

HOUSE BILL No. 5967

September 11, 1990, Introduced by Rep. Bryant and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend sections 2, 5, 8, and 14 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 and animals; and to provide penalties for violation of this act,"

sections 2 and 8 as amended by Act No. 11 of the Public Acts of 1989 and sections 5 and 14 as amended by Act No. 88 of the Public Acts of 1986, being sections 317.72, 317.75, 317.78, and 317.84 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 5, 8, and 14 of Act No. 191 of the
2 Public Acts of 1929, sections 2 and 8 as amended by Act No. 11 of
3 the Public Acts of 1989 and sections 5 and 14 as amended by Act
4 No. 88 of the Public Acts of 1986, being sections 317.72, 317.75,
5 317.78, and 317.84 of the Michigan Compiled Laws, are amended to
6 read as follows:

1 Sec. 2. A person shall not maintain in captivity or
2 propagate or sell game, except as otherwise provided by law,
3 unless he or she holds a valid and current license issued pursu-
4 ant to this act. Public zoological parks ~~shall not be~~ ARE
5 required to secure a license. A ~~license shall not be required~~
6 ~~of a~~ person who purchases any carcass, product, or part of game
7 sold from a person licensed pursuant to this act IS NOT REQUIRED
8 TO OBTAIN A LICENSE.

9 Sec. 5. (1) All islands, enclosures, and pens used for
10 propagation purposes shall be of a character and in a location
11 that the director approves as satisfactory to keep in complete
12 and continuous captivity the stock covered by the license, and
13 shall be constructed in a manner to prevent the entrance of wild
14 stock of the same species. However, pinioned or wing-clipped
15 birds may be kept in unroofed enclosures.

16 (2) After July 1, 1986, the director of the department shall
17 not issue a license to a person, or approve an enclosure or pen
18 capable of enclosing deer OR ELK, unless the following conditions
19 are met:

20 (a) The township or city in which the enclosure or pen is to
21 be located has granted authorization for the enclosure or pen to
22 be located within the township or city.

23 (b) If there are deer OR ELK within the area to be enclosed,
24 the applicant or license holder flushes that area to eliminate
25 those deer OR ELK. The applicant or license holder shall submit
26 the proposed method to be used to flush deer OR ELK from the area
27 to the department for approval.

1 (3) Any deer OR ELK that cannot be flushed from the land
2 that is to be enclosed and is covered by a license issued under
3 this act shall be purchased from the state as provided in section
4 6.

5 (4) Subsections (2) and (3) shall not apply to a person who
6 has a valid license on July 1, 1986, unless the license holder
7 expands the lands covered by the license.

8 (5) As used in this section, "flush" or "flushed" means to
9 move or chase from the area that is to be enclosed.

10 Sec. 8. (1) Game, including the parts or products of game,
11 may be removed from licensed premises only IN COMPLIANCE WITH
12 SUBSECTIONS (2) AND (3) AND when identified as required by the
13 commission. This identification may be by bill of sale, invoice,
14 or seals, tags, bands, or appropriate stamp mark affixed to car-
15 casses and their parts, or to wrappers, crates, or other
16 containers. Tags and seals as are required shall be provided to
17 the license holder by the director at reasonable cost. The use
18 of seals, bands, and tags shall not be required on consignments
19 of game sent to the department or to other state institutions to
20 be used for scientific purposes.

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

26 (3) GAME, INCLUDING THE PARTS OR PRODUCTS OF GAME, MAY BE
27 REMOVED FROM LICENSED PREMISES ONLY AFTER BEING EXAMINED NOT MORE

1 THAN 10 DAYS PRIOR TO REMOVAL AND FOUND BY A LICENSED
2 VETERINARIAN DURING THE EXAMINATION TO BE HEALTHY. IN ADDITION,
3 IF THE GAME THAT IS EXAMINED IS A DEER OR ELK, THE ANIMAL MUST
4 ALSO BE FOUND TO BE FREE OF TICKS.

5 (4) ~~(3)~~ Fertile eggs from wild turkeys or wild turkey
6 hybrids shall not be removed from licensed premises.

7 (5) GAME SHALL NOT BE SOLD BY A LICENSE HOLDER AT AN
8 AUCTION.

9 (6) GAME SHALL NOT BE SOLD BY A LICENSE HOLDER TO ANY OF THE
10 FOLLOWING:

11 (A) A HUNTING PRESERVE.

12 (B) A PERSON WHO INTENDS TO USE THE GAME FOR SCIENTIFIC
13 RESEARCH OR TESTING PURPOSES.

14 (C) A PERSON WHO INTENDS TO SELL THE ANIMAL AT AUCTION.

15 Sec. 14. A person who violates this act or any of the rules
16 ~~adopted~~ PROMULGATED under this act is guilty of a misdemeanor,
17 punishable by imprisonment for not more than 90 days, or a fine
18 of not more than ~~\$100.00~~ \$10,000.00, or both. A person who is
19 convicted of a ~~second~~ SUBSEQUENT violation of this act or any
20 of the rules ~~adopted~~ PROMULGATED under this act is guilty of a
21 misdemeanor, punishable by imprisonment for not more than 90
22 days, or a fine of not more than \$500.00, or both.