REMOVAL, CAPTURE, OR LETHAL CONTROL OF GRAY WOLF
Act 318 of 2008

AN ACT to authorize the removal, capture, or lethal control of a gray wolf that is preying upon a dog under certain circumstances; to provide for penalties; and to promulgate rules.

History: 2008, Act 318, Imd. Eff. Dec. 18, 2008.

The People of the State of Michigan enact:

324.95161 Definitions.

Sec. 1. As used in this act:

(a) "Department" means the department of natural resources.

(b) "Dog" includes a domesticated dog and a dog used for hunting.

History: 2008, Act 318, Imd. Eff. Dec. 18, 2008.

Compiler's note: Enacting section 1 of Act 318 of 2008 provides:

"Enacting section 1. If any federal or state litigation overturns the decision to remove gray wolves from the list of endangered species, the Michigan department of natural resources shall report the impact of that litigation on this act to the standing committees of the legislature with jurisdiction over issues primarily dealing with natural resources and the environment."

For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

324.95163 Removal, capture, or use of lethal means to destroy gray wolf; conditions; procedure.

Sec. 3. (1) The owner of a dog or his or her designated agent may remove, capture, or, if deemed necessary, use lethal means to destroy a gray wolf that is in the act of preying upon the owner's dog.

(2) The owner of the dog or his or her designated agent shall report the taking of a gray wolf to a department official as soon as practicable, but not later than 12 hours after the taking. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $100.00 or more than $1,000.00, or both, and the costs of prosecution.

(3) Except as otherwise provided in subsection (4), the owner of the dog or his or her designated agent shall retain possession of a gray wolf taken until a department official is available to take possession of and transfer the gray wolf to the appropriate department personnel for examination. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $100.00 or more than $1,000.00, or both, and the costs of prosecution.

(4) If lethal means are used to destroy a gray wolf, a person shall not move or disturb the deceased gray wolf until a department official is available to take possession of and transfer the gray wolf to the appropriate department personnel for examination or until as otherwise directed by a department official. A person shall not disturb the area where lethal means were used to destroy a gray wolf until after an official investigation by the department is complete. If a dog is physically attacked or killed, a person who uses lethal means to destroy a gray wolf shall produce the dog that was attacked for inspection by department officials. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $100.00 or more than $1,000.00, or both, and the costs of prosecution.

(5) A department official shall respond to the scene where lethal means were used to destroy a gray wolf not later than 12 hours after the department official is notified under subsection (2).

(6) The owner of the dog or his or her designated agent may report the taking of a gray wolf by utilizing the department's report all poaching hotline at 1-800-292-7800.

History: 2008, Act 318, Imd. Eff. Dec. 18, 2008.

Compiler's note: Enacting section 1 of Act 318 of 2008 provides:

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For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

324.95165 Rules.

Sec. 5. The department may promulgate rules to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2008, Act 318, Imd. Eff. Dec. 18, 2008.

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For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

324.95167 Operation and enforcement of sections 1 to 5; conditions; notice.

Sec. 7. (1) Sections 1 to 5 shall not be operational and enforceable until 1 of the following occurs:

(a) A final appellate court issues a decision overruling the decision of the United States district court for the District of Columbia in The Humane Society of the United States v Dirk Kempthorne, civil action no. 07-0677 (D.C.C. September 29, 2008), and permits the final rule of the United States fish and wildlife service in 72 FR p 6052 (February 8, 2007) removing gray wolves located in this state from the list of endangered and threatened wildlife established under the federal endangered species act of 1973 to take effect.

(b) The United States fish and wildlife service promulgates a final rule dated after March 12, 2007 that removes gray wolves located in this state from the list of endangered and threatened wildlife established under the federal endangered species act of 1973 and that final rule takes effect.

(2) Upon sections 1 to 5 becoming operational and enforceable pursuant to subsection (1), the department shall post a notice on the department's website that includes all of the following:

(a) The date sections 1 to 5 are operational and enforceable pursuant to subsection (1).

(b) A summary of the provisions of sections 1 to 5.

History: 2008, Act 318, Imd. Eff. Dec. 18, 2008.

Compiler's note: Enacting section 1 of Act 318 of 2008 provides:

"Enacting section 1. If any federal or state litigation overturns the decision to remove gray wolves from the list of endangered species, the Michigan department of natural resources shall report the impact of that litigation on this act to the standing committees of the legislature with jurisdiction over issues primarily dealing with natural resources and the environment."

The United States fish and wildlife service promulgated a final rule on April 2, 2009 that became effective on May 4, 2009 removing gray wolves located in this state from the list of endangered and threatened wildlife established under the federal endangered species act of 1973.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

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