

PENALTIES FOR ILLEGALLY BAITING GAME

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House Bill 4927

Sponsor: Rep. Rick Olson

Committee: Natural Resources, Tourism, and Outdoor Recreation

Complete to 9-12-11

A SUMMARY OF HOUSE BILL 4927 AS INTRODUCED 9-8-11

House Bill 4927 would provide penalties in statute specifically for illegally baiting game.

Section 40113a of the Natural Resources and Environmental Protection Act (NREPA) grants the Natural Resources Commission (NRC) the exclusive authority to regulate the taking of game in Michigan. Under that authority, the NRC issued a ban on baiting in 2008 after the discovery of Chronic Wasting Disease. The NRC lifted the ban on the Lower Peninsula in June of 2011. However, the area known as Deer Management Unit 487 (Alcona, Alpena, Iosco, Montmorency, Oscoda, and Presque Isle counties) still has a baiting ban in effect.

House Bill 4927 would add the following penalties for baiting violations:

- Violations regarding baiting would be a misdemeanor punishable by up to 90 days in jail and/or a fine ranging from \$250 - \$500, and the costs of prosecution.
- A person convicted of a second violation would be guilty of a misdemeanor punishable by up to 90 days in jail and/or a fine ranging from \$500 - \$1,000, and the costs of prosecution. Additionally, a person convicted of a second violation would have all hunting licenses revoked for the remainder of the year and would be ineligible to receive a hunting license of any kind for the next two succeeding calendar years.
- A person convicted of a third or subsequent violation would be guilty of a misdemeanor punishable by up to 90 days in jail and/or a fine ranging from \$1,000 - \$2,000, and the cost of prosecution. Additionally, a person convicted of three or more violations would have all hunting licenses revoked for the remainder of the year and would be ineligible to receive a hunting license of any kind for the next three succeeding calendar years.

"Bait" would be defined to mean a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of materials, whether natural or manufactured, that may lure, entice, or attract white-tailed deer or elk; or meats, meat products, fish, fish products, or bakery products or any other food material, whether natural or manufactured, that may lure, entice, or attract bear.

"Baiting" would be defined to mean to place, deposit, tend, distribute, or scatter bait to aid in the taking of game.

MCL 324.40102 and 40118

BACKGROUND:

Baiting Regulations

According to the Department of Natural Resources, hunters are permitted to use up to two gallons of bait over a minimum of a 10 foot by 10 foot area. Baiting may only occur between October 1 and January 1 and the bait must be scattered directly on the ground.

Feeding For Recreational Viewing

Feeding for recreational viewing is permitted, provided that the amount of feed does not exceed two gallons and the feed is no further than 100 yards from a residence on land owned by the person spreading the feed. It must be spread directly on the ground and cannot be dispersed within 100 yards of an area accessible to cattle, goats, sheep, new world camelids, bison, swine, horses, or captive cervidae.

FISCAL IMPACT:

House Bill 4927 would have an indeterminate fiscal impact on state and local government. To the extent that the bill increases the caseload of a local court, the bill would increase costs. However, a majority, if not all, of the costs could be offset by the defendant if required to pay court costs, fees, and fines. The bill also requires a person found guilty of violating the act to pay a specified fine. Any fine revenue collected for a violation of the act would go to the support of public libraries.

House Bill 4927 would have no significant fiscal impact on the Department of Natural Resources.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.