

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 427
BREEDERS AND DEALERS

324.42701 Definitions.

Sec. 42701. As used in this part:

- (a) "Game" has the same meaning ascribed to that term in part 401.
- (b) "License" means a game breeder's license issued pursuant to this part.
- (c) "Stock" means game.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42702 Possession of game for propagation and dealing and selling of game; license; denial; zoning requirements; license nontransferable; validity.

Sec. 42702. (1) The department may, pursuant to part 13, issue licenses to authorize the possession of game for propagation and the dealing in and selling of game.

(2) The department shall deny an application for a new license under subsection (1) if the applicant is not the owner or lessee of the premises to be used for the purposes designated in the license application.

(3) Beginning on the effective date of the amendatory act that added this subsection, unless the premises to be used for the purposes designated in the license application are zoned agricultural, the department shall notify in writing the city or the township and, if applicable, village where the premises are located that an application has been filed under this section. The notice shall include a copy of the application. If, within 30 days after the notice is sent, the local unit of government notifies the department that the use designated in the license application would violate a local ordinance that prohibits the captivity of game animals and that does not violate the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474, the department shall deny the license application.

(4) A license issued under subsection (1) is nontransferable and is valid from July 1 to June 30 of the third license year.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 191, Eff. June 1, 2001;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004;—Am. 2004, Act 537, Imd. Eff. Jan. 3, 2005;—Am. 2008, Act 569, Imd. Eff. Jan. 16, 2009.

Popular name: Act 451

Popular name: NREPA

324.42703 License to be valid and current; exemptions.

Sec. 42703. A person shall not maintain in captivity or propagate or sell game, except as otherwise provided by law, unless that person holds a valid and current license issued pursuant to this part. Public zoological parks are not required to secure a license. A license is not required of a person who purchases any carcass, product, or part of game sold from a person licensed pursuant to this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42704 License fees.

Sec. 42704. The fee for a license shall be established by the department as follows:

(a) If it is practicable to count the applicant's game, the fee shall be \$45.00 for the total number of game not exceeding 500, and an additional fee of \$15.00 shall be assessed for each additional number of game of 500 or less.

(b) If it is impracticable to count the game, the fee shall be \$45.00 for 40 acres or less that is to be used by the applicant for game propagation purposes, and \$15.00 for each additional 40 acres or less.

(c) If the fee for an applicant is determined by utilizing a combination of the methods provided in subdivisions (a) and (b), the fee shall be the larger one that can be charged under either subdivision (a) or (b).

(d) The maximum fee for a single license shall not exceed \$150.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42705 Rights of licensee.

Sec. 42705. A person who has secured a license may possess, propagate, use, buy, sell, trap, kill, consume, ship, or transport any or all of the stock designated in that license, and offspring, products, carcasses, pelts, or other parts of the stock as provided in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42706 Islands, enclosures, and pens used for propagation purposes; character and location; construction; conditions to issuance of license or approval of enclosure; purchase of deer from state; applicability of subsections (2) and (3); “flush” or “flushed” defined.

Sec. 42706. (1) All islands, enclosures, and pens used for propagation purposes shall be of a character and in a location that the department approves as satisfactory to keep in complete and continuous captivity the stock covered by the license, and shall be constructed in a manner to prevent the entrance of wild stock of the same species. However, pinioned or wing-clipped birds may be kept in unroofed enclosures.

(2) After July 1, 1986, the department shall not issue a license to a person, or approve an enclosure or pen capable of enclosing deer, unless the following conditions are met:

(a) The township or city in which the enclosure or pen is to be located has granted authorization for the enclosure or pen to be located within the township or city.

(b) If there are deer within the area to be enclosed, the applicant or license holder flushes that area to eliminate those deer. The applicant or license holder shall submit the proposed method to be used to flush deer from the area to the department for approval.

(3) Any deer that cannot be flushed from the land that is to be enclosed and is covered by a license issued under this part shall be purchased from the state as provided in section 42707.

(4) Subsections (2) and (3) do not apply to a person who has a valid license on July 1, 1986, unless the license holder expands the lands covered by the license.

(5) As used in this section, “flush” or “flushed” means to move or chase from the area that is to be enclosed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42707 Purchase of and title to state-owned game; price.

Sec. 42707. If wild, state owned game animals are present on land that is covered by a license, the applicant may purchase the state owned game from the state and secure title to the game. Except as otherwise provided in this section, the price to be paid for the game shall be fixed by the department, but the price shall not exceed the market value that the game have for breeding purposes. However, the price of deer purchased from the state shall be \$250.00 per deer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42708 Game covered by license; manner of taking or killing; requirement for wild turkey or wild turkey hybrids.

Sec. 42708. (1) Game covered by a license may be taken or killed in any manner and at any time, except that game birds covered by a license may not be shot, except by the holder of a license in special situations when the department promulgates rules or the department issues orders permitting the shooting of game birds.

(2) Wild turkey or wild turkey hybrids covered by a license shall have 1 wing pinioned within 14 days of hatching.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42709 Removal of game from premises; identification; seals, bands, and tags; removal of certain fertile eggs prohibited.

Sec. 42709. (1) Game, including the parts or products of game, may be removed from licensed premises

only when identified as required by the department. This identification may be by bill of sale, invoice, or seals, tags, bands, or appropriate stamp mark affixed to carcasses and their parts or to wrappers, crates, or other containers. Required tags and seals shall be provided to the license holder by the department at reasonable cost. The use of seals, bands, and tags shall not be required on consignments of game sent to the department or to other state institutions to be used for scientific purposes.

(2) Live game may be removed from licensed premises only by licensed game breeders, shooting preserve operators, or persons holding permits authorizing the possession of the game. Wild turkeys or wild turkey hybrids shall not be removed from licensed premises unless they are pinioned.

(3) Fertile eggs from wild turkeys or wild turkey hybrids shall not be removed from licensed premises.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42710 Orders; rules.

Sec. 42710. (1) The department may issue orders considered necessary by the department to protect the public interest and to provide for the proper administration of this part. Orders under this part shall be issued according to the procedure for the issuance of orders provided for in part 401.

(2) The department may promulgate rules designating certain game that do not require protection under this part and that may be possessed, propagated, purchased, or sold without a license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42711 Released or escaped game as property of state; permission to release game birds required.

Sec. 42711. (1) Game that are released or that escape from the premises of a person licensed under this part become the property of the state.

(2) Game birds shall not be released without the written permission of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42712 Disposition of money.

Sec. 42712. All money received from the sale of licenses under this part shall be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Popular name: Act 451

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: NREPA

324.42713 Suspension or revocation of license.

Sec. 42713. (1) After providing an opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the department may suspend or revoke a license under this part if any of the following apply:

(a) The licensee violates this part.

(b) The licensee fails to provide accurate reports and records within reasonable time limits as designated by the department.

(c) The premises used for the purposes identified in the license are located in a city or village and are zoned residential, the licensed use is a nonconforming use in that zone, and the licensee has been convicted of a crime or held responsible for a civil infraction directly related to the captivity of pheasants on the premises.

(2) If a licensee under this part is convicted of a violation of the game laws of this state, his or her license may be revoked or its renewal denied. In that case, the game held under the license may be disposed of only in a manner approved by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2008, Act 569, Imd. Eff. Jan. 16, 2009.

Popular name: Act 451

Popular name: NREPA

324.42714 Violation as misdemeanor; penalties.

Sec. 42714. A person who violates this part or an order issued under this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both. A person who is convicted of a second violation of this part or an order issued under this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA