



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

BILL ANALYSIS



**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 529 (as passed by the Senate)  
 Sponsor: Senator Philip E. Hoffman  
 Committee: Natural Resources and Environmental Affairs

Date Completed: 7-10-95

### RATIONALE

According to the National Wildlife Federation, the National Rifle Association, and the Michigan United Conservation Clubs, 37 states allow the hunting of mourning doves, and the mourning dove is the number one game bird in the United States. Reportedly, the mourning dove is an extremely prolific bird, capable of producing several broods per year. According to the National Wildlife Federation, it has been estimated that hunters in the United States take 45 million doves per year, with little effect on the overall dove population. While the Natural Resources Commission has tried in the past to establish a mourning dove hunting season, its efforts were thwarted by a lawsuit challenging its actions (discussed in **BACKGROUND**). Some people feel that Michigan should join the majority of other states that allow the hunting of mourning doves and adopt a statute to allow a mourning dove hunting season.

### CONTENT

The bill would amend the Wildlife Conservation Act to require the Department of Natural Resources (DNR) to establish an open season for the taking of mourning doves, and to include mourning doves in the definition of "game".

Further, the bill provides that beginning on September 1, 1995, a person who used a firearm to take game while the game was on a utility wire, line, pole, tower, supporting structure, or equipment would be guilty of a misdemeanor punishable by imprisonment for up to 90 days, a fine of between \$50 and \$500, or both, and the costs of prosecution.

(Note: Though the bill would amend the Wildlife Conservation Act, that Act is no longer in effect.

The Act was repealed by Public Act 57 of 1995, and re-enacted as Part 401 of the Natural Resources and Environmental Protection Act, which recodified numerous natural resources management statutes concerning wildlife conservation, recreation, habitat protection, and environmental issues.)

MCL 300.254 et al.

### BACKGROUND

It has been established, through court decisions and statute, that only by statute can a species be declared game. In 1985 the Natural Resources Commission (NRC) voted to establish a mourning dove hunting season, and the DNR followed that action by issuing hunting regulations for a 22-day open hunting season for mourning doves in the fall of 1985. The Michigan Humane Society filed suit against the Commission and the DNR challenging their authority to establish a mourning dove season. In *Michigan Humane Society v Natural Resources Commission* (158 Mich App 393 (1987)), the Michigan Court of Appeals sided with the Humane Society, finding that while the Commission had the power to establish the time, manner, and bag limits of a hunt, the power to declare an open season rested with the Legislature, as provided under the Game Law of 1929. The Court stated that "...this matter is too important to rest on the assumption that the NRC has implied authority to establish a mourning dove season simply because no laws expressly forbid such a season."

In 1988, Public Act 256 (the Wildlife Conservation Act) repealed the Game Law of 1929 and replaced and modified several of its provisions. Section 11 of the Act specified that only the Legislature could

designate a species as game, and only the Legislature could authorize the establishment of the first open season for an animal declared as game. Mourning doves were not included on the list of species considered game under the Wildlife Conservation Act.

## **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**

The mourning dove is the most hunted bird in the continental United States, with 37 states allowing a hunting season. The mourning dove population is vast. The bird can breed several times per year and produces many young. It has been estimated that millions of doves per year are taken by hunters, yet this hunting pressure has little effect on the total population because between 60% and 70% of all mourning doves will die in any given year anyway from causes such as disease, bad weather, and accidents. According to the National Wildlife Federation, a U.S. Fish and Wildlife Service study showed that there were no differences in mourning dove mortality rates in states with a hunting season versus states without a season. This means, then, that if Michigan allowed a hunt as proposed under the bill, it would have little effect on overall mourning dove mortality. Since there is no evidence that a regulated season would cause mourning dove populations to decline, there is no biological reason not to have a dove season.

**Response:** Although there might be no *biological* reason not to have a dove season, there are ethical matters to consider. Mourning doves may have lost much of their natural wariness of humans as a result of years of backyard bird-feeding. In addition, according to the Michigan Audubon Society, mourning doves have a lengthy breeding season that may last into the winter months; many people would consider it cruel to kill any animal that has nesting young.

### **Supporting Argument**

Properly regulated sport hunting is a legitimate recreational activity enjoyed by millions of hunters nationwide; many states permit the hunting of numerous species, including mourning doves. Mourning doves bred in Michigan are enjoyed by hunters along the southern migratory paths of Indiana, Ohio, Kansas, and many other states, and hunting in other states has not diminished the breeding population of Michigan doves. Since a

vast percentage of these birds migrate, the question is not so much *if* the birds will be hunted but *where* they will be hunted. So why not hunt them here? As it stands now, Michigan hunters must travel to another state to enjoy hunting mourning doves, many of which may have been raised in Michigan. A Michigan hunting season for mourning doves would give Michigan hunters, as well as out-of-state hunters, a chance to enjoy this exciting outdoor recreational sport close to home, and spend their hunting dollars here rather than in another state, thus benefitting Michigan businesses.

**Response:** According to the Michigan Audubon Society, Michigan is at the northernmost edge of the breeding range of mourning doves, and doves behave differently in Michigan than in any of the southern states. In Michigan, mourning doves are a backyard feeder bird of urban and rural communities. They do not flock by the hundreds and thousands in fields of waste grain here as they do in many southern states.

### **Opposing Argument**

The vast majority of the Michigan public views the mourning dove as a songbird, not a target for slaughter. These birds have value in their beauty, and in their song, and are enjoyed by millions in their backyards. Just because these birds are hunted elsewhere is no reason for them to be hunted in Michigan. Reportedly, only about 1% of the State's residents say they would hunt mourning doves. It is reprehensible to think that the vast majority of persons who enjoy the birds would be placed at risk of losing them to a tiny minority of hunters. The State should remain, as it always has been, a refuge for these beautiful birds.

### **Opposing Argument**

Since the dove population is stable, not increasing, there is little merit in the notion that the birds need to be "harvested". Allowing a Michigan hunt simply would put more pressure on the population, reducing its size. There was another bird, the passenger pigeon, that was thought to be of such massive numbers and range that it needed no protection. It became extinct early in this century. Adding Michigan to the list of states where mourning doves are hunted could speed the mourning dove along the same path.

There seems to be little reason to hunt mourning doves, other than for the joy of killing them because they are there. Even hunters who now travel to other states to hunt them admit that it takes approximately a dozen breasts to make a decent meal. Hunters make a legitimate case

when arguing that the taking of some species, deer for instance, has value because of the meat obtained. That logic, however, cannot be used regarding the hunting of mourning doves. The mourning dove population does not need to be reduced, and it offers little in the way of meat for the table. There already are enough animals that can be hunted.

### **Opposing Argument**

Allowing a mourning dove season could put other endangered species at risk. The mourning dove could be mistaken for the American Kestrel (a small falcon) or other falcons, which are protected. It would be tragic if some of these rare birds were shot by mistake. Further, the mourning dove is notorious for roosting on power lines. While most hunters never consider shooting something on a utility line, others are not so careful. Legalizing the hunting of mourning doves could put phone and power lines at risk, increasing the incidence of outages.

**Response:** The bill contains specific language forbidding the taking of game that was on a utility line, and proposes stiff penalties for those who violate this provision. As for the contention that hunters would mistake endangered species of birds for mourning doves, this is a risk taken for any season when hunters are allowed in the fields to hunt birds. There are stiff penalties for hunters who shoot birds that are protected species.

Legislative Analyst: G. Towne

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact depending on whether the addition of mourning doves would cause an increase in the sale of small game licenses, or an increase in enforcement activities or fines related to dove hunting.

Currently, approximately 250,000 small game licenses are sold, which generates \$2.6 million in revenue.

Fiscal Analyst: G. Cutler

A9596\S529A

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.