

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

POSSESSION, SALE, REGULATION OF WILDLIFE

PART 425

FURS, HIDES, AND PELTS

324.42501 Protected game birds or game animals; dealers in furs, hides, plumage, or pelts; license; fees; designation by department; “plumage” defined.

Sec. 42501. (1) A person shall not engage in the business of buying, selling, dealing, or the tanning and dressing of raw furs, hides, or pelts of beaver, otter, fisher, marten, muskrat, mink, skunk, raccoon, opossum, wolf, lynx, bobcat, fox, weasel, coyote, badger, deer, or bear and the plumage, skins, or hides of protected game birds or game animals except as authorized by a license issued by the department under part 13. A license application shall be accompanied by a fee as follows:

(a) For any person who engages in the business of buying and selling raw furs, hides, and pelts of fur-bearing animals or the plumage, skins, or hides of protected game birds or game animals, the fee is \$10.00.

(b) Each person in the business of manufacturing furs who buys raw pelts is a dealer, and the fee for each individual or agent who buys furs is, for a resident, \$10.00 and, for a nonresident, \$50.00.

(c) For any person who engages in the business of custom tanning or dressing of raw furs, the fee is \$5.00. However, such a license does not authorize that person to buy or sell raw furs.

(2) Any person holding a fur dealer's license under this part is entitled to buy furs, hides, pelts, and the plumage, skins, or hides, and parts thereof, of protected game birds and game animals that are legally taken.

(3) The department may designate the plumage and skin of those game birds and game animals that may not be bought or sold if it determines that such a prohibition will best serve the public interest. The plumage and skins, or parts of plumage and skins, of migratory game and nongame birds may be bought and sold only in accordance with federal law or rule.

(4) For the purposes of this part, "plumage" means any part of the feathers, head, wings, or tail of any bird.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004;—Am. 2014, Act 160, Imd. Eff. June 11, 2014.

Popular name: Act 451

Popular name: NREPA

324.42502 Fur dealer's license; forms and blanks; term; revocation.

Sec. 42502. The department may prepare suitable report forms and blanks covering the different kinds of licenses to be issued under this part. All licenses issued under this part are for the calendar year and shall expire on December 31 of each year. Licenses may be revoked at any time by the department for a violation of the law relating to the buying, selling, or dealing in furs, hides, or pelts of fur-bearing animals and the plumage, skins, or hides of protected game birds and game animals. Any fraudulent practice employed in connection with the buying or selling of the furs, hides, or pelts of any of the animals mentioned in this part and the plumage, skins, or hides of protected game birds and game animals, or the failure to make a report required by this part, is sufficient grounds for the revocation of a license issued under this part. Any person whose license has been revoked shall not secure another license except in the discretion of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42503 Shipping permits; contents; label; confiscation.

Sec. 42503. Any dealer who desires to ship or transport out of the state any fur-bearing animals or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals legally taken or killed in the state during the open season, shall first procure a permit from the department. The permit shall state the names of the consignee and consignor, destination and number and kinds of fur-bearing animals, or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals that are to be shipped or transported, and the permit shall be presented to transportation company with consignment. All shippers of fur-bearing animals, or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals are required to label all packages offered for

shipment by parcel post, common carrier, or otherwise. The label shall be securely attached to the package, and shall plainly indicate the names and addresses of the consignee and consignor and the complete contents of the package. A person or the agent or employee of any common carrier, association, stage, express, railway, or transportation company shall not transport or receive for transportation or carriage, or sell or offer for sale, any fur-bearing animals legally taken during the open season for that animal, or the raw skins of such a fur-bearing animal, or part thereof, or the plumage, skin, or hide, or parts thereof, of protected game birds and game animals except as specifically provided for by this part. All fur-bearing animals, or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals possessed or that have been shipped or are being transported in violation of this part, shall be confiscated and disposed of as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42504 Report of pelts in possession on last day of season.

Sec. 42504. Within 10 days after the close of the respective open seasons provided by law for the taking of fur-bearing animals, game birds, and game animals, each person holding a license under this part shall report to the department stating the number and kinds of furs, hides, or pelts of each fur-bearing animal, and the plumage, skins, or hides, or parts thereof, of protected game birds and game animals in his or her possession on the last day of the open season for each fur-bearing animal, game bird, and game animal. The reports shall be notarized and sent by registered mail.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42505 Monthly reports.

Sec. 42505. On or before the tenth day of every month, each person licensed to do business under this part shall make a report to the department on blanks to be furnished by the department, stating the number and kinds of raw furs, hides, or pelts of fur-bearing animals, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals purchased or sold during the preceding month, and the name and address of the person from whom purchased and to whom sold. The report shall be notarized and sent by registered mail.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42506 Money received from sale of licenses; credit to game and fish protection account; use.

Sec. 42506. All money received from the sale of licenses as provided in this part shall be forwarded to the state treasurer and placed to the credit of the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010, and shall be used for the purpose necessary to the protection, propagation, and distribution of game and fur-bearing animals as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2002, Act 356, Imd. Eff. May 23, 2002;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.42507 Violation as misdemeanor; penalty.

Sec. 42507. A person or his or her agent or servant who violates this part is guilty of a misdemeanor, and shall forfeit to the state all furs, hides, and pelts of fur-bearing animals and the plumage, skins, or hides, or parts thereof, of protected game birds or game animals illegally bought or held, and reimburse the state for illegal furs or illegal plumage, skins, hides, or parts thereof, of protected game birds and game animals sold. If a fine and costs are imposed, the court shall sentence the offender to imprisonment until the fine and costs are paid, but for a period not exceeding the maximum jail penalty provided for this offense.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 427 BREEDERS AND DEALERS

324.42701 Definitions.

Sec. 42701. As used in this part:

- (a) "Game" has the same meaning ascribed to that term in part 401.
- (b) "License" means a game breeder's license issued pursuant to this part.
- (c) "Stock" means game.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42702 Possession of game for propagation and dealing and selling of game; license; denial; zoning requirements; license nontransferable; validity.

Sec. 42702. (1) The department may, pursuant to part 13, issue licenses to authorize the possession of game for propagation and the dealing in and selling of game.

(2) The department shall deny an application for a new license under subsection (1) if the applicant is not the owner or lessee of the premises to be used for the purposes designated in the license application.

(3) Beginning on the effective date of the amendatory act that added this subsection, unless the premises to be used for the purposes designated in the license application are zoned agricultural, the department shall notify in writing the city or the township and, if applicable, village where the premises are located that an application has been filed under this section. The notice shall include a copy of the application. If, within 30 days after the notice is sent, the local unit of government notifies the department that the use designated in the license application would violate a local ordinance that prohibits the captivity of game animals and that does not violate the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474, the department shall deny the license application.

(4) A license issued under subsection (1) is nontransferable and is valid from July 1 to June 30 of the third license year.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 191, Eff. June 1, 2001;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004;—Am. 2004, Act 537, Imd. Eff. Jan. 3, 2005;—Am. 2008, Act 569, Imd. Eff. Jan. 16, 2009.

Popular name: Act 451

Popular name: NREPA

324.42703 License to be valid and current; exemptions.

Sec. 42703. A person shall not maintain in captivity or propagate or sell game, except as otherwise provided by law, unless that person holds a valid and current license issued pursuant to this part. Public zoological parks are not required to secure a license. A license is not required of a person who purchases any carcass, product, or part of game sold from a person licensed pursuant to this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42704 License fees.

Sec. 42704. The fee for a license shall be established by the department as follows:

(a) If it is practicable to count the applicant's game, the fee shall be \$45.00 for the total number of game not exceeding 500, and an additional fee of \$15.00 shall be assessed for each additional number of game of 500 or less.

(b) If it is impracticable to count the game, the fee shall be \$45.00 for 40 acres or less that is to be used by the applicant for game propagation purposes, and \$15.00 for each additional 40 acres or less.

(c) If the fee for an applicant is determined by utilizing a combination of the methods provided in subdivisions (a) and (b), the fee shall be the larger one that can be charged under either subdivision (a) or (b).

(d) The maximum fee for a single license shall not exceed \$150.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42705 Rights of licensee.

Sec. 42705. A person who has secured a license may possess, propagate, use, buy, sell, trap, kill, consume, ship, or transport any or all of the stock designated in that license, and offspring, products, carcasses, pelts, or other parts of the stock as provided in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42706 Islands, enclosures, and pens used for propagation purposes; character and location; construction; conditions to issuance of license or approval of enclosure; purchase of deer from state; applicability of subsections (2) and (3); “flush” or “flushed” defined.

Sec. 42706. (1) All islands, enclosures, and pens used for propagation purposes shall be of a character and in a location that the department approves as satisfactory to keep in complete and continuous captivity the stock covered by the license, and shall be constructed in a manner to prevent the entrance of wild stock of the same species. However, pinioned or wing-clipped birds may be kept in unroofed enclosures.

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

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

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

(3) Any deer that cannot be flushed from the land that is to be enclosed and is covered by a license issued under this part shall be purchased from the state as provided in section 42707.

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42707 Purchase of and title to state-owned game; price.

Sec. 42707. If wild, state owned game animals are present on land that is covered by a license, the applicant may purchase the state owned game from the state and secure title to the game. Except as otherwise provided in this section, the price to be paid for the game shall be fixed by the department, but the price shall not exceed the market value that the game have for breeding purposes. However, the price of deer purchased from the state shall be \$250.00 per deer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42708 Game covered by license; manner of taking or killing; requirement for wild turkey or wild turkey hybrids.

Sec. 42708. (1) Game covered by a license may be taken or killed in any manner and at any time, except that game birds covered by a license may not be shot, except by the holder of a license in special situations when the department promulgates rules or the department issues orders permitting the shooting of game birds.

(2) Wild turkey or wild turkey hybrids covered by a license shall have 1 wing pinioned within 14 days of hatching.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42709 Removal of game from premises; identification; seals, bands, and tags; removal of certain fertile eggs prohibited.

Sec. 42709. (1) Game, including the parts or products of game, may be removed from licensed premises

only when identified as required by the department. This identification may be by bill of sale, invoice, or seals, tags, bands, or appropriate stamp mark affixed to carcasses and their parts or to wrappers, crates, or other containers. Required tags and seals shall be provided to the license holder by the department at reasonable cost. The use of seals, bands, and tags shall not be required on consignments of game sent to the department or to other state institutions to be used for scientific purposes.

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42710 Orders; rules.

Sec. 42710. (1) The department may issue orders considered necessary by the department to protect the public interest and to provide for the proper administration of this part. Orders under this part shall be issued according to the procedure for the issuance of orders provided for in part 401.

(2) The department may promulgate rules designating certain game that do not require protection under this part and that may be possessed, propagated, purchased, or sold without a license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42711 Released or escaped game as property of state; permission to release game birds required.

Sec. 42711. (1) Game that are released or that escape from the premises of a person licensed under this part become the property of the state.

(2) Game birds shall not be released without the written permission of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42712 Disposition of money.

Sec. 42712. All money received from the sale of licenses under this part shall be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Popular name: Act 451

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

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Popular name: NREPA

324.42713 Suspension or revocation of license.

Sec. 42713. (1) After providing an opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the department may suspend or revoke a license under this part if any of the following apply:

(a) The licensee violates this part.

(b) The licensee fails to provide accurate reports and records within reasonable time limits as designated by the department.

(c) The premises used for the purposes identified in the license are located in a city or village and are zoned residential, the licensed use is a nonconforming use in that zone, and the licensee has been convicted of a crime or held responsible for a civil infraction directly related to the captivity of pheasants on the premises.

(2) If a licensee under this part is convicted of a violation of the game laws of this state, his or her license may be revoked or its renewal denied. In that case, the game held under the license may be disposed of only in a manner approved by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2008, Act 569, Imd. Eff. Jan. 16, 2009.

Popular name: Act 451

Popular name: NREPA

324.42714 Violation as misdemeanor; penalties.

Sec. 42714. A person who violates this part or an order issued under this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both. A person who is convicted of a second violation of this part or an order issued under this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

PART 431 FOXES IN CAPTIVITY

324.43101 Foxes in captivity as domestic animals; protection; construction of part.

Sec. 43101. Silver, silver-black, black, and cross foxes, which of their nature, in the absence of efforts for their domestication, were known as wild, which are brought into or born in captivity upon a farm or ranch for the purpose of cultivating or pelting their furs, together with their offspring and increase, are domestic animals for the purpose of any statute or law relating generally to domestic animals, other than dogs and cats or other pets, or relating to farming or to animal husbandry or to the encouragement of agriculture, unless any such statute or law is impossible to apply to such fur-bearing animals. Such fur-bearing animals, together with their offspring and increase, are the subjects of ownership, lien, and all other property rights, in the same manner as purely domestic animals, in whatever situation, location, or condition the fur-bearing animals may be, and regardless of whether they remain in or escape from captivity. Such fur-bearing animals shall receive the same protection of law as, and in the same way and to the same extent are the subject of trespass or larceny as, other personal property. This part shall not be construed to include silver, silver-black, black, and cross foxes within the definition of livestock, or give any person any right to recovery for damage or destruction of the animal under the dog law of 1919, Act No. 339 of the Public Acts of 1919, being sections 287.261 to 287.290 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43102 Brands or tattoo marks; recording; prima facie evidence of ownership.

Sec. 43102. An owner or prospective owner of a fur-bearing animal described in this part which is living in captivity is entitled, by written subscribed statement, to adopt distinctive brands or tattoo marks, not including Arabic numerals and not including brands or tattoo marks already in known use by others, for such fur-bearing animals, and to have the distinctive identifying brands or tattoo marks recorded in his or her name in the office of the commission of agriculture, upon paying a recording fee of \$1.00 for each brand or each tattoo mark. All fees received by the department of agriculture under this part shall be retained by the department of agriculture and used to defray the expenses of administering this part. Such statements shall be recorded in a suitable book to be kept in the office of the commission of agriculture. The presence of a recorded brand or recorded tattoo mark upon such a fur-bearing animal is prima facie evidence of the ownership of the animal by the person in whose name the brand or tattoo mark is recorded, subject always to that person's right to make due transfer of title, right or interest in, or lien upon the animal.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43103 Prohibited acts; trespass on premises; killing, trapping, injuring or disturbing fur-bearing animal; consent.

Sec. 43103. Without the permission of the owner of a privately owned fur-bearing animal described in this part, a person shall not enter the enclosure within which the privately owned fur-bearing animal is kept, or trespass on private ground adjoining such an enclosure and knowingly annoy or disturb the animals. A person shall not knowingly and willfully kill, trap, or injure any fur-bearing animal owned by another person without the consent of the owner. However, a duly authorized peace or conservation officer may enter upon such premises in the performance of his or her regular duties.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43104 Violation of part as misdemeanor; penalty.

Sec. 43104. A person who violates this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 433

LIMITATION ON ACREAGE FOR PROPAGATION OR SPORTING PURPOSES

324.43301 Limitation on acreage held for sporting purposes.

Sec. 43301. A person shall not acquire, hold, or occupy by purchase, lease, or other evidence of title, possession, or right of occupancy or enclose by fences or other barriers in 1 tract an amount of real estate within this state exceeding 15,000 acres for the purpose of the preservation or propagation of game or fish or for use for yachting, hunting, boating, fishing, rowing, or any other sporting purpose.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43302 Limitation on acreage; location.

Sec. 43302. A person shall not acquire, hold, or occupy in the manner and for the purposes stated in section 43301 any real estate that is located within 2 miles of any other real estate acquired, held, or occupied for any of the uses or purposes mentioned in section 43301.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43303 Violation of part; fine.

Sec. 43303. A person who violates this part is subject to a civil fine of \$50.00 for each day that a violation of this part continues. The fine shall be recovered in the manner provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA