

CONTROL OF GRAY WOLVES Act 290 of 2008

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

History: 2008, Act 290, Imd. Eff. Oct. 6, 2008.

Compiler's note: Enacting section 1 of Act 290 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 People of the State of Michigan enact:

***** 324.95151 THIS SECTION IS NOT OPERATIONAL OR ENFORCEABLE UNTIL 1 ONE OF THE CONDITIONS LISTED IN MCL 324.95155(1) OCCURS *****

324.95151 Definitions.

Sec. 1. As used in this act:

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

(b) "Livestock" means those species of animals used for human food or fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits.

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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.

***** 324.95153 THIS SECTION IS NOT OPERATIONAL OR ENFORCEABLE UNTIL 1 ONE OF THE CONDITIONS LISTED IN MCL 324.95155(1) OCCURS *****

324.95153 Gray wolves; removal, capture, or use of lethal force; report to department official; violations as misdemeanors; penalties; photographs; response by department official; use of hotline to report taking of gray wolf.

Sec. 3. (1) The owner of livestock 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 livestock.

(2) The owner of the livestock 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 livestock 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 he or she takes photographs of the deceased gray wolf and of the area where lethal means were used to destroy the gray wolf. Copies of the photographs taken by the person may be requested by the department 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.

(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 a department official is notified under subsection (2).

(6) The owner of the livestock 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.

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Rendered Monday, February 10, 2014

Page 1

Michigan Compiled Laws Complete Through PA 3 of 2014

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324.95155 Operation and enforcement of sections 1 and 3; conditions; notice.

Sec. 5. (1) Sections 1 and 3 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 and 3 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 and 3 are operational and enforceable pursuant to subsection (1).

(b) A summary of the provisions of sections 1 and 3.

History: Add. 2008, Act 317, Imd. Eff. Dec. 18, 2008.

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