

LEGISLATIVE BILL 733

Approved by the Governor May 18, 1971

Introduced by Calvin F. Carsten, 2nd District

AN ACT to amend sections 37-101 and 37-713, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to redefine terms; to provide for licenses and fees; to provide for possession, care, and reports of raptors; to provide for violations; to provide penalties; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. The Game and Parks Commission is hereby authorized to take such steps as it deems necessary to provide for the protection and management of raptors as defined in section 37-101.

The Game and Parks Commission is further authorized to issue licenses to permit the taking and possession of raptors. No such license may be issued to an applicant unless he is a resident of the State of Nebraska, has paid the fees required in this section, and has passed a written and oral examination concerning raptors given by the commission or an authorized representative of the commission. The commission shall charge a fee for each permit so issued in the sum of five dollars for persons twelve to fifteen years of age, and fifteen dollars for persons sixteen years and older. If the applicant fails to pass either examination, or both of them, he shall not be entitled to reapply for a license for a period of six months after the date of the examination. A person less than twelve years of age shall not be issued a license, and a person from twelve to fifteen years of age may be issued a license only if he is sponsored by an adult person who has a valid license. All such licenses shall be nontransferable and shall expire on the last day of December of the year in which issued; but if the commission is satisfied as to the competency and fitness of an applicant whose license has expired, a license may be renewed without requiring further examination, under such terms and conditions as may be established by the commission. Species of raptors which may be taken, captured or held in possession shall include only those species authorized by the commission. The number of each species of raptors which may be taken, captured or held in possession shall be subject to regulation by the commission.

Sec. 2. (1) It shall be unlawful for any person to take or attempt to take or maintain in captivity any raptor, except as otherwise provided by law or by rule or regulation of the commission, unless he shall first secure a license as required by the provisions of section 1 of this act.

(2) No person shall sell, or offer for sale, any raptor. No person shall transport any raptor out of this state for any purpose except hunting or exhibition, but raptors may be removed from the state for scientific purposes only upon acquiring written permission from the Game and Parks Commission.

Sec. 3. Any person who has secured a license, as required by the provisions of section 2 of this act, may possess no more than two raptors at any one time, except that persons between the ages of twelve and sixteen years may possess no more than one raptor at any one time.

Sec. 4. (1) Upon issuance of a license permitting the possession of raptors, an authorized agent of the Game and Parks Commission shall inspect the licensee's facilities for keeping raptors and shall make a report as required by the commission.

(2) The commission may establish regulations governing the conditions under which captive birds may be kept. Upon issuance of license permitting possession of raptors, an authorized agent of the commission shall make an inspection at least every six months to determine the care of raptors, and conditions under which they are kept, and following each inspection a report shall indicate any mistreatment of any raptor, and if such mistreatment remains uncorrected for a period of forty-eight hours, the commission may revoke the license of the owner of the raptors.

Sec. 5. (1) A report, as required by the Game and Parks Commission, shall be submitted by the licensee within thirty calendar days after acquiring a raptor.

(2) Any person licensed under the provisions of this act who loses a raptor through death, escape, destruction, or otherwise, shall notify the commission in writing of such loss, giving the circumstances thereof, and delivering the carcass, if any, within fifteen days after the date of the loss.

(3) Any person licensed under the provisions of this act who desires to release a raptor by reason of

unsuitability shall notify the commission in writing and surrender the raptor to the commission for release.

(4) The commission shall furnish forms for the reports required under this section. Nothing in this section shall be construed to permit the possession of more raptors than permitted by the provisions of section 3 of this act.

Sec. 6. (1) The Game and Parks Commission may establish regulations governing the time, location, and method of capture, and may establish any other regulations necessary for conservation of raptor populations.

(2) Persons possessing a license required for possession of raptors may take or trap young of-the-year raptors, not to exceed two raptors in any one year; but when nestlings are taken a minimum of two nestlings shall be left in the nest. Nothing in this subsection shall be construed to permit the taking of more raptors than is permitted by the provisions of section 3 of this act and authorized under current regulation as provided in section 1 of this act.

(3) Prior to capturing or attempting to capture any raptors, a person shall obtain from the commission a license permitting the possession of raptors. Before any person attempts to capture any nestling raptor, he shall notify the commission of such attempt at least forty-eight hours prior to the time when such attempt is to be made, and shall give such other information as may be required by the commission.

Sec. 7. Any person violating any provision of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, and, in addition, the court shall require that any raptor or raptors in the possession of the offender be confiscated and the license of the offender be revoked.

Sec. 8. That section 37-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-101. As used in this act, unless otherwise specified or plainly intended, the word game shall include all game fish, bullfrogs, game animals, fur-bearing animals, game birds, and all other birds and other creatures protected by this act; the term game fish shall include all fish except buffalo, carp, gar,

quillback, sucker, and gizzard shad; the term game animals shall include all antelope, cottontail rabbits, deer, elk, and squirrels; the term fur-bearing animals shall include all beaver, martens, minks, except mutation minks, muskrats, and otters; the term game birds shall include all migratory water fowl, coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, snipes, swans, and wild turkeys; the word raptor shall include any bird of the Falconiformes or Strigiformes, except the golden and bald eagles; the words herein and hereof refer to this entire act; the words person, owner, proprietor, grantee, lessee, and licensee shall mean and include individuals, partnerships, associations, corporations, and municipalities; the words board and commission shall each mean the Game and Parks Commission; and the word officer includes every person authorized to enforce this act. Hunt when used in this section shall be construed to mean and include take, pursue, shoot, kill, capture, collect, trap, or attempt to take, pursue, shoot, capture, collect, kill, or trap; and raw fur shall be construed to mean the green pelts of any game animal or fur-bearing animal except commercially reared mutations. Whenever the possession, use, importation, storage, taxidermy for millinery purposes, sale, or offering or exposing for sale of fish, game, or song, insectivorous, or other birds, including mourning doves, is prohibited or restricted, the prohibition or restriction, when not specifically stated to be otherwise, shall mean any part of such fish, game, or song, insectivorous, or other birds; Provided, that any nonresident person who takes, hunts, kills or pursues or attempts to take, hunt, kill, or pursue, or has in his possession any wild mammal, bird, turtle, mussel, or amphibian shall first obtain and have in his possession a nonresident hunting permit as defined in subdivision (2) of section 37-204.

Sec. 9. That section 37-713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-713. No person in this state shall keep in captivity any wild birds or animals without first having obtained a permit to do so as provided by section 37-714 or 37-715 and sections 1 to 7 of this act.

Sec. 10. That original sections 37-101 and 37-713, Reissue Revised Statutes of Nebraska, 1943, are repealed.