

Act No. 242
Public Acts of 2003
Approved by the Governor
December 23, 2003
Filed with the Secretary of State
December 29, 2003
EFFECTIVE DATE: December 29, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Richardville and Byrum

ENROLLED HOUSE BILL No. 4896

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 40107a (MCL 324.40107a), as added by 1998 PA 470.

The People of the State of Michigan enact:

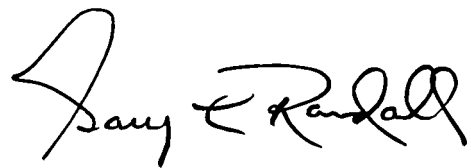
Sec. 40107a. (1) The department shall issue an order in the manner provided in section 40107(2) establishing a season or seasons for falconers to take not more than a total of 25 live raptors per year from any combination of red-tailed hawks (*Buteo jamaicensis*), Cooper's hawks (*Accipiter cooperii*), American kestrels (*Falco sparverius*), and sharp-shinned hawks (*Accipiter striatus*), for use in falconry. In addition to these 25 raptors, the order shall allow the issuance of 2 permits annually to take northern goshawks (*Accipiter gentilis*) during the fall passage season for use in falconry. Each permit for northern goshawks shall allow the taking of 1 live bird. The order shall designate the numbers of raptors that may be taken and possessed and any other conditions pertaining to the taking and possession of raptors that the department considers advisable.

(2) The order shall prohibit the taking of raptors on national lakeshores and national recreation areas and all state lands. The order shall require licensed falconers to contact property owners or land managers and obtain written permission before making direct contact with any raptor nest. The order shall provide that only licensed falconers may have direct contact with the raptor nest and that a licensed falconer shall leave in a nest a minimum of 2 healthy young raptors. A licensed falconer shall report the nest location from which a raptor is taken by county, township, range, and section to the department within 5 business days after the raptor is taken. Within 1 year of the issuance of the order, the department shall establish a public education program regarding raptors and shall institute a study to establish survey protocols to monitor raptor populations likely to be used for falconry purposes.

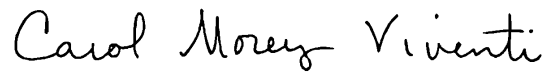
(3) This section does not, and an order issued under this section shall not, designate any species of raptor as game. This section does not prohibit the department from determining that any species of raptor is a protected animal.

(4) This section is repealed effective January 4, 2009.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor