

SENATE BILL NO. 106

February 04, 2021, Introduced by Senator VANDERWALL and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 73102, 73104, and 73105 (MCL 324.73102,
324.73104, and 324.73105), section 73102 as amended by 1998 PA 546
and sections 73104 and 73105 as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 73102. (1) Except as provided in subsection ~~(4)~~, **(3)**, a
2 person shall not enter or remain upon the property of another
3 person, ~~other than farm property or a wooded area connected to~~
4 ~~farm property~~, to engage in ~~any~~ **a** recreational activity or trapping

on that property without the consent of the owner or his or her lessee or agent, if ~~either any~~ of the following circumstances ~~exists~~: **exist**:

(a) The property is fenced or enclosed and is maintained in such a manner as to exclude intruders.

(b) The property is posted in a conspicuous manner against entry ~~by 1 of the following means~~:

(i) **By posting signs.** The minimum letter height on ~~the posting signs~~ **a posted sign** shall be 1 inch. ~~Each posting~~ **A posted sign** shall be not less than 50 square inches. ~~and the~~ **The signs** shall be spaced to enable ~~a person~~ **an individual** to observe not less than 1 sign at any point of entry upon the property.

(ii) **By placing purple paint marks on trees or posts around the property with paint approved for that purpose by the department.** Each paint mark shall be a vertical line at least 8 inches long, and the bottom of the paint mark shall be between 3 feet and 5 feet above the ground. The paint marks shall be not more than 100 feet apart and shall be placed so that they are readily visible to **persons approaching the property.**

(c) ~~(2) Except as provided in subsection (4), a person shall not enter or remain upon~~ **The property is** farm property or a wooded area connected to farm property. ~~for any recreational activity or trapping without the consent of the owner or his or her lessee or agent, whether or not the farm property or wooded area connected to farm property is fenced, enclosed, or posted.~~

(2) ~~(3) On fenced or posted property or farm property, a~~ **A** fisherman wading or floating a navigable public stream may, without written or oral consent, enter upon **fenced or posted property or farm property** within the clearly defined banks of the stream or,

1 without damaging farm products, walk a route as closely proximate
 2 to the clearly defined bank as possible when necessary to avoid a
 3 natural or artificial hazard or obstruction, including, but not
 4 limited to, a dam, deep hole, or a fence or other exercise of
 5 ownership by the riparian owner.

6 **(3) ~~(4) A person~~ An individual** other than ~~a person~~ **an**
 7 **individual** possessing a firearm may, unless previously prohibited
 8 in writing or orally by the property owner or his or her lessee or
 9 agent, enter on foot upon the property of another person for the
 10 sole purpose of retrieving a hunting dog. The ~~person~~ **individual**
 11 shall not remain on the property beyond the reasonable time
 12 necessary to retrieve the dog. In an action under section 73109 or
 13 73110, the burden of showing that the property owner or his or her
 14 lessee or agent previously prohibited entry under this subsection
 15 is on the plaintiff or prosecuting attorney, respectively.

16 **(4) ~~(5)~~** Consent to enter or remain upon the property of
 17 another person ~~pursuant to~~ **under** this section may be given orally
 18 or in writing. The consent may establish conditions for entering or
 19 remaining upon that property. Unless prohibited in the written
 20 consent, a written consent may be amended or revoked orally. If the
 21 owner or his or her lessee or agent requires all persons entering
 22 or remaining upon the property to have written consent, the
 23 presence of the person on the property without written consent is
 24 prima facie evidence of unlawful entry.

25 Sec. 73104. A person shall not remove, deface, or destroy a
 26 sign or poster that has been posted, ~~pursuant to~~ **or a purple paint**
 27 **mark that has been placed on a tree or post, under** this part.

28 Sec. 73105. A person shall not post a sign, **or place a purple**
 29 **paint mark on a tree or post**, on property owned by another person

1 or enclose the property of another person to prohibit hunting,
2 fishing, trapping, or other recreational activities on that
3 property without the written permission of the owner of that
4 property or his or her lessee or agent.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.