

HOUSE BILL No. 4007

January 11, 1989, Introduced by Rep. Pridnia and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill 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:

1 Section 1. The title and sections 1, 1a, 2, 3, 6, 7, 8, 10,
2 11, and 13 of Act No. 191 of the Public Acts of 1929, sections 1,
3 2, 3, 6, 7, 8, 10, 11, and 13 as amended and section 1a as added
4 by Act No. 88 of the Public Acts of 1986, being sections 317.71,

1 317.71a, 317.72, 317.73, 317.76, 317.77, 317.78, 317.80, 317.81,
2 and 317.83 of the Michigan Compiled Laws, are amended to read as
3 follows:

4 TITLE

5 An act to license and regulate the possession, propagation,
6 purchase, sale, transportation and use of certain game birds
7 ~~, game animals,~~ and ~~fur bearing~~ animals; and to provide pen-
8 alties for violation of this act.

9 Sec. 1. The director shall issue licenses to authorize the
10 possession for propagation, and for dealing in and selling game.
11 ~~birds and game and fur bearing animals.~~ A license shall not be
12 granted to an applicant who is not the owner or lessee of the
13 premises to be used for the purposes designated by the license.
14 A license issued pursuant to this act shall be nontransferable
15 and shall be valid from July 1 to June 30 of the third license
16 year.

17 Sec. 1a. As used in this act:

18 (a) "Commission" means the commission of natural resources.

19 (b) "Director" means the director of the department of natu-
20 ral resources.

21 (c) "License" means a game breeder's license issued pursuant
22 to this act.

23 (d) ~~"Game birds", "game animals", and "fur bearing animals"~~
24 ~~have the same meanings ascribed to them in article I of the hunt~~
25 ~~ing and fishing license act, Act No. 86 of the Public Acts of~~
26 ~~1980, being sections 316.101 to 316.109 of the Michigan Compiled~~
27 ~~Laws.~~ "GAME" HAS THE SAME MEANING ASCRIBED TO THAT TERM IN THE

1 WILDLIFE CONSERVATION ACT, ACT NO. 256 OF THE PUBLIC ACTS OF
2 1988, BEING SECTIONS 300.251 TO 300.270 OF THE MICHIGAN COMPILED
3 LAWS.

4 ~~(e) "Rules" means rules promulgated pursuant to the admin-~~
5 ~~istrative procedures act, Act No. 306 of the Public Acts of 1969,~~
6 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws.~~

7 (f) "Stock" means game. ~~birds, game animals, and~~
8 ~~fur bearing animals.~~

9 Sec. 2. A person shall not maintain in captivity or propa-
10 gate or sell game, ~~birds or any game or fur bearing animals,~~
11 except as otherwise provided by law, unless he or she holds a
12 valid and current license issued pursuant to this act. Public
13 zoological parks shall not be required to secure a license. A
14 license shall not be required of a person who purchases any car-
15 cass, product, or part of ~~a game bird or any game or~~
16 ~~fur bearing animal~~ sold from a person licensed pursuant to this
17 act.

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

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

25 (b) If it is impracticable to count the ~~stock~~ GAME, the
26 fee shall be \$45.00 for 40 acres or less which is to be used by

1 the applicant for ~~stock~~ GAME propagation purposes, and \$15.00
2 for each additional 40 acres or less.

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

7 (d) The maximum fee for any single license shall not exceed
8 \$150.00.

9 Sec. 6. When wild, state owned game animals ~~or fur bearing~~
10 ~~animals, or both,~~ are present on land ~~which~~ THAT is covered by
11 a license under this act, the applicant may purchase the state
12 owned game ~~or fur bearing animals~~ from the state and secure
13 title to the game. ~~or fur bearing animals.~~ Except as otherwise
14 provided in this section, the price to be paid for the game ~~or~~
15 ~~fur bearing animals~~ shall be fixed by the director, subject to
16 the approval of the commission, but the price shall not exceed
17 the market value that the game ~~or fur bearing animals~~ have for
18 breeding purposes. However, the price of deer purchased from the
19 state shall be \$250.00 per deer.

20 Sec. 7. (1) Game ~~birds and game and fur bearing animals~~
21 covered by a license may be taken or killed in any manner and at
22 any time, except that game birds covered by a license may not be
23 shot, except by the holder of a license in special situations
24 when the commission ~~adopts rules~~ ESTABLISHES REGULATIONS per-
25 mitting the shooting of game birds.

26 (2) WILD TURKEY OR WILD TURKEY HYBRIDS COVERED BY A LICENSE
27 SHALL HAVE 1 WING PINIONED WITHIN 14 DAYS OF HATCHING.

1 Sec. 8. (1) ~~Any stock~~ GAME, including ~~their~~ THE parts
2 or products OF GAME, may be removed from licensed premises only
3 when identified as required by the commission. ~~Such~~ THIS iden-
4 tification may be by bill of sale, invoice, or seals, tags,
5 bands, or appropriate ~~stampmark~~ STAMP MARK affixed to carcasses
6 and their parts, or to wrappers, crates, or other containers.
7 ~~Such tags~~ TAGS and seals as are required shall be provided to
8 the license holder by the director at reasonable cost. The use
9 of seals, bands, and tags shall not be required on consignments
10 of ~~birds or animals~~ GAME sent to the department or to other
11 state institutions to be used for scientific purposes.

12 (2) GAME MAY BE REMOVED FROM LICENSED PREMISES ONLY BY
13 LICENSED GAME BREEDERS, SHOOTING PRESERVE OPERATORS, OR PERSONS
14 HOLDING PERMITS AUTHORIZING THE POSSESSION OF THE GAME. WILD
15 TURKEYS OR WILD TURKEY HYBRIDS SHALL NOT BE REMOVED FROM LICENSED
16 PREMISES UNLESS THEY ARE PINIONED.

17 (3) FERTILE EGGS FROM WILD TURKEYS OR WILD TURKEY HYBRIDS
18 SHALL NOT BE REMOVED FROM LICENSED PREMISES.

19 Sec. 10. (1) The ~~director, with the approval of the~~ com-
20 mission ~~, is authorized to promulgate rules~~ MAY ESTABLISH
21 REGULATIONS considered necessary by the ~~director~~ COMMISSION to
22 protect the public interest and to provide for the proper admin-
23 istration of this act.

24 (2) The director, with the approval of the commission, may
25 promulgate rules designating certain game ~~birds and game and~~
26 ~~fur bearing animals~~ that do not require protection under this

1 act and which may be possessed, propagated, purchased, or sold
2 without a license.

3 Sec. 11. (1) Game ~~birds and game and fur bearing animals~~
4 ~~which~~ THAT are released or ~~which~~ THAT escape from the premises
5 of a person licensed under this act shall become the property of
6 the state.

7 (2) NO GAME BIRDS SHALL BE RELEASED WITHOUT THE WRITTEN PER-
8 MISSION OF THE DIRECTOR.

9 Sec. 13. Any license issued under this act may be suspended
10 or revoked after a hearing conducted pursuant to the administra-
11 tive procedures act of 1969, Act No. 306 of the Public Acts of
12 1969, being sections 24.201 to 24.328 of the Michigan Compiled
13 Laws, upon reasonable notice, when the license holder fails to
14 comply with ~~the requirements~~ A REQUIREMENT of this act, IS CON-
15 VICTED OF VIOLATING THIS ACT, or fails to provide accurate
16 reports and records within reasonable time limits as designated
17 by the commission. In addition, whenever any person licensed
18 under this act is convicted of a violation of the game ~~or fur~~
19 laws of the state, his or her license may be revoked or its
20 renewal denied and the ~~stock~~ GAME held under his or her license
21 may be disposed of only in a manner approved by the director.