

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA**



**BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 1283 (as passed by the Senate)  
Sponsor: Senator George A. McManus, Jr.  
Committee: Hunting, Fishing and Forestry

Date Completed: 10-7-98

### **RATIONALE**

Raptors are live migratory birds of the family Accipitridae, which include birds such as peregrines, kestrels, and red-tailed hawks but not birds such as the bald eagle, great horned owl, or snowy owl. Under the Wildlife Conservation Order issued by the Natural Resources Commission, a person may possess, transport, and use raptors for falconry purposes in the State provided the person obtains a falconry permit from the wildlife division permit specialist. (See **BACKGROUND** for more information on falconry.) A licensed falconer in Michigan, however, may acquire a raptor only through lawful importation, purchase or barter, or gift or donation. Some people believe falconers licensed in the State also should be able to sell, buy, breed, and take live raptors for use in falconry.

In addition, the Wildlife Conservation Order provides that mute swans may be taken by the Department of Natural Resources (DNR) personnel, and authorized persons may control these birds by means other than shooting in order to do the following: stabilize the mute swan population; prevent mute swan interference with the establishment, reestablishment, or reproductive success of native wildlife or endangered or threatened species; and protect public health, safety, or welfare. The mute swans must not be released back into the wild in the State and those rendered and certified incapable of reproduction and flight may be converted to private ownership at the owner's expense. Some people believe that persons in possession of a mute swan before March 31, 1989 (the date the Wildlife Conservation Order took effect), should not be required to obtain a permit.

### **CONTENT**

The bill would amend Part 365 (Endangered Species Protection) of the Natural Resources and Environmental Protection Act (NREPA) to allow,

subject to any permits required by the DNR, the possession, transfer, transportation, importation, or exportation or the transport or receipt for shipment by a common or contract carrier of a raptor or the captive-bred progeny of a raptor, a raptor egg, or raptor semen acquired in accordance with applicable State and Federal laws and regulations allowing raptors, raptor eggs, or raptor semen to be used in falconry or in the captive propagation of raptors for use in falconry.

Further, subject to any permit required by the DNR, the bill would allow a person to sell, offer for sale, buy, or offer to buy a raptor that was captive-bred or semen from a raptor that was captive-bred in accordance with applicable State and Federal laws and regulations allowing raptors or raptor semen to be used in falconry or in captive propagation of raptors for use in falconry.

The bill also would add a provision to Part 401 (Wildlife Conservation) of the NREPA to require the DNR to issue an order in the manner provided in the Act, establishing a season or seasons for falconers to take live raptors for use in falconry. The order would have to designate the species and numbers of raptors that could be taken and possessed and any other conditions pertaining to the taking and possession of raptors that the DNR considered advisable. The bill's provision and an order issued under it, would not designate any species of raptor as game. The bill, however, would not prohibit the DNR from determining that any species of raptor was a protected animal.

In addition, the DNR could not require a person to obtain a permit to possess a mute swan if the person demonstrated that he or she was lawfully in possession of one or more mute swans before March 31, 1989.

MCL 324.36505 et al.

## **BACKGROUND**

Under the Wildlife Conservation Order, “falconry” means the sport of taking quarry by means of a trained raptor. There are three classes of falconry permits: apprentice falconry, general falconry, and master falconry. An apprentice must be at least 14 years old, have a sponsor who is a general or master falconer, not own more than one raptor (which must be either an American kestrel or a red-tailed hawk taken from the wild), and pass a written examination administered by the Department. A general falconer must be at least 18 years old, have at least two years of falconry apprentice experience, not own more than two raptors, and not obtain more than two raptors for replacement during a 12-month period. A master falconer must have at least five years of falconry experience, not own more than three raptors, and not obtain more than two raptors for replacement during a 12-month period. In addition, before a falconry permit is issued, an applicant’s raptor housing facilities and falconry equipment must be inspected and approved by a conservation officer. According to the DNR, there are currently 66 licensed falconers in the State.

Evidently, the process of training a raptor comprises several phases. The first phase is known as “manning”, when the raptor learns to be carried on the falconer’s glove and experiences the food reward system. In the second phase, the raptor is tied to a creance, or light training tether, and is called over greater and greater distances while eventually hunting a “lure” that resembles quarry. The final stage is known as “entering”, when the raptor is introduced to wild quarry and the sport of falconry begins. In addition to the training, the raptors require ongoing physical conditioning and exercise.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Falconry is a highly regulated and monitored sport. Apparently, 48 states allow a person to capture a wild raptor in the state to breed and train for falconry purposes. Currently, a falconer may obtain a permit to catch or sell a raptor in a neighboring state and then lawfully import it back to Michigan. Since the raptors used in the sport of falconry are not considered an endangered

species, the bill would allow licensed falconers to take, sell, buy and breed live raptors in Michigan.

### **Supporting Argument**

The bill would make it clear that someone could possess a mute swan without a permit if the swan had been acquired before the Wildlife Conservation Order took effect. Evidently, mute swans have adapted well to close human proximity, breed well in captivity, and are not in need of conservation. The bill, however, would not allow additional swans to be taken.

### **Opposing Argument**

The bill would require the DNR to issue an order to establish a season or seasons for falconers to take live raptors for use in falconry. It is inappropriate to take wildlife, such as raptors, from their natural habitat for possession and training toward a sport.

Legislative Analyst: N. Nagata

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler

A9798\S1283A

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.