

HOUSE BILL No. 6153

November 28, 2000, Introduced by Reps. DeVuyst, Kowall, Tabor, Shulman, Gosselin, DeHart and Ehardt and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 41701, 41702, 41703, 41704, 41706, 41707,
41708, 41710, 41712, and 43530 (MCL 324.41701, 324.41702,
324.41703, 324.41704, 324.41706, 324.41707, 324.41708, 324.41710,
324.41712, and 324.43530), sections 41701, 41702, 41703, 41704,
41706, 41707, 41708, 41710, and 41712 as added by 1995 PA 57 and
section 43530 as amended by 1996 PA 585.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 PART 417 ~~PRIVATE SHOOTING~~ GAME BIRD HUNTING PRESERVES
2 Sec. 41701. As used in this part, "license" means a license
3 issued by the department to operate a ~~private shooting~~ GAME
4 BIRD HUNTING preserve.
5 Sec. 41702. The department may issue licenses authorizing
6 the establishment and operation of ~~private shooting~~ GAME BIRD

1 HUNTING preserves. The fee for a license is ~~-\$35.00-~~ \$105.00 for
2 a ~~shooting~~ preserve of 320 acres or less and ~~-\$60.00-~~ \$180.00
3 for a ~~shooting~~ preserve in excess of 320 acres. Unless revoked
4 as provided by law, licenses issued under this section are valid
5 from ~~July 1 through June 30. Private shooting~~ THE DATE OF
6 ISSUANCE UNTIL JUNE 30 OF THE THIRD LICENSE YEAR. GAME BIRD
7 HUNTING preserves licensed under this section may allow hunting
8 on Sundays, notwithstanding the provisions of a local ordinance
9 or regulation.

10 Sec. 41703. ~~(1) Each shooting~~ GAME BIRD HUNTING pre-
11 serve shall contain not less than 80 acres or more than 640 acres
12 of LAND leased or owned ~~land~~ BY THE LICENSEE, except that those
13 preserves ~~which have~~ WHOSE operations ~~that~~ are confined only
14 to ducks may contain a minimum of 50 acres. The exterior bounda-
15 ries of each preserve shall be clearly defined with signs erected
16 at intervals of 150 feet or less.

17 ~~(2) Shooting preserves with operations involving animals~~
18 ~~not native or commonly found in the wild in this state shall be~~
19 ~~adequately fenced and maintained to keep the animals in complete~~
20 ~~and continuous captivity as approved by the department.~~

21 Sec. 41704. (1) ~~Birds that may be hunted under a shooting~~
22 ~~preserve license shall be limited to~~ ONLY artificially propa-
23 gated wild turkeys and wild turkey hybrids, ARTIFICIALLY PROPA-
24 GATED DUCKS, and other artificially propagated species as pre-
25 scribed by the department MAY BE HUNTED UNDER A GAME BIRD HUNTING
26 PRESERVE LICENSE. A license holder may propagate and sell the
27 prescribed birds, carcasses, or products, in addition to

1 releasing the birds for hunting purposes, by adhering to all
2 requirements, except breeder's license fee requirements of
3 part 427 ~~—~~ and orders issued or rules promulgated by the
4 department under that part.

5 (2) Wild turkey or wild turkey hybrids authorized under a
6 license shall have 1 wing pinioned and shall be fenced and
7 released in compliance with ~~—regulations established—~~ ORDERS
8 ISSUED by the department UNDER SECTION 41710.

9 Sec. 41706. ~~Each~~ EXCEPT AS OTHERWISE PROVIDED BY AN ORDER
10 ISSUED UNDER SECTION 41710, BEFORE A GAME bird shot under author-
11 ity of a ~~—shooting—~~ GAME BIRD HUNTING preserve license ~~—, before~~
12 ~~being either—~~ IS consumed on the premises or removed from the
13 property, ~~—shall have affixed to the carcass, or wrapper, a~~
14 stamp-mark, band, tag, or seal as designated by the department
15 SHALL BE AFFIXED TO THE CARCASS OR TO THE CONTAINER HOLDING THE
16 CARCASS. The bands, tags, or seals shall be furnished at reason-
17 able cost to the operator of the ~~—shooting—~~ GAME BIRD HUNTING
18 preserve by the department. ~~The~~ EXCEPT AS OTHERWISE PROVIDED
19 BY AN ORDER ISSUED UNDER SECTION 41710, A PERSON SHALL NOT REMOVE
20 THE stamp-mark, band, tag, or seal ~~—shall remain affixed to—~~ FROM
21 the carcass ~~—or wrapper—~~ until the carcass is prepared for con-
22 sumption OR FROM THE CONTAINER UNTIL EACH CARCASS IN THE CON-
23 TAINER IS PREPARED FOR CONSUMPTION. Such items of identification
24 shall not be reused by any person.

25 Sec. 41707. A WILD ANIMAL, OR A wild bird ~~—or wild animal—~~
26 of a species other than THOSE permitted to be hunted under
27 authority of a license issued under this part, shall not be

1 hunted or killed on ~~any shooting~~ A GAME BIRD HUNTING preserve
2 except in accordance with the laws of this state governing the
3 hunting of that species.

4 Sec. 41708. Each operator of a ~~shooting~~ GAME BIRD HUNTING
5 preserve licensed under this part shall maintain a record of the
6 names, addresses, and hunting license numbers of all persons
7 hunting upon the preserve, together with the date upon which they
8 hunted and the number of each species taken. The operator shall
9 also maintain an accurate record of the total number, by species
10 of birds propagated, reared, or purchased and, FOR EACH RELEASE
11 OF BIRDS, the date OF THE RELEASE and THE number of INDIVIDUALS
12 OF each species released. The records shall be open for inspec-
13 tion by the department at any reasonable time. The licensee
14 shall also provide complete and accurate reports when and as
15 required by the department.

16 Sec. 41710. (1) ~~The~~ BY ORDER, THE department may estab-
17 lish an open season for ~~shooting~~ GAME BIRD HUNTING preserves
18 that shall be not less than 120 days. ~~—, and may promulgate rules~~
19 ~~and issue~~ THE DEPARTMENT MAY ISSUE OTHER orders governing the
20 administration of this part as the department considers
21 expedient.

22 (2) Orders issued under ~~this part~~ SUBSECTION (1) shall be
23 issued ~~according~~ SUBJECT to the procedure ~~that provides for~~
24 ~~the issuance of orders of the department~~ under section 40107.

25 Sec. 41712. (1) A person who violates this part or ~~the~~
26 ~~rules promulgated~~ AN ORDER ISSUED under this part is guilty of a
27 misdemeanor punishable by imprisonment for not more than 90 days,

1 or a fine of not more than \$100.00 and the costs of prosecution,
2 or both.

3 (2) In addition to the penalty provided in this section, a
4 license issued under this part may be suspended or revoked, after
5 a hearing as provided by law, if the license holder fails to
6 comply with the requirements of this part, if a licensee fails to
7 maintain or submit accurate reports and records as required by
8 the department, or if a licensee is convicted of a violation of
9 this part. Birds ~~and animals~~ held under a license that is sus-
10 pended or revoked shall then be disposed of only in a manner
11 approved by the department.

12 Sec. 43530. (1) A person shall not hunt small game on
13 ~~shooting~~ GAME BIRD HUNTING preserves licensed under part 417
14 without a small game license as provided in section 43523.
15 However, instead of a small game license, a person may obtain a
16 special ~~shooting~~ GAME BIRD HUNTING preserve license for a fee
17 of ~~\$13.00. Beginning in 1999, the fee for a shooting preserve~~
18 ~~license is~~ \$14.00. Beginning in 2001, the fee for a ~~shooting~~
19 GAME BIRD HUNTING preserve license is \$15.00.

20 (2) Each ~~shooting~~ GAME BIRD HUNTING preserve license shall
21 have the date of issue affixed to the license and shall authorize
22 the holder to hunt only on licensed ~~shooting~~ GAME BIRD HUNTING
23 preserves and only for species for which the ~~shooting~~ GAME BIRD
24 HUNTING preserve is licensed.

25 Enacting section 1. The shooting preserve rules, R 299.641
26 to R 299.659 of the Michigan administrative code, are rescinded.