret

(Montana Code Ann. 87-5-101 et. al.; Admin. Rules of Montana 12.2.501, 12.5.201)

## **FERAL SWINE**

BANS these activities related to feral swine:

- import, transport and possession of live feral swine
- intentionally allowing to live in feral state
- hunting, trapping or killing except control or immediate threat
- intention feeding

- expanding range
- profiting from release, hunting, trapping or killing of feral swine

(Montana Code Ann. 81-29-101 et. al.)

## **FARM ANIMAL AND RESEARCH FACILITY PROTECTION ACT**

BANS acquiring or controlling animal facilities, animals and property with intent to deprive owner or damage enterprise without owner consent.

BANS damaging facility or animals, entry when closed, remain concealed, entry and committing prohibited act, entry to take photos or videos, and entry or staying when forbidden or told to leave by those who intend to damage facility

- EXEMPT: government agency or humane animal treatment shelter(Montana Code Ann. 81-30-101 et. al.)

## **IMPORT**

- Animals - livestock, dogs, cats, rabbits, rodents, game animals, furbearing and wild mammals, poultry, and other birds
- Livestock - cattle, horses, mules, asses, sheep, swine, goats, domestic bison, camelids, and ratites
- Poultry - domesticated birds

Import of animals requires Health Certificate or other approved document except for transport through when animals are not unloaded.

PERMIT required for game, furbearing and wild animals under domestication along with compliance with fish and wildlife laws.

- EXEMPT: research facilities other than livestock or poultry
- ALSO NEED PERMIT FOR: ratites

REQUIREMENTS:

- Animals without proper documents will be quarantined

- Domestic bison regulated as cattle
- Camelids must meet general requirements
- Elephants require negative TB screening within 12 months prior PLUS those with no known TB exposure in last 5 years need negative trunk washes and negative culture within 12 months prior and those with positive TB exposure in last 5 years require 3 negative daily trunk washes and culture within 90 days prior
- Nonhuman primates need negative intradermal TB test within 30 days of import

(Montana Code Ann. 81-2-701 et. al.; Admin. Rules of Montana 32.3 Subch. 2)

## **NONSALMONID FISH IMPORT**

BANS import of fish and eggs that test positive for Class A pathogens.

PERMIT required at least 10 working days before import of nonsalmonid fish or eggs.

- EXEMPT: home or office aquariums
- NEED: pathogen inspection and fish health report
  - Those positive for Class B pathogens will be assessed on how substantial the risk is, whether there is a conservation benefit, biologically similar alternative source and possibility for restrictions to minimize risk, overall risk to fisheries and other factors.

(Montana Code Ann. 87-3-210; Admin. Rules of Montana 12.7.505)

## **SALMONID FISH IMPORT**

BANS import of salmonids except with permit when shipped directly from source to destination and certified disease-free.

(Montana Code Ann. 87-3-221)