

CR 86-71

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

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FEB 10 1987
11:40am
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-22-86 was duly approved and adopted by this Department on September 18, 1986. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 4th day of February, 1987.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

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4-1-87

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER OF creating ss. NR 10.01(4)(e)8., .
19.01(2m), (3m), (3p), (3t), (5), (6), (9) and .
19.28 of the Wisconsin Administrative Code . LE-22-86
pertaining to taxidermy, the sale of mounted .
wildlife and registration of fisher and bobcat .
.....

Analysis Prepared by the Department of Natural Resources

Section NR 10.01 describes the registration procedure for bobcat and fisher. Section NR 19.28 implements and interprets the provisions of ss. 29.02, 29.136 and 29.42, Stats. The current changes are designed to implement recent state law changes. The significant rule changes include:

1. A procedure for registering fisher and bobcat which are to be mounted.
2. Definitions to clarify the conditions under which mounted wildlife may be sold.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.136 and 227.11(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting ss. 29.02, 29.136 and 29.42, Stats., as follows:

SECTION 1. NR 10.01(4)(e)8. is created to read:

NR 10.01(4)(e)8. Fisher or bobcat intended for mounting. Persons exhibiting fisher under subd. 4. or bobcat under s. NR 10.145(3) who intend to have the fisher or bobcat mounted by a taxidermist may exhibit the fisher or bobcat to the department for registration in whole carcass condition without separating the pelt and need not surrender the skinned carcass to the department until after the taxidermist has separated the pelt.

SECTION 2. NR 19.001(2m), (3m), (3p), (3t), (5), (6) and (9) are created to read:

NR 19.001^(2f)~~(2m)~~ "Carcass" means the dead body of any wild animal to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof.

3/11/87

(3m) "In the process of being mounted" means, for the purposes of the sale of part or all of a private collection, as authorized by ss. 29.02 and 29.42, Stats., a physical process which includes taxidermy work accomplished on the carcass, including at least removal of the skin.

(3p) "Maintain records" means, for the purpose of s. 29.136(6), Stats., to legibly prepare triplicate records and retain at least one copy of each record at the place of business for inspection purposes.

(3t) "Mount", "mounted", or "mounting" means, for the purposes of ss. 29.02(3), 29.136(1) and 29.42(3), Stats., and this section, to prepare and preserve the head, skin or carcass in a lifelike manner.

(5) "Private collection" means, for the purposes of ss. 29.02 and 24.42, Stats.:

(a) A privately owned collection mounted for the purpose of display, exhibition or personal use and does not include wild animals mounted for the purpose of sale. In determining whether a wild animal was mounted for the purpose of sale, at a minimum, factors to be considered are the intent of the owner at the time of mounting, the length of time from mounting to sale, display or use of the mounted wild animal prior to sale, frequency of such sales by the owner and the reasons provided by the owner for the sale. This does not preclude the ultimate sale of a mount from a private collection.

(b) A mounted collection sold upon the death of the owner.

(6) "Records" means, for the purpose of s. 29.136(7)(b), Stats., the taxidermist permit, sales forms, information records, records of deliveries and shipments, and the identification tag as described in s. 29.136(5)(b), Stats.

(9) "Wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

SECTION 3. NR 19.28 is created to read:

NR 19.28 TAXIDERMY. (1) TRANSPORTATION. Whenever a permitted taxidermist, or his or her agent, takes a wild animal carcass into possession at a location other than the taxidermist's place of business, the records required by ss. 29.136(5)(b) and 29.136(6), Stats., shall be completed immediately and shall accompany the carcass during transportation.

(2) POSSESSION. (a) If a permitted taxidermist holds wild animal carcasses received in connection with his or her business pursuant to the authorization in s. 29.136(4), Stats., in the same storage area or freezer with personally acquired wild animal carcasses, every wild animal carcass so held shall be tagged in the manner described in s. 29.136(5)(b), Stats. Wild animal carcasses so tagged and stored may not be considered to be commingled.

(b) The authorization of s. 29.136(4), Stats., does not apply to wild animal carcasses acquired by a taxidermist for purposes not related to the business of taxidermy.

(3) MOUNTED COLLECTION OF A TAXIDERMIST. This section does not permit seizure of, nor prohibit possession or sale of a lawfully obtained wild animal carcass by a permitted taxidermist which is mounted or is in the process of being mounted for the private collection of a permitted taxidermist provided

that the tagging and record keeping requirements and the commingling prohibitions of s. 29.136, Stats., have been complied with. Included is any such wild animal carcass received by a permitted taxidermist in connection with his or her business which has been abandoned by the customer.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 18, 1986.

The rules shall take effect as provided in s. 227.22(2)(intro.), Stats.

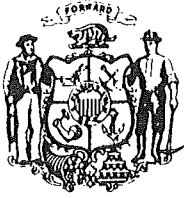
Dated at Madison, Wisconsin February 4, 1987

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

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State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

February 5, 1987

IN REPLY REFER TO: 1020

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FEB 10 1987

Revisor of Statutes
Bureau

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-22-86. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

C. D. Besadny
Secretary

Enc.
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