NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994
Subchapter 1
WILDLIFE
WILDLIFE CONSERVATION
Part 401
WILDLIFE CONSERVATION

324.40101 Meanings of words and phrases.

Sec. 40101.

For purposes of this part, the words and phrases defined in sections 40102 to 40104 have the meanings ascribed to them in those sections.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40102 Definitions; A to F.

Sec. 40102.

(1) "Animals" means wild birds and wild mammals.
(2) "Bag limit" means the number of animals that may be taken and possessed as determined by the department.
(3) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.
(4) "Buy" or "sell" means an exchange or attempt or offer to exchange for money, barter, or anything of value.
(5) "Chase" means to follow animals with dogs or other wild or domestic animals trained for that purpose.
(6) "Cormorant damage" means adverse impacts of double-crested cormorants on fish, fish hatchery stock, wildlife, plants, and their habitats and on man-made structures.
(7) "Cormorant depredation order" means the depredation order for double-crested cormorants to protect public resources, 50 CFR 21.48, issued by the United States Department of the Interior, Fish and Wildlife Service.
(8) "Crossbow" means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety and a draw weight of 100 pounds or greater.
(9) "Deer or elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk. Deer or elk feeding does not include any of the following:
(a) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.
(b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.
(c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:
(i) The area is occupied by livestock actively consuming the feed on a daily basis.
(ii) The feed is covered to deter wild, free-ranging white-tailed deer or elk from gaining access to the feed.
(iii) The feed is in a storage facility that is consistent with normal agricultural practices.
(d) Baiting to take game as provided by an order of the commission under section 40113a.
(10) "Disability" means a determinable physical characteristic of an individual that may result from disease, injury, congenital condition of birth, or functional disorder.
(11) "Feed" means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract white-tailed deer or elk. Feed does not include any of the following:
(a) Plantings for wildlife.
(b) Standing farm crops under normal agricultural practices.
(c) Agricultural commodities scattered solely as the result of normal agricultural practices.
(12) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. A pneumatic gun, as defined in section 1 of 1990 PA 319, MCL 123.1101, other than a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of

impact, is also considered a firearm for the purpose of this act.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 1998, Act 86, Imd. Eff. May 13, 1998 ;-- Am. 1999, Act 66, Imd. Eff. June 25, 1999 ;-- Am. 2000, Act 347, Imd. Eff. Dec. 28, 2000 ;-- Am. 2007, Act 48, Imd. Eff. Aug. 3, 2007 ;-- Am. 2015, Act 24, Eff. July 1, 2015
Popular Name: Act 451
Popular Name: NREPA

324.40103 Definitions; G to R; "conservation" defined.

Sec. 40103.

(1) "Game" means any species of wildlife designated by the legislature or the commission as game under section 40110 and any of the following animals but does not include privately owned cervidae species located on a cervidae livestock facility registered under the privately owned cervidae producers marketing act, 2000 PA 190, MCL 287.951 to 287.969:

(a) Badger.
(b) Bear.
(c) Beaver.
(d) Bobcat.
(e) Brant.
(f) Coot.
(g) Coyote.
(h) Crow.
(i) Deer.
(j) Duck.
(k) Elk.
(l) Fisher.
(m) Florida gallinule.
(n) Fox.
(o) Geese.
(p) Hare.
(q) Hungarian partridge.
(r) Marten.
(s) Mink.
(t) Moose.
(u) Muskrat.
(v) Opossum.
(w) Otter.
(x) Pheasant.
(y) Quail.
(z) Rabbit.
(aa) Raccoon.
(bb) Ruffed grouse.
(cc) Sharptailed grouse.
(dd) Skunk.
(ee) Snipe.
(ff) Sora rail.
(gg) Squirrel.
(hh) Virginia rail.
(ii) Weasel.
(jj) Wild turkey.
(kk) Wolf.
(ll) Woodchuck.
(mm) Woodcock.

(2) "Interim order of the department" means an order of the department issued under section 40108.

(3) "Kind" means an animal's sex, age, or physical characteristics.

(4) "Normal agricultural practices" means generally accepted agricultural and management practices as defined by the commission of agriculture and rural development.

(5) "Open season" means the dates during which game may be legally taken.

(6) "Parts" means any or all portions of an animal, including the skin, plumage, hide, fur, entire body, or egg of an animal.

(7) "Protected" or "protected animal" means an animal or kind of animal that is designated by the department as an animal that shall not be taken.

(8) "Residence" means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

(9) "Conservation" means the wise use of natural resources.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 1998, Act 86, Imd. Eff. May 13, 1998 ;-- Am. 1999, Act 66, Imd. Eff. June 25, 1999 ;-- Am. 2000, Act 191, Eff. June 1, 2001 ;-- Am. 2012, Act 520, Imd. Eff. Dec. 28, 2012 ;-- Am. 2013, Act 21, Imd. Eff. May 8, 2013 ;-- Am. 2014, Act 281, Eff. Mar. 31, 2015 ;-- Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016

Compiler's Notes: Act 160 of 2004, which was approved by the governor and filed with the secretary of state on June 18, 2004, provided for the amendment of Act 451 of 1994 by amending Sec. 40103 and adding Sec. 40110a. The amended and added sections were effective June 18, 2004. On March 28, 2005, a petition seeking a referendum on Act 160 of 2004 was filed with the Secretary of State. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 160 of 2004 was presented to the electors at the November 2006 general election as Proposal 06-3, which read as follows:"PROPOSAL 06-3"A REFERENDUM ON PUBLIC ACT 160 OF 2004 â€" AN ACT TO ALLOW THE ESTABLISHMENT OF A HUNTING SEASON FOR MOURNING DOVES"Public Act 160 of 2004 would:"Authorize the Natural Resources Commission to establish a hunting season for mourning doves."Require a mourning dove hunter to have a small game license and a $2.00 mourning dove stamp."Stipulate that revenue from the stamp must be split evenly between the Game and Fish Protection Fund and the Fish and Wildlife Trust Fund."Require the Department of Natural Resources to address responsible mourning dove hunting; management practices for the propagation of mourning doves; and participation in mourning dove hunting by youth, the elderly and the disabled in the Departmentâ€™s annual hunting guide."Should this law be approved?"Yes [ ]"No [ ]"Act 160 of 2004 was rejected by a majority of the electors voting thereon at the November 2006 general election.Enacting section 1 of Act 281 of 2014 provides:"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."Enacting section 2 of Act 281 of 2014 provides:"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, Â§ 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.In Keep Michigan Wolves Protected v State of Michigan, an unpublished opinion issued November 22, 2016, (Docket No. 328604), the Michigan Court of Appeals held that 2014 PA 281, which amended sections of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, is unconstitutional as it violates the title-object clause of section 24 of article IV of the state constitution of 1963.

Popular Name: Act 451

Popular Name: NREPA

324.40104 Definitions; T, V.

Sec. 40104.

(1) "Take" means to hunt with any weapon, dog, raptor, or other wild or domestic animal trained for that purpose; kill; chase; follow; harass; harm; pursue; shoot; rob; trap; capture; or collect animals, or to attempt to engage in such an activity.

(2) "Transport" means to carry or ship animals within this state or to points outside this state.

(3) "Trap" means taking or attempting to take animals by means of a trap or other device designed to kill or capture animals.

(4) "Vehicle" means every device in, upon, or by which any person or property is or may be transported, except devices exclusively moved by human power.

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

Popular Name: Act 451

Popular Name: NREPA

324.40105 Animals as property of state; taking of animals to be regulated.

Sec. 40105.

All animals found in this state, whether resident or migratory and whether native or introduced, are the property of the people of the state, and the taking of all animals shall be regulated by the department as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40106 Game or protected animal; taking, releasing, transporting, selling, buying, or possessing; construction of section.

Sec. 40106.

A person shall not take, release, transport, sell, buy, or have in his or her possession game or any protected animal, whether living or dead, or parts of any game or protected animal, from this state or from outside of this state, except as provided for in this part or by an order of the department or an interim order of the department. This section does not enhance the department's powers to establish an open season for an animal that is not game or give the department the power to designate a species as game.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40107 Management of animals; orders of department; procedures for exercising power; revision of order; filing orders to take place of former 1929 PA 286; filing and effective date of orders.

Sec. 40107.

(1) The department shall manage animals in this state. In managing animals, the department may issue orders to do all of the following:

(a) Make recommendations to the legislature regarding animals that should be added or deleted from the category of game.

(b) Determine the kinds of animals that may be taken.

(c) Determine the animals or kinds of animals that are protected.

(d) Except as otherwise provided in section 40110, establish open seasons for taking or possessing game.

(e) Establish lawful methods of taking game.

(f) Establish lawful methods of taking game for persons who have certain disabilities.

(g) Establish bag limits.

(h) Establish geographic areas within the state where certain regulations may apply to the taking of animals.

(i) Determine conditions under which permits may be issued by the department.

(j) Establish fees for the issuing of permits by the department.

(k) Regulate the hours during which animals may be taken.

(l) Require that a person involved in a chase of an animal have in his or her possession a valid license that would authorize the taking of the animal being chased.

(m) Establish conditions under which animals taken or possessed outside of this state may be imported into this state.

(n) Regulate the buying and selling of animals and parts of animals.

(o) Establish methods of taking animals that are primarily taken because of the value of their pelts, which methods supplement the lawful methods of taking such animals that exist on October 1, 1988.

(2) In exercising a power under this section, the department shall comply with the following procedures in a manner that assures adequate public notice, opportunity for public comment, and due regard for traditional methods and practices that were lawful prior to October 1, 1988:

(a) An order shall be prepared by the department after comments from department field personnel and interested persons have been solicited and considered.

(b) The order shall be on the department agenda for at least 1 month prior to its consideration.

(c) The department shall provide an opportunity for public comment on the order.

(d) Except as otherwise provided in this subdivision, the department prior to issuance of an order shall provide a copy of each order to each member of the senate and the house of representatives standing committees that consider legislation pertaining to conservation, environment, recreation, tourism, and natural resources. The members of the standing committees have 30 days to review and submit comments to the department regarding an order. This subdivision shall not apply to an order that does not alter the substance of a lawful provision that exists in the form of a statute, rule, regulation, or order at the time the order is prepared.

(e) The department shall approve, reject, or modify the order.

(3) The department may revise an order issued pursuant to this section, and any revision of such an order shall comply with the procedure set forth in subsection (2).

(4) Not later than January 1, 1990, the commission shall issue orders pursuant to subsection (1) and file orders with the secretary of state that the commission considers sufficient to take the place of former 1929 PA 286. The orders filed with the secretary of state pursuant to this subsection shall indicate that the orders become effective upon filing with the secretary of state. Following the effective date of this part, the department shall undertake all of the powers given to the commission in former 1988 PA 256.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 1998, Act 86, Imd. Eff. May 13, 1998
Popular Name: Act 451
Popular Name: NREPA

324.40107a Repealed. 2003, Act 242, Eff. Jan. 4, 2009.

Compiler's Notes: The repealed section pertained to raptors.
Popular Name: Act 451
Popular Name: NREPA

324.40107b Taking of live raptors for use in falconry; order; establishment of season; scope of section.

Sec. 40107b.

(1) The department shall issue an order in the manner provided in section 40107(2) establishing a season or seasons for falconers to take live raptors for use in falconry. 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) 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.

History: Add. 2009, Act 36, Imd. Eff. June 4, 2009
Popular Name: Act 451
Popular Name: NREPA

324.40107c Control and management of double-crested cormorants; administration of program; organization of states; funds.

Sec. 40107c.

(1) To reduce cormorant damage, the department shall administer a program to control and manage double-crested cormorants. The department shall administer the program in cooperation with federal agencies and in a manner that complies with the cormorant depredation order.

(2) In consultation with the department of environmental quality, the department shall participate in a federally recognized organization of states, such as the Mississippi flyway council, to coordinate a regional effort to reduce cormorant damage that includes urging the federal government to do both of the following:

(a) Expand state options for double-crested cormorant control by revising the cormorant depredation order.

(b) Seek to amend the migratory bird convention with Mexico to designate the double-crested cormorant as a game species.

(3) The department shall seek funding from the Great Lakes protection fund authorized under part 331 for deposit in the cormorant control fund created in section 40107d.

History: Add. 2007, Act 47, Imd. Eff. Aug. 3, 2007
Popular Name: Act 451
Popular Name: NREPA

324.40107d Control and management of double-crested cormorants; administration of program; organization of states; funds.

Sec. 40107d.

(1) The cormorant control fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only to implement section 40107c.

History: Add. 2007, Act 49, Imd. Eff. Aug. 3, 2007
Popular Name: Act 451
Popular Name: NREPA

324.40108 Interim orders.

Sec. 40108.

The department may modify an order issued under section 40107 by issuing an interim order consistent with federal regulations or when the department determines that animals are at risk of being depleted or extirpated, or the animal is threatening public safety or inflicting damage to horticulture, agriculture, or other property. The department shall publicize an interim order in a manner that ensures that interested persons are provided notice of the proposed interim order, the reasons for the requested modifications, and the proposed effective date of the order. In addition, the department shall provide a copy of an interim order to each member of the senate and the house of representatives standing committees that consider legislation pertaining to conservation, environment, recreation, tourism, and natural resources. An interim order under this section shall be in effect for not longer than 6 months.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40109 Transportation of game; identification of sex and species; tagging; section inapplicable to skins, pelts, and hides.

Sec. 40109.

If game is transported, the sex and species of the game shall be readily identifiable unless the game is game that has been cleaned at a hunting preserve and tagged as required by law. If game is transported, it shall be tagged as required by law or a department order authorized under section 40107. This section does not apply to skins, pelts, or hides of game that is lawfully taken and legally possessed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40109a Conduct in another state; prosecution, punishment, or penalty prohibited.

Sec. 40109a.

An individual shall not be prosecuted, punished, or penalized by this state for any of the following:
(a) Lawfully taking game in another state.
(b) Lawfully engaging in a hunt in another state.
(c) Possessing game that was lawfully taken in another state or this state if that game is possessed in compliance with this act and with orders issued under this act.

History: Add. 2013, Act 111, Imd. Eff. Sept. 24, 2013
Popular Name: Act 451
Popular Name: NREPA

324.40110 Designation of species as game; establishment of first open season; removal from list; orders; definitions.

Sec. 40110.

(1) Only the legislature or the commission may designate a wildlife species as game. Only the legislature or commission may establish the first open season for a game species designated under this section. The legislature retains the sole authority to remove a wildlife species from the list of game species. The commission shall exercise its authority under this subsection by issuing orders consistent with its duty to use principles of sound scientific wildlife management, as expressed in section 40113a. The commission may decline to issue orders authorizing an open season for a game species if doing so would conflict with principles of sound scientific wildlife management. The commission shall not designate any of the following as game under this subsection:
(a) A domestic animal.
(b) Livestock.
(c) Any species added to the game list by a public act that is rejected by a referendum before May 14, 2013.
(2) After the legislature or commission authorizes the establishment of the first open season for game under this section, the department may issue orders pertaining to that animal for each of the purposes listed in section 40107.
(3) As used in this section:
(a) "Domestic animal" means those species of animals that live under the husbandry of humans.
(b) "Livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. Livestock does not include dogs and cats.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2013, Act 21, Imd. Eff. May 8, 2013 ;-- Am. 2014, Act 281, Eff. Mar. 31, 2015 ;-- Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016

Compiler's Notes: Enacting section 1 of Act 281 of 2014 provides:"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."Enacting section 2 of Act 281 of 2014 provides:"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, Â§ 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.In Keep Michigan Wolves Protected v State of Michigan, an unpublished opinion issued November 22, 2016, (Docket No. 328604), the Michigan Court of Appeals held that 2014 PA 281, which amended sections of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, is unconstitutional as it violates the title-object clause of section 24 of article IV of the state constitution of 1963.
Popular Name: Act 451
Popular Name: NREPA

324.40110a Open season for moose.

