

SENATE BILL NO. 389

June 20, 2019, Introduced by Senators DALEY, LAUWERS, MCBROOM, HORN and VANDERWALL and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 47301, 47302, 47303, 47305, 47306, 47307,
47308, 47309, 47310, 47311, 47312, 47313, 47314, 47315, 47316,
47317, 47318, 47320, 47321, 47322, 47323, 47324, 47325, 47326,
47327, 47328, 47329, and 48724 (MCL 324.47301, 324.47302,
324.47303, 324.47305, 324.47306, 324.47307, 324.47308, 324.47309,
324.47310, 324.47311, 324.47312, 324.47313, 324.47314, 324.47315,
324.47316, 324.47317, 324.47318, 324.47320, 324.47321, 324.47322,
324.47323, 324.47324, 324.47325, 324.47326, 324.47327, 324.47328,

324.47329, and 324.48724), sections 47301, 47302, 47305, 47306, 47307, 47308, 47309, 47310, 47311, 47312, 47313, 47314, 47315, 47316, 47317, 47318, 47320, 47321, 47322, 47323, 47324, 47325, 47326, 47327, 47328, 47329, and 48724 as added by 1995 PA 57 and section 47303 as amended by 2004 PA 587, and by adding sections 47304 and 47363; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 47301. ~~All fish of whatever kind found in the waters of~~
 2 ~~Lakes Superior, Michigan, Huron, and Erie, commonly known as the~~
 3 ~~Great Lakes, the bays of the Great Lakes, and the connecting waters~~
 4 ~~between those lakes within the jurisdiction of this state are the~~
 5 ~~property of the state, and taking the fish from those waters is a~~
 6 ~~privilege. All fish in waters described in this section shall be~~
 7 ~~taken, transported, sold, and possessed only in accordance with~~
 8 ~~this part.~~**As used in this part:**

9 (a) "Abandoned gear" means any commercial net, hooks, or other
 10 gear found on the waters of this state with which a licensee has
 11 done any of the following:

12 (i) Intentionally discarded, disowned, or dispossessed.

13 (ii) Failed to recover within a reasonable period of time
 14 following knowledge of the gear's location.

15 (iii) Intentionally altered or removed the gear's ownership
 16 identification tags or similar markings.

17 (iv) Failed to immediately restore the gear's lost or destroyed
 18 ownership identification tags or similar markings following
 19 knowledge of the absence or destruction of the tags or markings.

20 (b) "Aquatic species" means fish, reptiles, amphibians,
 21 mollusks, and crustaceans, including their parts, eggs, and
 22 products.

1 (c) "Bycatch" means the nontarget, nonlegal, or undersized
2 fish that are inadvertently caught in commercial fishing gear while
3 in the act of fishing for legal commercial fish species.

4 (d) "Commercial" means buying, offering for sale, selling,
5 bartering, giving, or furnishing to others any aquatic species or
6 parts of aquatic species, including roe, for anything of value.

7 (e) "Commercial fish species" means only those aquatic species
8 that are authorized for commercial harvest under this part.

9 (f) "Commercial net" means any of the following:

10 (i) A fyke net.

11 (ii) A gill net.

12 (iii) A hoop net.

13 (iv) An impoundment net.

14 (v) A pound net.

15 (vi) A purse seine net.

16 (vii) A seine net.

17 (viii) A trap net.

18 (ix) A trawl net.

19 (g) "Department" means the department of natural resources.

20 (h) "Director" means the director of the department of natural
21 resources.

22 (i) "Dressed fish" means a fish with the head and tail
23 attached but with the gills and the entire gut or viscera removed.

24 (j) "Fish" means any fish, fish parts, roe, or fish products.

25 (k) "Fish in the round" means a fish that is entirely intact
26 as it was taken out of the water with no part or insides removed.

27 (l) "Fyke net" and "hoop net" mean a long, bag-shaped
28 impoundment net held open by hoops or frames and having 1 or more

1 internal funnel-shaped throats that taper from the mouth of the net
2 toward the pot.

3 (m) "Gill net" means a vertical stationary wall of net in
4 which fish are caught by entanglement.

5 (n) "Great Lakes" means those portions of Lake Superior, Lake
6 Michigan, Lake Huron, and Lake Erie, including the bays of those
7 lakes, that fall within the boundaries of this state.

8 (o) "Great Lakes connecting waters" means those portions of
9 Lake St. Clair, the St. Clair River, the St. Marys River, and the
10 Detroit River that fall within the boundaries of this state.

11 (p) "Illegal fish" means any fish taken or possessed in
12 violation of this part or not authorized by the laws of the tribes
13 of this state or, if imported, not authorized by the laws of the
14 state, country, or tribal authority where the fish was imported
15 from. Illegal fish includes fish that have not been reported or for
16 which a record has not been created as required by this part.
17 Species listed as a prohibited transgenic or nonnative organism in
18 part 413 may not be possessed or sold live and are considered
19 illegal.

20 (q) "Impoundment net" means a net designed to capture fish by
21 deflection and to retain them in a live condition until removed.

22 (r) "Licensed commercial fisher" means a person that has been
23 issued a commercial fishing license under section 47304.

24 (s) "Live car" or "live fish car" means a nonmotorized and
25 nonsteerable floating box or hold that is towed behind the licensed
26 commercial vessel for the exclusive purpose of holding or
27 transporting live fish.

28 (t) "Overall vessel length" means the minimum distance between
29 the extreme outside end of the bow and the stern rounded to the

1 nearest whole foot.

2 (u) "Person" means an individual, firm, company, partnership,
3 copartnership, association, or corporation.

4 (v) "Pound net" means a stationary impoundment net consisting
5 of a lead, heart, tunnels, and pot, supported by a series of stakes
6 or pilings, that traps fish inside a box-like net enclosure that is
7 open above the surface of the water.

8 (w) "Processed condition" means the physical form of the fish
9 and is referred to as dressed, round, fillet, dressed headed, or
10 roe.

11 (x) "Purchase" means to buy, acquire, or obtain or attempt to
12 buy, acquire, or obtain for exchange of value, goods, or services.

13 (y) "Purse seine net" means a mesh net with floats on both
14 edges that hangs down vertically in the water and is used to
15 encircle the fish and enclose those fish when the net's bottom edge
16 is pulled together.

17 (z) "Quota" means a yearly allocation to commercial fishing
18 licenses by the department for fish species listed under section
19 47310 by a limitation of pounds of fish authorized to be taken.

20 (aa) "Record" includes any material on which information is
21 recorded or preserved, regardless of physical form, that relates to
22 the production, storage, transportation, purchase, sale, trade,
23 barter, or other acquisition or disposition of fish by a licensed
24 commercial fisher or wholesale fish dealer.

25 (bb) "Retail fish dealer" means a person or retail store,
26 locker plant, restaurant, hotel, tavern, meat market, grocery
27 store, or other establishment, or club, that sells fish to the
28 final consumer or sells fish for resale at no reduction in retail
29 price.

1 (cc) "Roe" means the eggs of any species of fish.

2 (dd) "Saginaw Bay" means the area south and west of a straight
3 line from Point Lookout in Arenac County to Sand Point in Huron
4 County and inclusive of an area north and east of Sand Point within
5 the following boundaries: commencing at the monument on the
6 westerly end of Sand Point (lat 43.54.58 long 083.24.19), thence
7 easterly to the section line between section 7, T17N, R10E and
8 section 12, T17N, R9E (lat 43.54.81 long 083.21.65); thence on a
9 line due north for 2 miles (lat 43.56.55 long 083.21.65); thence on
10 a line due west to a point due north of the monument on Sand Point
11 (lat 43.56.56 long 083.24.19); thence southerly to the point of
12 beginning.

13 (ee) "Seine net" means a mesh net with weights on 1 edge and
14 floats on the opposite edge that hangs vertically in the water and
15 is used to enclose fish when its ends are either pulled together or
16 drawn ashore.

17 (ff) "Set hook lines" means a long fishing line with a series
18 of hooks on short separate leaders attached to the main line.

19 (gg) "Take" and "taking" means to fish for by any method,
20 catch, kill, capture, trap, or harvest any aquatic species or to
21 attempt to engage in any such activity.

22 (hh) "Total allowable catch" means the cumulative annual catch
23 limit for all species listed under section 47310 for the Great
24 Lakes as established by the department.

25 (ii) "Total fish length" means the straight line from the tip
26 of the snout to the utmost end of the tail with the mouth closed
27 and the caudal rays of the tail fin squeezed together.

28 (jj) "Trap net" means a stationary impoundment net consisting
29 of a lead, heart, tunnels, and pot, held in place by anchors and

1 floats, that traps fish inside a box-like net enclosure that is not
2 open above the surface of the water.

3 (kk) "Trawl net" means any net that is actively towed through
4 the water by a vessel in order to capture fish.

5 (ll) "Type of fish" means the status of the fish and is
6 referred to as live, fresh, frozen, or smoked. Type, when
7 referencing roe, is described as unprocessed or processed.

8 (mm) "Unattended gear" means any commercial net, hooks, or
9 other gear that has not been utilized or lifted and cleared of fish
10 by the licensed commercial fisher for a period of 30 days or that
11 contains decayed fish in amounts that indicate a prolonged period
12 without being tended. This does not pertain to nets that have been
13 properly reported and rendered unfishable as prescribed by the
14 department.

15 (nn) "Undersized fish" means a fish of a smaller than legal
16 size as established by this act, by administrative rule, by order
17 of the director, or as set by specific license condition.

18 (oo) "Unfishable" means any commercial net, hook, or other
19 gear that has been rendered inoperable as prescribed by the
20 department.

21 (pp) "Vessel" means every description of watercraft used or
22 capable of being used as a means of transportation on water,
23 including, but not limited to, any rowboat, sailboat, powerboat,
24 motorboat, scow, tug, or launch.

25 (qq) "Wholesale fish dealer" means a person that buys,
26 barter, obtains, sells, solicits, or processes fish in any manner,
27 for itself or any other person, for sale to someone other than the
28 final consumer. Wholesale fish dealer includes any of the
29 following:

1 (i) A fish or food broker that acquires, solicits, obtains,
2 buys, sells, or trades fish on behalf of another person.

3 (ii) A fish processor that processes fish for itself or someone
4 else, for sale or trade by the owner of the fish to someone other
5 than the final consumer.

6 (iii) A crew member of a licensed commercial fisher who sells
7 fish received as his or her share of the catch, received as payment
8 for his or her work, or who retains part or all of the sale
9 proceeds.

10 (rr) Wholesale fish dealer does not include:

11 (i) A licensed commercial fisher if that licensed commercial
12 fisher is only selling the fish that it catches.

13 (ii) A retail store or locker plant if that retail store or
14 locker plant is only selling fish to a restaurant, hotel, or tavern
15 at no reduction in the retail price charged other retail customers.

16 Sec. 47302. ~~(1) Notwithstanding the provisions of this or any~~
17 ~~other part or act, the department, when in the department's opinion~~
18 ~~it is necessary for the better protection, preservation,~~
19 ~~management, harvesting, and utilization of the fisheries in the~~
20 ~~waters described in section 47301 may limit the number of fishing~~
21 ~~licenses to be issued under this part and fix and determine the~~
22 ~~qualifications of persons to whom licenses are issued. In~~
23 ~~determining the number of licenses that the department issues~~
24 ~~during any license year, the department shall consider the number~~
25 ~~of persons holding licenses, the number of licensees needed to~~
26 ~~harvest the fish known or believed to be harvestable, the capacity~~
27 ~~of the boats and equipment owned and used by licensees to harvest~~
28 ~~those fish, and any other facts that may bear upon the allowing of~~
29 ~~a limited number of licensed persons to engage in commercial~~

1 ~~fishing in an economical and profitable manner. In determining the~~
2 ~~qualifications of the licensees, the department shall consider the~~
3 ~~kind, nature, and condition of the boats and fishing equipment and~~
4 ~~gear to be used by the applicant, the years of experience the~~
5 ~~applicant has had in commercial fishing, and the quantity and kinds~~
6 ~~of fish that the applicant has caught during the previous 5 years,~~
7 ~~and other facts that may assist the department in determining that~~
8 ~~the applicant is capable of engaging in commercial fishing in a~~
9 ~~proper and profitable manner and will comply with the laws~~
10 ~~applicable to commercial fishing.~~

11 ~~(2) In addition to the requirements of this part and rules~~
12 ~~promulgated under this part, the license issued by the department~~
13 ~~may contain provisions that do 1 or more of the following:~~

14 ~~(a) Establish the amount of fish to be taken by species and~~
15 ~~kind.~~

16 ~~(b) Designate the areas in which the licensee is permitted to~~
17 ~~fish.~~

18 ~~(c) Specify the season when and the depths where the licensee~~
19 ~~may conduct commercial fishing operations.~~

20 ~~(d) Specify the methods and gear that the licensee shall use.~~

21 ~~(e) Specify other conditions, terms, and restrictions that are~~
22 ~~considered necessary in implementing this part, including, but not~~
23 ~~limited to, the right to inspect the licensee's fishing operations~~
24 ~~in the waters, on board, or ashore.~~

25 ~~(3) All licenses issued by the department pursuant to this~~
26 ~~part expire on December 31 of the year in which issued.~~

27 ~~(4) The department may suspend or revoke any license issued~~
28 ~~under this part if the licensee fails to fulfill or violates any of~~
29 ~~the conditions, terms, or restrictions of the license. The~~

~~1 department shall afford the licensee a hearing in accordance with
2 the administrative procedures act of 1969, Act No. 306 of the
3 Public Acts of 1969, being sections 24.201 to 24.328 of the
4 Michigan Compiled Laws. Any person whose license has been suspended
5 or revoked is not eligible to apply for or receive a license for
6 the ensuing 2 calendar years following the suspension or
7 revocation.~~

~~8 (5) Any licensee licensed on November 15, 1968 has the right
9 to have his or her license renewed from year to year by the
10 department if the licensee continues to meet the qualifications set
11 forth in this section and the qualifications specified in any rules
12 promulgated under this section regardless of the determination of
13 the number of licenses to be issued under this part. Licenses
14 described in this section are not transferable without the
15 permission of the department.~~

**16 (1) All fish in the waters of the Great Lakes and the Great
17 Lakes connecting waters are the property of this state and the
18 department shall manage those fish based on sound scientific
19 management through data gathering and analysis. All commercially
20 taken fish in the waters of the Great Lakes must be taken,
21 transported, and sold only in accordance with this part. This part
22 does not apply to sport fishing regulated under part 487. A
23 licensed commercial fisher that is licensed on December 31, 2019
24 has the right for their license to be renewed every year after 2019
25 by the department if the licensed commercial fisher continues to
26 meet the qualifications set forth in this act and the
27 qualifications specified in any orders or rules promulgated under
28 this act regardless of the determination of the number of licenses
29 to be issued under this act.**

1 (2) The department may do any of the following:

2 (a) Take fish or issue permits for others to take fish in any
3 manner, in any of the waters mentioned in this part, during any
4 season of the year, for the purpose of scientific investigation,
5 fisheries assessment, fisheries utilization, fisheries management,
6 or fish culture; have and hold ripe and unripe fish; sell some or
7 all of those ripe and unripe fish; direct the sale of those ripe
8 and unripe fish; and devote the proceeds of sales toward defraying
9 the expenses incurred.

10 (b) Take fish for the purpose of scientific investigation,
11 fisheries assessment, fisheries utilization, fisheries management,
12 or fish culture harvested by any person licensed under this part to
13 commercially fish in the waters mentioned in this part. If the
14 department takes fish under this subdivision, the fish must be
15 weighed and the licensee must be paid for those fish. The price
16 paid for the fish must be based on the fair market value or at any
17 other price as may be agreed upon by the person or persons taking
18 the fish and the department, plus the cost of transportation, if
19 any.

20 (c) Issue quotas for any fish species as license conditions to
21 any licensed commercial fisher based on sound scientific management
22 through data gathering and analysis within each commercial fishing
23 zone in the Great Lakes.

24 (3) The department shall not authorize a person licensed under
25 this part to take fish under any license except as provided under
26 section 47304.

27 (4) To provide financial remuneration to the state for lake
28 trout, walleye, and yellow perch taken for commercial purposes, the
29 department shall collect from a licensee not more than 5% of the

1 price received by the licensee for the lake trout, walleye, and
2 yellow perch. Money received must be credited to the game and fish
3 protection account of the Michigan conservation and recreation
4 legacy fund provided for in section 2010 to be used in the
5 development and management of the fisheries resource.

6 Sec. 47303. ~~The department shall provide financial~~
7 ~~remuneration to the state for fish taken for commercial purposes by~~
8 ~~collection from the licensee of not more than 5% of the price~~
9 ~~received by the licensee. Money received shall be credited to the~~
10 ~~game and fish protection account of the Michigan conservation and~~
11 ~~recreation legacy fund provided for in section 2010 to be used in~~
12 ~~the development and management of the fisheries resource.~~

13 (1) A person shall not obstruct or interfere in the lawful
14 taking of an aquatic species.

15 (2) A person violates this section if the person intentionally
16 or knowingly does any of the following:

17 (a) Operates a vessel or a device designed to be used on the
18 water that does not meet the definition of vessel in a manner
19 likely to significantly alter the behavior of aquatic species in
20 order to hinder or prevent the lawful taking of an aquatic species.

21 (b) Wades or swims in a manner or at a location likely to
22 cause a significant alteration in the behavior of aquatic species
23 in order to hinder or prevent the lawful taking of an aquatic
24 species.

25 (c) Tosses, drops, or throws any stone, rock, or other inert
26 material in order to hinder or prevent the lawful taking of an
27 aquatic species.

28 (d) Drives, herds, or disturbs any aquatic species in order to
29 hinder or prevent the lawful taking of an aquatic species.

1 (e) Blocks, impedes, or harasses another person who is
2 lawfully taking an aquatic species.

3 (f) Uses a natural or artificial visual, aural, olfactory,
4 gustatory, or physical stimulus to affect animal behavior in order
5 to hinder or prevent the lawful taking of an aquatic species.

6 (g) Erects barriers to deny ingress or egress to waters where
7 the lawful taking of an aquatic species may occur. This subdivision
8 does not apply to a person who erects barriers to prevent
9 trespassing on his or her property.

10 (h) Interjects himself or herself into the area where nets or
11 fishing lines are cast by a person lawfully taking an aquatic
12 species.

13 (i) Affects the condition or placement of personal or public
14 property intended for use in the lawful taking of an aquatic
15 species in order to impair the usefulness of the property or
16 prevent the use of the property.

17 (j) Enters or remains on private land without the permission
18 of the owner or the owner's agent, for the purpose of violating
19 this section.

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

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

27 (4) A person who violates this section is guilty of a
28 misdemeanor punishable by imprisonment for not more than 93 days or
29 a fine of not less than \$500.00 or more than \$5,000.00, or both,

1 and the costs of prosecution. A person who violates this section a
2 second or subsequent time is guilty of a misdemeanor punishable by
3 imprisonment for not more than 1 year or a fine of not less than
4 \$1,000.00 or more than \$10,000.00, or both, and the costs of
5 prosecution. In addition to the penalties provided in this
6 subsection, any permit or license issued by the department
7 authorizing the person to take aquatic species must be revoked for
8 1 year. A prosecution under this section does not preclude
9 prosecution or other action under any other criminal or civil
10 statute.

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

13 Sec. 47304. (1) A person shall not use any kind of vessel, net
14 or nets, set hook lines, or other commercial device authorized in
15 this section for the purpose of taking or transporting fish for a
16 commercial purpose or for personal use in any of the waters of this
17 state without having first applied for and having been issued a
18 license for that activity by the department.

19 (2) The department, based on sound scientific management
20 through data gathering and analysis within each commercial fishing
21 zone, shall determine the number of licenses needed to take fish
22 within each management zone in an economic and profitable manner.
23 The total number of commercial fishing licenses issued under this
24 part must not be more than 65.

25 (3) To obtain a license under this part, a person shall submit
26 an application to the department on a form provided by the
27 department, accompanied by the fee required under this part. The
28 application must state the name and residence of the applicant, the
29 manner in which he or she proposes to fish, the name or number of

1 the vessel, the overall length of the vessel, the name of the ports
2 from which the vessel will operate, and the number and kind of net
3 or nets and hooks or other gear which he or she intends to use.

4 (4) An applicant for a commercial fishing license shall submit
5 an application annually not less than 30 days before fishing
6 operations are expected to commence or electronically submit the
7 application on or before November 15 of the current license year.

8 (5) In addition to the requirements of this part, a license
9 issued by the department may contain provisions based on sound
10 scientific management through data gathering and analysis that do 1
11 or more of the following:

12 (a) Establish the amount of fish to be taken by species and
13 kind, in accordance with this act.

14 (b) Designate the management zones and units in which the
15 licensee is authorized to fish. A licensee may fish water open to
16 commercial fishing within the zone or zones specified on the
17 license.

18 (c) Specify the season when and the depths where the licensee
19 may conduct commercial fishing operations.

20 (d) Specify the type and amount of gear that the licensee is
21 allowed to use.

22 (e) Designate the ports where fish may be landed and vessels
23 must be docked while in the act of commercial fishing. Unless
24 specifically stated otherwise or if an emergency mechanical or
25 weather condition exists, all fish must be landed at a port listed
26 on the license.

27 (f) List the authorized vessels to be used. Single or multiple
28 vessels may be listed on each license and may be added or
29 subtracted by the licensee upon notification to the department.

1 (6) All licenses issued by the department under this part
2 expire on December 31 of the year in which the license is issued.

3 (7) A person who violates this part is responsible for a state
4 civil infraction and is subject to the following civil fines:

5 (a) For a first offense during a license year, not more than
6 \$1,000.00.

7 (b) For a second offense during a license year, not more than
8 \$5,000.00.

9 (c) For a third offense during a license year, not more than
10 \$10,000.00.

11 (d) For a fourth and all subsequent offenses during the
12 license year, not more than \$20,000.00.

13 (8) A license described in this section is not transferable to
14 a person that does not hold a license under this section without
15 the permission of the department. In determining the qualifications
16 of any new applicant if a license transfer is being proposed, the
17 department may consider any of the following:

18 (a) Any violations of this act during the previous 5 years.

