

HOUSE BILL No. 4475

March 15, 2001, Introduced by Reps. Sheltroun, DeVuyst and Tabor 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 section 36505 (MCL 324.36505), as amended by 1998 PA
470.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 36505. (1) Except as otherwise provided in this part,
2 a person shall not take, possess, transport, import, export, pro-
3 cess, sell, offer for sale, buy, or offer to buy, and a common or
4 contract carrier shall not transport or receive for shipment, any
5 species of fish, plants, or wildlife appearing on the following
6 lists:

7 (a) The list of fish, plants, and wildlife indigenous to the
8 state determined to be endangered or threatened within the state
9 pursuant to section 36503 or subsection (3).

1 (b) The United States list of endangered or threatened
2 native fish and wildlife.

3 (c) The United States list of endangered or threatened
4 plants.

5 (d) The United States list of endangered or threatened for-
6 eign fish and wildlife.

7 (2) A species of fish, plant, or wildlife appearing on any
8 of the lists delineated in subsection (1) which enters the state
9 from another state or from a point outside the territorial limits
10 of the United States may enter, be transported, possessed, and
11 sold in accordance with the terms of a federal permit issued pur-
12 suant to section 10 of the endangered species act of 1973, Public
13 Law 93-205, 16 U.S.C. 1539, or an applicable permit issued under
14 the laws of another state.

15 (3) The department may, by rule, treat any species as an
16 endangered species or threatened species even though it is not
17 listed pursuant to section 36503, if it finds any of the
18 following:

19 (a) The species so closely resembles in appearance, at the
20 point in question, a species which is listed pursuant to section
21 36503 that enforcement personnel would have substantial diffi-
22 culty in attempting to differentiate between the listed and
23 unlisted species.

24 (b) The effect of the substantial difficulty in differenti-
25 ating between a listed and an unlisted species is an additional
26 threat to an endangered or threatened species.

1 (c) The treatment of an unlisted species will substantially
2 facilitate the enforcement and further the intent of this part.

3 (4) The department may permit the taking, possession, pur-
4 chase, sale, transportation, exportation, or shipment of species
5 of fish, plants, or wildlife which appear on the state list of
6 endangered or threatened species compiled pursuant to section
7 36503 and subsection (3) for scientific, zoological, or educa-
8 tional purposes, for propagation in captivity of such fish,
9 plants, or wildlife to ensure their survival.

10 (5) Upon good cause shown and where necessary to alleviate
11 damage to property or to protect human health, endangered or
12 threatened species found on the state list compiled pursuant to
13 section 36503 and subsection (3) may be removed, captured, or
14 destroyed, but only pursuant to a permit issued by the
15 department. Carnivorous animals found on the state list may be
16 removed, captured, or destroyed by any person in emergency situa-
17 tions involving an immediate threat to human life, but the remov-
18 al, capture, or destruction shall be reported to the department
19 within 24 hours of the act.

20 (6) A PERSON MAY TAKE, POSSESS, TRANSPORT, IMPORT, EXPORT,
21 PROCESS, SELL, OFFER FOR SALE, BUY, OR OFFER TO BUY, AND A COMMON
22 OR CONTRACT CARRIER MAY TRANSPORT OR RECEIVE FOR SHIPMENT, PARTS
23 OR PRODUCTS OF GRAY WOLF (CANIS LUPUS) AND LYNX (LYNX CANADENSIS)
24 IF BOTH OF THE FOLLOWING APPLY:

25 (A) THE GRAY WOLF OR LYNX WAS LEGALLY TAKEN IN ANOTHER STATE
26 OR COUNTRY.

1 (B) THE PARTS OR PRODUCTS ARE ACCOMPANIED BY A CERTIFICATE
2 OF ORIGIN SHOWING THAT THE REQUIREMENT OF SUBDIVISION (A) IS
3 MET. BY NOT MORE THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE
4 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT SHALL,
5 BY ORDER ISSUED IN THE MANNER PROVIDED IN SECTION 40107, PRE-
6 SCRIBE THE REQUIREMENTS FOR A CERTIFICATE OF ORIGIN UNDER THIS
7 SUBDIVISION.

8 (7) ~~(6)~~ This section does not prohibit any of the
9 following:

10 (a) The importation of a trophy under a permit issued pursu-
11 ant to section 10 of the endangered species act of 1973, Public
12 Law 93-205, 16 U.S.C. 1539, which is not for resale and which was
13 lawfully taken in a manner permitted by the laws of the state,
14 territory, or country where the trophy was caught, taken, or
15 killed.

16 (b) The taking of a threatened species when the department
17 has determined that the abundance of the species in the state
18 justifies a controlled harvest not in violation of federal law.

19 (c) Subject to any permits that may be required by the
20 department, the possession, transfer, transportation, importa-
21 tion, or exportation or the transport or receipt for shipment by
22 a common or contract carrier of a raptor or the captive-bred
23 progeny of a raptor, a raptor egg, or raptor semen acquired in
24 accordance with applicable state and federal laws and regulations
25 which allow raptors, raptor eggs, or raptor semen to be used in
26 falconry or in the captive propagation of raptors for use in
27 falconry.

1 (d) Subject to any permits that may be required by the
2 department, the selling, offering for sale, buying, or offering
3 to buy a raptor that was captive-bred or semen from a raptor that
4 was captive-bred in accordance with applicable state and federal
5 laws and regulations which allow raptors or raptor semen to be
6 used in falconry or in captive propagation of raptors for use in
7 falconry.