

HOUSE BILL No. 6590

November 9, 2006, Introduced by Reps. Pearce, Jones, Booher, Proos, Hansen and Huizenga
and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40114 and 43531 (MCL 324.40114 and 324.43531),
section 40114 as amended by 2004 PA 587 and section 43531 as
amended by 1996 PA 585, and by adding section 40115.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40114. (1) The department may issue a permit to a person
2 who is unable to walk because the person is a paraplegic or an
3 amputee or because ~~of~~ a disease or injury ~~that~~ has rendered the
4 person permanently disabled. A permit issued under this subsection
5 authorizes the person to take game during the open season for that
6 game, including deer of either sex, from or upon a standing vehicle
7 if that person holds a license to take that game issued pursuant to
8 part 435 and complies with all other laws and rules for the taking

1 of game.

2 (2) The department may issue a permit to a person who is
3 permanently disabled and who has full use of only 1 arm and who
4 upon investigation is unable to hold, aim, and shoot a bow. A
5 permit issued under this subsection authorizes the person to take
6 game during the open season for that game with a bow that has been
7 modified so that the bow may be held, aimed, and shot with 1 arm,
8 if that person holds a license to take that game issued pursuant to
9 part 435 and complies with all other laws and rules for the taking
10 of game.

11 (3) In addition, the department may issue permits authorizing
12 1 or more of the following:

13 (a) The taking or possession of animals for the purpose of
14 rehabilitating animals.

15 (b) The taking of animals to prevent or control damage and
16 nuisance caused by the animals, **UNDER SECTION 40115.**

17 (c) The collection, transportation, possession, or disposition
18 of animals and parts of animals for scientific purposes.

19 (d) The public exhibition of animals.

20 (e) Taxidermy.

21 (f) The disposition of accidentally or unlawfully taken or
22 injured animals or animals that are unlawfully possessed.

23 (g) The taking of game with a crossbow by a person who is
24 permanently disabled.

25 (4) A permit issued under this section may be suspended,
26 revoked, annulled, withdrawn, recalled, canceled, or amended
27 pursuant to the administrative procedures act of 1969, 1969 PA

1 306, MCL 24.201 to 24.328. If the holder of a permit is convicted
2 of violating this section, his or her permit or license may be
3 revoked and any animal and the parts of any animal in his or her
4 possession shall be disposed of in a manner approved by the
5 department.

6 (5) Fees received for permits and licenses issued under this
7 section shall be forwarded by the department to the state treasurer
8 to be credited to the **GAME AND FISH PROTECTION FUND CREATED IN**
9 **SECTION 43553. HOWEVER, IF HOUSE JOINT RESOLUTION Z OF THE 92ND**
10 **LEGISLATURE BECOMES A PART OF THE STATE CONSTITUTION OF 1963 AS**
11 **PROVIDED IN SECTION 1 OF ARTICLE XII OF THE STATE CONSTITUTION OF**
12 **1963, THE FEES SHALL BE CREDITED TO THE** game and fish protection
13 account of the Michigan conservation and recreation legacy fund
14 provided for in section 2010.

15 **SEC. 40115. (1) IF ANY OF THE FOLLOWING ANIMALS ARE DOING OR**
16 **ABOUT TO DO DAMAGE ON PRIVATE PROPERTY, THE PROPERTY OWNER MAY TAKE**
17 **THE ANIMAL BY ANY LEGAL MEANS ANYWHERE ON THE PROPERTY OWNER'S**
18 **PROPERTY WITHOUT A PERMIT OR LICENSE:**

19 (A) BADGER.

20 (B) BAT, UNLESS THE SPECIES IS LISTED AS AN ENDANGERED SPECIES
21 OR THREATENED SPECIES UNDER PART 365.

22 (C) BEAVER.

23 (D) CHIPMUNK.

24 (E) COYOTE.

25 (F) CROW.

26 (G) ENGLISH SPARROW.

27 (H) FERAL PIGEON.

(I) FOX.

(J) MINK.

(K) MUSKRAT.

(L) OPOSSUM.

(M) PORCUPINE.

(N) RABBIT.

(O) RACCOON.

(P) SKUNK.

(Q) SQUIRREL.

(R) STARLING.

(S) WEASEL.

(T) WOODCHUCK.

(2) THE DEPARTMENT MAY ISSUE WRITTEN PERMITS AUTHORIZING THE TAKING OF ANIMALS TO PREVENT OR CONTROL DAMAGE OR NUISANCE CAUSED BY THE ANIMALS IN CIRCUMSTANCES OTHER THAN THOSE DESCRIBED IN SUBSECTION (1).

(3) SUBJECT TO SUBSECTIONS (4) AND (5), THE FOLLOWING DEVICES MAY BE USED TO TAKE ANIMALS UNDER THIS SECTION OR A PERMIT ISSUED UNDER THIS SECTION IN A TIME, PLACE, AND MANNER AS DETERMINED BY THE PROPERTY OWNER:

(A) FOOT-HOLD TRAPS.

(B) LIVE OR CAGE TRAPS.

(C) COLONY TRAPS.

(D) CONIBEAR STYLE BODY-GRIPPING TRAPS.