Sec. 40110a.

The legislature hereby authorizes the establishment of the first open season for moose. The commission may issue orders pertaining to moose for each of the purposes listed in section 40113a, including, but not limited to, orders establishing the first open season for moose.

History: Add. 2010, Act 366, Imd. Eff. Dec. 22, 2010
Compiler's Notes: Act 160 of 2004, which was approved by the governor and filed with the secretary of state on June 18, 2004, provided for the amendment of Act 451 of 1994 by amending Sec. 40103 and adding Sec. 40110a. The amended and added sections were effective June 18, 2004. On March 28, 2005, a petition seeking a referendum on Act 160 of 2004 was filed with the Secretary of State. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 160 of 2004 was presented to the electors at the November 2006 general election as Proposal 06-3, which read as follows:"PROPOSAL 06-3"A REFERENDUM ON PUBLIC ACT 160 OF 2004 â€" AN ACT TO ALLOW THE ESTABLISHMENT OF A HUNTING SEASON FOR MOURNING DOVES"Public Act 160 of 2004 would:"Authorize the Natural Resources Commission to establish a hunting season for mourning doves."Require a mourning dove hunter to have a small game license and a $2.00 mourning dove stamp."Stipulate that revenue from the stamp must be split evenly between the Game and Fish Protection Fund and the Fish and Wildlife Trust Fund."Require the Department of Natural Resources to address responsible mourning dove hunting; management practices for the propagation of mourning doves; and participation in mourning dove hunting by youth, the elderly and the disabled in the Departmentâ€™s annual hunting guide."Should this law be approved?"Yes [ ]"No [ ]"Act 160 of 2004 was rejected by a majority of the electors voting thereon at the November 2006 general election.
Popular Name: Act 451
Popular Name: NREPA

324.40110b Legislative findings and declaration; establishment of first open season for wolf.

Sec. 40110b.

(1) The legislature finds and declares that:

(a) The wildlife populations of the state and their habitat are of paramount importance to the citizens of this state.

(b) The sound management of wolf populations in this state is necessary, including the use of hunting as a management tool, to minimize negative human and wolf encounters and to prevent wolves from threatening or harming humans, livestock, and pets.

(2) The legislature hereby authorizes the establishment of the first open season for wolf. The commission may issue orders under section 40113a establishing annual wolf hunting seasons throughout the state.

History: Add. 2012, Act 520, Imd. Eff. Dec. 28, 2012
Popular Name: Act 451
Popular Name: NREPA

324.40111 Taking animal from in or upon vehicle; transporting or possessing firearm in or upon vehicle; person with disability; transporting or possessing unloaded firearm in or upon vehicle on sporting clays range; individual holding permit to hunt from standing vehicle; possessing and discharging firearm to take game from personal assistive mobility device; transporting or possessing bow or crossbow in or upon vehicle while on public land or highway, road, or street; written permission to hunt or discharge firearm within certain distance of property; definitions.

Sec. 40111.

(1) Except as otherwise provided in subsection (3) or (5), this part, or in a department order authorized under section 40107, an individual shall not take an animal from in or upon a vehicle.

(2) Except as otherwise provided in subsection (3), (4), or (5), this part, or in a department order authorized under section 40107, an individual shall not transport or possess a firearm in or upon a vehicle, unless the firearm is unloaded and enclosed in a case, unloaded and carried in the trunk of a vehicle, or unloaded in a motorized boat.

(3) A person with a disability may transport or possess a firearm in or upon a vehicle, except for a car or truck, on a state licensed game bird hunting preserve if the firearm is unloaded and the vehicle is operated at a speed of not greater than 10 miles per hour. A person with a disability may possess a loaded firearm and may discharge that firearm to take an animal from in or upon a vehicle, except for a car or truck, on a state licensed game bird hunting preserve if the vehicle is not moving. The department may demand proof of eligibility under this subsection. An individual shall possess proof of his or her eligibility under this subsection and furnish the proof upon the request of a peace officer.

(4) An individual may transport or possess an unloaded firearm in or upon a vehicle on a sporting clays range.

(5) An individual holding a valid permit to hunt from a standing vehicle under section 40114 may transport or possess an uncased firearm with a loaded magazine on a personal assistive mobility device if the action is open. An individual holding a valid permit to hunt from a standing vehicle under section 40114 may possess a loaded firearm and may discharge that firearm to take game from a personal assistive mobility device if each of the following applies:

(a) The personal assistive mobility device is not moving.

(b) The individual holds a valid base license under section 43523a, holds any other necessary license under part 435, and complies with all other laws and rules for the taking of game.

(6) An individual may transport or possess a bow or crossbow in or upon a vehicle while that vehicle is operated on public land or on a highway, road, or street in this state if the bow or crossbow is unloaded and uncocked, enclosed in a case, or carried in the trunk of a vehicle.

(7) An individual shall not hunt with a firearm within 150 yards of an occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property.

(8) As used in this section:

(a) "Person with a disability" means a disabled person as that term is defined in section 19a of the Michigan vehicle code, 1949 PA 300, MCL 257.19a, and who is in possession of 1 of the following:

(i) A certificate of identification or windshield placard issued to a disabled person under section 675 of the Michigan vehicle code, 1949 PA 300, MCL 257.675.

(ii) A special registration plate issued to a disabled person under section 803d of the Michigan vehicle code, 1949 PA 300, MCL 257.803d.

(b) "Personal assistive mobility device" means any device, including, but not limited to, one that is battery-powered, that is designed solely for use by an individual with mobility impairment for locomotion and is considered an extension of the individual.

(c) "Uncocked" means the following:

(i) For a bow, that the bow is not in the drawn position.

(ii) For a crossbow, that the crossbow is not in the cocked position.

(d) "Unloaded" means the following:

(i) For a firearm, that the firearm does not have ammunition in the barrel, chamber, cylinder, clip, or magazine when the barrel, chamber, cylinder, clip, or magazine is part of or attached to the firearm.

(ii) For a bow, that an arrow is not nocked.

(iii) For a crossbow, that a bolt is not in the flight groove.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2012, Act 246, Imd. Eff. July 2, 2012 ;-- Am. 2012, Act 340, Imd. Eff. Oct. 16, 2012 ;-- Am. 2015, Act 24, Eff. July 1, 2015 ;-- Am. 2015, Act 185, Eff. Jan. 1, 2016 ;-- Am. 2018, Act 272, Eff. Sept. 27, 2018
Popular Name: Act 451

Popular Name: NREPA

324.40111a Deer and elk feeding; order; definition.

Sec. 40111a.

(1) The commission, after consultation with the commission of agriculture and rural development, shall issue in the manner provided in section 40113a an order concerning deer and elk feeding in this state.

(2) As used in this section, "deer and elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer and elk to prevent them from starving or for recreational viewing. Deer and elk feeding does not include any of the following:

(a) Baiting to take game as provided by an order of the commission under section 40113a.

(b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.

(c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:

(i) The area is occupied by livestock actively consuming the feed on a daily basis.

(ii) The feed is covered to deter wild, free-ranging white-tailed deer and elk from gaining access to the feed or is being used on a daily basis.

(iii) The feed is in a storage facility or is stored in a manner that is consistent with normal agricultural practices.

(d) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.

History: Add. 1999, Act 66, Imd. Eff. June 25, 1999 ;-- Am. 2004, Act 537, Imd. Eff. Jan. 3, 2005 ;-- Am. 2009, Act 199, Imd. Eff. Dec. 29, 2009 ;-- Am. 2015, Act 265, Imd. Eff. Dec. 23, 2015
Popular Name: Act 451
Popular Name: NREPA

324.40111c Use of tranquilizer propelled from bow or firearm; use of unmanned vehicle or device; prohibitions.

Sec. 40111c.

(1) A person other than the department shall not take game using a tranquilizer propelled from a bow or firearm.

(2) An individual shall not take game or fish using an unmanned vehicle or unmanned device that uses aerodynamic forces to achieve flight or using an unmanned vehicle or unmanned device that operates on the surface of water or underwater.

History: Add. 2008, Act 301, Imd. Eff. Nov. 13, 2008 ;-- Am. 2015, Act 13, Eff. July 13, 2015
Popular Name: Act 451
Popular Name: NREPA

324.40112 Obstructing or interfering in lawful taking of animals or fish; prohibited conduct; petition; injunction; violation as misdemeanor; penalties; section inapplicable to peace officer.

Sec. 40112.

(1) An individual shall not obstruct or interfere in the lawful taking of animals or fish by another individual.

(2) An individual violates this section when the individual intentionally or knowingly does any of the following:

(a) Drives or disturbs animals or fish for the purpose of disrupting a lawful taking.

(b) Blocks, impedes, or harasses another individual who is engaged in the process of lawfully taking an animal or fish.

(c) Uses a natural or artificial visual, aural, olfactory, gustatory, or physical stimulus or an unmanned vehicle or

unmanned device that uses aerodynamic forces to achieve flight or that operates on the surface of the water or underwater, to affect animal or fish behavior in order to hinder or prevent the lawful taking of an animal or a fish.

(d) Erects barriers to deny ingress or egress to areas where the lawful taking of animals or fish may occur. This subdivision does not apply to an individual who erects barriers to prevent trespassing on his or her property.

(e) Interjects himself or herself into the line of fire of an individual lawfully taking wildlife.

(f) Affects the condition or placement of personal or public property intended for use in the lawful taking of an animal or a fish in order to impair the usefulness of the property or prevent the use of the property.

(g) Enters or remains upon private lands without the permission of the owner or the owner's agent, for the purpose of violating this section.

(h) Engages in any other act or behavior for the purpose of violating this section.

(3) Upon petition of an aggrieved person or an individual who reasonably may be aggrieved by a violation of this section, a court of competent jurisdiction, upon a showing that an individual was engaged in and threatens to continue to engage in illegal conduct under this section, may enjoin that conduct.

(4) An individual who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than $500.00 or more than $1,000.00, or both, and the costs of prosecution. An individual who violates this section a second or subsequent time is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not less than $1,000.00 or more than $2,500.00, or both, and the costs of prosecution. In addition to the penalties provided for in this subsection, any permit or license issued by the department authorizing the individual to take animals or fish shall be revoked. A prosecution under this section does not preclude prosecution or other action under any other criminal or civil statute.

(5) This section does not apply to a peace officer while the peace officer performs his or her lawful duties.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 1996, Act 316, Eff. July 1, 1996 ;-- Am. 2015, Act 12, Eff. July 13, 2015
Popular Name: Act 451
Popular Name: NREPA

324.40113 Artificial light.

Sec. 40113.

(1) Except as otherwise provided in a department order authorized under section 40107 for a specified animal, a person shall not use an artificial light in taking game or in an area frequented by animals; throw or cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest while having a bow or firearm or other weapon capable of shooting a projectile in the person's possession or under the person's control unless otherwise permitted by law. A licensed hunter may use an artificial light 1 hour before and 1 hour after shooting hours while in possession of any unloaded firearm or bow and traveling afoot to and from the licensed hunter's hunting location.

(2) Except as otherwise provided in a department order authorized under section 40107, a person shall not throw, cast, or cause to be thrown or cast, the rays of an artificial light from December 1 to October 31 between the hours of 11 p.m. and 6 a.m. for the purpose of locating animals. Except as otherwise permitted by law or an order of the department, from November 1 to November 30, a person shall not throw, cast, or cause to be thrown or cast, the rays of a spotlight, headlight, or other artificial light for the purpose of locating animals. This subsection does not apply to any of the following:

(a) A peace officer while in the performance of the officer's duties.

(b) A person operating an emergency vehicle in an emergency.

(c) An employee of a public or private utility while working in the scope of his or her employment.

(d) A person operating a vehicle with headlights in a lawful manner upon a street, highway, or roadway.

(e) A person using an artificial light to identify a house or mailbox number.

(f) The use of artificial lights used to conduct a census by the department.

(g) A person using an artificial light from November 1 to November 30 on property that is owned by that person or by a member of that person's immediate family.

(3) The operator of a vehicle from which the rays of an artificial light have been cast in a clear attempt to locate game shall immediately stop the vehicle upon the request of a uniformed peace officer or when signaled by a peace officer with a flashing signal light or siren from a marked patrol vehicle.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40113a Legislative findings and declarations; taking of game; issuance of orders; right to hunt, fish, and take game.

Sec. 40113a.

(1) The legislature finds and declares that:

(a) The fish and wildlife populations of the state and their habitat are of paramount importance to the citizens of this state.

(b) The conservation of fish and wildlife populations of the state depend upon the wise use and sound scientific management of the state's natural resources.

(c) The sound scientific management of the fish and wildlife populations of the state, including hunting of bear, is declared to be in the public interest.

(d) The sound scientific management of bear populations in this state is necessary to minimize human and bear encounters and to prevent bears from threatening or harming humans, livestock, and pets.

(2) The commission has the exclusive authority to regulate the taking of game as that term is defined in section 40103 and to regulate sport fishing under part 487 in this state, including, but not limited to, regulating the use of commercial hunting guides or sport fishing guides in taking game and fish. The commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. The commission may take testimony from department personnel, independent experts, and others, and review scientific literature and data, among other sources, in support of its duty to use principles of sound scientific management. The commission shall issue orders regarding the taking of game following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission shall provide a copy of the order to each of the following:

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

(3) The legislature declares that hunting, fishing, and the taking of game are a valued part of the cultural heritage of this state and should be forever preserved. The legislature further declares that these activities play an important part in the state's economy and in the conservation, preservation, and management of the state's natural resources. Therefore, the legislature declares that the citizens of this state have a right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by subsection (2) and law.

History: Add. 1996, Act 377, Eff. Dec. 5, 1996 ;-- Am. 1997, Act 19, Imd. Eff. June 12, 1997 ;-- Am. 2013, Act 21, Imd. Eff. May 8, 2013 ;-- Am. 2013, Act 22, Imd. Eff. May 8, 2013 ;-- Am. 2014, Act 281, Eff. Mar. 31, 2015 ;-- Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016 ;-- Am. 2023, Act 222, Eff. Feb. 20, 2024

Compiler's Notes: This section, as added by Act 377 of 1996, was submitted to, and approved by, the electors of the state at the general election held on November 5, 1996.Enacting section 1 of Act 281 of 2014 provides:"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."Enacting section 2 of Act 281 of 2014 provides:"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, Â§ 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.In Keep Michigan Wolves Protected v State of Michigan, an unpublished opinion issued November 22, 2016, (Docket No. 328604), the Michigan Court of Appeals held that 2014 PA 281, which amended sections of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, is unconstitutional as it violates the title-object clause of section 24 of article IV of the state constitution of 1963.

Popular Name: Act 451

Popular Name: NREPA

324.40114 Permits or licenses; issuance to individual who is paraplegic, amputee, or permanently disabled; taking of game with modified bow; permits for additional activities; activities not considered hunting; suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of permit; disposition of fees; report; sterilization of game; deer management zones; ordinance; "cub bear" defined.

Sec. 40114.

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

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

(3) The commission may issue an order under section 40113a regulating the taking of game with a modified bow that may be shot with 1 arm. Subsection (2) does not apply on or after the effective date of such an order.

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

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

(b) The taking of animals to prevent or control damage to crops or feed, disease, or nuisance caused by the animals. The taking of animals to prevent or control damage to crops or feed is subject to the following:

(i) Except during an open season for deer, deer may be taken under this subdivision if the department determines that deer have caused damage to emerging, standing, or harvested crops or to feed properly stored in accordance with normal agricultural practices. If the department receives a request for a permit to take deer under this subdivision, the department shall, within 5 business days after receiving the request, determine whether a permit should be issued. If the department determines that a permit should not be issued under this subdivision, the department shall deny the request in writing within 10 business days after receiving the request. In denying the request for a permit, the department shall advise the applicant on other techniques for controlling or preventing damage caused by deer.

(ii) A permittee under a deer damage shooting permit may designate not more than 15 authorized shooters to implement the provisions of the permit unless the department authorizes otherwise.

(iii) Except during an open season for bear, bear may be taken under this subdivision if the department determines that bear have caused damage to emerging, standing, or harvested crops or to feed properly stored in accordance with normal agricultural practices. If the department receives a request for a permit to take bear under this subdivision, the department shall, within 4 days after receiving the request, respond to the request and evaluate whether a permit should be issued. The department may, within 10 days after responding to the request for a permit, attempt or recommend that the applicant attempt other methods for controlling or preventing damage caused by bear, if the applicant is not required to pay for those methods. Within 10 days after responding to a request for a permit, the department shall grant or deny the request in writing. In denying the request for a permit, the department shall advise the applicant on other techniques for controlling or preventing damage caused by bear. A permittee under a bear damage shooting permit may allow only an individual with a bear hunting license issued under section 43528 for that bear management unit and calendar year to implement the provisions of this subdivision. If an individual takes a bear under this subdivision, that individual shall not take another bear under a bear hunting license issued under section 43528 during that calendar year. An individual implementing this section is subject to the rules and regulations for a bear hunting license issued under section 43528 except that individuals shall not use bait to take a bear under this subdivision. An individual shall not take a cub bear or a female bear accompanied by a cub bear under this subdivision. The department shall not allow more than 5% of the bear hunting licenses issued for a bear management unit to be used to implement the provisions of this subdivision. However, in a bear management unit that offers fewer than 20 licenses, the department may allow 1 of those bear hunting licenses to be used to implement this subdivision. If an individual takes a bear under this subdivision, that individual shall register that bear at a field office of the department within 72 hours after taking the bear.

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

(d) The public exhibition of animals.

(e) Taxidermy.

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

(g) The taking of game with a crossbow by an individual who is permanently or temporarily disabled.

(h) The taking or possession of raptors for the purposes of falconry.

(5) The taking of animals pursuant to a permit issued under subsection (4)(a), (b), (c), (d), (e), (f), or (h) is not considered hunting.

(6) A permit issued under this section may be suspended, revoked, annulled, withdrawn, recalled, canceled, or amended pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the holder of a permit is convicted of violating the permit or this section, his or her permit or license may be revoked and any animal and the parts of any animal in his or her possession shall be disposed of in a manner approved by the department.

(7) The department shall forward fees received for permits and licenses issued under this section to the state treasurer to be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(8) By March 30, 2018, the department shall issue a report in electronic form to each member of the legislature that includes all of the following:

(a) The number of bear damage shooting permits issued under subsection (4)(b)(iii).

(b) The number of bears taken under subsection (4)(b)(iii).

(c) Any recommendations for changes to the bear damage shooting permits under subsection (4)(b)(iii).

(9) Until April 1, 2022, the department shall not issue a permit authorizing the sterilization of game. The department shall submit, to the standing committees of the senate and house of representatives with primary responsibility for natural resources issues, 2 reports on the results of research under any permit authorizing the sterilization of game issued before the effective date of the amendatory act that added this subsection. A preliminary report shall be submitted by December 31, 2020 and a final report by March 31, 2022. The reports shall include any recommendations for legislation, including whether and how sterilization of deer should be authorized as a manner of taking game.

(10) The commission may establish, in or adjacent to urban areas with a high concentration of deer, special deer management zones for which a higher number of deer kill tags are issued.

(11) The legislative body of a municipality may by ordinance adopt a firearm hunting distance requirement shorter than the 150-yard requirement under section 40111 as part of a deer management plan. The 150-yard requirement under section 40111 does not apply in circumstances addressed by the ordinance.

(12) As used in this section, "cub bear" means a bear that is less than 1 year of age.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006 ;-- Am. 2008, Act 169, Imd. Eff. July 2, 2008 ;-- Am. 2009, Act 109, Imd. Eff. Oct. 1, 2009 ;-- Am. 2010, Act 87, Imd. Eff. May 27, 2010 ;-- Am. 2012, Act 65, Imd. Eff. Mar. 27, 2012 ;-- Am. 2014, Act 407, Eff. Mar. 30, 2015 ;-- Am. 2016, Act 356, Eff. Mar. 29, 2017 ;-- Am. 2018, Act 390, Eff. Mar. 19, 2019
Compiler's Notes: 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: Act 451
Popular Name: NREPA

324.40115 Possession of certain game killed in collision with motor vehicle.

Sec. 40115.

(1) Subject to subsections (9) and (10), an individual may possess game, other than badger, bobcat, brant, coot, crow, cub bear, duck, elk, fisher, Florida gallinule, geese, marten, moose, otter, snipe, sora rail, spotted fawn deer, Virginia rail, wild turkey, wolf, and woodcock, that is either killed by, or injured and euthanized as allowed under law following, a collision with a motor vehicle. The driver of the motor vehicle has first priority to take possession of the game.

(2) An individual in possession of deer under subsection (1) shall do 1 of the following:

(a) Obtain a salvage tag under subsection (8).

(b) Promptly notify the department or a local law enforcement agency of his or her intent to maintain possession of the game under subsection (1) by telephone or on the department's website.

(c) If the individual is the driver of the motor vehicle involved in the collision and as a result of that collision is calling 9-1-1 to report the collision, the individual must state his or her intent to maintain possession of the game under subsection (1).

(3) An individual in possession of beaver, coyote, fox, mink, muskrat, opossum, raccoon, skunk, weasel, or small game under subsection (1) shall prepare a written record with all of the following information:

(a) The date and time the individual took possession of the game.

(b) The location where the possession of the game occurred.

(c) The type of game the individual seeks to possess.

(d) Whether the individual has requested a salvage tag under subsection (8).

(e) The individual's full name, including middle initial, date of birth, mailing address, telephone number, and driver license number.

(f) The intended purpose for obtaining possession of the game, including, but not limited to, human consumption, bait, or other uses.

(4) An individual in possession of bear under subsection (1) shall obtain a salvage tag for that bear under subsection (8).

(5) If an individual notifies 9-1-1, the department, or a local law enforcement agency under subsection (2) of his or her intent to legally maintain possession of the game under subsection (1), that individual shall provide 9-1-1, the department, or the local law enforcement agency with the following information:

(a) The date and time the individual took possession of the game.

(b) The location where the possession of the game occurred.

(c) The type of game the individual seeks to possess. If the game is a deer, identify whether the deer is an antlered deer or antlerless deer. If it is an antlered deer, identify the number of antler points.

(d) Whether the individual has requested a salvage tag under subsection (8).

(e) The individual's full name, including middle initial, date of birth, mailing address, telephone number, and driver license number.

(f) The intended purpose for obtaining possession of the game, including, but not limited to, human consumption, bait, or other uses.

(6) For beaver, coyote, fox, mink, muskrat, opossum, raccoon, skunk, weasel, and small game, an individual shall maintain the written record prepared under subsection (3) until the individual obtains a salvage tag under subsection (8) or until the game and its parts are consumed, are composted, or are no longer possessed by any person. The record shall be kept at the location where the game or its parts are kept. The individual shall exhibit the record upon request of a law enforcement officer.

(7) An individual in possession of game under subsection (1) who has obtained a salvage tag under subsection (2), (4), or (8) shall upon the request of a conservation officer or peace officer produce the salvage tag. Immediately following the issuance of a salvage tag, an individual possessing game shall securely attach the salvage tag to the game. The salvage tag shall remain attached until the game is processed, butchered for consumption, or delivered to a business for the purpose of taxidermy or tanning. If the game is used for bait, the salvage tag may be removed, but the individual possessing that game shall produce the salvage tag if requested by a conservation officer or peace officer.

(8) The department shall promptly issue a salvage tag if requested by an individual in possession of game under subsection (1).

(9) The director may immediately suspend all salvage mechanisms for disease-affected areas by issuing an order based on sound science to address disease control. The department shall provide public notice of that order and notify the legislative committees with primary oversight of natural resources before issuing that order. The director shall revoke the suspension after the department verifies the absence of the identified disease in the affected area. The department shall provide public notice of the suspension and of the revocation of the suspension by posting notice on the department's website and at department offices throughout the disease-affected areas.

(10) This section does not apply to an individual who intentionally uses a motor vehicle to kill or injure game.

(11) The department shall annually issue a report in electronic form to each member of the legislature that includes all of the following:

(a) The number of salvage tags issued under subsection (8).

(b) The number of animals reported to the department under subsection (2)(b).

(c) If available, the number of animals reported to local law enforcement agencies or 9-1-1 under subsection (2)(b) and (c).

History: Add. 2014, Act 255, Eff. Sept. 28, 2014
Compiler's Notes: Former MCL 324.40115, which pertained to issuance of permit to person with a disability, was repealed by Act 347 of 2000, Eff. July 1, 2000.
Popular Name: Act 451
Popular Name: NREPA

324.40116 Hunter orange or other authorized color; exceptions; noncompliance not as evidence of contributory negligence; review and determination by commission; "hunter orange" and "hunter pink" defined.

Sec. 40116.

(1) An individual shall not take game during the established daylight shooting hours from August 15 through April 30 unless the individual wears a cap, hat, vest, jacket, or rain gear of hunter orange or a color authorized by the commission under subsection (4). Hunter orange or a color authorized by the commission under subsection (4) includes camouflage that is not less than 50% hunter orange or a color authorized by the commission under subsection (4). The garments that are hunter orange or a color authorized by the commission under subsection (4) must be the hunter's outermost garment and be visible from all sides of the hunter.

(2) Subsection (1) does not apply to an individual engaged in the taking of deer with a bow or crossbow during archery deer season, an individual taking bear with a bow or crossbow, an individual engaged in the taking of turkey or migratory birds other than woodcock, an individual engaged in the sport of falconry, or an individual who is stationary and in the act of hunting bobcat, coyote, or fox.

(3) The failure of an individual to comply with this section is not evidence of contributory negligence in a civil action for injury to the individual or for the individual's wrongful death.

(4) The commission shall review and determine whether hunter pink or any additional colors are effective and safe for individuals to wear while hunting. By October 1, 2017, the commission shall issue an order under section 40113a authorizing what additional garment colors may be worn under subsection (1) based on the determination made by the commission under this subsection.

(5) As used in this section:

(a) "Hunter orange" means the highly visible color commonly referred to as hunter orange and includes blaze orange, flame orange, and fluorescent blaze orange.

(b) "Hunter pink" means the highly visible color commonly referred to as hunter pink and includes blaze pink, flame pink, and fluorescent blaze pink.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 1996, Act 154, Imd. Eff. Apr. 3, 1996 ;-- Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004 ;-- Am. 2009, Act 65, Imd. Eff. July 2, 2009 ;-- Am. 2016, Act 377, Imd. Eff. Dec. 22, 2016
Popular Name: Act 451
Popular Name: NREPA

324.40117 Possession of parts of animal as prima facie evidence of violation.

Sec. 40117.

In a prosecution for a violation of this part or an order or interim order issued under this part, the possession of the parts of any game or protected animal, except when the taking is permitted by this part, is prima facie evidence that the animal was taken in violation of this part by the person possessing the animal.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2000, Act 347, Imd. Eff. Dec. 28, 2000
Popular Name: Act 451
Popular Name: NREPA

324.40118 Violation as misdemeanor; penalty; additional penalties.

Sec. 40118.

(1) An individual who violates this part, an order or interim order issued under this part, or a condition of a permit issued under this part, except for a violation specified in subsections (2) to (19), is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $50.00 or more than $500.00, or both, and the costs of prosecution. In addition, a permit issued by the department under this part must be revoked pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of any game, except deer, bear, wild turkey, wolf, waterfowl, moose, or elk, 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 this subsection or subsection (19), an individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of deer, bear, wild turkey, or wolf is guilty of a misdemeanor and may be imprisoned for not more than 90 days, shall be fined not less than $200.00 or more than $1,000.00, and shall be ordered to pay the costs of prosecution. An individual shall not be punished under this subsection for lawfully removing, capturing, or destroying a wolf under 2008 PA 290, MCL 324.95151 to 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

(4) An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of elk is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not less than $500.00 or more than $2,000.00, or both, and the costs of prosecution.

(5) An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of moose is guilty of a misdemeanor punishable by imprisonment for not more than 1 year and a fine of not less than $1,000.00 or more than $5,000.00, and the costs of prosecution.

(6) An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of waterfowl is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $250.00 or more than $500.00, or both, and the costs of prosecution. An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of waterfowl a second or subsequent time is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of $500.00, or both, and the costs of prosecution.

(7) An individual sentenced under subsection (3), (14), or (15) shall not secure or possess a license of any kind to hunt during the remainder of the year in which convicted and the next 3 succeeding calendar years. An individual sentenced under subsection (11) shall not secure or possess a license to hunt during the remainder of the year in which convicted and the next succeeding calendar year, or longer in the discretion of the court.

(8) In addition to the penalties provided for violating this part or an order issued under this part, an individual convicted of the illegal killing, possessing, purchasing, or selling of a bear or an antlered white-tailed deer is subject to the following penalties:

(a) For a first offense, the individual shall not secure or possess a license of any kind to hunt for an additional 2 calendar years after the penalties imposed under subsection (7).

(b) For a second or subsequent offense, the individual shall not secure or possess a license of any kind to hunt for an additional 7 calendar years after the penalties imposed under subsection (7).

(9) In addition to the penalties provided for violating this part or an order issued under this part, an individual convicted of the illegal killing, possessing, purchasing, or selling of a wild turkey shall not secure or possess a license of any kind to hunt for an additional 2 calendar years after the penalties imposed under subsection (7).

(10) An individual sentenced under subsection (4) or (5) is subject to the following penalties:

(a) For a first offense, the individual shall not secure or possess a license of any kind to hunt for the remainder of the year in which convicted and the next 15 succeeding calendar years.

(b) For a second offense, the individual shall not secure or possess a license of any kind to hunt for the remainder of that individual's life.

(11) An individual who violates section 40113(1) 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 $500.00, or both, and the costs of prosecution.

(12) An individual who violates section 40113(2) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $50.00 or more than $500.00, or both, and the costs of prosecution.

(13) An individual who violates section 40113(3) 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 $500.00, or both, and the costs of prosecution.

(14) An individual who violates a provision of this part or an order or interim order issued under this part regarding the taking or possession of an animal that has been designated by the department to be a protected animal, other than an animal that appears on a list prepared under section 36505, 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.

(15) An individual who buys or sells game or a protected animal in violation of this part or an order or interim 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 $1,000.00, or both, for the first offense, and is guilty of a felony for each subsequent offense.

(16) An individual who willfully violates a provision of this part or an order or interim order issued under this part by using an illegally constructed snare or cable restraint is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of $1,000.00 for the first illegally constructed snare or cable restraint and $250.00 for each subsequent illegally constructed snare or cable restraint, or both, and the costs of prosecution.

(17) An individual who violates a provision of this part or an order or interim order issued under this part regarding the importation of a cervid carcass or parts of a cervid carcass, other than hides, deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, finished taxidermy products, cleaned teeth, antlers, or antlers attached to a skullcap cleaned of brain and muscle tissue, from another state or province is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $500.00 or more than $2,000.00, or both, and the costs of prosecution.

