SENATE BILL No. 1350

October 17, 2012, Introduced by Senators CASPERSON, MEEKHOF and BOOHER and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103, 40118, 43503, and 43507 (MCL 324.40103, 324.40118, 324.43503, and 324.43507), section 40103 as amended by 2000 PA 191, section 40118 as amended by 2000 PA 347, section 43503 as added by 1995 PA 57, and section 43507 as amended by 1996 PA 585, and by adding sections 40110b and 43528b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 40103. (1) "Game" means any of the following animals but does not include privately owned cervidae species located on a registered cervidae livestock facility as that term is defined in 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) Weasel.
(ii) Wild turkey.

(JJ) WOLF.

(KK) (jj) Woodchuck.

(ll) (kk) Woodcock.

(MM) (ll) Virginia rail.

(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.

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.

Sec. 40118. (1) A person 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 (12), 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 shall be revoked pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) A person 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, 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, A**
person 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, \textit{or wild turkey, OR WOLF} is guilty of a misdemeanor and
shall be punished by imprisonment for not less than 5 days or more
than 90 days, and a fine of not less than $200.00 or more than
$1,000.00, and the costs of prosecution. **A PERSON 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) A person 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 less than 30 days or 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) A person 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 and shall be punished by
imprisonment for not less than 90 days or 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) A person sentenced pursuant to subsection (3), (4), (5),
(10), or (11) 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. A person sentenced pursuant to subsection (7) shall not secure or possess a license to hunt during the remainder of the year in which convicted and the next succeeding calendar year.

(7) A person who violates section 40113(1) is guilty of a misdemeanor punishable by imprisonment for not less than 5 days or 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.

(8) A person 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.

(9) A person who violates section 40113(3) is guilty of a misdemeanor and shall be punished by imprisonment for not less than 5 days or more than 90 days and a fine of not less than $100.00 or more than $500.00, and the costs of prosecution.

(10) A person 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 pursuant to 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.

(11) A person 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.

(12) If a person 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 person 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 person is guilty of a misdemeanor and shall be punished by imprisonment for not less than 10 days or more than 180 days, and a fine of not less than $500.00 or more than $2,000.00, and costs of prosecution.

Sec. 43503. (1) "Fish" means all species of fish.

(2) "Fishing" means the pursuing, capturing, catching, killing, or taking of fish, and includes attempting to pursue, capture, catch, kill, or take fish.

(3) "Firearm" means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of a spring or air or gas.

(4) "Firearm deer season" means any period in which deer may be lawfully hunted with a firearm.

(5) "Fur-bearing animals" includes badger, beaver, bobcat, coyote, fisher, fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, skunk, AND weasel. AND wolf.
Sec. 43507. (1) "Senior citizen" means a resident 65 years of age or older.

(2) "Slingshot" means a Y-shaped device with an elastic strip attached between the prongs used for projecting a stone or other object.

(3) "Small game" includes all species of protected game birds and game animals except bear, deer, elk, moose, wild turkey, WOLF, and fur-bearing animals.

(4) "Small game season" means that period between September 15 and March 31.

(5) "Sportcard" means a folder, document, plastic card, or other device issued by the department containing the person's INDIVIDUAL'S name, address, and vital statistics as required by the department.

SEC. 43528B. (1) AN INDIVIDUAL SHALL NOT HUNT WOLF WITHOUT A WOLF HUNTING LICENSE. THE FEE FOR A RESIDENT WOLF HUNTING LICENSE IS $100.00. THE FEE FOR A NONRESIDENT WOLF HUNTING LICENSE IS $500.00. THE DEPARTMENT MAY ESTABLISH A NONREFUNDABLE APPLICATION FEE NOT TO EXCEED $4.00 FOR EACH PERSON WHO APPLIES FOR A WOLF HUNTING LICENSE.

(2) THE DEPARTMENT MAY ISSUE A KILL TAG WITH, OR AS PART OF, A WOLF HUNTING LICENSE. THE PROVISIONS OF SECTION 43526(2) REGARDING KILL TAGS APPLY WITH RESPECT TO A WOLF HUNTING LICENSE.