

HOUSE BILL No. 5876

June 13, 1990, Introduced by Reps. Law, Bender, Stacey, Trim, Leland, Dolan, Kosteva and Perry Bullard and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend section 17 of Act No. 256 of the Public Acts of 1988, entitled
"Wildlife conservation act,"
being section 300.267 of the Michigan Compiled Laws; and to add section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 17 of Act No. 256 of the Public Acts of
2 1988, being section 300.267 of the Michigan Compiled Laws, is
3 amended and section 7a is added to read as follows:

4 SEC. 7A. (1) FROM THE EFFECTIVE DATE OF THIS SECTION UNTIL
5 DECEMBER 31, 1992, THERE IS A MORATORIUM ON THE TAKING OF BEAR IN
6 THIS STATE.

7 (2) AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS
8 SECTION, THE DEPARTMENT SHALL CONTRACT WITH 1 OR MORE BIOLOGISTS
9 WHO ARE MEMBERS OF THE INTERNATIONAL BEAR BIOLOGISTS ASSOCIATION,

1 ARE EXPERIENCED IN POPULATION RESEARCH PERTAINING TO BEAR, AND
2 WHO WERE NOT PREVIOUSLY EMPLOYED BY THE DEPARTMENT TO CONDUCT A
3 STUDY AND PREPARE A REPORT ON THE BEAR POPULATION IN THIS STATE.
4 THE DEPARTMENT SHALL SUBMIT THE REPORT TO THE COMMISSION AND THE
5 LEGISLATURE NOT LATER THAN DECEMBER 31, 1992.

6 (3) IF A MORATORIUM ON THE TAKING OF BEAR IS NOT RENEWED
7 FOLLOWING THE REPORT REQUIRED UNDER SUBSECTION (2), THE USE OF A
8 DOG OR OTHER BEAR IN THE TAKING OF BEAR SHALL BE PROHIBITED BY
9 THE COMMISSION.

10 Sec. 17. (1) A person who violates this act, a commission
11 order authorized under section 8, an interim order of the direc-
12 tor, or a condition of a permit issued under this act, except for
13 a violation specified in subsections (2) to ~~(+2)~~ (13), is
14 guilty of a misdemeanor, and shall be punished by imprisonment
15 for not more than 90 days, or a fine of not less than \$50.00,
16 ~~nor~~ OR more than \$500.00, or both, and the costs of
17 prosecution. In addition, a permit issued by the director under
18 this act shall be revoked pursuant to the administrative proce-
19 dures act of 1969, Act No. 306 of the Public Acts of 1969, being
20 sections 24.201 to 24.328 of the Michigan Compiled Laws.

21 (2) A person who violates this act, a commission order
22 authorized under section 8, or an interim order of the director
23 regarding the possession or taking of all game, except deer,
24 bear, wild turkey, moose, or elk, is guilty of a misdemeanor, and
25 shall be punished by imprisonment for not more than 90 days, or a
26 fine of not less than \$100.00, ~~nor~~ OR more than \$1,000.00, or
27 both, and the costs of prosecution.

1 (3) A person who violates this act or a commission order
2 authorized under section 8 or an interim order of the director
3 regarding the possession or taking of deer ~~, bear,~~ or wild
4 turkey is guilty of a misdemeanor, and shall be punished by
5 imprisonment for not less than 5 days, ~~not~~ OR more than
6 90 days, and a fine of not less than \$200.00, ~~not~~ OR more than
7 \$1,000.00, and the costs of prosecution.

8 (4) A person who violates this act, a commission order
9 authorized under section 8, or an interim order of the director
10 regarding the possession of or taking of elk is guilty of a mis-
11 demeanor, and shall be punished by imprisonment for not less than
12 30 days, ~~not~~ OR more than 180 days, or a fine of not less than
13 \$500.00, ~~not~~ OR more than \$2,000.00, or both, and the costs of
14 prosecution.

15 (5) A person who violates this act, a commission order
16 authorized under section 8, or an interim order of the director
17 regarding the possession of or the taking of moose is guilty of a
18 misdemeanor, and shall be punished by imprisonment for not less
19 than 90 days ~~not~~ OR more than 1 year and a fine of not less
20 than \$1,000.00 ~~not~~ OR more than \$5,000.00, and the costs of
21 prosecution.

22 (6) A PERSON WHO VIOLATES THIS ACT, A COMMISSION ORDER
23 AUTHORIZED UNDER SECTION 8, OR AN INTERIM ORDER OF THE DIRECTOR
24 REGARDING THE POSSESSION OF OR THE TAKING OF BEAR IS GUILTY OF A
25 MISDEMEANOR AND SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS
26 THAN 90 DAYS OR MORE THAN \$50,000.00, COMMUNITY SERVICE WORK OF

1 NOT LESS THAN 500 HOURS OR MORE THAN 1,000 HOURS, OR ANY
2 COMBINATION OF THESE PENALTIES, AND THE COSTS OF PROSECUTION.

3 (7) ~~-(6)-~~ A person sentenced pursuant to subsections (3),
4 (4), (5), (6), (10), and (11) shall not secure or possess a
5 license of any kind to hunt during the remainder of the year in
6 which convicted and the next 3 succeeding calendar years. A
7 person sentenced pursuant to subsection ~~-(7)-~~ (8) shall not
8 secure or possess a license to hunt during the remainder of the
9 year in which convicted and the next succeeding calendar year.

10 (8) ~~-(7)-~~ A person who violates section 13(1) is guilty of a
11 misdemeanor, and shall be punished by imprisonment for not less
12 than 5 days ~~-nor-~~ OR more than 90 days or a fine of not less than
13 \$100.00, ~~-nor-~~ OR more than \$500.00, or both, and the costs of
14 prosecution.

15 (9) ~~-(8)-~~ A person who violates section 13(2) is guilty of a
16 misdemeanor, and shall be punished by imprisonment for not more
17 than 90 days or a fine of not less than \$50.00, ~~-nor-~~ OR more
18 than \$500.00, or both, and the costs of prosecution.

19 (10) ~~-(9)-~~ A person who violates section 13(3) is guilty of
20 a misdemeanor and shall be punished by imprisonment for not less
21 than 5 days ~~-nor-~~ OR more than 90 days and a fine of not less
22 than \$100.00 ~~-nor-~~ OR more than \$500.00, and the costs of
23 prosecution.

24 (11) ~~-(10)-~~ A person who violates a provision of this act or
25 a commission order authorized under section 8 or an interim order
26 of the director regarding the taking or possession of an animal
27 that has been designated by the commission to be a protected

1 animal, other than an animal that appears on a list prepared
2 pursuant to section 6 of the endangered species act of 1974, Act
3 No. 203 of the Public Acts of 1974, being section 299.226 of the
4 Michigan Compiled Laws, is guilty of a misdemeanor, and shall be
5 punished by imprisonment for not more than 90 days or a fine of
6 not less than \$100.00 ~~nor~~ OR more than \$1,000.00, or both, and
7 the costs of prosecution.

8 (12) ~~(11)~~ A person who buys or sells game or a protected
9 animal in violation of this act is guilty of a misdemeanor, pun-
10 ishable by imprisonment for not more than 90 days or a fine of
11 not more than \$1,000.00, or both, for the first offense, and is
12 guilty of a felony for each subsequent offense.

13 (13) ~~(12)~~ When a person is convicted of a violation of
14 this act, or a commission order authorized under section 8, or an
15 interim order of the director and it is alleged in the complaint
16 and proved or admitted at trial or ascertained by the court after
17 conviction that the person had been previously convicted 2 times
18 within the preceding 5 years for a violation of this act or a
19 commission order authorized under section 8, or an interim order
20 of the director, the person is guilty of a misdemeanor, and shall
21 be punished by imprisonment for not less than 10 days ~~nor~~ OR
22 more than 180 days, and a fine of not less than \$500.00, ~~nor~~ OR
23 more than \$2,000.00, and costs of prosecution.