(18) If an individual is convicted of a violation of this part or an order or interim order issued under this part and it is alleged in the complaint and proved or admitted at trial or ascertained by the court after conviction that the individual had been previously convicted 2 times within the preceding 5 years for a violation of this part or an order or interim order issued under this part, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not less than $500.00 or more than $2,000.00, or both, and the costs of prosecution.

(19) An individual who violates a provision of this part or an order or interim order issued under this part regarding any of the following is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $150.00:

(a) Attaching that individual's name, driver license number, or sportcard number to a ground blind.

(b) Attaching that individual's name, driver license number, or sportcard number to a tree stand, scaffold, or raised platform.

(c) Supplemental feeding of deer.

(d) Reporting of a deer harvest or retention of a deer harvest confirmation number.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2000, Act 347, Imd. Eff. Dec. 28, 2000 ;-- Am. 2012, Act 520, Imd. Eff. Dec. 28, 2012 ;-- Am. 2015, Act 188, Eff. Feb. 14, 2016 ;-- Am. 2017, Act 124, Eff. Jan. 10, 2018 ;-- Am. 2020, Act 385, Eff. Mar. 24, 2021 ;-- Am. 2022, Act 23, Eff. June 8, 2022 ;-- Am. 2023, Act 55, Imd. Eff. July 12, 2023

Compiler's Notes: Enacting section 2 of Act 124 of 2017 provides:"Enacting section 2. This amendatory act may be referred to as the "John Kivela amendatory act"."

Popular Name: Act 451

Popular Name: NREPA

324.40119 Reimbursement of state for value of game or protected animal; restitution for illegal killing, possessing, purchasing, or selling antlered white-tailed deer, antlered elk, antlered moose, and turkey with beard; forfeiture; default as civil contempt; additional time for payment; reduction of amount forfeited; revocation of forfeiture; collection of default in payment; disposition of forfeiture damages; "point" defined.

Sec. 40119.

(1) In addition to the penalties provided for violating this part or an order issued under this part, and the penalty provided in section 36507, an individual convicted of the illegal killing, possessing, purchasing, or selling of game or protected animals, in whole or in part, shall reimburse the state for the value of the game or protected animal as follows:

(a) Elk, $5,000.00 per animal.

(b) Moose, $5,000.00 per animal.

(c) Bear, $3,500.00 per animal.

(d) Eagle, $1,500.00 per animal.

(e) Hawk or any animal that appears on a list specified in section 36505, $1,500.00 per animal.

(f) Deer, owl, and wild turkey, $1,000.00 per animal.

(g) Waterfowl, $500.00 per animal.

(h) Other game not listed in subdivisions (a) to (g), not less than $100.00 or more than $500.00 per animal.

(i) Other protected animals, $100.00 per animal.

(2) In addition to the restitution value established in subsection (1), an individual convicted of the illegal killing, possessing, purchasing, or selling of an antlered white-tailed deer also shall pay an additional restitution value that is equal to $1,000.00 plus 1 of the following:

(a) For an antlered white-tailed deer with at least 8 but not more than 10 points, $500.00 for each point.

(b) For an antlered white-tailed deer with 11 or more points, $750.00 for each point.

(3) In addition to the restitution value established in subsection (1), an individual convicted of the illegal killing, possessing, purchasing, or selling of an antlered elk shall pay an additional restitution value that is equal to 1 of the following:

(a) For an antlered elk with at least 8 but not more than 10 points, $250.00 for each point.

(b) For an antlered elk with 11 or more points, $500.00 for each point.

(4) In addition to the restitution value established in subsection (1), an individual convicted of the illegal killing, possessing, purchasing, or selling of an antlered moose shall pay an additional restitution value that is equal to $5,000.00.

(5) In addition to the restitution value established in subsection (1), an individual convicted of the illegal killing, possessing, purchasing, or selling of a turkey with a beard shall pay an additional restitution value of $1,000.00.

(6) The court in which a conviction for a violation described in subsections (1) to (5) is obtained shall order the defendant to forfeit to the state a sum as set forth in subsections (1) to (5). If 2 or more defendants are convicted of the illegal killing, possessing, purchasing, or selling, in whole or in part, of game or protected animals listed in subsections (1) to (5), the forfeiture prescribed shall be declared against them jointly.

(7) If a defendant fails to pay upon conviction the sum ordered by the court to be forfeited, the court shall either impose a sentence and, as a condition of the sentence, require the defendant to satisfy the forfeiture in the amount prescribed and fix the manner and time of payment, or make a written order permitting the defendant to pay the sum to be forfeited in installments at those times and in those amounts that, in the opinion of the court, the defendant is able to pay.

(8) If a defendant defaults in payment of the sum forfeited or of an installment, the court on motion of the department or upon its own motion may require the defendant to show cause why the default should not be treated as a civil contempt, and the court may issue a summons or warrant of arrest for his or her appearance. Unless the defendant shows that the default was not due to an intentional refusal to obey the order of the court or to a failure to make a good-faith effort to obtain the funds required for the payment, the court shall find that the default constitutes a civil contempt.

(9) If it appears that the defendant's default in the payment of the forfeiture does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of the forfeiture or of each installment, or revoking the forfeiture or the unpaid portion of the forfeiture, in whole or in part.

(10) A default in the payment of the forfeiture or an installment payment may be collected by any means authorized for the enforcement of a judgment under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

(11) A court receiving forfeiture damages shall remit the damages to the county treasurer, who shall deposit the damages with the state treasurer, who shall deposit the damages in the game and fish protection account established in section 2010.

(12) As used in this section, "point" means a projection on the antler of a white-tailed deer or elk that is at least 1 inch long as measured from its tip to the nearest edge of the antler beam.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006 ;-- Am. 2013, Act 175, Eff. Feb. 25, 2014 ;-- Am. 2015, Act 187, Eff. Feb. 14, 2016
Compiler's Notes: 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: Act 451
Popular Name: NREPA

324.40120 Michigan big game trophy records; official keeper; recognition.

Sec. 40120.

The department shall recognize commemorative bucks of Michigan, inc., as the official keeper of Michigan big game trophy records for deer, bear, elk, and turkey.

History: Add. 2006, Act 145, Imd. Eff. May 22, 2006
Popular Name: Act 451
Popular Name: NREPA

Part 403
WILDLIFE PRESERVATION

324.40301 Sale of items signifying interest in wildlife preservation.

Sec. 40301.

The department may issue for sale to the public a stamp, decal, medallion, or other item of personal property intended to signify the interest of the purchaser in contributing to wildlife preservation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40302 Use of net proceeds.

Sec. 40302.

Net proceeds from the sale of an item authorized by this part shall be used by the department exclusively for wildlife research and habitat improvement for nongame wild animals or designated endangered species or designated plant species.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40303 Rights and privileges; marketing items.

Sec. 40303.

The department may attach such rights and privileges to the items sold as will best serve the interests of wildlife preservation and shall market the items without the use of general fund appropriation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

Part 405
WILDLIFE RESTORATION, MANAGEMENT, AND RESEARCH

324.40501 Wildlife restoration, management, and research projects; authority of department to cooperate with federal government; use of hunters' license fees; expenditures for game and fish habitat.

Sec. 40501.

The department shall perform such acts as may be necessary to conduct and establish wildlife restoration, management, and research projects and areas in cooperation with the federal government under the Pittman-Robertson wildlife restoration act, 16 USC 669 to 669i, and regulations promulgated by the United States secretary of the interior under that act. In compliance with that act, funds accruing to this state from license fees paid by hunters shall not be used for any purpose other than game and fish activities under the administration of the department. The department shall manage land acquired with money received under the Pittman-Robertson wildlife restoration act, 16 USC 669 to 669i, to manage game and fish habitat or to increase recreational hunting, fishing, and shooting opportunities. Expenditures to enhance game and fish habitat must be primarily for the management of game species, but may benefit nongame species.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2008, Act 416, Imd. Eff. Jan. 6, 2009 ;-- Am. 2018, Act 238, Eff. Sept. 25, 2018
Popular Name: Act 451
Popular Name: NREPA

Part 409
HOMING PIGEONS

324.40901 Homing pigeons; prohibited acts.

Sec. 40901.

A person shall not at any time of the year or in any manner, hunt, take, pursue, capture, wound, kill, maim, or disfigure the homing pigeons of another person.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40902 Homing pigeons; use of certain devices prohibited.

Sec. 40902.

A person shall not at any time make use of any pit, pitfalls, deadfall, scaffold, cage, snarl, trap, net, baited hook, or any similar device, or any drug poison, chemical, or explosive for the purpose of injuring, capturing, or killing a homing pigeon of another person.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.40903 Violation of part as misdemeanor; penalty.

Sec. 40903.

A person who violates this part, upon conviction of a first offense, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $25.00 or more than $100.00 and the cost of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

Part 411
PROTECTION AND PRESERVATION OF FISH, GAME, AND BIRDS

324.41101 Definitions.

Sec. 41101.

As used in this part:

(a) "Area" means the whole of the state and the whole or any designated portion of any township or townships or county or counties within the state.

(b) "Waters" means any inland lake, stream, river, pond, or other body of water including the Great Lakes and

connecting waters, any part or portion of such waters, and any and all chains, systems, or combinations of such waters, in any township or townships or county or counties, within this state, and in which any species of fish or waterfowl are protected by the laws of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41102 Regulatory powers of department; exception.

Sec. 41102.

(1) The department, in accordance with this part, may regulate the taking or killing of all fish, game and fur-bearing animals, and game birds protected by the laws of this state, and may suspend or abridge the open season provided by law for the taking or killing of such fish, animals, or game birds in any designated waters or area of this state, if in the opinion of the department it is necessary to assist in the increased or better protection of the fish, game or fur-bearing animals, or game birds, or any particular kinds or species of fish, game or fur-bearing animals, or game birds, which may in the opinion of the department be threatened from any cause or causes with depletion or extermination in the waters or area. The department may promulgate rules and orders necessary to implement this part after a thorough investigation has been made by the department.

(2) This section does not apply to privately owned cervidae species located on a registered cervidae livestock facility or involved in a registered cervidae livestock operation under the privately owned cervidae producers marketing act.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2000, Act 191, Eff. June 1, 2001
Popular Name: Act 451
Popular Name: NREPA

324.41103 Orders protecting fish, animals, or birds; provisions; duration; notice; newspaper publication; filing; printing order in Michigan fish and game laws; fisheries research; experimental game management areas; notice of availability of annual sports fishing handbook and amendments, corrections, or additions thereto.

Sec. 41103.

(1) If the department determines that any fish, game or fur-bearing animals, or game birds of any kind or species are in danger of depletion or extermination and require additional protection in any designated waters or area within the state, the department may issue an order suspending or abridging the open season on fish, game or fur-bearing animals, or game birds, or may regulate their taking or killing in the waters or area as the department considers necessary for the further protection of fish, game or fur-bearing animals, or game birds in those waters or areas. The orders shall clearly specify the manner and condition relative to the taking or killing. The orders shall clearly and distinctly describe and set forth the waters or area affected by each order, and whether the order is applicable to all fish, game or fur-bearing animals, or game birds, or only to certain kinds or species designated in the order, and shall also clearly specify and set forth the length of time during which the order shall remain in effect. However, an order shall not remain in effect for more than 5 years. The public shall be notified of orders changing the rules pertaining to hunting, fishing, or trapping in the annual hunting, fishing, and trapping guides available by licensed agents of the department and field offices of the department or the department may publish the orders at least 21 days but not more than 60 days prior to taking effect, and at least once annually while in force, in at least 1 newspaper in each county, if a newspaper is published in a county, the whole or any portion of which is affected by the order. The first newspaper publication shall appear at least once each week for 3 successive weeks. A copy of the order as printed in the newspaper shall be filed with the clerk of each county. Proof by affidavit of the newspaper publication or other form of publication allowed in this section shall be filed with the department, and a copy of the order, while it is in force and effect, shall be included and printed in the authorized biennial compilation of the Michigan fish and game laws. The original of all orders on file in the Lansing office of the department shall

be under the seal of the department and shall bear the signatures of the chairperson and secretary of the commission and shall be countersigned by the department. The department shall establish the seasons, size limits, creel limits, and methods of taking fish in certain designated inland lakes not to exceed 20 in number at any 1 time and in certain designated streams or portions of streams not to exceed 10 in number at any 1 time for the purpose of fisheries research. The department may establish not more than 1 experimental game management area that shall not exceed 40,000 acres in size, 4 experimental game management areas not to exceed 5,000 acres each in size, and 1 experimental game management area that shall include Beaver island in its entirety and the 4 islands that comprise the Little Beaver islands state game area. The department shall establish rules and orders governing the kind of game that may be taken in the areas designated in this subsection and the time, place, and manner or method of the taking.

(2) The department shall publish annually in 1 or more newspapers of general circulation in this state notice of the availability of the annual sports fishing handbook. The published notice shall inform the public of when, where, and how the annual sports fishing handbook may be obtained.

(3) The department shall notify the public of an amendment, correction, or addition to the annual sports fishing handbook in the same manner as provided for newspaper publication in subsection (1).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41104 Suspended open season; rescission or modification; exception.

Sec. 41104.

If the open season during which any species of fish, game or fur-bearing animals, or game birds may be taken or killed has been suspended or abridged in any waters or area by an order of the department as provided in this part, if that order is still in force, and if it appears to the department that the conditions existing in the waters or area affected by the order no longer require that additional protection for those species, then the department shall cause a thorough investigation to be made of the waters or area and the conditions prevailing in the waters or area. If after the investigation the department is satisfied that because of the increase of the fish, game or fur-bearing animals, or game birds protected by the order in the waters or area, or because of the removal of the cause threatening those species with depletion or extermination, the additional protection afforded by the order is no longer needed, the department may rescind or modify the original order. Notices of the rescinding or modifying of the order shall be published in the same manner as notice of the original order and filed in the same manner in the office of the clerk of each county. This part does not suspend, abridge, or regulate the open seasons established by law for the taking of fish for commercial purposes from the waters of Lakes Superior, Michigan, Huron, and Erie, and the bays of those waters.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41105 Violation as misdemeanor; penalty.

Sec. 41105.

A person who takes or kills any fish, game, fur-bearing animal, or game bird, contrary to an order issued or rule promulgated under this part, or who violates this part, is guilty of a misdemeanor, punishable for the first offense by imprisonment for not more than 60 days or a fine of not more than $100.00. For each offense that is charged as a second or subsequent offense, the person is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not less than $50.00 or more than $250.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2020, Act 385, Eff. Mar. 24, 2021
Popular Name: Act 451
Popular Name: NREPA

Part 413
TRANSGENIC AND NONNATIVE ORGANISMS

324.41301 Definitions; possession of live organism.

Sec. 41301.

(1) As used in this part:

(a) "Amphibian" means any frog, toad, or salamander of the class Amphibia.

(b) "Aquatic", except as used in subdivision (q), describes an amphibian, crustacean, fish, mollusk, reptile, wiggler, or aquatic plant.

(c) "Aquatic plant" means a submergent, emergent, obligate wetland, facultative wetland, or floating-leaf plant or a fragment thereof, including a seed or other propagule. Aquatic plant does not include wild rice (Zizania aquatica or Zizania palustris).

(d) "Crustacean" means freshwater crayfish, shrimp, or prawn of the order Decapoda.

(e) "Genetically engineered" refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques, or the progeny of such an organism.

(f) "Introduce", with reference to an organism, means to knowingly and willfully stock, place, plant, release, or allow the release of the organism in this state at any specific location where the organism is not already naturalized.

(g) "Mollusk" means any mollusk of the classes Bivalvia and Gastropoda.

(h) "Native" means indigenous to any location in this state.

(i) "Nonaquatic" describes a bird, insect other than a wiggler, or mammal.

(j) "Nonnative" means not native.

(k) "Prohibited species", subject to section 41302, means any of the following:

(i) Any of the following prohibited species of aquatic plant, including a hybrid or genetically engineered variant of the species:

(A) African oxygen weed (Lagarosiphon major).

(B) Brazilian elodea (Egeria densa).

(C) Cylindro (Cylindrospermopsis raciborskii).

(D) European frogbit (Hydrocharis morsus-ranae).

(E) Fanwort (Cabomba caroliniana).

(F) Giant salvinia (Salvinia molesta, auriculata, biloba, or herzogii).

(G) Hydrilla (Hydrilla verticillata).

(H) Parrot's feather (Myriophyllum aquaticum).

(I) Starry stonewort (Nitellopsis obtusa).

(J) Water chestnut (Trapa natans).

(K) Yellow floating heart (Nymphoides peltata).

(ii) Any of the following prohibited species of terrestrial plant, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:

(A) Giant hogweed (Heracleum mantegazzianum).

(B) Japanese knotweed (Fallopia japonica).

(iii) The following prohibited bird species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: Eurasian collared dove (Streptopelia decaocto).

(iv) The following prohibited crustacean species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: rusty crayfish (Faxonious resticus, formerly Orconectes rusticus).

(v) Any of the following prohibited fish species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Bighead carp (Hypophthalmichthys nobilis).

(B) Bitterling (Rhodeus sericeus).

(C) Black carp (Mylopharyngodon piceus).

(D) Eurasian ruffe (Gymnocephalus cernuus).

(E) Grass carp (Ctenopharyngodon idellus).

(F) Ide (Leuciscus idus).
(G) Japanese weatherfish (Misgurnus anguillicaudatus).
(H) Round goby (Neogobius melanostomus).
(I) Rudd (Scardinius erythrophthalmus).
(J) Silver carp (Hypophthalmichthys molitrix).
(K) A fish of the snakehead family (family Channidae).
(L) Tench (Tinca tinca).
(M) Tubenose goby (Proterorhinus marmoratus).
(vi) Any of the following prohibited insect species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:
(A) Asian longhorned beetle (Anoplophora glabripennis).
(B) Emerald ash borer (Agrilus planipennis).
(vii) The following prohibited mammal species, including a hybrid or genetically engineered variant: nutria (Myocastor coypus).
(viii) Any of the following prohibited mollusk species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:
(A) Brown garden snail (Helix aspersa).
(B) Carthusian snail (Monacha cartusiana).
(C) Giant African snail (Achatina fulica).
(D) Girdled snail (Hygromia cinctella).
(E) Heath snail (Xerolenta obvia).
(F) Wrinkled dune snail (Candidula intersecta).
(l) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.
(m) "Relevant commission", "relevant department", or "relevant director" means the following:
(i) With respect to a species other than a plant or insect, but including a wiggler, the natural resources commission, department of natural resources, or the director of the department of natural resources, respectively.
(ii) With respect to a plant species or insect species, other than a wiggler, the commission of agriculture and rural development, the department of agriculture and rural development, or the director of the department of agriculture and rural development, respectively.
(n) "Reptile" means any turtle, snake, or lizard of the class Reptilia.
(o) "Restricted species", subject to section 41302, means any of the following:
(i) Any of the following restricted species of aquatic plant, including a hybrid or genetically engineered variant of the species:
(A) Curly leaf pondweed (Potamogeton crispus).
(B) Eurasian watermilfoil (Myriophyllum spicatum).
(C) Flowering rush (Butomus umbellatus).
(D) Phragmites or common reed (Phragmites australis).
(E) Purple loosestrife (Lythrum salicaria), except that cultivars of purple loosestrife developed and recognized to be sterile and approved by the director of the department of agriculture and rural development under section 16a of the insect pest and plant disease act, 1931 PA 189, MCL 286.216a, are not a restricted species.
(ii) The following restricted species of terrestrial plant, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant: autumn olive (Elaeagnus umbellata).
(iii) Any of the following restricted mollusk species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:
(A) Quagga mussel (Dreissena bugensis).
(B) Zebra mussel (Dreissena polymorpha).
(p) "Watercraft" means any conveyance used or designed for navigation on water, including, but not limited to, any vessel, ship, boat, motor vessel, steam vessel, vessel operated by machinery, motorboat, sailboat, barge, scow, tugboat, and rowboat.
(q) "Wiggler" means an aquatic egg, nymph, or larva of an insect.
(2) For the purposes of this part:
(a) A person is not considered to possess a live organism simply because the organism is present on land or in waters owned by that person unless the person has knowingly introduced that live organism on that land or in those waters.
(b) A person is not considered to possess a live organism if the organism was obtained from the environment and the person only possesses the organism at the specific location at which it was obtained from the environment.
(c) A person is not considered to possess a live organism if the possession is for the purpose of promptly destroying the organism.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004 ;-- Am. 2005, Act 77, Imd. Eff. July 19, 2005 ;-- Am. 2009, Act 51, Eff. Sept. 21, 2009 ;-- Am. 2014, Act 358, Imd. Eff. Dec. 9, 2014 ;-- Am. 2014, Act 537, Eff. Apr. 15, 2015 ;-- Am. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

324.41302 Adding or deleting from list of prohibited species or restricted species; consultation; procedure; determination; review; emergency order; order setting conditions for harvesting, possessing, and transporting naturalized organism of aquatic restricted species.

Sec. 41302.

(1) The relevant commission may by order add to or delete a species from the list of prohibited species or restricted species under section 41301. Before the natural resources commission issues an order under this subsection, it shall consult with the department of agriculture and rural development. Before the commission of agriculture and rural development issues an order under this subsection, it shall consult with the department of natural resources. After the consultation, and at least 30 days before the relevant commission issues the order, the relevant department shall post a copy of the proposed order on the relevant department's website and shall submit a copy of the proposed order to all of the following:

(a) The legislature.

(b) The standing committees of the senate and house of representatives with primary responsibility for any of the following:

(i) Agricultural issues.

(ii) Environmental issues.

(iii) Natural resources issues.

(2) The relevant commission shall list a nonaquatic species as a prohibited species or restricted species if the relevant commission determines the following:

(a) For a nonaquatic prohibited species, all of the following requirements are met:

(i) The organism is not native.

(ii) The organism is not naturalized in this state or, if naturalized, is not widely distributed in this state.

(iii) Based on a risk assessment, any of the following apply:

(A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are not available.

(b) For a nonaquatic restricted species, all of the following requirements are met:

(i) The organism is not native.

(ii) The organism is naturalized and widely distributed in this state.

(iii) Based on a risk assessment, any of the following apply:

(A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are available.

(3) The relevant commission shall list an aquatic species as a prohibited species or restricted species if the relevant commission determines the following based on a review by the relevant department:

(a) For an aquatic prohibited species, all of the following requirements are met:

(i) The organism is not native or is genetically engineered.

(ii) The organism is not naturalized in this state or, if naturalized, is not widely distributed.

(iii) Based on a risk assessment, any of the following apply:

(A) The organism has the potential to harm human health or to severely harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are not available.

(b) For an aquatic restricted species, all of the following requirements are met:

(i) The organism is not native.

(ii) The organism is naturalized in this state.

(iii) Based on a risk assessment, any of the following apply:

(A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are available.

(4) The following apply to a review by the relevant department of an aquatic species for listing as a prohibited species or restricted species under subsection (3):

(a) The relevant department shall review each aquatic animal listed or delisted as injurious wildlife under the Lacey act, 16 USC 3371 to 3378, and each aquatic plant designated or removed from designation as a noxious weed under the plant protection act, title IV of Public Law 106-224, for listing or delisting as a prohibited species or restricted species within 180 days after the change in federal listing or designation.

(b) The relevant department shall review each aquatic species that has the potential to harm human health or natural, agricultural, or silvicultural resources for listing as a prohibited species or restricted species even if the species is not currently on either federal list described in subdivision (a).

(c) The relevant department may review other aquatic species for listing as prohibited or restricted species.

(5) The relevant director may issue an emergency order designating an organism as a prohibited species or restricted species if the organism has the potential to harm human health or to severely harm natural, agriculture, or silvicultural resources. An emergency order is effective for 90 days or a shorter period if specified in the order. The relevant department shall do all of the following:

(a) Post a proposed emergency order on its website and otherwise publicize the proposed emergency order in a manner that ensures that interested persons are provided notice of the proposed emergency order, the reasons for the emergency order, and the proposed effective date of the order.

(b) Provide a copy of the proposed emergency order to each member of the standing committees of the senate and the house of representatives that consider legislation pertaining to conservation, the environment, recreation, tourism, or natural resources.

(c) Post the final emergency order on its website.

(6) The relevant department may issue an order setting forth the conditions under which naturalized organisms of an aquatic restricted species may be harvested, possessed, and transported.

History: Add. 2009, Act 52, Eff. Sept. 21, 2009 ;-- Am. 2014, Act 537, Eff. Apr. 15, 2015 ;-- Am. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

324.41302a Repealed. 2018, Act 451, Eff. March 21, 2019.

Compiler's Notes: The repealed section pertained to a permitted aquatic species list.
Popular Name: Act 451
Popular Name: NREPA

324.41303 Possession of live prohibited or restricted organism; prohibition; exceptions; notification of location where found.

Sec. 41303.

(1) A person shall not knowingly possess a live organism if the organism is a prohibited species or restricted species, except under 1 or more of the following circumstances:

(a) The person intends to present a specimen of the prohibited species or restricted species, for identification or similar purposes, to a person who is a certified applicator or registered applicator under part 83, to a public or private institution of higher education, or to the department of natural resources, the department of agriculture and rural development, or any other state, local, or federal agency with responsibility for the environment, natural resources, or agriculture.

(b) The person has been presented with a specimen of a prohibited species or restricted species for identification or similar purposes under subdivision (a).

(c) The person possesses the prohibited species or restricted species in conjunction with otherwise lawful activity to eradicate or control the prohibited species or restricted species.

(d) The possession is pursuant to a permit issued for education or research purposes by the relevant department under section 41306 or, if the prohibited species or restricted species is a plant species or an insect other than a wiggler, by the United States Department of Agriculture.

(e) The species is an aquatic restricted species and the person possesses the species in compliance with an order under section 41302(6).

(2) A person described in subsection (1)(b) or (c) shall notify the department of natural resources, the

department of agriculture and rural development, or the department of environmental quality if the prohibited species or restricted species was found at a location where it was not previously known to be present.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004 ;-- Am. 2005, Act 78, Imd. Eff. July 19, 2005 ;-- Am. 2009, Act 52, Eff. Sept. 21, 2009 ;-- Am. 2014, Act 537, Eff. Apr. 15, 2015 ;-- Am. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

324.41305 Introduction of prohibited or restricted species, or genetically engineered or nonnative bird, crustacean, fish, insect, mammal, or mollusk, or aquatic plant; prohibition; exceptions.

Sec. 41305.

A person shall not introduce a prohibited species, a restricted species, a genetically engineered or nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant unless the introduction is authorized by 1 of the following, as applicable:

(a) For a fish, by a permit issued by the department of natural resources under section 48735.

(b) For a plant or an insect other than a wiggler, by a permit issued by the department of agriculture and rural development under section 41306.

(c) For any other species, by a permit issued by the department of natural resources under section 41306.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004 ;-- Am. 2005, Act 79, Imd. Eff. July 19, 2005 ;-- Am. 2009, Act 52, Eff. Sept. 21, 2009 ;-- Am. 2014, Act 537, Eff. Apr. 15, 2015
Popular Name: Act 451
Popular Name: NREPA

324.41306 Permit; application; fee; granting or denying; revocation; modification; hearing; administration; enforcement.

Sec. 41306.

(1) A person shall apply to the relevant department for a permit that section 41303 or 41305 describes as being issued under this section. The application shall be submitted on a form developed by the relevant department. The application shall be accompanied by a fee based on the cost of administering this part. The relevant department shall either grant an administratively complete application and issue a permit or deny the application.

(2) In determining whether to grant or deny an application for a permit for introduction of a genetically engineered organism required by section 41305, the relevant department shall consider whether any application for a federal permit or approval for the genetically engineered organism has been granted or denied.

(3) The relevant department may revoke or modify a permit it has issued under subsection (1) after providing an opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) The relevant department shall administer and enforce sections 41302 to 41310. In addition, any peace officer may enforce the criminal provisions of this part.

History: Add. 2005, Act 79, Imd. Eff. July 19, 2005 ;-- Am. 2009, Act 52, Eff. Sept. 21, 2009 ;-- Am. 2014, Act 537, Eff. Apr. 15, 2015 ;-- Am. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

324.41307 Rules.

Sec. 41307.

The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, necessary to implement this part.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004
Popular Name: Act 451
Popular Name: NREPA

324.41309 Violation; penalties; suspension or revocation of permit or license; order; liability for damages to natural resources; exceptions.

Sec. 41309.

(1) A person who violates section 41303(2) is subject to a civil fine of not more than $100.00.

(2) A person who violates section 41303(1), or a condition of a permit issued under this part, with respect to a restricted species is subject to a civil fine of not more than $5,000.00. A person who violates section 41303(1), or a condition of a permit issued under this part, with respect to a prohibited species is subject to a civil fine of not more than $10,000.00.

(3) A person who violates section 41303(1) knowing the possession is unlawful or who willfully or in a grossly negligent manner violates a condition of a permit issued under this part is guilty as follows:

(a) For a violation involving a restricted species, the person is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined not less than $1,000.00 or more than $10,000.00.

(b) For a violation involving a prohibited species that is not an aquatic species, the person is guilty of a felony and may be imprisoned for not more than 2 years and shall be fined not less than $2,000.00 or more than $20,000.00.

(c) For a violation involving a prohibited species that is an aquatic species, the person is guilty of a felony and may be imprisoned for not more than 3 years and shall be fined not less than $2,000.00 or more than $100,000.00.

(4) A person who, with intent to damage natural, agricultural, or silvicultural resources or human health:

(a) Violates section 41303(1) with respect to a restricted species or possesses a nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant is guilty of a felony and may be imprisoned for not more than 2 years and shall be fined not less than $1,000.00 or more than $250,000.00.

(b) Violates section 41303(1) with respect to a prohibited species or possesses a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant is guilty of a felony and may be imprisoned for not more than 4 years and shall be fined not less than $2,000.00 or more than $500,000.00.

(5) A person who sells or offers to sell a restricted species is subject to a civil fine of not less than $1,000.00 or more than $10,000.00. A person who sells or offers to sell a prohibited species or who violates section 41303(3) is subject to a civil fine of not less than $2,000.00 or more than $20,000.00.

(6) A person who violates section 41305 is guilty as follows:

(a) For a violation involving a restricted species or a nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a misdemeanor and may be imprisoned for not more than 6 months and shall be fined not less than $500.00 or more than $5,000.00.

(b) For a violation involving a prohibited species or a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined not less than $1,000.00 or more than $10,000.00.

(7) A person who violates section 41305 with respect to a restricted species or nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant and who has actual or constructive knowledge of the identity of the restricted species or that the organism, whether a restricted species or other bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, is nonnative is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined not less than $1,000.00 or more than $10,000.00.