(E) NONPOWERED LETHAL SNARES THAT ARE EQUIPPED WITH A BREAKAWAY LOCKING SYSTEM WITH A BREAKING POINT NOT EXCEEDING 285 POUNDS.

1 (F) NONLETHAL CABLE RESTRAINT DEVICES THAT ARE EQUIPPED WITH A
2 BREAKAWAY LOCKING SYSTEM WITH A BREAKING POINT NOT EXCEEDING 285
3 POUNDS AND THAT HAVE A MINIMUM LOOP CLOSURE NOT EXCEEDING 2-1/2
4 INCHES IN DIAMETER.

5 (G) FIREARMS POSSESSED AND USED IN COMPLIANCE WITH ALL
6 APPLICABLE STATE, LOCAL, AND FEDERAL FIREARMS LAWS.

7 (4) IF A LIVE TRAP, FOOT-HOLD TRAP, OR OTHER CATCHING DEVICE
8 IS DESIGNED AND USED UNDER THIS SECTION OR A PERMIT ISSUED UNDER
9 THIS SECTION TO TAKE AN ANIMAL ALIVE, BOTH OF THE FOLLOWING APPLY:

10 (A) THE PERSON USING THE DEVICE SHALL CHECK THE DEVICE DAILY.

11 (B) IF AN ANIMAL IS TAKEN, THE PERSON USING THE DEVICE SHALL
12 EUTHANIZE THE ANIMAL OR RELEASE IT ALIVE AT THE SITE OF CAPTURE.

13 (5) A PERSON SHALL NOT POSSESS OR CARRY AFIELD A TRAP, LETHAL
14 SNARE, OR NONLETHAL CABLE RESTRAINT DEVICE FOR THE PURPOSES OF THIS
15 SECTION UNLESS THERE IS ATTACHED TO THE DEVICE A METALLIC
16 IDENTIFICATION TAG WITH THE OWNER'S OR USER'S NAME AND ADDRESS, OR
17 MICHIGAN DRIVER LICENSE NUMBER. IF A COMMERCIAL NUISANCE WILDLIFE
18 MANAGEMENT COMPANY IS ACTING AS THE PRIVATE PROPERTY OWNER'S
19 DESIGNATED AGENT IN EFFECTING CONTROL MEASURES, THE METALLIC TAG
20 SHALL BE MARKED WITH "PERMIT NO." FOLLOWED BY THE PERMITTEE'S
21 PERMIT NUMBER, THE BUSINESS NAME, AND THE BUSINESS TELEPHONE
22 NUMBER.

23 Sec. 43531. (1) Except as otherwise provided in ~~section~~
24 ~~SECTIONS 40115 AND 43523(1)~~, a person shall not trap or hunt fur-
25 bearing animals without purchasing and possessing a fur harvester's
26 license. ~~The fee for a resident fur harvester's license is \$13.00.~~
27 ~~Beginning in 1999, the fee for a resident fur harvester's license~~

1 ~~is \$14.00. Beginning in 2001, the~~ fee for a resident fur
2 harvester's license is \$15.00. The fee for a resident or
3 nonresident who is 12 years of age through 16 years of age for a
4 fur harvester's license shall be discounted 50% from the cost of
5 the resident fur harvester's license.

6 (2) The department may issue a nonresident fur harvester's
7 license to a nonresident of this state if the state, province, or
8 country in which the nonresident applicant resides allows residents
9 of this state to obtain equivalent hunting and trapping privileges
10 in that state, province, or country. The fee for an eligible
11 nonresident fur harvester's license is \$150.00. Nonresident fur
12 harvester's licenses shall not be sold or purchased prior to
13 November 15 of each year.

14 (3) A person who holds a fur harvester's license may hunt fur-
15 bearing animals during the season open to taking fur-bearing
16 animals with firearms and may trap fur-bearing animals during the
17 season open to trapping fur-bearing animals.

18 (4) **SUBJECT TO SUBSECTION (3), A PERSON TAKING FUR-BEARING**
19 **ANIMALS ON PRIVATE PROPERTY MAY USE ANY OF THE DEVICES UNDER**
20 **SECTION 40115(3) IN A TIME, PLACE, AND MANNER AS DETERMINED BY THE**
21 **PROPERTY OWNER.**

22 (5) **IF A DOG OR OTHER DOMESTIC ANIMAL IS KILLED OR INJURED BY**
23 **A TRAP SET ON PRIVATE PROPERTY, NEITHER THE PERSON SETTING THE TRAP**
24 **NOR THE PERSON ON WHOSE PROPERTY THE TRAP WAS SET IS LIABLE IF BOTH**
25 **OF THE FOLLOWING APPLY:**

26 (A) **THE TRAP WAS SET BY THE PROPERTY OWNER, A PERSON WHO HOLDS**
27 **A PERMIT UNDER SECTION 40115(2), OR A LICENSED FUR HARVESTER, IN**

1 COMPLIANCE WITH THIS PART AND PART 401 AND ORDERS ISSUED UNDER THIS
2 PART OR PART 401.

3 (B) THE OWNER OF THE DOG OR OTHER DOMESTIC ANIMAL WAS IN
4 VIOLATION OF THE DOG LAW OF 1919, 1919 PA 339, MCL 287.261 TO
5 287.290, OR PART 731.