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BILL ANALYSIS

Senate Fiscal Agency

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House Bill 4171 (Substitute S-1 as reported)**Sponsor:** Representative Jerry C. Bartnik**House Committee:** Tourism and Recreation**Senate Committee:** Natural Resources and Environmental Affairs**Date Completed:** 11-22-88***RATIONALE***

Many people consider snapping turtle meat to be a delicacy. It is in such great demand that some restaurants reportedly have paid \$5 a pound for turtles. As a result, the commercial taking of turtles has increased to the point where snapping turtles are in danger of being over-harvested. Many believe that to protect turtles and other aquatic animals, the Legislature should authorize the Department of Natural Resources to regulate how and when such animals could be taken.

CONTENT

The bill would amend the Michigan Sportsmen Fishing Law to allow the Director of the Department of Natural Resources (DNR) to prescribe the time and manner in which reptiles (turtles, snakes, and lizards), amphibians (frogs, toads, and salamanders), mollusks, and crustaceans (freshwater crayfish, shrimp, or prawn) could be taken. People who took turtles and frogs for their personal use would be required to have a valid fishing license, which currently is required with respect to turtles, but not frogs. Commercial taking, trapping, catching or fishing for reptiles or amphibians would require an annual commercial reptile and amphibian license, which could be obtained for a fee of \$150.

The bill also specifies that all reptiles, amphibians, mollusks, and crustaceans found in Michigan would be declared the property of the State. (All fish found in Michigan's inland waters are considered the property of the State; the bill would remove "inland waters" from that provision.)

In addition, the bill would change the name of the Act from the "Michigan Sportsmen Fishing Law" to the "Michigan Sports Fishing Law".

MCL 301.1 et al.

SENATE COMMITTEE ACTION

The Senate Committee on Natural Resources and Environmental Affairs adopted a substitute (S-1) to the bill that would include mollusks and crustaceans in the provision that would allow the Director of the DNR to prescribe the time and manner in which reptiles and amphibians could be taken, and the provision that declares all fish found in this State to be the property of the State. The House-passed version of the bill included only reptiles and amphibians in those provisions. The substitute also would delete the phrase "any of the inland waters of" from the provision of the Act declaring fish the property of the State. The substitute would require a fishing license for the

taking, trapping, catching, or fishing for turtles or frogs for personal "use", while the House-passed version would require a license for the taking of turtles or frogs for personal "consumption". Finally, the substitute would remove frogs from the Act's prohibition against the taking, catching, or killing of fish by methods such as snagging, spearing, or netting, or by using explosives, firearms, or artificial light. The House-passed version would retain that prohibition with respect to frogs and extend it to include turtles.

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. According to the DNR, some increased administrative costs could be incurred in issuing more licenses. These costs could be offset, however, by additional revenue that would be generated from increased sales of fishing licenses and the proposed \$150 commercial license fee.

ARGUMENTS***Supporting Argument***

The high prices being paid for snapping turtles have resulted in increased commercial taking of turtles, which are being killed faster than they can reproduce. This threatens not only existing turtle populations but future populations as well. Currently, the Director of the DNR can specify how and when frogs may be taken, but lacks such authority with respect to other amphibians and reptiles. The only restrictions on the taking of turtles is that the turtle traps must not interfere with or take fish and the person using the traps must have a fishing license. By retaining the fishing license requirement for those who would take turtles for personal use, extending it to the taking of frogs; authorizing the DNR to restrict the manner of taking reptiles, amphibians, mollusks, and crustaceans; and requiring a \$150 license for the commercial taking of reptiles and amphibians, the bill would help to ensure the survival of these aquatic animals.

Supporting Argument

The bill is needed to protect reptiles, amphibians, mollusks, and crustaceans, which currently are largely unprotected. The only protection for these groups of species reportedly comes from State or Federal endangered species laws. Several species, such as the snapping turtle, wood turtle, spotted turtle, black rat snake, cricket frog, and tiger and spotted salamanders have undergone a population decline in recent years. This decline is attributed largely to a growing demand for these species for commercial harvest and by private collectors. Many of these species already

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have been reduced to seriously low levels in Michigan's neighboring states, and are listed as threatened or endangered species in many of those states. Since these species are unprotected in Michigan, out-of-state collectors reportedly are now coming to Michigan and removing them for export. The bill would put a damper on such illicit activity.

Opposing Argument

The \$150 commercial license fee would be too low. The price that a commercial trapper could get for five or six good-sized snapping turtles easily could make up for that expense. Either the fee should be made high enough to discourage commercial trapping or commercial trapping itself should be prohibited.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.