(8) A person who violates section 41305 with respect to a prohibited species that is not an aquatic species or with respect to a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant and who has actual or constructive knowledge of the identity of the prohibited species or that the bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant is genetically engineered, respectively, is guilty of a felony and may be imprisoned for not more than 2 years and shall be fined not less than $2,000.00 or more than $20,000.00.

(9) A person who violates section 41305 with respect to a prohibited species that is an aquatic species and who has actual or constructive knowledge of the identity of the prohibited species is guilty of a felony and may be imprisoned for not more than 3 years and shall be fined not less than $2,000.00 or more than $100,000.00.

(10) A person who violates section 41305 knowing the introduction is unlawful, is guilty as follows:

(a) For a violation involving a restricted species or nonnative bird, crustacean, fish, insect, mammal, mollusk, or

aquatic plant, the person is guilty of a felony and may be imprisoned for not more than 2 years and shall be fined not less than $1,000.00 or more than $250,000.00.

(b) For a violation involving a prohibited species or a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a felony and may be imprisoned for not more than 4 years and shall be fined not less than $2,000.00 or more than $500,000.00.

(11) A person who, with intent to damage natural, agricultural, or silvicultural resources or human health, violates section 41305 is guilty as follows:

(a) For a violation involving a restricted species or nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a felony and may be imprisoned for not more than 3 years and shall be fined not less than $1,000.00 or more than $500,000.00.

(b) For a violation involving a prohibited species or a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a felony and may be imprisoned for not more than 5 years and shall be fined not less than $2,000.00 or more than $1,000,000.00.

(12) If a person commits a criminal violation of this part or a rule promulgated or permit issued under this part or knowingly commits a violation described in subsection (5) and if the violation involves a prohibited species that is an aquatic species, the court shall order that any permit or license issued to the person under part 473 or 487 be suspended for 1 year, and that the person is not eligible to be issued any permit or license under part 473 or 487 for 1 year. If the remaining term of an existing permit or license under part 473 or 487 is less than 1 year, the court shall order that the permit or license be revoked and that the person is not eligible to be issued any permit or license under part 473 or 487 for 1 year. For a second violation described in this subsection, the court shall order that any permit or license issued to the person under part 473 or 487 be revoked and that the person is permanently ineligible to be issued any permit or license under part 473 or 487. An order under this subsection is self-effectuating. The clerk of the court shall send a copy of the order to the department of natural resources.

(13) In addition to any other civil or criminal sanction imposed under this section, a person who violates this part is liable for any damages to natural resources resulting from the violation, including, but not limited to, costs incurred to prevent or minimize such damages.

(14) This part does not apply to activities authorized under the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004 ;-- Am. 2005, Act 76, Imd. Eff. July 19, 2005 ;-- Am. 2009, Act 52, Eff. Sept. 21, 2009 ;-- Am. 2014, Act 541, Eff. Apr. 15, 2015
Compiler's Notes: In subsection (5), the phrase "or who violates section 41303(3)" evidently should have been removed when section 41303(3) was removed by Act 451 of 2018.
Popular Name: Act 451
Popular Name: NREPA

324.41310 Property used in criminal violation subject to seizure and forfeiture.

Sec. 41310.

A vehicle, equipment, or other property used in a criminal violation of this part or a permit issued under this part involving a prohibited species that is an aquatic species is subject to seizure and forfeiture as provided in chapter 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.

History: Add. 2014, Act 537, Eff. Apr. 15, 2015
Popular Name: Act 451
Popular Name: NREPA

324.41311 Invasive species fund; creation; disposition of funds; money remaining in fund; expenditures; purposes.

Sec. 41311.

(1) The invasive species fund is created within the state treasury.

(2) The department of natural resources and the department of agriculture shall forward to the state treasurer and the state treasurer shall deposit into the fund civil fines collected under section 41309 and permit fees collected under section 41306. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department of natural resources and the department of agriculture shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) The administration of this part, consistent with section 41306(4).

(b) Public education about preventing the introduction of, controlling, or eradicating prohibited species, restricted species, and other nonnative species and genetically engineered aquatic plants, birds, crustaceans, fish, insects, mammals, and mollusks.

History: Add. 2005, Act 80, Imd. Eff. July 19, 2005 ;-- Am. 2009, Act 52, Eff. Sept. 21, 2009
Popular Name: Act 451
Popular Name: NREPA

324.41313 Providing information on website; requirements.

Sec. 41313.

The department of natural resources and the department of agriculture shall each provide all of the following information on its website:

(a) Information on the requirements of this part applicable to the public.

(b) The penalties for violating the requirements of this part.

(c) A list of prohibited species and restricted species along with a description and a photograph or drawing of each of those species.

(d) Each annual report of the department under section 41323, for not less than 3 years after its issuance.

History: Add. 2005, Act 80, Imd. Eff. July 19, 2005 ;-- Am. 2009, Act 52, Eff. Sept. 21, 2009
Popular Name: Act 451
Popular Name: NREPA

324.41321 Repealed. 2009, Act 51, Eff. Sept. 21, 2009.

Compiler's Notes: The repealed section pertained to the invasive species advisory council.
Popular Name: Act 451
Popular Name: NREPA

324.41323 Duties of department.

Sec. 41323.

(1) The department of natural resources shall do all of the following:

(a) By March 1 of each year, submit to the governor and the legislature a report that makes recommendations on all of the following:

(i) Additions to or deletions from the classes of genetically engineered or nonnative organisms covered by this part.

(ii) The status of various prohibited species and other problematic invasive species in this state, including, but not

limited to, a list of infested waterbodies by species.

(iii) Preventing the introduction of and controlling or eradicating invasive species or genetically engineered aquatic plants, birds, crustaceans, fish, insects, mammals, or mollusks.

(iv) Restoration or remediation of habitats or species damaged by invasive species or genetically engineered organisms.

(v) Prioritizing efforts to prevent violations of and otherwise further the purposes of this part.

(vi) The specific areas of responsibility for various state departments under this part and the sharing of information on permits under this part among responsible state departments.

(vii) Educating citizens about their responsibilities under this part and their role in preventing the introduction of and controlling or eradicating prohibited species, restricted species, invasive species, and genetically engineered aquatic plants, birds, crustaceans, fish, insects, mammals, or mollusks.

(viii) Simplifying citizen access to state government for compliance with this part.

(ix) Legislation and funding to carry out the recommendations of the department of natural resources and otherwise further the purposes of this part.

(x) Other matters that the department of natural resources considers pertinent to the purposes of this part.

(b) Establish criteria for identifying waterbodies infested by prohibited species.

(c) Monitor and promote efforts to rescind the exemption under 40 CFR 122.3(a) for ballast water discharges.

(2) The department of natural resources shall carry out its reporting and other duties under this section in cooperation with the aquatic nuisance species council created under Executive Order No. 2002-21 and the department of agriculture.

History: Add. 2005, Act 75, Imd. Eff. July 19, 2005 ;-- Am. 2009, Act 52, Eff. Sept. 21, 2009
Popular Name: Act 451
Popular Name: NREPA

324.41325 Watercraft, watercraft equipment, or watercraft trailer with aquatic plant attached; placement in state waters prohibited; transport over land; order to remove aquatic organisms; release of baitfish prohibited; release of fish limited; notice; posting; violation as civil infraction; penalty.

Sec. 41325.

(1) A person shall not do any of the following:

(a) Place a watercraft, watercraft equipment, or a watercraft trailer in the waters of this state if the watercraft, watercraft equipment, or watercraft trailer has an aquatic plant attached.

(b) Transport any watercraft over land without first doing all of the following:

(i) Removing all drain plugs from bilges, ballast tanks, and live wells.

(ii) Draining all water from any live wells and bilge.

(iii) Ensuring that the watercraft, trailer, and any conveyance used to transport the watercraft or trailer are free of aquatic organisms, including plants.

(2) A law enforcement officer may order the owner or operator of a watercraft, watercraft equipment, watercraft trailer, or any conveyance used to transport the watercraft or trailer to comply with subsection (1)(b). The owner or operator shall obey the order.

(3) A person shall not release baitfish in any waters of this state. A person who collects fish shall not use the fish as bait or cut bait except in the inland lake, stream, or Great Lake where the fish was caught, or in a connecting waterway of the inland lake, stream, or Great Lake where the fish was caught if the fish could freely move between the original location of capture and the location of release.

(4) A person, who catches fish other than baitfish in a lake, stream, Great Lake, or connecting waterway shall only release the fish in the lake, stream, or Great Lake where the fish was caught, or in a connecting waterway of the lake, stream, or Great Lake where the fish was caught if the fish could freely move between the original location of capture and the location of release.

(5) The department shall prepare a notice that contains a summary of subsections (1) to (4), (6), and (7) and the definition of aquatic plant in section 41301 and shall make copies of the notice available to owners of public boating access sites. The department shall include the notice in relevant department publications and post the notice on its website.

(6) The owner of a public boating access site shall post and maintain the notice described in subsection (5) at the public boating access site.

(7) A person who violates subsection (1), (2), (3), (4), or (6) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $100.00.

History: Add. 2009, Act 91, Imd. Eff. Sept. 15, 2009 ;-- Am. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Compiler's Notes: NREPA

324.41329 Sale or possession of nonnative aquatic species without registration prohibited; exceptions; applicability of section.

Sec. 41329.

(1) A person shall not sell or offer for sale or possess for the purpose of sale or offering for sale a live, nonnative aquatic species except as authorized by a registration issued by the department of natural resources pursuant to part 13. A registration is nontransferable and expires on December 31 of the year for which issued. A separate registration is required for each place where an activity described in this subsection occurs.

(2) In addition to the exemption provided in section 41309(14), this section and section 41335 do not apply to any of the following:

(a) Activities authorized under part 459.

(b) The sale or offering for sale of aquatic species, other than prohibited species or restricted species, for human consumption.

(c) The 1-time sale or offering for sale of aquatic species if the sale or offering for sale involves not more than 20 organisms of a single species.

History: Add. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

324.41331 Registration to sell or possess nonnative aquatic species; application; issuance.

Sec. 41331.

To register under section 41329, a person shall submit an application to the department of natural resources. The application shall state the name and address of the applicant and include the description of the premises where the aquatic species are to be sold or offered for sale, together with any relevant additional information required by the department of natural resources. The department shall issue a registration certificate to a registrant.

History: Add. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

324.41333 Person registered to sell or possess nonnative aquatic species; duties.

Sec. 41333.

A registrant under section 41329 shall do all of the following:

(a) Maintain the registration certificate conspicuously posted at the registered location at all times.

(b) Maintain, until submission under subdivision (c), electronic records of all of the following:

(i) The species and number of individuals of each aquatic species purchased. This subparagraph does not apply to species that are unable to survive in freshwater or in this state's climate as determined based on guidance developed by the relevant department.

(ii) The date of purchase or sale.

(iii) Other relevant information as required by the department.

(c) By March 1 each year, beginning in 2020, submit to the department of natural resources a report consolidating the electronic records maintained under subdivision (b) for the prior calendar year. However, the first submission shall cover records maintained since the effective date of the 2018 amendatory act that added this section.

(d) Notify the department if the registrant sells or offers for sale a live aquatic species not previously listed in a submission under subdivision (c). The department shall conduct a risk assessment of the aquatic species and take appropriate action. This subdivision does not apply to species that are unable to survive in freshwater or in this state's climate as determined based on guidance developed by the relevant department.

History: Add. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

324.41335 Trade show for aquatic species; written notice required.

Sec. 41335.

Subject to section 41329(2), a person shall not conduct a trade show for selling or trading aquatic species unless the person has given the department not less than 10 days' advance written notice of the time, date, and location of the trade show.

History: Add. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

324.41337 Violation; penalties; suspension or revocation of registration; disposal of aquatic species.

Sec. 41337.

(1) A person who violates sections 41329 to 41335 or rules promulgated under this part to implement those sections may be ordered to pay a civil fine of not more than $1,000.00.

(2) A person who violates sections 41329 to 41335 or rules promulgated under this part to implement those sections a second or subsequent time is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both.

(3) In addition to the sanctions under subsections (1) or (2), the court may suspend or revoke any registration issued to the person under section 41329.

(4) If a person violates sections 41329 to 41335 or rules promulgated under this part to implement those sections, the department of natural resources may suspend or revoke the person's registration required under section 41329 or refuse to register the person after providing an opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) If a registration is suspended or revoked under this section, the aquatic species held under the registration shall be disposed of only in a manner approved by the department of natural resources.

History: Add. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

324.41341 Inspection of site or facility permitted.

Sec. 41341.

The department of natural resources or the department of agriculture and rural development shall have free access at all reasonable hours to any site, including, but not limited to, an aquaculture facility, as defined in section 2 of the Michigan aquaculture development act, 1996 PA 199, MCL 286.872, if there is probable cause to believe that activities subject to the permitting or registration requirements of this part take place and to any trade show described in section 41335 for any of the following purposes:

(a) To inspect and determine if this act is being violated. An inspection shall be conducted under generally recognized practices designed not to jeopardize the health of the aquatic species.

(b) To secure samples or specimens of any aquatic species after paying or offering to pay fair market value for the sample or specimen.

History: Add. 2018, Act 451, Eff. Mar. 21, 2019
Popular Name: Act 451
Popular Name: NREPA

Part 414
AQUATIC INVASIVE SPECIES

324.41401 Definitions.

Sec. 41401.

As used in this part:

(a) "Aquatic invasive plant species" means an aquatic plant species, hybrid, or genotype that is not native and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

(b) "Department" means the department of environmental quality.

(c) "Eligible applicant" means a person that meets the requirements under section 41402.

(d) "Eligible project" means a project that meets the requirements under section 41402.

(e) "Fund" means the inland lake aquatic invasive plant species control and eradication fund created in section 41403.

(f) "Grant" means an inland lake aquatic invasive plant species control or eradication grant issued through the program.

(g) "Program" means the inland lake aquatic invasive plant species control and eradication program established in section 41402.

History: Add. 2018, Act 671, Eff. Mar. 29, 2019
Compiler's Notes: Former Part 414, MCL 324.41401-324.41415, which pertained to the Aquatic Invasive Species Advisory Council, was repealed by Act 286 of 2011, Eff. Dec. 21, 2015.
Popular Name: Act 451
Popular Name: NREPA

324.41402 Inland lakes aquatic invasive plant species control and eradication program; grants; application; requirements.

Sec. 41402.

(1) The department shall establish an inland lake aquatic invasive plant species control and eradication program. The program shall provide grants to eligible applicants for eligible projects to control or eradicate inland lake aquatic invasive plant species using chemical, physical, or biological methods, or a combination of these methods. A grant may include funding for costs associated with preparation of a vegetation management plan, required monitoring, and any necessary permit fees associated with the eligible project.

(2) An eligible applicant must meet both of the following requirements:

(a) Be a legally constituted lake association or nonprofit organization, property owners association, homeowners association, lake board, or special assessment district.

(b) Have demonstrated that a permit from the department is in effect to conduct the control or eradication activities included in the eligible project.

(3) An eligible project must meet all of the following requirements:

(a) There is public access to the inland lake for all activities associated with the project.

(b) The waterbody has vegetation management goals created by a licensed commercial applicator or lake manager.

(c) All survey, control, eradication, and documentation activities have been completed by a qualified scientist, technician, licensed commercial aquatic applicator, or university representative.

(d) All control or eradication activities use best management practices.

(e) The project utilizes products approved or authorized by the United States Environmental Protection Agency, the department, or the department of agriculture and rural development for control or eradication activities.

(4) The department shall issue grants considering the following statewide priorities:

(a) Permit fees associated with an eligible project.

(b) Eligible projects to manage pioneer infestations of inland lake aquatic invasive plant species.

