



## ADMINISTRATIVE RULES OF MONTANA



### 12.6.1543 CONFISCATION PROCEDURES

- (1) The department may seize or confiscate any unlawfully possessed game farm animals, including any game farm animals possessed following the expiration of the period prescribed in (2). The department shall provide notice and opportunity for hearing pursuant to Title 2, chapter 4, parts 6 and 7, of the Montana Administrative Procedure Act, provided that such notice and opportunity for hearing may be provided after the seizure or confiscation, when the department determines that immediate action is necessary to protect public health or wildlife.
- (2) Upon revocation or the licensee's surrender of a game farm license (including the failure to renew a license), the licensee shall lawfully dispose of all game farm animals on the game farm within 180 days, or such longer period of time as may be approved by the department. Failure to comply with this time limit may result in confiscation of the game farm animals by the department and/or citations for criminal conduct.
- (3) The department will conduct a sale of live game farm animals that are seized or confiscated. The department shall publish notice of the time and place of the sale of live game farm animals in a newspaper of general circulation in Helena and in the department administrative region where the sale will be held. The department will also notify all Montana game farmers licensed for that species. A herd may be sold as a unit or individually at the discretion of the department. Animals offered for sale will be sold to the highest bidder. The department reserves the right to dispose of the game farm animals by other means if no offers are received in the course of sale.
- (4) Notwithstanding (3) the department may dispose of live game farm animals that are seized or confiscated by means other than a public sale if the animals may not be legally possessed in Montana or if, in the department's discretion, the estimated costs of the sale will exceed the estimated revenues.
- (5) Animals not suitable for live sale must be disposed of in accordance with the procedures outlined in (3) and (4), or, if sale is not feasible, by donation to public or charitable institutions. If the meat is unsuitable for human consumption, it may be disposed of by other means.
- (6) The costs of any confiscations or seizures of game farm animals, including holding costs and the costs of advertising and conducting sales, may be charged to the licensee or person in possession of the animals at the time of confiscation or seizure in accordance with 87-4-407 and 87-4-423, MCA. The costs may be charged directly to the person or withheld from the proceeds received from disposal of the animals.

**Authorizing statute(s):** 87-4-422, MCA

**Implementing statute(s):** 87-4-407, 87-4-423, MCA

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**History:** NEW, 1999 MAR p. 79, Eff. 1/15/99.