

Act No. 11  
Public Acts of 1989  
Approved by the Governor  
April 30, 1989  
Filed with the Secretary of State  
May 4, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Rep. Pridnia  
Reps. Bartnik, Middaugh and Weeks named co-sponsors

# **ENROLLED HOUSE BILL No. 4007**

AN ACT to amend the title and sections 1, 1a, 2, 3, 6, 7, 8, 10, 11, and 13 of Act No. 191 of the Public Acts of 1929, entitled as amended "An act to license and regulate the possession, propagation, purchase, sale, transportation and use of certain game birds, game animals, and fur-bearing animals; and to provide penalties for violation of this act," sections 1, 2, 3, 6, 7, 8, 10, 11, and 13 as amended and section 1a as added by Act No. 88 of the Public Acts of 1986, being sections 317.71, 317.71a, 317.72, 317.73, 317.76, 317.77, 317.78, 317.80, 317.81, and 317.83 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. The title and sections 1, 1a, 2, 3, 6, 7, 8, 10, 11, and 13 of Act No. 191 of the Public Acts of 1929, sections 1, 2, 3, 6, 7, 8, 10, 11, and 13 as amended and section 1a as added by Act No. 88 of the Public Acts of 1986, being sections 317.71, 317.71a, 317.72, 317.73, 317.76, 317.77, 317.78, 317.80, 317.81, and 317.83 of the Michigan Compiled Laws, are amended to read as follows:

## **TITLE**

An act to license and regulate the possession, propagation, purchase, sale, transportation and use of certain game birds and animals; and to provide penalties for violation of this act.

Sec. 1. The director shall issue licenses to authorize the possession for propagation, and for dealing in and selling game. A license shall not be granted to an applicant who is not the owner or lessee of the premises to be used for the purposes designated by the license. A license issued pursuant to this act shall be nontransferable and shall be valid from July 1 to June 30 of the third license year.

Sec. 1a. As used in this act:

- (a) "Commission" means the commission of natural resources.
- (b) "Director" means the director of the department of natural resources.
- (c) "License" means a game breeder's license issued pursuant to this act.
- (d) "Game" has the same meaning ascribed to that term in the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being sections 300.251 to 300.270 of the Michigan Compiled Laws.
- (e) "Rules" means rules promulgated pursuant to the administrative procedures act, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.
- (f) "Stock" means game.

Sec. 2. A person shall not maintain in captivity or propagate or sell game, except as otherwise provided by law, unless he or she holds a valid and current license issued pursuant to this act. Public zoological parks shall not be required to secure a license. A license shall not be required of a person who purchases any carcass, product, or part of game sold from a person licensed pursuant to this act.

Sec. 3. The fee for a license shall be established by the director as follows:

(a) If it is practicable to count the applicant's game, the fee shall be \$45.00 for the total number of game not exceeding 500, and an additional fee of \$15.00 shall be assessed for each additional number of game of 500 or less.

(b) If it is impracticable to count the game, the fee shall be \$45.00 for 40 acres or less which is to be used by the applicant for game propagation purposes, and \$15.00 for each additional 40 acres or less.

(c) If the fee for an applicant is determined by utilizing a combination of the methods provided in subdivisions (a) and (b), the fee shall be the larger one that can be charged under either (a) or (b).

(d) The maximum fee for a single license shall not exceed \$150.00.

Sec. 6. When wild, state owned game animals are present on land that is covered by a license under this act, the applicant may purchase the state owned game from the state and secure title to the game. Except as otherwise provided in this section, the price to be paid for the game shall be fixed by the director, subject to the approval of the commission, but the price shall not exceed the market value that the game have for breeding purposes. However, the price of deer purchased from the state shall be \$250.00 per deer.

Sec. 7. (1) Game covered by a license may be taken or killed in any manner and at any time, except that game birds covered by a license may not be shot, except by the holder of a license in special situations when the commission promulgates rules or the commission issues orders permitting the shooting of game birds.

(2) Wild turkey or wild turkey hybrids covered by a license shall have 1 wing pinioned within 14 days of hatching.

Sec. 8. (1) Game, including the parts or products of game, may be removed from licensed premises only when identified as required by the commission. This identification may be by bill of sale, invoice, or seals, tags, bands, or appropriate stamp mark affixed to carcasses and their parts, or to wrappers, crates, or other containers. Tags and seals as are required shall be provided to the license holder by the director at reasonable cost. The use of seals, bands, and tags shall not be required on consignments of game sent to the department or to other state institutions to be used for scientific purposes.

(2) Live game may be removed from licensed premises only by licensed game breeders, shooting preserve operators, or persons holding permits authorizing the possession of the game. Wild turkeys or wild turkey hybrids shall not be removed from licensed premises unless they are pinioned.

(3) Fertile eggs from wild turkeys or wild turkey hybrids shall not be removed from licensed premises.

Sec. 10. (1) The commission may issue orders considered necessary by the commission to protect the public interest and to provide for the proper administration of this act. Commission orders under this act shall be issued according to the procedure provided for in section 8(2) and (3) of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.258 of the Michigan Compiled Laws.

(2) The director, with the approval of the commission, may promulgate rules designating certain game that do not require protection under this act and which may be possessed, propagated, purchased, or sold without a license.

Sec. 11. (1) Game that are released or that escape from the premises of a person licensed under this act shall become the property of the state.

(2) No game birds shall be released without the written permission of the director.

Sec. 13. Any license issued under this act may be suspended or revoked after a hearing conducted pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, upon reasonable notice, when the license holder fails to comply with this act, or fails to provide accurate reports and records within reasonable time limits as designated by the commission. In addition, whenever any person licensed under this act is convicted of a violation of the game laws of the state, his or her license may be revoked or its renewal denied and the game held under his or her license may be disposed of only in a manner approved by the director.