(c) Eligible projects to prevent or control the further spread of inland lake aquatic invasive plant species.

(d) Eligible projects for recurring maintenance control.

(5) If an eligible applicant submits an application for an eligible project, but does not receive a grant because of a lack of available funds, that eligible applicant shall be given special consideration for approval in the following year.

(6) An eligible applicant that wishes to receive a grant shall submit an application to the department containing the information required by the department. Applications for grants shall be submitted by July 1. By September 1, the department shall notify each applicant whether its application has been approved. The department may require an applicant that receives a grant to enter into a grant agreement with the department prior to the issuance of the grant.

History: Add. 2018, Act 671, Eff. Mar. 29, 2019
Compiler's Notes: Former Part 414, MCL 324.41401-324.41415, which pertained to the Aquatic Invasive Species Advisory Council, was repealed by Act 286 of 2011, Eff. Dec. 21, 2015.
Popular Name: Act 451
Popular Name: NREPA

324.41403 Inland lake aquatic invasive plant species control and eradication fund; creation; investment, disposition, and expenditure of money.

Sec. 41403.

(1) The inland lake aquatic invasive plant species control and eradication fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only for the following:

(a) Inland lake aquatic invasive plant species control or eradication grants.

(b) Grant administration, in an amount not to exceed 3% of annual available funding.

History: Add. 2018, Act 671, Eff. Mar. 29, 2019
Compiler's Notes: Former Part 414, MCL 324.41401-324.41415, which pertained to the Aquatic Invasive Species Advisory Council, was repealed by Act 286 of 2011, Eff. Dec. 21, 2015.
Popular Name: Act 451
Popular Name: NREPA

SHOOTING AND HUNTING GROUNDS
Part 415
PUBLIC SHOOTING AND HUNTING GROUNDS
Subpart 1

324.41501 Saginaw bay; public shooting and hunting ground.

Sec. 41501.

All of the lands belonging to the state and being in township 16 north, range 9 east, in Wild Fowl bay, in the county of Huron, in this state, commonly known as the "middle ground," lying between Maison island, in Saginaw bay, and the main land, are set apart and dedicated for a public shooting or hunting ground for the benefit and enjoyment of the people of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41502 Saginaw bay; trespassers; prosecution.

Sec. 41502.

A person who has located upon or occupied or in the future locates upon or occupies any part of the lands described in this subpart, except as provided in this subpart, is a trespasser and may be prosecuted as a trespasser upon the public lands in the manner provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41503 Saginaw bay; hunting.

Sec. 41503.

A person may go upon any parts of the lands described in this subpart at any and all times permitted by the game laws of this state for the purpose of hunting or shooting wildfowl or game. However, a person shall not hunt or shoot wildfowl or game on the lands, or any part of the lands, described in this subpart at any season or time or manner that is not permitted by the game laws of this state, and any person violating any game laws of this state by hunting wildfowl or game on any of the lands described in this subpart shall be punished as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41504 Saginaw bay; control; rules; enforcement; violation of subpart; penalty.

Sec. 41504.

Public shooting grounds described in this subpart are under the control of the department. The department may make, publish, and enforce reasonable rules and regulations for the care and preservation of the shooting grounds, for the maintenance of good order, and for the protection of property as from time to time are necessary or expedient. If the department makes any rules or regulations pertaining to the management or welfare of the shooting grounds, the department may enforce the rules or regulations and cause a person violating any rule or regulation to be punished for that violation in the manner set forth in this subpart. All rules and regulations made by the department under the authority of this subpart or any other part or act shall be effective within the whole

territory referred to in this subpart. A person who violates this subpart or any of the rules and regulations prescribed by the department is guilty of a misdemeanor, punishable by imprisonment for not less than 10 days or more than 60 days, or a fine of not more than $50.00, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

Subpart 2

324.41505 Lake Erie submerged lands in Monroe and Wayne counties; public shooting and hunting ground; fishing privileges.

Sec. 41505.

All of that part of Lake Erie lying adjacent to the surveyed lands of Monroe and Wayne counties and any submerged lands within the surveyed lines of these counties and connected with Lake Erie and the Detroit river, providing the surveyed lands are owned by the state, are set apart and dedicated for a public shooting or hunting ground for the benefit and enjoyment of the people of the state, for a distance extending 1 mile into Lake Erie, the eastern line of the submerged lands and waters reserved by this subpart being 1 mile distant from the surveyed lines of the east side of Monroe and Wayne counties and parallel to those surveyed lines. This reservation and dedication shall not interfere with or detract from any rights or privileges as to fishing now enjoyed by any person or the public.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41506 Lake Erie submerged lands; trespassers; navigation.

Sec. 41506.

A person who has located upon or occupied or in the future locates upon or occupies any part of the submerged lands or lake described in this subpart, except as provided in this subpart, is a trespasser and may be prosecuted as a trespasser upon the public lands in the manner provided by law. However, the waters shall be free for all purposes of navigation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41507 Lake Erie submerged lands; destruction of submarine vegetation; violation as misdemeanor; penalty.

Sec. 41507.

A person shall not cut or otherwise destroy the rushes and other submarine vegetation growing on the reserve described in this subpart without the consent of the boards of commissioners of Monroe and Wayne counties. A person who willfully cuts or destroys the same, or causes that cutting or destruction to be done, knowingly, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $100.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

Subpart 3

324.41508 Great Lakes, Kalamazoo, Grand and Muskegon rivers; submerged and swamp lands; public shooting and hunting grounds; boundaries; excluded lands.

Sec. 41508.

All of the swamp or submerged lands lying along the borders of Lakes Erie, Huron, Michigan, Superior, and St. Clair, except such parts of the "St. Clair Flats," so-called, as have been, prior to January 1, 1899, actually occupied, built up, cultivated, or improved to the extent of at least $25.00, within the boundaries of the state, and within the limits described in this section, and also all swamp or submerged lands adjoining these lakes, or in the bayous adjoining or emptying into these lakes, and also all swamp or submerged lands contiguous to and lying along the shores of the Kalamazoo river, Grand river, and Muskegon river, which now belong to the state, or to which the state later acquires title, are set apart and dedicated for a public shooting and hunting ground, for the benefit and enjoyment of the people of the state. This park shall extend to the state line into the respective lakes from the shoreline of the lakes, and the outer boundary of the park shall be the center line of the lakes or the boundary of the state. The park described in this subpart shall include all swamp or submerged lands lying between the shoreline and the outer boundary. The premises described in this subpart do not include any islands in any of the lakes to which the state does not have title, unless the state first acquires title. The park shall also include the swamp or submerged lands owned or acquired by the state that border upon the lakes or in or upon the bayous emptying into the lakes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41509 Public shooting and hunting ground; inclusion of subsequently acquired swamp or submerged lands.

Sec. 41509.

(1) If the state acquires title to any swamp or submerged lands within the limits described in section 41508, whether by purchase, escheat, forfeiture, tax bid, or tax title, the lands shall be, by operation of this subpart, included in the park described in this subpart and shall not be offered for sale by the state.

(2) This section does not apply to a conveyance made pursuant to a public act or a conveyance ratified pursuant to section 41510.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41510 Swamp or submerged lands; ratification of certain conveyances; title.

Sec. 41510.

All conveyances made before July 1, 1977, by or for and on behalf of the state conveying swamp or submerged lands described in section 41508 or 41509 are ratified and declared to have passed good and sufficient title to the lands conveyed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41511 Land subject to fish and game laws; navigation; private and municipal dockage.

Sec. 41511.

The reservation and dedication in section 41508 shall not interfere with or detract from any rights or privileges of fishing now enjoyed by private persons or the public, but the park described in this subpart shall be subject to the fish and game laws of this state in the same manner as though there had been no dedication. The waters in this park shall be free for all purposes of navigation. This subpart shall not interfere with the common law right of riparian owners to dockage and wharfage, and shall not interfere in any manner with dock or harbor lines or regulations of any municipality or of the state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41512 Trespassers; officers to protect possession; operation of statute of limitations.

Sec. 41512.

A person who has located upon or occupied or in the future locates upon or occupies any part of the park set aside in section 41508, except as provided in this subpart, is a trespasser against the state, and an action may be brought against the person in the name of the people of the state by the prosecuting attorney or the board of supervisors of any county in which the trespass occurs, and no statute of limitations shall be considered operative against the state so as to bar any suit or proceeding brought by or on behalf of the state regarding the possession of these swamp or submerged lands.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41513 Control by county commissioners; permissible destruction of submarine vegetation.

Sec. 41513.

The board of commissioners of each county shall have the care and control of that part of the park described in this subpart within its own boundaries and that part lying opposite and immediately adjoining in the Great Lakes. The respective boards of commissioners, in their discretion, may allow the cutting or destruction of the rushes and submarine vegetation growing in the park in or opposite their respective counties.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41514 Destruction of submarine vegetation; consent required; violation as misdemeanor; penalty.

Sec. 41514.

A person shall not cut or otherwise destroy, or cause the cutting or destruction of, any rushes or other submarine vegetation growing on the park described in this subpart without the consent of the board of commissioners of the county to which that portion of the park is immediately adjoining; and any person who willfully cuts or destroys the same, or causes such cutting or destruction to be done, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00 and costs of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41515 Driving ducks away from hunters; violation as misdemeanor; penalty; navigation.

Sec. 41515.

A person shall not willfully scare or drive wild ducks or other wild waterfowl, or cause the same to be done, from or away from any person lawfully hunting wild ducks or wild waterfowl within the park described in this subpart, for the purpose of depriving or attempting to deprive the person of any or all of his or her opportunities of shooting or hunting the wild duck or other wild waterfowl. A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00 and costs of prosecution, or both. This subpart does not detract from the right of passage over the waters described in this subpart, in good faith, or in the ordinary course of navigation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

Part 417
GAME BIRD HUNTING PRESERVES

324.41701 â€œLicenseâ€ defined.

Sec. 41701.

As used in this part, "license" means a license issued by the department to operate a game bird hunting preserve.

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

324.41702 Game bird hunting preserves; license; fee; duration; Sunday hunting.

Sec. 41702.

The department may issue licenses authorizing the establishment and operation of game bird hunting preserves pursuant to part 13. The fee for a license is $105.00 for a preserve of 320 acres or less and $180.00 for a preserve in excess of 320 acres. Unless revoked as provided by law, licenses issued under this section are valid from the date

of issuance until June 30 of the third license year. Game bird hunting preserves licensed under this section may allow hunting on Sundays, notwithstanding the provisions of a local ordinance or regulation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2001, Act 23, Imd. Eff. June 18, 2001 ;-- Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004
Popular Name: Act 451
Popular Name: NREPA

324.41703 Game bird hunting preserves; size; boundary signs.

Sec. 41703.

Each game bird hunting preserve shall contain not less than 80 acres or more than 640 acres of land leased or owned by the licensee, except that those preserves whose operations are confined only to ducks may contain a minimum of 50 acres. The exterior boundaries of each preserve shall be clearly defined with signs erected at intervals of 150 feet or less.

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

324.41704 Species under game bird hunting preserve license; limitation; propagation, sale, and release of birds; requirements for wild turkeys or wild turkey hybrids.

Sec. 41704.

(1) Only artificially propagated wild turkeys and wild turkey hybrids and other artificially propagated species as prescribed by the department may be hunted under a game bird hunting preserve license. A license holder may propagate and sell the prescribed birds, carcasses, or products, in addition to releasing the birds for hunting purposes, by adhering to all requirements, except breeder's license fee requirements of part 427 and orders issued by the department under that part.

(2) Wild turkey or wild turkey hybrids authorized under a license shall have 1 wing pinioned and shall be fenced and released in compliance with orders issued by the department under section 41710.

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

324.41705 Licenses; determination by department of percentage of species hunted.

Sec. 41705.

The licenses provided for in this part entitle the holders of the licenses and their lessees and licensees to take, by hunting, the percentage of each species released on the premises each year as the department determines.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41706 Tagging of birds; cost; reuse.

Sec. 41706.

Except as otherwise provided by an order issued under section 41710, before a game bird shot under authority of a game bird hunting preserve license is consumed on the premises or removed from the property, a stamp-mark, band, tag, or seal as designated by the department shall be affixed to the carcass or to the container holding the carcass. The bands, tags, or seals shall be furnished at reasonable cost to the operator of the game bird hunting preserve by the department. Except as otherwise provided by an order issued under section 41710, a person shall not remove the stamp-mark, band, tag, or seal from the carcass until the carcass is prepared for consumption or from the container until each carcass in the container is prepared for consumption. Such items of identification shall not be reused by any person.

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

324.41707 Species of wild animal or bird permitted to be hunted.

Sec. 41707.

A wild animal, or a wild bird of a species other than those permitted to be hunted under authority of a license issued under this part, shall not be hunted or killed on a game bird hunting preserve except in accordance with the laws of this state governing the hunting of that species.

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

324.41708 Operator's records; contents; inspection; reports.

Sec. 41708.

Each operator of a game bird hunting preserve licensed under this part shall maintain a record of the names, addresses, and hunting license numbers of all persons hunting upon the preserve, together with the date upon which they hunted and the number of each species taken. The operator shall also maintain an accurate record of the total number, by species, of birds propagated, reared, or purchased and, for each release of birds, the date of the release and the number of individuals of each species released. The records shall be open for inspection by the department at any reasonable time. The licensee shall also provide complete and accurate reports when and as required by the department.

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

324.41709 License; application; contents.

Sec. 41709.

An application for a license under this part shall state the name and address of the applicant, the legal description of the premises to be licensed, the kind of birds to be covered by the license, and other information required by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004
Popular Name: Act 451
Popular Name: NREPA

324.41710 Open season; duration; orders.

Sec. 41710.

(1) By order, the department may establish an open season for game bird hunting preserves that shall be not less than 120 days. The department may issue other orders governing the administration of this part as the department considers expedient.

(2) Orders issued under subsection (1) shall be issued subject to the procedure under section 40107.

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

324.41711 License fees; credit to game and fish protection account.

Sec. 41711.

All money received from the sale of licenses and tags or seals as provided in this part shall be deposited in the state treasury to the credit of 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
Compiler's Notes: 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: Act 451
Popular Name: NREPA

324.41712 Violation as misdemeanor; penalty; grounds for suspension or revocation of license.

Sec. 41712.

(1) 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 and the costs of prosecution, or both.

(2) In addition to the penalty provided in this section, a license issued under this part may be suspended or revoked, after a hearing as provided by law, if the license holder fails to comply with the requirements of this part, if a licensee fails to maintain or submit accurate reports and records as required by the department, or if a licensee is convicted of a violation of this part. Birds held under a license that is suspended or revoked shall then be disposed of only in a manner approved by the department.

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

Part 419
HUNTING AREA CONTROL

324.41901 Regulation and prohibitions in certain areas; powers of department; area closures; hearings, investigations, studies, and statement of facts; regulations.

Sec. 41901.

(1) In addition to all of the department powers, in the interest of public safety and the general welfare, the department may regulate and prohibit hunting, and the discharge of firearms and bow and arrow, as provided in this part, on those areas established under this part where hunting or the discharge of firearms or bow and arrow may or is likely to kill, injure, or disturb persons who can reasonably be expected to be present in the areas or to destroy or damage buildings or personal property situated or customarily situated in the areas or will impair the general safety and welfare. In addition, the department may determine and define the boundaries of the areas. Areas or parts of areas may be closed throughout the year. The department, in furtherance of safety, may designate areas where hunting is permitted only by prescribed methods and weapons that are not inconsistent with law. Whenever the governing body of any political subdivision determines that the safety and well-being of persons or property are endangered by hunters or discharge of firearms or bow and arrows, by resolution it may request the department to recommend closure of the area as may be required to relieve the problem. Upon receipt of a certified resolution, the department shall establish a date for a public hearing in the political subdivision, and the requesting political authority shall arrange for suitable quarters for the hearing. The department shall receive testimony on the nature of the problems resulting from hunting activities and firearms use from all interested parties on the type, extent, and nature of the closure, regulations, or controls desired locally to remedy these problems.

