

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

PART 417
GAME BIRD HUNTING PRESERVES

324.41701 "License" defined.

Sec. 41701. As used in this part, "license" means a license issued by the department to operate a game bird hunting preserve.

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

324.41702 Game bird hunting preserves; license; fee; duration; Sunday hunting.

Sec. 41702. The department may issue licenses authorizing the establishment and operation of game bird hunting preserves pursuant to part 13. The fee for a license is \$105.00 for a preserve of 320 acres or less and \$180.00 for a preserve in excess of 320 acres. Unless revoked as provided by law, licenses issued under this section are valid from the date of issuance until June 30 of the third license year. Game bird hunting preserves licensed under this section may allow hunting on Sundays, notwithstanding the provisions of a local ordinance or regulation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

324.41703 Game bird hunting preserves; size; boundary signs.

Sec. 41703. Each game bird hunting preserve shall contain not less than 80 acres or more than 640 acres of land leased or owned by the licensee, except that those preserves whose operations are confined only to ducks may contain a minimum of 50 acres. The exterior boundaries of each preserve shall be clearly defined with signs erected at intervals of 150 feet or less.

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

324.41704 Species under game bird hunting preserve license; limitation; propagation, sale, and release of birds; requirements for wild turkeys or wild turkey hybrids.

Sec. 41704. (1) Only artificially propagated wild turkeys and wild turkey hybrids and other artificially propagated species as prescribed by the department may be hunted under a game bird hunting preserve license. A license holder may propagate and sell the prescribed birds, carcasses, or products, in addition to releasing the birds for hunting purposes, by adhering to all requirements, except breeder's license fee requirements of part 427 and orders issued by the department under that part.

(2) Wild turkey or wild turkey hybrids authorized under a license shall have 1 wing pinioned and shall be fenced and released in compliance with orders issued by the department under section 41710.

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

324.41705 Licenses; determination by department of percentage of species hunted.

Sec. 41705. The licenses provided for in this part entitle the holders of the licenses and their lessees and licensees to take, by hunting, the percentage of each species released on the premises each year as the department determines.

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

Popular name: Act 451

Popular name: NREPA

324.41706 Tagging of birds; cost; reuse.

Sec. 41706. Except as otherwise provided by an order issued under section 41710, before a game bird shot under authority of a game bird hunting preserve license is consumed on the premises or removed from the

property, a stamp-mark, band, tag, or seal as designated by the department shall be affixed to the carcass or to the container holding the carcass. The bands, tags, or seals shall be furnished at reasonable cost to the operator of the game bird hunting preserve by the department. Except as otherwise provided by an order issued under section 41710, a person shall not remove the stamp-mark, band, tag, or seal from the carcass until the carcass is prepared for consumption or from the container until each carcass in the container is prepared for consumption. Such items of identification shall not be reused by any person.

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

324.41707 Species of wild animal or bird permitted to be hunted.

Sec. 41707. A wild animal, or a wild bird of a species other than those permitted to be hunted under authority of a license issued under this part, shall not be hunted or killed on a game bird hunting preserve except in accordance with the laws of this state governing the hunting of that species.

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

324.41708 Operator's records; contents; inspection; reports.

Sec. 41708. Each operator of a game bird hunting preserve licensed under this part shall maintain a record of the names, addresses, and hunting license numbers of all persons hunting upon the preserve, together with the date upon which they hunted and the number of each species taken. The operator shall also maintain an accurate record of the total number, by species, of birds propagated, reared, or purchased and, for each release of birds, the date of the release and the number of individuals of each species released. The records shall be open for inspection by the department at any reasonable time. The licensee shall also provide complete and accurate reports when and as required by the department.

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

324.41709 License; application; contents.

Sec. 41709. An application for a license under this part shall state the name and address of the applicant, the legal description of the premises to be licensed, the kind of birds to be covered by the license, and other information required by the department.

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

Popular name: Act 451

Popular name: NREPA

324.41710 Open season; duration; orders.

Sec. 41710. (1) By order, the department may establish an open season for game bird hunting preserves that shall be not less than 120 days. The department may issue other orders governing the administration of this part as the department considers expedient.

(2) Orders issued under subsection (1) shall be issued subject to the procedure under section 40107.

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

324.41711 License fees; credit to game and fish protection account.

Sec. 41711. All money received from the sale of licenses and tags or seals as provided in this part shall be deposited in the state treasury to the credit of 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.

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

324.41712 Violation as misdemeanor; penalty; grounds for suspension or revocation of license.

Sec. 41712. (1) 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 and the costs of prosecution, or both.

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

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