

Legislative Analysis



ELIMINATE PARTICIPATION LICENSES FOR BEAR AND BOBCAT HUNTS

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House Bill 5331 (Proposed Substitute H-2)

Sponsor: Rep. Howard Walker

Committee: Tourism, Outdoor Recreation, and Natural Resources

Complete to 2-11-08

A SUMMARY OF HOUSE BILL 5331 (Proposed Substitute H-2)

In general, the bill would amend Part 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act (NREPA) to eliminate the hunting license requirement for persons who "go on" bobcat or bear hunts with a licensed hunter if they do not carry specified weapons (firearms, bows, or crossbows) or own or possess dogs used to chase or locate the bear or bobcat during the hunt. (The two main methods of hunting bear are "over bait" and using hounds to "tree" bear.)

Current bear hunting license fees are \$15 (resident), \$6 (seniors), \$150 (non-resident adults), plus a \$4 application fee, with or without a kill tag. Kill tags are issued to individuals or to groups of up to four persons through a lottery system. Individuals need to complete a hunter safety course to obtain a bear hunting license, except for apprentice bear hunters who may hunt for two years with an apprentice license before having to complete a hunter safety course.

A person may hunt bobcat using either a fur harvester or a small game license. To trap bobcat, a fur harvester license is required. The current fee for a small game license is \$15 (resident adult) or \$1 (resident or non-resident child). The current fee for a fur harvester license is \$15 (resident adult) or \$7.50 for children (resident or non-resident).

More details follow.

Bear hunting. Section 43528 currently prohibits bear hunting without a bear hunting license. The bill would allow a person to go on a bear hunt with a licensed hunter without a bear hunting license if the person (1) does not carry a firearm, bow, or crossbow and (2) does not own or possess dogs used to chase or locate bear during the hunt.

Bobcat hunting. Section 43523 of the act allows a Michigan resident possessing a current small game license to take specified fur-bearing animals by means other than trapping during the open season for hunting these animals, if authorized by an order issued under Part 401. (Bobcat hunting is authorized under current Wildlife Conservation Order No. 3.608.)

In addition, the bill would amend Section 43531, which requires a person to have a fur harvester license to trap or hunt fur-bearing animals, except as otherwise allowed under

43523(1), the section described above (which allows bobcat hunting with a small game license during the open season for hunting bobcat). Here, too, the bill would exempt a person who goes on a bobcat hunt with a licensed hunter from the license requirement if the person (1) does not carry a firearm, bow, or crossbow and (2) does not own or possess dogs used to chase or locate a bobcat during the hunt.

BACKGROUND INFORMATION:

"Hunt" and "hunting" are defined in NREPA Sec. 43505(1) as "to pursue, capture, shoot, kill, chase, follow, harass, harm, rob, or trap a wild animal, or to attempt to engage in such an activity." In Opinion No. 6568, dated February 16, 1989, the Attorney General ruled that because the definition of hunting includes the pursuit of wild animals, the Natural Resource Commission could require all persons pursuing a bear with dogs, whether carrying a firearm or not, to have a valid bear hunting license in their possession. The Attorney General noted, however, that in a criminal case, the term "hunting" would have to be construed more strictly and to be convicted of the misdemeanor violation of hunting without a license, a person would have to engage in a "deliberate and intentional act to capture or kill game in an area where game may be found." The current Wildlife Conservation Order concerning bear hunting, Sections 3.200 through 3.207, is available on the DNR website at: http://www.michigan.gov/documents/ChapterIII_128581_7.pdf.

Penalties. Taking or possessing a wild animal without a license is a misdemeanor under Section 43558(1)(d), MCL 324.43558(1)(d), punishable by imprisonment for up to 90 days, or a fine between \$25 and \$250 and the costs of prosecution, or both. Taking or possessing a wild animal when *ineligible* for a license constitutes a misdemeanor punishable by imprisonment for up to 180 days, a fine between \$500 and \$2,500, or both, and the costs of prosecution. MCL 324.43558(5). Under NREPA Section 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. According to the DNR, conservation officers write very few tickets for bear hunting without a license.

FISCAL IMPACT:

The DNR receives approximately \$40,000 per year in bear hunting participation fees, some portion of which would be lost if some individuals who currently purchase bear hunting participation licenses stop doing so. Individuals who wish to carry weapons or use dogs may continue to purchase participation licenses.

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