(2) Upon completion of the public hearing, the department shall cause such investigations and studies to be made of the area as it considers appropriate and shall then make a statement of the facts of the situation as found at the hearing and as a result of its investigations. The department shall then prescribe regulations as are necessary to alleviate or correct the problems found.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41902 Submission of findings and recommendations; approval or disapproval of prescribed controls; ordinance; certified copy; repeal of ordinance; enforcement; rules.

Sec. 41902.

(1) The department shall submit its findings and recommendations to the governing body of the political subdivision concerned. By majority vote, the governing body shall advise the department by certified resolution that it approves or disapproves the prescribed hunting or firearms controls. If the governing body disapproves the prescribed controls, further action shall not be taken. If the governing body approves the prescribed controls, a local ordinance shall be enacted in accordance with the provisions of law pertaining to the enactment of ordinances, which ordinance shall be identical in all respects to the regulations prescribed by the department. A certified copy of the ordinance shall be forwarded to the department. The governing body of the political subdivision, having established such an ordinance, by majority vote, may repeal the ordinance at any time. The department shall be informed of such action by certified resolution.

(2) State, local, and county law enforcement officers shall enforce ordinances enacted in accordance with this part.

(3) All rules promulgated under this section and section 41901 before March 17, 1986 shall remain in effect unless rescinded pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41903 Closure notice signs; materials, form, placement, maintenance, spacing, publication of notice; rescission of closure.

Sec. 41903.

The department shall designate closure notice signs of approved material, overall size, number, and letter size and composition of message. At least 4 notices, relatively equally spaced, shall be posted on the boundaries of the closed area. A closure is not effective prior to the erection of closure notices by the petitioning political subdivisions and approval of the same by the department. The petitioning political subdivision shall place and maintain the signs and shall publish a notice of closure for 3 successive weeks, at least once in each week, in a newspaper published in the county in which the area to be closed is located. If no newspaper is published in the county, then the notice shall be published in a newspaper published in an adjoining county. If, in the judgment of the department, closure signs are not maintained so as to adequately give notice of the closure to a careful and prudent person, the closure may be rescinded by service of notice of rescission on the clerk or recording officer of the political subdivision, and in such case the closure shall terminate 30 days after service of notice of rescission.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41904 Prohibitions against discharge of firearms; exceptions.

Sec. 41904.

Any prohibition against discharge of firearms made under authority of this part does not apply to peace officers or members of any branch of the armed forces in the discharge of their proper duties. The department may authorize the use of firearms to prevent or control the depredations of birds or animals in situations where significant damages are being caused by wildlife.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.41905 Violation of part or rules as misdemeanor.

Sec. 41905.

Any person who violates this part or a rule promulgated under this part is guilty of a misdemeanor.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

Part 421
DOG TRAINING AREAS

324.42101 Special dog training area; permit; application; fee; size; limitation; additional permits.

Sec. 42101.

Upon application of any club or organization having 10 or more members who are citizens of this state, or upon the application of 10 or more citizens of this state, and the payment of a registration fee of $5.00, the department, pursuant to part 13, may issue a permit authorizing the establishment and maintenance by the club, organization, or citizens on land owned by them, or over which they have legal control, of a special dog training area where dogs may be trained at any time during the year. A dog training area shall not be less than 40 acres or more than 240 acres, and permits shall not be issued for more than 6 special dog training areas in any 1 county. In counties having a population of 100,000 or more, the department may issue additional permits as the department considers to be in the public interest.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004
Popular Name: Act 451
Popular Name: NREPA

324.42102 Training dogs; conditions; rules; prohibitions.

Sec. 42102.

Permit holders may at any time during the year train their own dogs or the dogs of other persons on land described in section 42101 or permit others to do so under conditions that are mutually agreed upon and under rules as may be considered expedient by the department. Hunting or the carrying or possession of firearms other than a pistol or revolver with blank cartridges at any time of year on lands described in section 42101 is unlawful.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.42103 Dog training areas; posting boundary lines; notice; contents.

Sec. 42103.

The boundary lines of each such special dog training area described in section 42101 shall be kept plainly and conspicuously posted by the permit holder with legible notices at least 10 inches by 12 inches in size placed not more than 100 yards apart which shall bear the following warning:

Special Dog Training Area
Hunting is Unlawful
This Land is Set Aside under Special Permit
For the Training of Dogs
Entering Hereon for the Purpose of Hunting or
Permitting Dogs to Enter without Proper Authorization
Is Punishable by Fine and/or Imprisonment
.....
(Name and address of permit holder to be printed here)

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.42104 Area for field dog trials and dog training on state-owned lands; establishment; closing areas; fee; bond; care and maintenance of areas.

Sec. 42104.

The department may establish areas that include the Gladwin, Brighton, Highland, Waterloo, Ionia, Escanaba state forest, and White Cloud areas for field dog trials and dog training on state owned lands or lands under the department's jurisdiction or control and may promulgate rules governing the operation and control of the areas as it considers desirable or expedient. The department may close the areas for any period to the hunting, trapping, or both, of any or all species of wild birds and wild animals or to dog training. The department may establish a fee for the use of the areas established by this section or may require a performance bond to insure cleanup measures and other factors, or may establish and require both a fee and a bond. Fees collected for the use of the areas, subject to annual appropriations by the legislature, shall be used in the care and maintenance of the areas.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.42105 Dog training areas; boundary fence or poster; mutilation, injury, or destruction prohibited.

Sec. 42105.

A person shall not willfully, negligently, or maliciously cut, remove, cover up, deface, or otherwise mutilate, injure, or destroy any special dog training area boundary fence or wire or poster placed in accordance with this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.42106 Violation as misdemeanor; penalty.

Sec. 42106.

A person who violates this part or any rule promulgated under section 42102 or 42104, upon conviction, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00 and costs of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

POSSESSION, SALE, REGULATION OF WILDLIFE
Part 425
FURS, HIDES, AND PELTS

324.42501 Protected game birds or game animals; dealers in furs, hides, plumage, or pelts; license; fees; designation by department; â€œplumageâ€ defined.

Sec. 42501.

(1) A person shall not engage in the business of buying, selling, dealing, or the tanning and dressing of raw furs, hides, or pelts of beaver, otter, fisher, marten, muskrat, mink, skunk, raccoon, opossum, wolf, lynx, bobcat, fox, weasel, coyote, badger, deer, or bear and the plumage, skins, or hides of protected game birds or game animals except as authorized by a license issued by the department under part 13. A license application shall be accompanied by a fee as follows:

(a) For any person who engages in the business of buying and selling raw furs, hides, and pelts of fur-bearing animals or the plumage, skins, or hides of protected game birds or game animals, the fee is $10.00.

(b) Each person in the business of manufacturing furs who buys raw pelts is a dealer, and the fee for each individual or agent who buys furs is, for a resident, $10.00 and, for a nonresident, $50.00.

(c) For any person who engages in the business of custom tanning or dressing of raw furs, the fee is $5.00. However, such a license does not authorize that person to buy or sell raw furs.

(2) Any person holding a fur dealer's license under this part is entitled to buy furs, hides, pelts, and the plumage, skins, or hides, and parts thereof, of protected game birds and game animals that are legally taken.

(3) The department may designate the plumage and skin of those game birds and game animals that may not be bought or sold if it determines that such a prohibition will best serve the public interest. The plumage and skins, or parts of plumage and skins, of migratory game and nongame birds may be bought and sold only in accordance with federal law or rule.

(4) For the purposes of this part, "plumage" means any part of the feathers, head, wings, or tail of any bird.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004 ;-- Am. 2014, Act 160, Imd. Eff. June 11, 2014
Popular Name: Act 451
Popular Name: NREPA

324.42502 Fur dealer's license; forms and blanks; term; revocation.

Sec. 42502.

The department may prepare suitable report forms and blanks covering the different kinds of licenses to be issued under this part. All licenses issued under this part are for the calendar year and shall expire on December 31 of each year. Licenses may be revoked at any time by the department for a violation of the law relating to the buying, selling, or dealing in furs, hides, or pelts of fur-bearing animals and the plumage, skins, or hides of protected game birds and game animals. Any fraudulent practice employed in connection with the buying or selling of the furs, hides, or pelts of any of the animals mentioned in this part and the plumage, skins, or hides of protected game birds and game animals, or the failure to make a report required by this part, is sufficient grounds for the revocation of a license issued under this part. Any person whose license has been revoked shall not secure another license except in the discretion of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.42503 Shipping permits; contents; label; confiscation.

Sec. 42503.

Any dealer who desires to ship or transport out of the state any fur-bearing animals or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals legally taken or killed in the state during the open season, shall first procure a permit from the department. The permit shall state the names of the consignee and consignor, destination and number and kinds of fur-bearing animals, or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals that are to be shipped or transported, and the permit shall be presented to transportation company with consignment. All shippers of fur-bearing animals, or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and

game animals are required to label all packages offered for shipment by parcel post, common carrier, or otherwise. The label shall be securely attached to the package, and shall plainly indicate the names and addresses of the consignee and consignor and the complete contents of the package. A person or the agent or employee of any common carrier, association, stage, express, railway, or transportation company shall not transport or receive for transportation or carriage, or sell or offer for sale, any fur-bearing animals legally taken during the open season for that animal, or the raw skins of such a fur-bearing animal, or part thereof, or the plumage, skin, or hide, or parts thereof, of protected game birds and game animals except as specifically provided for by this part. All fur-bearing animals, or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals possessed or that have been shipped or are being transported in violation of this part, shall be confiscated and disposed of as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.42504 Report of pelts in possession on last day of season.

Sec. 42504.

Within 10 days after the close of the respective open seasons provided by law for the taking of fur-bearing animals, game birds, and game animals, each person holding a license under this part shall report to the department stating the number and kinds of furs, hides, or pelts of each fur-bearing animal, and the plumage, skins, or hides, or parts thereof, of protected game birds and game animals in his or her possession on the last day of the open season for each fur-bearing animal, game bird, and game animal. The reports shall be notarized and sent by registered mail.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.42505 Monthly reports.

Sec. 42505.

On or before the tenth day of every month, each person licensed to do business under this part shall make a report to the department on blanks to be furnished by the department, stating the number and kinds of raw furs, hides, or pelts of fur-bearing animals, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals purchased or sold during the preceding month, and the name and address of the person from whom purchased and to whom sold. The report shall be notarized and sent by registered mail.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.42506 Money received from sale of licenses; credit to game and fish protection account; use.

Sec. 42506.

All money received from the sale of licenses as provided in this part shall be forwarded to the state treasurer and placed to the credit of the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010, and shall be used for the purpose necessary to the protection, propagation, and distribution of game and fur-bearing animals as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2002, Act 356, Imd. Eff. May 23, 2002 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006
Compiler's Notes: 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: Act 451
Popular Name: NREPA

324.42507 Violation as misdemeanor; penalty.

Sec. 42507.

A person or his or her agent or servant who violates this part is guilty of a misdemeanor, and shall forfeit to the state all furs, hides, and pelts of fur-bearing animals and the plumage, skins, or hides, or parts thereof, of protected game birds or game animals illegally bought or held, and reimburse the state for illegal furs or illegal plumage, skins, hides, or parts thereof, of protected game birds and game animals sold. If a fine and costs are imposed, the court shall sentence the offender to imprisonment until the fine and costs are paid, but for a period not exceeding the maximum jail penalty provided for this offense.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

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); â€œflushâ€ or â€œflushedâ€ 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 Notes: 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

Part 431
FOXES IN CAPTIVITY

324.43101 Foxes in captivity as domestic animals; protection; construction of part.

Sec. 43101.

Silver, silver-black, black, and cross foxes, which of their nature, in the absence of efforts for their domestication, were known as wild, which are brought into or born in captivity upon a farm or ranch for the purpose of cultivating or pelting their furs, together with their offspring and increase, are domestic animals for the purpose of any statute or law relating generally to domestic animals, other than dogs and cats or other pets, or relating to farming or to animal husbandry or to the encouragement of agriculture, unless any such statute or law is impossible to apply to such fur-bearing animals. Such fur-bearing animals, together with their offspring and increase, are the subjects of ownership, lien, and all other property rights, in the same manner as purely domestic animals, in whatever situation, location, or condition the fur-bearing animals may be, and regardless of whether they remain in or escape from captivity. Such fur-bearing animals shall receive the same protection of law as, and in the same way and to the same extent are the subject of trespass or larceny as, other personal property. This part shall not be construed to include silver, silver-black, black, and cross foxes within the definition of livestock, or give any person any right to recovery for damage or destruction of the animal under the dog law of 1919, Act No. 339 of the Public Acts of 1919, being sections 287.261 to 287.290 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.43102 Brands or tattoo marks; recording; prima facie evidence of ownership.

Sec. 43102.

An owner or prospective owner of a fur-bearing animal described in this part which is living in captivity is entitled, by written subscribed statement, to adopt distinctive brands or tattoo marks, not including Arabic numerals and not including brands or tattoo marks already in known use by others, for such fur-bearing animals, and to have the distinctive identifying brands or tattoo marks recorded in his or her name in the office of the commission of agriculture, upon paying a recording fee of $1.00 for each brand or each tattoo mark. All fees received by the department of agriculture under this part shall be retained by the department of agriculture and used to defray the expenses of administering this part. Such statements shall be recorded in a suitable book to be kept in the office of the commission of agriculture. The presence of a recorded brand or recorded tattoo mark upon such a fur-bearing animal is prima facie evidence of the ownership of the animal by the person in whose name the brand or tattoo mark is recorded, subject always to that person's right to make due transfer of title, right or interest in, or lien upon the animal.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.43103 Prohibited acts; trespass on premises; killing, trapping, injuring or disturbing fur-bearing animal; consent.

Sec. 43103.

Without the permission of the owner of a privately owned fur-bearing animal described in this part, a person shall not enter the enclosure within which the privately owned fur-bearing animal is kept, or trespass on private ground adjoining such an enclosure and knowingly annoy or disturb the animals. A person shall not knowingly and willfully kill, trap, or injure any fur-bearing animal owned by another person without the consent of the owner.

However, a duly authorized peace or conservation officer may enter upon such premises in the performance of his or her regular duties.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.43104 Violation of part as misdemeanor; penalty.

Sec. 43104.

A person who violates 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.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

Part 433
LIMITATION ON ACREAGE FOR PROPAGATION OR SPORTING PURPOSES

324.43301 Limitation on acreage held for sporting purposes.

Sec. 43301.

A person shall not acquire, hold, or occupy by purchase, lease, or other evidence of title, possession, or right of occupancy or enclose by fences or other barriers in 1 tract an amount of real estate within this state exceeding 15,000 acres for the purpose of the preservation or propagation of game or fish or for use for yachting, hunting, boating, fishing, rowing, or any other sporting purpose.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.43302 Limitation on acreage; location.

Sec. 43302.

A person shall not acquire, hold, or occupy in the manner and for the purposes stated in section 43301 any real estate that is located within 2 miles of any other real estate acquired, held, or occupied for any of the uses or purposes mentioned in section 43301.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.43303 Violation of part; fine.

Sec. 43303.

A person who violates this part is subject to a civil fine of $50.00 for each day that a violation of this part continues. The fine shall be recovered in the manner provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA