

HOUSE BILL No. 4202

February 9, 1999, Introduced by Reps. Tesanovich, Hale, Bogardus, Prusi, Sheltroun, Bovin, Minore and Mans 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 42702, 42706, 42707, 42710, 42713, and 42714
(MCL 324.42702, 324.42706, 324.42707, 324.42710, 324.42713, and
324.42714), as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 42702. The department ~~shall~~ MAY issue licenses to
2 authorize the possession for propagation, and for dealing in and
3 selling game. A license shall not be granted to an applicant who
4 is not the owner or lessee of the premises to be used for the
5 purposes designated by the license. A license issued pursuant to
6 this part is nontransferable and is valid from July 1 to June 30
7 of the third license year.

8 Sec. 42706. (1) All islands, enclosures, and pens used for
9 propagation purposes shall be of a character and in a location

1 that the department approves as satisfactory to keep in complete
2 and continuous captivity the stock covered by the license, and
3 shall be constructed in a manner to prevent the entrance of wild
4 stock of the same species. ~~However, pinioned or wing-clipped~~
5 ~~birds may be kept in unroofed enclosures.~~

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

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

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

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

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

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

25 Sec. 42707. If wild, state owned game animals are present
26 on land that is covered by a license, the applicant may purchase
27 the state owned game from the state and secure title to the

1 game. ~~Except as otherwise provided in this section, the~~ THE
2 price to be paid for the game shall be fixed by the ~~department,~~
3 ~~but the price shall not exceed the market value that the game~~
4 ~~have for breeding purposes~~ COMMISSION. ~~However, the price of~~
5 ~~deer purchased from the state shall be \$250.00 per deer.~~ THE
6 COMMISSION MAY ISSUE ORDERS GOVERNING THE SALE OF STATE OWNED
7 GAME UNDER THIS SECTION, INCLUDING, BUT NOT LIMITED TO, WHICH
8 GAME MAY OR MAY NOT BE SOLD AND THE PRICE FOR THE SALE OF THE
9 GAME.

10 Sec. 42710. (1) The ~~department~~ COMMISSION may issue
11 orders considered necessary by the ~~department to protect the~~
12 ~~public interest and to provide~~ COMMISSION TO DO ANY OF THE
13 FOLLOWING:

14 (A) PROTECT THE PUBLIC INTEREST AS AFFECTED BY OPERATIONS
15 UNDER THIS PART.

16 (B) PROVIDE for the proper administration of this part.

17 (C) PROVIDE FOR THE CONSIDERATION OF WILDLIFE MANAGEMENT
18 OBJECTIVES IN THE DEPARTMENT'S DECISION WHETHER TO ISSUE A
19 LICENSE FOR A NEW FACILITY OR FOR A FACILITY WHOSE SIZE OR SCOPE
20 IS TO BE EXPANDED. WILDLIFE MANAGEMENT OBJECTIVES MAY INCLUDE,
21 BUT NEED NOT BE LIMITED TO, AVOIDING ADVERSE IMPACTS ON FREE
22 RANGING WILDLIFE POPULATIONS OR HABITAT AVAILABILITY.

23 (2) Orders under this part shall be issued according to the
24 procedure for the issuance of orders provided for in part 401.

25 (3) ~~(2)~~ The ~~department~~ COMMISSION may promulgate rules
26 designating certain game that do not require protection under

1 this part and that may be possessed, propagated, purchased, or
2 sold without a license.

3 Sec. 42713. Any license issued under this part may be sus-
4 pended or revoked after a hearing conducted pursuant to the
5 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
6 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
7 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, upon reasonable
8 notice, when the license holder fails to comply with this part OR
9 A RULE OR ORDER UNDER THIS PART, or fails to provide accurate
10 reports and records within reasonable time limits as designated
11 by the department. In addition, if a person licensed under this
12 part is convicted of a violation of ~~the game laws of the state,~~
13 ~~his or her license may be revoked or its renewal denied and the~~
14 ~~game held under his or her license may be disposed of only in a~~
15 ~~manner approved by the department~~ THIS PART, A RULE OR ORDER
16 UNDER THIS PART, OR ANY OTHER LAW FOR THE PROTECTION OF GAME IN
17 THIS STATE, THE COURT MAY ORDER THAT THE PERSON'S LICENSE BE
18 REVOKED, THAT THE PERSON NOT BE PERMITTED TO RENEW THE LICENSE
19 FOR A PERIOD OF TIME SPECIFIED BY THE COURT, AND THAT GAME HELD
20 UNDER THE LICENSE BE DISPOSED OF IN A MANNER SPECIFIED IN THE
21 ORDER.

22 Sec. 42714. A person who violates this part or ~~any of the~~
23 ~~rules promulgated~~ AN ORDER OR RULE under this part is guilty of
24 a misdemeanor, punishable by imprisonment for not more than 90
25 days, or a fine of not more than \$100.00, or both. A person who
26 is convicted of a second OR SUBSEQUENT violation of this part or
27 ~~any of the rules promulgated~~ A RULE OR ORDER under this part is

1 guilty of a misdemeanor, punishable by imprisonment for not more
2 than 90 days, or a fine of not more than \$500.00, or both.