19 (b) Any violations of a law of the United States, another
20 state, or another country substantially corresponding to a
21 violation of this act during the previous 5 years.

22 (c) Any other facts that may assist the department in
23 determining that the applicant is capable of engaging in commercial
24 fishing in a proper and profitable manner and will comply with the
25 laws applicable to commercial fishing.

26 ~~Sec. 47305. For the purpose of carrying out this section and~~
27 ~~sections 47302 and 47303, the department may promulgate rules as~~
28 ~~may be necessary.~~

29 (1) For the purpose of establishing rules and orders, the

1 department shall establish a commercial fishing advisory committee,
2 consisting of the following 9 members:

3 (a) A licensed commercial fisher that holds a license to
4 commercially fish in Lake Superior.

5 (b) A licensed commercial fisher that holds a license to
6 commercially fish in Lake Michigan.

7 (c) A licensed commercial fisher that holds a license to
8 commercially fish in Lake Erie.

9 (d) A licensed commercial fisher that holds a license to
10 commercially fish in Lake Huron but not in Saginaw Bay.

11 (e) A licensed commercial fisher that holds a license to
12 commercially fish in Saginaw Bay.

13 (f) The president of the Michigan Fish Producers Association
14 or his or her designee.

15 (g) A wholesale fish dealer that is not also a licensed
16 commercial fisher.

17 (h) The president of the Michigan Charter Boat Association.

18 (i) A sport fishing angler representing the sport fishing
19 community.

20 (2) The department may, with the support of the majority of
21 the members of the commercial fishing advisory committee, issue
22 orders for the purpose of carrying out this part.

23 (3) If a majority of the members of the commercial fishing
24 advisory committee do not support an order proposed by the
25 department, the department may promulgate rules for the purpose of
26 carrying out this part.

27 (4) The department may issue orders without the approval of a
28 majority of the commercial fishing advisory committee considered
29 necessary by the department to protect any species of fish that the

1 department determines, after a thorough scientific investigation
2 involving data gathering and analysis, to be threatened from any
3 cause or causes with depletion or extermination in the waters of
4 this state. Orders issued under this subsection expire 1 year after
5 the effective date of the order.

6 Sec. 47306. ~~A person shall not place or set any kind of a net
7 or set hook lines or take or attempt to take any kind of fish with
8 a net or set hook lines, except minnow seines as provided in
9 section 47309, in any of the connecting waters between Lake
10 Superior and Lake Huron and the connecting waters between Lake
11 Huron and Lake Erie. For the purposes of this part, the connecting
12 waters between Lake Superior and Lake Huron are all of that part of
13 the straits of St. Mary in this state, extending from a line drawn
14 from Birch point range front light to the most westerly point of
15 Round island, thence following the shore of Round island to the
16 most northerly point thereof, thence from the most northerly point
17 of said Round island to Point Aux Pins light, Ontario, to a line
18 drawn east and west from the most southerly point of Little Lime
19 island; and the connecting waters of Lake Huron and Lake Erie are
20 all of the St. Clair river and all of lake St. Clair and all of the
21 Detroit river extending from fort Gratiot light in Lake Huron to a
22 point in the lower Detroit river where the center line of Oak
23 street, city of Wyandotte, Wayne county, Michigan, extended due
24 east, would intersect the international boundary line. The boundary
25 line between Lake Michigan and Lake Huron is a line extending due
26 north from old Mackinac point lighthouse across the straits of
27 Mackinac.~~**The department may issue an order prohibiting the taking
28 of fish with commercial gear in a designated area of the waters of
29 this state based on sound scientific management of the Great Lakes.**

1 Sec. 47307. ~~A person shall not set any net, set hook lines, or~~
2 ~~other device for the purpose of taking or catching fish within 160~~
3 ~~rods on either side of the thread of the stream at the mouth of any~~
4 ~~river or outlet of an inland lake emptying into Lakes Superior,~~
5 ~~Michigan, Huron, or Erie, commonly known as the Great Lakes, or the~~
6 ~~bays of the Great Lakes, navigable for vessels drawing 10 feet or~~
7 ~~more, leaving an open channel of 1 mile in width for the free~~
8 ~~passage of fish, extending at right angles from the shoreline as~~
9 ~~near as may be, 2 miles from shore. However, within the next 1/2~~
10 ~~mile on either side of any such rivers or outlets of inland lakes,~~
11 ~~nets, set hook lines, or other devices shall not be used for the~~
12 ~~purpose of taking fish that will extend a greater distance than 1~~
13 ~~mile from shore. The purpose of the limitations in this section is~~
14 ~~to leave an open channel of 1 mile in width 1 mile out, and 2 miles~~
15 ~~in width for the second mile out, for the free passage of fish. No~~
16 ~~net or other device for taking fish shall be set or used within 40~~
17 ~~rods on either side of the thread of the stream at the mouth of any~~
18 ~~other river or the outlet of any other inland lake leaving an open~~
19 ~~channel of 80 rods in width for the free passage of fish, extending~~
20 ~~at right angles with the shoreline as near as may be 2 miles out~~
21 ~~from shore. For the purpose of this section, the shore commences at~~
22 ~~the average low water mark. If the location of the open channel or~~
23 ~~the average low water mark is in dispute, this location shall be~~
24 ~~determined by the department. Except as provided in sections 47311~~
25 ~~and 47313, a person may at all times catch any kind of fish in all~~
26 ~~of the waters named in this part, and from the docks, harbors of~~
27 ~~refuge, or breakwaters, with a hook and line except largemouth~~
28 ~~black bass, smallmouth black bass, bluegills, sunfish, brook or~~
29 ~~speckled trout, rainbow and steelhead trout, brown and Loch Leven~~

1 ~~trout, northern pike, pike perch, perch, or muskellunge, which~~
2 ~~shall only be taken or possessed in the manner and at the time~~
3 ~~specified by the laws of this state protecting those fish. A person~~
4 ~~may also spear carp, suckers, mullet, redhorse, sheepshead, lake~~
5 ~~trout, herring, smelt, perch, pike perch, northern pike,~~
6 ~~muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee~~
7 ~~white fish, catfish, dogfish, and garpike through the ice in the~~
8 ~~connecting waters as defined in this part.~~

9 (1) Except as otherwise prohibited by law, a person
10 specifically authorized by license condition may use set hook lines
11 for the purpose of taking fish in the waters of the Great Lakes.

12 (2) The director shall authorize the use of trawls by licensed
13 commercial fishers for the purpose of taking fish in the waters of
14 the Great Lakes.

15 (3) The department may, by rules or an order, allow the use of
16 commercial gear types and regulate their use by specific license
17 condition, including, but not limited to, the kind and size of the
18 gear, the size of mesh in the gear, the areas, depths of water, and
19 manner in which the gear may be used, and the commercial species of
20 fish that the gear may harvest.

21 (4) The gear described by a rule or order of the department
22 must be specifically authorized by license condition for legal use
23 by any licensed commercial fisher, and each licensed commercial
24 fisher shall conduct its commercial fishing operation only with the
25 type and amount of gear specified on the license. Any gear not
26 specifically listed by license condition possessed on board any
27 commercial vessel or in the waters or on the ice of the Great Lakes
28 is prohibited.

29 (5) The department may by order prohibit the use of certain

1 gear in the waters of this state authorized for commercial fishing.

2 Sec. 47308. ~~Except as otherwise provided by law, a person may~~
3 ~~use in the waters of Lakes Michigan, Superior, Huron, and Erie, and~~
4 ~~the bays of those lakes, within the jurisdiction of this state, set~~
5 ~~hook lines or spears for the purpose of taking fish; and for the~~
6 ~~purpose of securing bait for use in baiting said hook lines, a~~
7 ~~person may use gill nets as provided in section 47309. However, a~~
8 ~~person shall not market or possess for the purpose of marketing any~~
9 ~~fish taken in bait nets. All unused bait, fresh or old, shall be~~
10 ~~taken ashore.~~ **A person shall not set or use a net or set hook line**
11 **in any of the waters mentioned in this part without marking its**
12 **location in accordance with the specifications laid out under the**
13 **uniform waterway marking system set forth in R 281.1101 to R**
14 **281.1114 of the Michigan Administrative Code. If any net or set**
15 **hook line is set under the ice, its location must be marked by a**
16 **stake extending not less than 4 feet above the ice at each end of**
17 **the net or set hook line, and the license number, in legible**
18 **figures, must be attached to each stake or to the ends of the net**
19 **or set hook line. A person setting a set hook line in any waters of**
20 **this state shall provide GPS coordinates of all gear to the**
21 **department. This information must be updated every time gear is**
22 **lifted or moved.**

23 Sec. 47309. ~~A person shall not possess on any boat licensed~~
24 ~~under this part or use in the waters of Lakes Michigan, Superior,~~
25 ~~Huron, and Erie, and the bays of those lakes, within the~~
26 ~~jurisdiction of this state, any pound or trap net, gill net, seine,~~
27 ~~or any fixed, set, or movable net of any kind or description, the~~
28 ~~meshes of which are different than the following:~~

29 (a) ~~Gill nets with meshes of not less than 4 1/2 inches shall~~

1 ~~be used for the taking of whitefish, lake trout, and yellow~~
2 ~~pickerel. In Lake Erie, the nets shall have meshes not less than 4-~~
3 ~~3/4 inches. The nets shall be set not nearer than 20 rods from the~~
4 ~~shore of the mainland fronting Lake Superior and its bays. The nets~~
5 ~~shall be set not nearer than 20 rods from the shore of the mainland~~
6 ~~fronting Lake Michigan southerly from Seven Mile point, Emmet~~
7 ~~county, during the months of March, April, and May. There shall be~~
8 ~~no nets, except gill nets, of any kind with mesh larger than 2-3/4~~
9 ~~inches set in the waters of Lake Superior within a radius of 50~~
10 ~~miles of the village of Houghton, Michigan, during the period~~
11 ~~between October 10 and November 4, except by permit from the~~
12 ~~department for the taking of spawn from trout for the fish~~
13 ~~hatcheries.~~

14 ~~(b) Gill nets with meshes of not less than 2-1/2 inches or~~
15 ~~more than 2-3/4 inches may be set in water of any depth, and gill~~
16 ~~nets with meshes of not less than 2-1/2 inches or more than 3~~
17 ~~inches may be set in waters not exceeding 100 feet in depth, for~~
18 ~~the purpose of taking herring, chubs, perch, and pilot fish,~~
19 ~~commonly called menominees, wherever and whenever they will not~~
20 ~~take to exceed 10% by weight of other fish, such percentage to be~~
21 ~~determined by the department, by inspection of the fish taken in~~
22 ~~the nets. All uninjured fish, except herring, chubs, perch, and~~
23 ~~pilot fish, shall be returned to the waters from which they were~~
24 ~~taken with as little injury as possible, by the persons lifting the~~
25 ~~nets; all sound, undersized, and dead fish found in the nets are~~
26 ~~the property of the state, and shall not be sold or disposed of,~~
27 ~~but shall be dressed and brought in and delivered immediately to~~
28 ~~the department at the fishing port of the person taking the fish.~~
29 ~~The sound, undersized, and dead fish shall be then disposed of by~~

1 ~~the department. If more than 10% of fish other than herring, chubs,~~
2 ~~perch, and pilot fish are taken, then all of the other fish shall~~
3 ~~be disposed of by the department. An angler may have in his or her~~
4 ~~possession, not to exceed in quantity the percentage allowed of~~
5 ~~lake trout, whitefish, yellow pickerel, perch, or suckers, of a~~
6 ~~weight or length less than established by this part, which are~~
7 ~~caught in 2-1/2 inch to 2-3/4 inch or 2-1/2 inch to 3 inch mesh~~
8 ~~gill nets, as provided for in this subsection, but the same may be~~
9 ~~shipped and disposed of only under the direction of the department.~~
10 ~~All undersized fish taken over under this section shall be disposed~~
11 ~~of by the department to state, county, or charitable institutions.~~
12 ~~Parties handling the fish shall be paid not more than 3 cents per~~
13 ~~pound for boxing, packing, and icing the fish. The department shall~~
14 ~~remove or cause to be removed any of the nets if, from the~~
15 ~~inspection provided in this section, the department determines that~~
16 ~~the nets are taking more fish of species other than herring, chubs,~~
17 ~~perch, and pilot fish than allowed by this section.~~

18 ~~(c) Gill nets with meshes of not less than 2-1/4 inches or~~
19 ~~more than 2-3/4 inches may be used to take blue back herring in the~~
20 ~~waters of Lake Superior and Whitefish bay, and those waters of the~~
21 ~~straits of Mackinac bounded on the Lake Huron end by a line drawn~~
22 ~~from the southernmost tip of St. Martin point, Mackinac county, to~~
23 ~~the westernmost tip of Lime Kiln point on Bois Blanc island, thence~~
24 ~~in a southerly direction to the northernmost tip of Point Au Sable~~
25 ~~in T 38 N, R 2 W, Cheboygan county, and bounded on the Lake~~
26 ~~Michigan end by a line drawn from the southernmost tip of Seul~~
27 ~~Croix point in Schoolcraft county in an easterly direction to the~~
28 ~~Lansing shoal lighthouse, thence to the White shoal lighthouse,~~
29 ~~thence in a southeasterly direction to the westernmost tip of~~

1 ~~Waugoshance point in Emmet county, and Green bay of Lake Michigan,~~
2 ~~as defined in section 47311, wherever they will not interfere with~~
3 ~~or take whitefish or lake trout or any other fish protected under~~
4 ~~the laws of this state.~~

5 ~~(d) The department may issue permits to allow the use of gill~~
6 ~~nets having meshes not less than 1-1/2 inches or more than 1-3/4~~
7 ~~inches for taking smelt and alewife for commercial purposes under~~
8 ~~rules and regulations as the department prescribes.~~

9 ~~(e) Gill nets with meshes of not less than 1-1/4 inches or~~
10 ~~more than 1-3/4 inches may be used to secure bait for use in~~
11 ~~baiting hook lines, if the nets will not take undersized fish.~~

12 ~~(f) Pound nets having meshes not less than 4-1/2 inches in the~~
13 ~~lifting pot, crib, or pocket and in the heart and tunnel, and~~
14 ~~having meshes not less than 5 inches in the lead, shall be used for~~
15 ~~taking whitefish and lake trout. In the pound nets, meshes not more~~
16 ~~than 3-1/2 inches may be used in 1 side of the pot or in the back,~~
17 ~~being that part of the pot opposite the tunnel entrance. In fishing~~
18 ~~with the pound nets, or any other pound nets permitted by this~~
19 ~~part, the crib or pot and hearts and lead shall extend to or above~~
20 ~~the surface of the water; the crib or pot and hearts shall be~~
21 ~~entirely open at the top, the sides or walls of the pot or crib and~~
22 ~~of the hearts shall be held vertically as near as possible and~~
23 ~~shall have 5 or more stakes driven into the earth at the bottom of~~
24 ~~the lake to hold the net in place. A pound net permitted under this~~
25 ~~part or any part of the webbing of the net shall not be set in~~
26 ~~water of a depth greater than 80 feet. Pound nets fished through~~
27 ~~the ice may be held in place by fastening them to the ice without~~
28 ~~the use of stakes.~~

29 ~~(g) Pound nets having meshes not exceeding 3 1/2 inches in the~~

1 ~~lifting pot or crib and in the tunnel inside the pot or crib, and~~
2 ~~having meshes not less than 3-1/2 inches in that part of the tunnel~~
3 ~~outside of the pot or crib and in the heart and lead, may be used~~
4 ~~for taking all legal fish except whitefish and lake trout. Saginaw~~
5 ~~bay shall be considered rough fish grounds, and other similar bays~~
6 ~~may be designated by the department as rough fish grounds if the~~
7 ~~catch of whitefish and lake trout taken in pound nets and trap nets~~
8 ~~during the last 2 preceding years averaged less than 12% of the~~
9 ~~total catch, on which grounds all legal fish caught in pound nets~~
10 ~~and trap nets having meshes not exceeding 3-1/2 inches in the~~
11 ~~lifting pot or crib may be taken and all lake trout and whitefish~~
12 ~~taken in such nets set in all other waters shall be returned~~
13 ~~uninjured to the waters. The department may issue permits to allow~~
14 ~~the use of pound nets having meshes less than 3-1/2 inches in that~~
15 ~~part of the tunnel outside of the pot or crib and in the heart and~~
16 ~~lead for the taking of smelt and alewife for commercial purposes,~~
17 ~~under rules and regulations as the department may prescribe, which~~
18 ~~may include the waters in which the nets may be fished and the~~
19 ~~period of time during which they may be used.~~

20 ~~(h) Trap nets having meshes not less than 4-1/2 inches in the~~
21 ~~lifting pot, crib, or pocket and in the heart and tunnel and having~~
22 ~~meshes not less than 5 inches in the lead shall be used for taking~~
23 ~~whitefish and lake trout. In such trap nets, meshes not more than~~
24 ~~3-1/2 inches may be used in the tunnel inside the pot, in either~~
25 ~~the front, back, or 1 side of the pot for a distance not exceeding~~
26 ~~5 feet from the bottom of the net and in that portion of the bottom~~
27 ~~of the net connected thereto for a distance not exceeding 5 feet,~~
28 ~~and in the connecting ends for a depth and width not exceeding 5~~
29 ~~feet, for the purpose of shoaling fish. These trap nets shall not~~

1 ~~be used in any of the waters under the jurisdiction of this state~~
2 ~~except in Lakes Huron and Erie and then only in such a manner that~~
3 ~~no trap net or any part of the webbing of the net is set in water~~
4 ~~of a depth greater than 80 feet. Trap nets having meshes as~~
5 ~~described in this subsection and with no part of the lifting pot or~~
6 ~~crib over 15 feet in depth may be used to take whitefish and lake~~
7 ~~trout in Lakes Superior and Michigan in water of a depth not~~
8 ~~greater than 80 feet.~~

9 ~~(i) Trap nets having meshes not exceeding 3-1/2 inches in the~~
10 ~~lifting pot or crib and in the tunnel inside the pot or crib and~~
11 ~~having meshes not less than 3-1/2 inches in that part of the tunnel~~
12 ~~outside of the pot or crib and in the heart and lead may be used~~
13 ~~for taking all legal fish except whitefish and lake trout. The~~
14 ~~depth of no part of the lifting pot or crib shall be greater than~~
15 ~~15 feet. No such trap nets and no part of the webbing of the net~~
16 ~~shall be set in water of a depth greater than 50 feet in Lakes~~
17 ~~Michigan and Superior, or in water of a depth greater than 80 feet~~
18 ~~in Lakes Huron and Erie. The department may issue permits to allow~~
19 ~~the use of trap nets having meshes less than 3-1/2 inches in that~~
20 ~~part of the tunnel outside the pot or crib and in the heart and~~
21 ~~lead for the taking of smelt and alewife for commercial purposes,~~
22 ~~under rules and regulations as the department may prescribe, which~~
23 ~~may include the waters in which such nets may be fished and the~~
24 ~~period of time during which they may be used. Trap nets having a~~
25 ~~lifting pot or crib not exceeding 4 feet in depth may have webbing~~
26 ~~less than 3-1/2 inches in the 2 sides of inner heart.~~

27 ~~(j) Any pound net or trap net with meshes in the lifting pot~~
28 ~~or crib between 3-1/2 and 4-1/2 inches, or any lifting pot or crib~~
29 ~~of such nets with meshes between 3-1/2 and 4-1/2 inches, is illegal~~

1 ~~and shall be seized and confiscated when found in use. Hoop nets,~~
2 ~~fyke nets, drop nets, and gobbler nets are considered under this~~
3 ~~part to be trap nets.~~

4 ~~(k) Seines having wings with meshes of not less than 4 inches,~~
5 ~~and the pocket or bag, the bag of which shall be not more than 1/4~~
6 ~~the length of the seine, having meshes of not less than 2-1/4~~
7 ~~inches, may be used to take carp, yellow pickerel, perch, herring,~~
8 ~~and other rough fish if they do not interfere with or take~~
9 ~~whitefish or lake trout. All seines in use or set along the shores~~
10 ~~of the waters listed in section 47301, when unattended, shall have~~
11 ~~a metal tag securely attached to the seine bearing the commercial~~
12 ~~fishing license number of the owner or user of the seine. Minnow~~
13 ~~seines not to exceed 80 feet in length and 8 feet in width may be~~
14 ~~used in the Great Lakes and connecting waters.~~

15 ~~(l) The measurement of the mesh of all nets and seines as~~
16 ~~prescribed in this section shall be by extension measure. The size~~
17 ~~of the mesh of all nets or netting used in fishing as provided by~~
18 ~~this part shall be determined by extension measure, and the~~
19 ~~measurement shall be made of meshes irrespective of where the net~~
20 ~~or netting is found, whether in the water, on boat, on reel, on~~
21 ~~dock, or in any other place on land. Extension measure means the~~
22 ~~distance between the extreme angles of any single mesh, and the~~
23 ~~measurements shall be taken between and inside the knots. All~~
24 ~~measurements of the mesh in gill nets or gill netting shall be made~~
25 ~~with a flexible steel gauge constructed and used as prescribed in~~
26 ~~this section. All measurements of the mesh of gill nets or gill~~
27 ~~netting shall be made by inserting in the mesh parallel with the~~
28 ~~selvage a gauge made of spring steel free from rust, of a length~~
29 ~~equal to the number of inches prescribed in this section for the~~

1 ~~mesh measured. The ends of the gauge shall be free of sharp edges~~
2 ~~or burrs. The gauge shall not be graduated, and any necessary~~
3 ~~markings shall be placed near the ends of the gauge. The length of~~
4 ~~the gauge measured parallel with the long edge shall not at any~~
5 ~~point exceed or be less than the prescribed length by more than~~
6 ~~2/1000 of an inch. Its width at any point shall not exceed 9/16 of~~
7 ~~an inch or be less than 7/16 of an inch. Its thickness shall be~~
8 ~~such that when it is set vertically on a solid anvil with its upper~~
9 ~~end loaded with a dead weight between 7-1/2 and 8-1/2 ounces, the~~
10 ~~gauge shall deflect at its middle 1/10 of its length. The meshes to~~
11 ~~be gauged shall be at least 3 meshes removed from the selvage or~~
12 ~~side lines and shall not be stretched or manipulated in any way~~
13 ~~prior to or after the insertion of the gauge, and the same mesh~~
14 ~~shall not be gauged more than once. In gauging a mesh, the flexible~~
15 ~~gauge shall be held only by the ends and bent between thumb and~~
16 ~~forefinger, the bent rule shall then be inserted in the mesh~~
17 ~~parallel with the selvage and with the collapsed mesh, and finger~~
18 ~~pressure shall be released immediately, not gradually. If the gauge~~
19 ~~does not straighten out completely under its own tension within 2~~
20 ~~seconds after its release in the mesh without slipping a knot or~~
21 ~~breaking the twine, the mesh is unlawful, and if the majority of 10~~
22 ~~or more meshes selected at random by the enforcement officer from~~
23 ~~any part or parts of the gill net or from the entire gill net or~~
24 ~~from any gill netting being gauged are found to be unlawful, the~~
25 ~~gill net or gill netting if found in use or in or upon any licensed~~
26 ~~commercial fishing boat shall be seized and confiscated. If found~~
27 ~~in possession but not in use, any such gill net or gill netting~~
28 ~~shall be sealed by the enforcement officer with a suitable seal~~
29 ~~provided by the department and, when once sealed and for so long as~~

~~1 the seal remains intact on the net or netting, may be possessed by
2 the owner until disposed of or destroyed by the owner as provided
3 in this section. The gill net or gill netting shall not be disposed
4 of or destroyed except under direction of a conservation officer
5 and, until that time, shall be available for inspection by the
6 department or any conservation officer. Any person who, without
7 authority from the department, breaks or destroys a seal attached
8 to a gill net or gill netting, or any person who refuses or
9 neglects to produce for inspection any sealed gill net or gill
10 netting, or who disposes of or destroys a sealed gill net or gill
11 netting except under the direction of a conservation officer, is
12 guilty of a misdemeanor and upon conviction is subject to the
13 penalty provided for in section 47327. A person shall not use any
14 gill net of a greater measurement than 11 feet in depth in any of
15 the waters of the Great Lakes and the bays of the Great Lakes. In
16 Lake Erie, a gill net shall not be over 36 meshes deep. A trawl of
17 any kind shall not be licensed.~~

~~18 (m) Gill nets having meshes not less than 8 inches may be used
19 for taking carp in Wildfowl bay in Huron county.~~

**20 (1) A person licensed under this part shall not have
21 abandoned, unattended, unreported lost, or unreported vandalized
22 gear in the waters of the Great Lakes.**

**23 (2) A peace officer shall seize all abandoned, unattended,
24 unreported lost, or unreported vandalized gear and that gear is
25 forfeited unless reported under subsection (3).**

**26 (3) Licensed commercial fishers that determine that their gear
27 has been vandalized or lost shall immediately notify the
28 department. If the licensed commercial fisher has notified the
29 department that gear has been vandalized or lost, upon it being**

1 located, the licensed commercial fisher has no more than 14 days
2 after that notification to retrieve the gear before seizure.

3 (4) A licensed commercial fisher that is convicted of having
4 abandoned, unattended, unreported lost, or unreported vandalized
5 gear shall reimburse this state for the value of the dead fish
6 found in that gear in accordance with and at amounts established by
7 this part.

8 (5) A licensed commercial fisher that is convicted of having
9 abandoned, unattended, unreported lost, or unreported vandalized
10 gear shall reimburse this state for the cost incurred by the
11 department for gear removal as determined by the court.

12 Sec. 47310. ~~(1) Except as provided in subsections (2) and (3),~~
13 ~~within the jurisdiction of this state the holder of a license or~~
14 ~~permit issued under this part shall not take, catch, or attempt to~~
15 ~~take or catch any fish with a gill net, pound net, or trap net in~~
16 ~~Lake Erie and the connecting waters of Lake Erie and Lake Huron, or~~
17 ~~in the portions of Lake Michigan and Lake Huron located south of a~~
18 ~~line extending due east and west of the forty-fifth parallel of~~
19 ~~latitude, or in the rivers and streams which connect with any of~~
20 ~~the bodies of water described in this subsection from April 15 to~~
21 ~~September 15.~~

22 ~~(2) Subsection (1) does not apply to a license or permit~~
23 ~~holder who prior to September 15, 1984 holds a license or permit~~
24 ~~issued under this part to take, catch, or attempt to take or catch~~
25 ~~any fish with a gill net, pound net, or trap net in those waters~~
26 ~~described in subsection (1). Fishing licenses described in this~~
27 ~~subsection are not transferable without the permission of the~~
28 ~~department.~~

29 ~~(3) The department may issue a license or permit that~~

1 ~~authorizes the holder of the license or permit to take, catch, or~~
 2 ~~attempt to take or catch coregonus, commonly known as chubs, with a~~
 3 ~~gill net, pound net, or trap net as follows:~~

4 ~~(a) Except as provided in subdivision (b), in those waters~~
 5 ~~described in subsection (1) that exceed 240 feet in depth.~~

6 ~~(b) In those waters of Lake Michigan located south of a line~~
 7 ~~extending due west of the south pier of Grand Haven harbor that~~
 8 ~~exceed 180 feet in depth.~~

9 ~~(4) This section does not apply after December 31, 1986.~~

10 **(1) The following fish species are authorized for commercial**
 11 **take and may be taken from the waters of the Great Lakes open to**
 12 **commercial fishing:**

13 (a) Lake whitefish (*Coregonus clupeaformis*).

14 (b) Round whitefish (*Prosopium cylindraceum*).

15 (c) Bloater chubs (*Coregonus hoyi*).

16 (d) Cisco (*Coregonus artedi*).

17 (e) Rainbow smelt (*Osmerus mordax*).

18 (f) Species of the family Catostomidae, including quillback

19 (*Carpionodes Cyprinus*), white sucker (*Catostomus commersonii*),

20 longnose sucker (*Catostomus Catostomus*), northern hogsucker

21 (*Hypentelium nigricans*), silver redhorse (*Moxostoma anisurum*),

22 black redhorse (*Moxostoma duquesnei*), golden redhorse (*Moxostoma*

23 *erythrurum*), shorthead redhorse (*Moxostoma macrolepidotum*), greater

24 redhorse (*Moxostoma valenciennesi*), bigmouth buffalo (*Ictiobus*

25 *cyprinellus*), and black buffalo (*Ictiobus niger*).

26 (g) Freshwater drum (*Aplodinotus grunniens*).

27 (h) Burbot (*Lota lota*).

28 (i) Gizzard shad (*Dorosoma cepedianum*).

29 (j) Common carp (*Cyprinus carpio*).

1 (k) Catfishes of the family Ictaluridae, including black
2 bullhead (*Ameiurus melas*), yellow bullhead (*Ameiurus natalis*),
3 brown bullhead (*Ameiurus nebulosus*), channel catfish (*Ictalurus*
4 *punctatus*), and flathead catfish (*Pylodictis olivaris*).

5 (l) White perch (*Morone Americana*).

6 (m) White bass (*Morone chrysops*).

7 (n) Black crappie (*Pomoxis nigromaculatus*) and white crappie
8 (*Pomoxis annularis*).

9 (o) Rock bass (*Ambloplites rupestris*).

10 (p) Yellow perch (*Perca flavescens*).

11 (q) Lake trout (*Salvelinus namaycush*).

12 (r) Small mouth bass (*Micropterus dolomieu*).

13 (s) Sunfish (*Lepomis*).

14 (t) Walleye (*Sander vitreus*).

15 (u) Alewife (*Alosa pseudoharengus*).

16 (2) The department shall establish quotas based on sound
17 scientific estimates of fish populations through data gathering and
18 analysis within each commercial fishing zone open to commercial
19 fishing that allow for profitable commercial fishing enterprise and
20 sustainable future populations. A licensed commercial fisher shall
21 keep track of its harvest and immediately cease fishing upon
22 reaching its assigned quota. Exceeding a quota established by the
23 director, whether intentional or not, is a violation of this part.

24 (3) The department shall do all of the following:

25 (a) By October 1, request that each licensed commercial fisher
26 provide input to the department for quota amounts for the following
27 year.

28 (b) Inform each licensed commercial fisher in writing of their
29 proposed quota for the following year by November 1.

1 (c) Send notification of each licensed commercial fisher's
2 proposed quota to the chairs of the house and senate natural
3 resources committees and the governor.

4 (d) Send notification to the senators and representatives who
5 represent a district in which there are ports where licensed
6 commercial fishers operate of the quota of each licensed commercial
7 fisher that operates in that district.

8 (e) Except as provided in subdivision (f), establish a quota
9 for fish species described under section 47302(4). The quota must
10 not be less than 10% or more than 20% of the total allowable catch
11 for the year. This quota does not apply to commercial fishing
12 operations in Saginaw Bay.

13 (f) Establish a quota in Saginaw Bay for fish species
14 described under section 47302(4) that does not include yellow
15 perch. The quota must not be less than 20% or more than 30% of the
16 total allowable catch for the year for walleye, and must not be
17 less than 10% or more than 20% of the total allowable catch for the
18 year for all other species.

19 (g) Allow for a licensee to take quota from any vessel listed
20 under section 47304(5)(f).

21 (4) The department may issue an order establishing closed
22 seasons for any commercial fish species. In every case, the season
23 must open and close at 12 noon on the dates established by the
24 department. All harvested fish must be landed at a port by no later
25 than 2 p.m. on the date the season closes.

26 (5) All live fish on which the season is closed or is not
27 authorized for harvest must be returned to the water at once with
28 as little injury as possible by the person taking the fish. Any
29 dead fish, on which the season is closed or is not authorized for

1 harvest, must be returned to the water at once by the person or
 2 persons taking the fish or disposed of in accordance with any
 3 specific instructions provided by the director.

4 (6) A person shall not set any commercially licensed gear for
 5 the taking of fish before 12 noon on the first day of the open
 6 season for taking the fish.

7 (7) A person shall not sell or offer for sale at any time fish
 8 not listed in subsection (1) when the fish was taken under a
 9 commercial fishing license issued by this state. Any such fish,
 10 whether dead or alive, must at once be returned to the waters from
 11 which it was taken by the person or persons taking the fish with as
 12 little injury as possible.

13 (8) A person shall not sell or offer for sale any fish not
 14 listed in subsection (1).

15 Sec. 47311. ~~(1) A person shall not take from any of the waters~~
 16 ~~listed in section 47301 any of the following:~~

17 ~~(a) Lake trout, in Lake Huron and Lake Michigan from October 1~~
 18 ~~to December 10; in Lake Superior from October 5 to November 4.~~

19 ~~(b) Whitefish, in Lake Huron and Lake Michigan from October 1~~
 20 ~~to December 10; in Lake Superior from November 1 to November 26.~~

21 ~~(c) Pike-perch (yellow pickerel), northern pike, from April 1~~
 22 ~~to May 20. In Saginaw bay, as defined in section 47339, a person~~
 23 ~~shall not take pike-perch from March 5 to April 10. A person may~~
 24 ~~spear pike-perch through the ice during the closed season in Lake~~
 25 ~~Huron and the connecting waters of the Great Lakes for~~
 26 ~~noncommercial use only.~~

27 ~~(d) Perch, from April 15 to May 20. In the waters of Lake~~
 28 ~~Michigan only, a person may take perch from April 25 to June 1. In~~
 29 ~~Saginaw bay, perch of legal size may be taken at any time. A person~~

1 ~~may take perch with hook and line at any time.~~

2 ~~(e) White bass, in Lake Michigan at any time of the year. A~~
3 ~~person may take white bass with hook and line at any time.~~

4 ~~(f) Suckers, from April 15 to May 20. In Saginaw bay, suckers~~
5 ~~may be taken at any time. A person may take suckers with hook and~~
6 ~~line at any time.~~

7 ~~(g) Black crappie, also known as calico bass, in Lake Huron~~
8 ~~from June 1 to August 25. In Lake Erie, Lake Michigan, and Lake~~
9 ~~Superior, black crappie may not be taken at any time.~~

10 ~~(2) In the waters of Green bay of Lake Michigan within the~~
11 ~~jurisdiction of this state, which for the purpose of this part are~~
12 ~~those waters lying inside a line drawn from the most southerly part~~
13 ~~of Point Detour to the most easterly points of Sumner and Poverty~~
14 ~~islands, thence due south to the Michigan-Wisconsin boundary line,~~
15 ~~thence along the boundary line to the shore, a person shall not~~
16 ~~from April 15 to May 20 set, place, or use any gill net having~~
17 ~~meshes less than 4 1/2 inches. The department may issue permits~~
18 ~~under such rules and regulations as prescribed by the department to~~
19 ~~allow the use of gill nets having meshes not less than 2-1/4 inches~~
20 ~~or more than 2-3/4 inches for taking herring from the waters of~~
21 ~~Green bay from April 15 to May 20, if the nets will not interfere~~
22 ~~with or take any other species of fish. The closed seasons~~
23 ~~established by this section do not apply to Lake Erie and the lower~~
24 ~~Detroit river, where nets shall not be set and fish of any kind~~
25 ~~shall not be taken with nets from January 1 to March 10. A person~~
26 ~~may take carp with seines at any time from these waters.~~

27 ~~(3) In every case, the season shall open and close at 12 noon~~
28 ~~on the dates named in this section.~~

29 ~~(4) All live fish on which the season is closed shall be~~

1 ~~liberated and returned to the water with as little injury as~~
2 ~~possible, and any sound, dead fish, on which the season is closed,~~
3 ~~shall be dressed, brought ashore, and delivered immediately to the~~
4 ~~department at the department's fishing port, which fish shall be~~
5 ~~disposed of in the same manner as provided for the disposition of~~
6 ~~undersized fish in section 47309.~~

7 ~~(5) A person shall not set nets or hooks for the taking of~~
8 ~~lake trout or whitefish before the first day of the open season for~~
9 ~~taking the fish, and the license of any person shall be immediately~~
10 ~~revoked upon conviction of unlawfully setting nets before the first~~
11 ~~day of the open season as provided in this part, and revocation~~
12 ~~shall prohibit the use of boat and gear by that person during the~~
13 ~~balance of the year for which a license was issued. A person~~
14 ~~engaged in the taking of fish for commercial purposes from May 15~~
15 ~~to September 15 under this part shall carry sufficient ice and~~
16 ~~properly chill the fish at the time and place of their removal from~~
17 ~~the waters.~~

18 **(1) The director may establish minimum length and weight**
19 **requirements for all commercial fish species listed in section**
20 **47310(1) taken under a commercial fishing license issued under this**
21 **part. A person shall not take, sell, transport, or offer for sale**
22 **at any time any fish species of a size or weight prohibited by the**
23 **director. The department shall allow a licensed commercial fisher**
24 **to possess undersized fish equal to 5% of that licensed commercial**
25 **fisher's quota. A person that retains twice the amount of the**
26 **allowable possession limit or more for undersized commercial fish**
27 **species under this subsection is guilty of a misdemeanor punishable**
28 **as provided in sections 47327 and 47328. A person that retains more**
29 **than the allowable possession limit for an undersized commercial**

1 fish species but less than twice the allowable possession limit is
2 responsible for a state civil infraction and must be ordered to pay
3 a civil fine as follows:

4 (a) For a first offense during a license year, \$1,000.00.

5 (b) For a second offense during a license year, \$2,000.00.

6 (c) For a third and all subsequent offenses during the license
7 year, \$3,000.00.

8 (2) A person shall not possess on any vessel, or on any other
9 conveyance used to reach the nets from shore, any meat grinders or
10 similar devices by the use of which the identification of the
11 species of fish or the measurement of the individual fish is
12 impossible. A person shall not possess on any vessel or the ice,
13 and shall not bring ashore, any fish that is so mutilated that
14 identification and measurement are impossible.

15 (3) A person shall not take, sell, or offer for sale any
16 illegal fish.

17 (4) Imported fish species, if of a size, weight, or species
18 prohibited by the laws of the state, country, or tribal authority
19 within those states or countries where the fish were caught, or
20 species prohibited as a transgenic or nonnative organism by part
21 413, may not be possessed, transported, offered for sale, or sold
22 in this state.

23 ~~Sec. 47312. The department may authorize the taking of trout,~~
24 ~~whitefish, and yellow pickerel for the purpose of fish culture at~~
25 ~~any time during the open or closed seasons provided in this part,~~
26 ~~when it is determined by test nets set under the direction of the~~
27 ~~department that at least 20% of the fish taken are females and at~~
28 ~~least 40% of these females are ripe and ready to spawn. However,~~
29 ~~when all spawn needed for state and federal hatcheries has been~~

1 ~~secured, the department may close all commercial fishing during the~~
2 ~~remainder of the closed season. The department may close all~~
3 ~~commercial fishing during the closed season on those grounds that~~
4 ~~are so located as to prevent proper handling of spawn or where it~~
5 ~~appears that little or no spawn is being taken.~~

6 **(1) At the time of landing, a person on a licensed commercial**
7 **vessel shall not possess fish roe that weighs more than 15% of the**
8 **simultaneously landed dressed carcasses of fish of the species from**
9 **which the roe was taken.**

10 **(2) At the time of landing, a person on a licensed commercial**
11 **vessel shall not possess fish viscera that weigh more than 20% of**
12 **the simultaneously landed dressed carcasses of fish of the species**
13 **from which the viscera were taken.**

14 ~~Sec. 47313. All persons engaged in fishing for whitefish,~~
15 ~~trout, yellow pickerel, or perch in the waters named in this part~~
16 ~~shall from the beginning of the spawning season for these fish,~~
17 ~~such time to be determined by test under the direction of the~~
18 ~~department, until the beginning of the closed season provided by~~
19 ~~section 47311 and before and after the closed season, strip all~~
20 ~~ripe fish, both male and female, save all of the spawn, properly~~
21 ~~impregnate it, and deliver it to the department at its fishing~~
22 ~~port, and all such persons shall have a sufficient number of people~~
23 ~~on each boat and all the equipment needed properly to save, handle,~~
24 ~~impregnate, and deliver such spawn. The saving, handling,~~
25 ~~impregnating, and delivering of spawn shall be done under the~~
26 ~~direction of the department and in accordance with such regulations~~
27 ~~and under such supervision as prescribed by the department.~~
28 ~~However, the department shall not discriminate against any person~~
29 ~~engaged in fishing during the closed or open season, having on each~~

1 ~~boat a sufficient number of people and all the equipment needed~~
2 ~~properly to save, handle, impregnate, and deliver such spawn at any~~
3 ~~port or fishing ground when it has been determined that fish are~~
4 ~~ripe for spawning. This determination shall be made by setting test~~
5 ~~nets on each fishing ground where spawn will be taken. A person~~
6 ~~engaged in commercial fishing that fails to properly save, handle,~~
7 ~~impregnate, and deliver such spawn during any period when spawn are~~
8 ~~ripe is guilty of a violation of this part. A person shall not take~~
9 ~~from the waters of the Great Lakes any lake or Mackinaw trout~~
10 ~~during the closed season established by this part for those fish,~~
11 ~~except by the use of gill nets, trap nets, and pound nets after~~
12 ~~tests have been made and the percentage of ripe fish secured as~~
13 ~~provided for in section 47312.~~**Except as otherwise provided in**
14 **section 47311, a person licensed and engaged in lifting commercial**
15 **set hook lines in the open waters of this state shall not take from**
16 **the open waters of this state any undersized fish. All undersized**
17 **fish found on commercially licensed set hook lines must immediately**
18 **be returned to the water with as little injury as possible by the**
19 **person lifting the set hook lines.**

20 ~~Sec. 47314. The department shall deliver to designated~~
21 ~~representatives of the United States bureau of fisheries and to the~~
22 ~~state fish hatcheries as much of this spawn as may be desired by~~
23 ~~the bureau and state hatcheries for propagation and planting in the~~
24 ~~waters of the lakes within the jurisdiction of this state, and the~~
25 ~~remainder of the spawn shall be properly impregnated and planted~~
26 ~~upon the spawning beds from which it was taken. The persons so~~
27 ~~fishing shall plant upon the spawning beds the fry hatched from~~
28 ~~such proportion of the spawn as may have been taken from the fish~~
29 ~~caught by the persons when directed to do so by the department. A~~

1 ~~person refusing or failing to comply with this section is guilty of~~
2 ~~a violation of this part.~~

3 (1) Except as otherwise provided in subsection (2), a person
4 may not ship, accept for shipment, transport, or cause to be
5 transported any container, package, or box containing any fish,
6 without each container, package, or box being plainly and correctly
7 marked with the name of the consignor, the name of the consignee,
8 and the kinds and amount by weight of fish contained in the
9 container, package, or box.

10 (2) The marking of each container, package, or box with the
11 consignor and consignee information required under subsection (1)
12 is not required for the following:

13 (a) Multiple containers, packages, or boxes containing fish or
14 fish product being shipped to 1 destination within this state if
15 these containers, packages, or boxes are prepared as follows:

16 (i) All individual containers, packages, or boxes are packaged
17 or bound together in a manner so that they will stay together as 1
18 unit in shipment.

19 (ii) Each bound unit is individually labeled as to the type and
20 pounds of fish, fish product, or roe. The label must be visible on
21 all 4 sides of the unit, correctly identify the consignor and
22 consignee of the shipment, and state the number of boxes or
23 packages in the bound unit, the species of fish contained, and the
24 total weight of the fish or container.

25 (b) Shipments to individual destinations consigned by a single
26 wholesaler, transported in a vehicle registered to that wholesaler
27 for same-day delivery within this state and within 100 miles of the
28 wholesaler's business, if each container, package, or box is marked
29 with the name of the consignee.

1 (3) In addition to subsections (1) and (2), an accurate bill
2 of lading or an invoice containing the name and address of the
3 seller and buyer of the fish and the point of origin of the fish
4 and the number of containers, packages, or boxes must accompany the
5 shipment. The bill of lading or invoice must be available for
6 inspection and comparison to the cargo being shipped by any peace
7 officer.

8 (4) Subsections (1), (2), and (3) do not apply to a licensed
9 commercial fisher that is transporting fish directly from its
10 landing ports to its fish house or to a processor. A licensed
11 commercial fisher must fill out a bill of lading or an invoice
12 indicating the number of containers, packages, or boxes being
13 transported for each species of fish. The bill of lading or invoice
14 must accompany the fish and be available for inspection and
15 comparison to the cargo being transported by any peace officer.

16 (5) Subsections (1), (2), and (3) do not apply to a wholesale
17 fish dealer that is transporting fresh fish directly from a
18 licensed commercial fisher's ports or tribal licensed fisher's
19 ports within this state to that wholesaler's facility. A wholesale
20 fish dealer must fill out a bill of lading or an invoice indicating
21 the number of containers, packages, or boxes being transported for
22 each species of fish. The bill of lading or invoice must accompany
23 the fish and be available for inspection and comparison to the
24 cargo being transported by any peace officer.

25 (6) The entire contents of a container, package, or box that
26 contains any fish that is illegal under this part is subject to
27 seizure.

28 (7) The entire catch of a licensed commercial fisher that
29 contains any fish that is illegal to take by that licensed

1 **commercial fisher under this part is subject to seizure.**

2 ~~Sec. 47315. The department may take fish in any manner, in any~~
 3 ~~of the waters mentioned in this part, at any and all seasons of the~~
 4 ~~year, for the purpose of fish culture and scientific investigation;~~
 5 ~~may have and hold ripe and unripe fish in order to take spawn from~~
 6 ~~the fish; may sell all of these ripe and unripe fish; and may~~
 7 ~~devote the proceeds of the sales exclusively toward defraying the~~
 8 ~~expenses incurred in taking the fish and fertilizing and planting~~
 9 ~~the spawn from the fish.~~**A package or shipment of illegal fish**
 10 **offered to any common carrier as described in section 47314 is**
 11 **considered to be in the possession of the consignor until delivered**
 12 **to the consignee. However, if any common carrier as described in**
 13 **section 47314 is not able or refuses or neglects to show from whom**
 14 **the consignment of any shipment of fish was received, the shipment**
 15 **is considered to be in the possession of the common carrier having**
 16 **the shipment in transit, and that common carrier may be proceeded**
 17 **against the same as the consignor.**

18 ~~Sec. 47316. A person shall not ship or transport within this~~
 19 ~~state any fish in packages or containers without plainly and~~
 20 ~~correctly marking each package or container with the name of the~~
 21 ~~consignor and the kinds of fish contained in the package. A~~
 22 ~~railroad company, boat line, express company, motor truck company,~~
 23 ~~aerial freight or express company, or other transportation company~~
 24 ~~or common carrier, or any agent of any such company, or the owner~~
 25 ~~of any boat, airplane, car, truck or other vehicle operated~~
 26 ~~privately or as a common carrier, or the agent or representative of~~
 27 ~~such owners, shall not accept for shipment or transport any package~~
 28 ~~or container of fish unless it is properly marked as prescribed in~~
 29 ~~this section. The presence in any package or container of 10% by~~

1 ~~weight of any fish that is illegal to ship shall make the entire~~
2 ~~contents of the package or container subject to seizure as an~~
3 ~~illegal shipment.~~ **If the department opens any package or shipment of**
4 **fish in transit and finds that package or shipment to be a lawful**
5 **package or shipment under this part, the department shall repack**
6 **that package or shipment in as good a condition as possible and**
7 **release it without further detainment.**

8 Sec. 47317. ~~The possession of any package or shipment of~~
9 ~~illegal fish offered to any common carrier as described in section~~
10 ~~47316 shall be construed to be and shall remain in the consignor~~
11 ~~until delivered to the consignee. However, if any common carrier as~~
12 ~~described in section 47316 is not able or refuses or neglects to~~
13 ~~show from whom the consignment of any shipment of fish was~~
14 ~~received, the shipment shall be considered to be in possession of~~
15 ~~the common carrier having the shipment in transit, and they may be~~
16 ~~proceeded against the same as the original owner.~~ **A licensed**
17 **commercial fisher taking fish in any of the waters mentioned in**
18 **this part shall bring those fish to a port or place in this state**
19 **where they may be inspected before shipping.**

20 Sec. 47318. ~~Any package or ear of fish in transit opened by~~
21 ~~the department, if found to be a lawful shipment under this part,~~
22 ~~shall be repacked in as good a condition as possible. A package or~~
23 ~~ear of fish legally shipped shall not be detained in transit by or~~
24 ~~for inspection.~~

25 **(1) A licensed commercial fisher taking fish species described**
26 **in section 47302(4) in the waters of the Great Lakes shall keep an**
27 **accurate record of each day's catch and report all of the following**
28 **to the department:**

29 **(a) Every week, the estimated number of pounds of fish taken**

1 and the estimated market price for all fish sold.

2 (b) Every month, all of the following:

3 (i) The number of pounds of fish taken.

4 (ii) To whom the fish were sold.

5 (iii) The market price for all fish sold.

6 (2) A licensed commercial fisher taking fish species not
7 described in section 47302(4) shall keep an accurate record of each
8 day's catch and report an estimated number of pounds of fish taken
9 weekly to the department and the number of pounds taken within 30
10 days after catching the fish to the department.

11 (3) A licensed commercial fisher shall complete an annual
12 inventory record on a date specified by the department of all
13 freshwater fish and roe in possession, or under ownership or
14 control, including in cold storage facilities.

15 (4) The director shall establish an electronic format and
16 schedule that the required commercial catch records and annual
17 inventory record under subsections (1), (2), and (3) are to be
18 submitted to the department.

19 (5) A person shall not falsify any information contained in
20 the required commercial catch records or annual inventory record
21 described in this section.

22 (6) A person shall submit that person's commercial catch
23 records and annual inventory record electronically. A person who
24 fails to submit a record required under this section is responsible
25 for a state civil infraction and is subject to the following civil
26 fines:

27 (a) For the first offense during a license year, \$100.00.

28 (b) For the second and all subsequent offenses during a
29 license year, \$200.00.

1 (7) The license of any person who fails to submit 2 or more
 2 consecutive records required under this section, and that has been
 3 cited by the department more than 2 times in a 1-year period, may
 4 be suspended by the department until the delinquent records are
 5 submitted to the department. The department shall send notification
 6 of the suspension to the licensee. The vessel and nets for which a
 7 license is suspended must not be used for commercial fishing by any
 8 person until the suspension has been lifted and the license
 9 restored. The department shall deny a new license or a renewal of a
 10 license to a person that fails to submit a report required by this
 11 section until this part has been complied with.

12 Sec. 47320. ~~A person engaged in lifting pound nets, trap nets,~~
 13 ~~or seines in the waters of this state shall not take from the~~
 14 ~~waters of this state any undersized fish, and all undersized fish~~
 15 ~~found in the nets fished in those waters shall be returned to the~~
 16 ~~waters with as little injury as possible by the person or persons~~
 17 ~~lifting the net or nets. For the purpose of this part, undersized~~
 18 ~~fish are fish of a smaller size than established by this part.~~**If a**
 19 **person submits an application under section 47304, the department**
 20 **shall issue the license provided for in this part on payment by the**
 21 **applicant of the following fees:**

22 (a) For a commercial fishing license without a listed vessel,
 23 an annual fee of the following:

24 (i) In 2019 through 2020, \$200.00.

25 (ii) In 2021 through 2030, \$250.00.

26 (iii) In 2031 through 2040, \$300.00.

27 (iv) In 2041 and each year thereafter, \$350.00.

28 (b) For a commercial fishing license that includes 1 or more
 29 listed vessels, an annual fee of the following:

1 (i) In 2019 through 2020, \$1,400.00.

2 (ii) In 2021 through 2030, \$1,500.00.

3 (iii) In 2031 through 2040, \$1,600.00.

4 (iv) In 2041 and each year thereafter, \$1,700.00.

5 Sec. 47321. ~~A person shall not take or catch with any kind of~~
 6 ~~a net or other device used in commercial fishing in any of the~~
 7 ~~waters mentioned in this part, any of the following:~~

8 ~~(a) Largemouth black bass, *Huro salmoides*.~~

9 ~~(b) Smallmouth black bass, *Micropterus dolomieu*.~~

10 ~~(c) White crappie, also known as strawberry bass, *Pomoxis*~~
 11 ~~*annularis*.~~

12 ~~(d) Bluegill, *Lepomis macrochirus*.~~

13 ~~(e) Common sunfish, *Lepomis gibbosus*.~~

14 ~~(f) Brook or speckled trout, *Salvelinus fontinalis*.~~

15 ~~(g) Rainbow and steelhead trout, *Salmo gairdnerii*.~~

16 ~~(h) Brown and Loch Leven trout, *Salmo trutta*.~~

17 ~~(i) Muskellunge, *Esox masquinongy*.~~

18 ~~(2) In addition to the prohibition in subsection (1), a person~~
 19 ~~shall not sell or offer for sale or possess at any time any of the~~
 20 ~~fish listed in subsection (1) unless otherwise provided by law. Any~~
 21 ~~such fish, whether dead or alive, shall at once be returned to the~~
 22 ~~waters from which taken by the person or persons taking the fish. On~~
 23 **payment of the fee provided for in section 47320, the department**
 24 **shall issue to a person a printed or written license signed by the**
 25 **department setting forth the date the license was issued, to whom**
 26 **the license was issued, the date on which the license will expire,**
 27 **the name, number, and the kind of vessel, and the number of and**
 28 **kind of nets for which the license was issued. The department, upon**
 29 **application and the payment of a fee of \$25.00, may amend a license**

1 previously issued for the current fishing year to do any of the
2 following:

3 (a) Permit the transfer of a license to a larger or a smaller
4 boat or to any boat, tug, or launch during a period of time that
5 the licensed vessel is disabled and undergoing repairs.

6 (b) In case of sale, transfer the license to the new owner or
7 owners.

8 (c) In case of the loss of a vessel by fire, collision, or
9 otherwise, for which a license has been issued, transfer the
10 license to any similar vessel to which the licensee may acquire
11 title.

12 (d) Transfer a landing port listed on the license to a new
13 location.

14 Sec. 47322. ~~A person shall not set or use nets, set hook
15 lines, or any other continuous device in any of the waters
16 mentioned in this part without marking its location by buoys and
17 identifying the nets or other devices by showing the license number
18 in plain figures upon the bowls of the buoys of the person using
19 the nets, set lines, or other devices; the license number to be
20 attached to all gill net buoys; to the stakes at the heart or pot
21 of pound nets; to the lifting buoy of trap nets, where the heart
22 and pot are set below the surface of the water; to a buoy at the
23 point of heart or pot of fyke nets where the cover of the hearts or
24 pots comes to the surface of the water. However, when any of the
25 nets, set hook lines, or other devices are set under the ice, their
26 location shall be marked by a stake extending not less than 4 feet
27 above the ice at each end of the net or nets, set hook lines, or
28 other continuous device and the license number, in legible figures,
29 shall be attached to each stake or to the ends of the net or nets,~~

1 ~~set hook line, or other device.~~The department shall keep a record
2 of all applications and licenses under this part. On the first day
3 of each month, the department shall forward to the state treasurer
4 all money received by the department under this part, and the
5 treasurer shall credit the money to the game and fish protection
6 account established in section 2010.

7 Sec. 47323. ~~Every person taking fish for market in any of the~~
8 ~~waters mentioned in this part shall bring them to some port or~~
9 ~~place in this state where they may be inspected before shipping.~~
10 ~~However, the department may grant permission to take fish to ports~~
11 ~~or places in other states when the commercial fishing laws of the~~
12 ~~other states substantially conform to the commercial fishing laws~~
13 ~~of this state.~~

14 (1) A person shall not engage in business as a wholesale fish
15 dealer in this state unless the person has been issued a wholesale
16 fish dealer license by the department. Each license expires on
17 December 31, and the annual fee for the license is as follows:

- 18 (a) In 2019 through 2020, \$100.00.
19 (b) In 2021 through 2030, \$110.00.
20 (c) In 2031 through 2040, \$130.00.
21 (d) In 2041 and each year thereafter, \$150.00.

22 (2) A wholesale fish dealer shall not, at any time, sell,
23 purchase, or barter, or have in his or her possession or under his
24 or her control for the purpose of sale or barter, any illegal fish.

25 (3) A wholesale fish dealer shall require identification from
26 each seller of fish. A wholesale fish dealer shall purchase fish
27 only from a licensed commercial fisher, tribal licensed commercial
28 fisher, or other legal source of fish.

29 (4) A wholesale fish dealer shall keep a record of all fish

1 purchased, possessed, acquired, or obtained including by trade and
2 barter as well as records of disposition for fish received as
3 required by the department. The wholesale fish dealer shall keep
4 these records in a format designated by the director. The records
5 of prices paid for fish purchased and sold by individuals licensed
6 as a wholesale fish dealer are proprietary and are exempt from
7 disclosure under the freedom of information act, 1976 PA 442, MCL
8 15.231 to 15.246.

9 (5) A wholesale fish dealer shall complete an annual inventory
10 record on a date specified by the department of all freshwater fish
11 and roe in possession, or under ownership or control, including in
12 cold storage facilities.

13 (6) The director shall establish by order the format and
14 schedule that the required wholesale records and annual inventory
15 records are to be submitted to the department as well as the
16 specific information they are to contain.

17 (7) All records under this section must be complete and
18 submitted on time. A wholesale fish dealer that submits records
19 that are incomplete or delinquent is responsible for a state civil
20 infraction and subject to the following civil fines:

21 (a) For a first offense during a license year, \$100.00.

22 (b) For a second and all subsequent offenses during a license
23 year, minimum \$200.00.

24 (8) The license of any person that fails to submit 2 or more
25 records required under this section, and that has been cited by the
26 department more than 2 times in a 1-year period, may be suspended
27 by the department until the delinquent records are submitted to the
28 department. The department shall send notification of the
29 suspension to the licensee. The department shall deny a new license

1 or renewal of a license to a person that fails to submit a record
2 required under this section until that person is in compliance with
3 this part.

4 (9) A person shall not falsify any information contained in
5 the wholesale records or the annual inventory record required under
6 this section.

7 (10) A wholesale fish dealer or employee of a wholesale fish
8 dealer shall not possess, control, store, transport, or cause to be
9 transported any freshwater fish without the required record or
10 inventory.

11 (11) A wholesale fish dealer shall retain all records and
12 inventories required under this part or an order promulgated under
13 this part for a period of 4 years from the date that the record or
14 inventory was created.

15 (12) A wholesale fish dealer shall not transport or cause to
16 be transported any fish unless the transporting vehicle is clearly
17 marked on each side of the vehicle with the correct business name
18 of the wholesale fish dealer or transporting company, displayed in
19 letters at least 1 inch high.

20 (13) A conservation officer or other peace officer designated
21 by the director may inspect fish stored or in the possession of a
22 wholesale fish dealer, records of a wholesale fish dealer, and
23 buildings, structures, vehicles, boats, equipment, and materials
24 related to a wholesale fish dealer's business.

25 (14) Upon request of a conservation officer or other peace
26 officer designated by the director, a wholesale fish dealer shall
27 produce all records relating to the purchase, acquisition, sale,
28 trade, barter, storage, or disposition of fish that are kept at the
29 wholesale fish dealer's place of business or at a residence,

1 dwelling, or location other than the wholesale fish dealer's
2 business for inspection and copying.

3 (15) A conservation officer or other peace officer designated
4 by the director is authorized during any time when business is
5 being conducted on the wholesale fish dealer's premises to do any
6 of the following:

7 (a) Enter any of the following:

8 (i) Any building or structure where fish are stored, processed,
9 packed, or held.

10 (ii) Any building or structure where a wholesale fish dealer's
11 records are kept.

12 (iii) Any building or structure where vehicles, vessels, or
13 equipment or materials used in the business are located.

14 (iv) Any building or structure where activities related to a
15 wholesale fish dealer's business are conducted.

16 (v) Any vehicle or vessel used to transport or hold fish.

17 (b) Inspect fish stored or in the possession of a wholesale
18 fish dealer, inspect or copy records of a wholesale fish dealer,
19 and inspect buildings, structures, vehicles, vessels, equipment,
20 and materials related to a wholesale fish dealer's business.

21 (16) A wholesale fish dealer, operator of a vehicle or vessel
22 for a wholesale fish dealer, or employee or person acting on behalf
23 of a wholesale fish dealer shall not prohibit entry or prohibit an
24 inspection to be conducted as authorized under this section, or
25 refuse to produce records as required under this section, unless a
26 court restrains or enjoins the entry, inspection, or production.

27 (17) A court shall order that a person convicted of violating
28 subsection (14), (15), or (16) have its license automatically
29 suspended for 1 year. The department shall not issue or renew that

1 license for a period of 1 year following that conviction.

2 (18) A violation of any statute, administrative rule, or
3 fisheries order pertaining to wholesale fish dealers is a violation
4 of this part. In addition to applicable fines or restitution, or
5 both, as described in this part, the department may suspend or
6 revoke any wholesale fish dealer license issued under this part if
7 the licensee violates any statute, administrative rule, or
8 fisheries order pertaining to wholesale fish dealers. The
9 department shall afford the licensee a hearing in accordance with
10 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
11 to 24.328. Any person whose license has been suspended or revoked
12 is not eligible to apply for or receive a license for the 2
13 calendar years following the suspension or revocation.

14 Sec. 47324. ~~The department may take, for fish cultural~~
15 ~~purposes only, fish taken by any person fishing in the waters of~~
16 ~~this state, and when so taken the fish shall be weighed and shall~~
17 ~~be paid for. The price shall be based on the Chicago, Detroit, and~~
18 ~~New York markets, or at such other price as may be agreed upon by~~
19 ~~the person or persons taking the fish and the department, plus the~~
20 ~~cost of transportation, if any.~~ A retail fish dealer or a
21 restaurant, bar, club, or organization serving fish taken from the
22 waters of this state by a licensed commercial fisher shall retain
23 from the time of acquisition of freshwater fish or roe, a bill of
24 sale or invoice, indicating the quantity and species of the fish or
25 roe and the name and address of the consignor. A retail fish dealer
26 shall make the fish, roe, and records available for inspection by a
27 conservation officer or other peace officer designated by the
28 director at any reasonable time. A retail fish dealer shall
29 maintain records for a period of 1 year after the fish or roe is

1 **disposed of by sale or otherwise.**

2 ~~Sec. 47325. Every person taking fish for the market in any of~~
3 ~~the waters mentioned in this part shall keep an accurate report of~~
4 ~~each day's catch upon forms furnished by the department of the~~
5 ~~number of pounds of each kind of fish taken, of the locality~~
6 ~~fished, of the kind and amount of fishing gear employed, of the~~
7 ~~length of time (number of nights) each unit of gear employed fished~~
8 ~~without being lifted, of the kind and amount of spawn taken, of the~~
9 ~~kind and amount of caviar taken, and of such other data as the~~
10 ~~biologists may require in following the trend of the fisheries, and~~
11 ~~shall each month report, under oath when requested, the above data~~
12 ~~to the department. Any person whose report for the last preceding~~
13 ~~month is not received by the department at its office in Lansing,~~
14 ~~Michigan, on or before the fifteenth day of the month following, is~~
15 ~~delinquent, and notice to that effect shall be mailed to the~~
16 ~~delinquent person by the department. Failure to submit a report~~
17 ~~within 30 days after the close of the month for which a report is~~
18 ~~required shall be considered as intent to violate this section. The~~
19 ~~license of any person who fails to submit reports for 2 or more~~
20 ~~months, and who has been duly notified by the department each~~
21 ~~following month as provided in this section, may be suspended by~~
22 ~~the department until such time as the delinquent reports are~~
23 ~~submitted to the department. The boat and nets for which a license~~
24 ~~is suspended shall not be used for commercial fishing by any person~~
25 ~~until the suspension has been lifted and the license restored.~~
26 ~~However, any person who fails to make the report or reports as~~
27 ~~described in this section shall be denied a new license or a~~
28 ~~renewal of his or her license until this part has been complied~~
29 ~~with. Any person engaged in fishing operations shall submit a~~

1 ~~monthly form to the department regardless of whether fishing was~~
2 ~~discontinued for 1 or more months, noting the facts.~~**The taking of**
3 **minnows and other small fish for bait with nets not otherwise**
4 **prohibited by law is not a violation of this part. As used in this**
5 **section, "minnows" means that term as defined in section 48728.**

6 ~~Sec. 47326. Every person licensed to take fish under this~~
7 ~~part, at the close of the 24-hour period immediately following the~~
8 ~~close of the respective open seasons provided for by this part,~~
9 ~~shall report to the department, on forms provided by the~~
10 ~~department, the kinds of fish and number or weight of fish~~
11 ~~possessed at the close of the 24-hour period. Any subsequent~~
12 ~~shipment or sale, or both, of such fish shall be reported~~
13 ~~immediately to the department, on forms furnished by the~~
14 ~~department, showing the amount and kinds of fish shipped or sold,~~
15 ~~the date of the shipment or sale, and the name and address of the~~
16 ~~person or persons to whom the fish were shipped or sold. All fish~~
17 ~~in possession upon which the season is closed shall be made~~
18 ~~available for inspection at any reasonable time upon the demand of~~
19 ~~the department. A person shall not possess or ship, transport, or~~
20 ~~sell any fish upon which the season is closed and which have not~~
21 ~~been reported as provided in this section.~~**This part does not**
22 **authorize the taking, selling, or transporting of fish, the use of**
23 **illegal nets, or the setting of nets at a place or places or at**
24 **times otherwise prohibited by law.**

25 ~~Sec. 47327. Any person who violates sections 47301 to 47325,~~
26 ~~upon conviction for the first offense shall be punished by~~
27 ~~imprisonment for not more than 30 days, or a fine of not less than~~
28 ~~\$25.00 or more than \$100.00 and costs of prosecution, or both. For~~
29 ~~the second or a subsequent offense, charged as a second or~~

1 ~~subsequent offense in the complaint, the person shall be punished~~
2 ~~by imprisonment for not less than 30 days or more than 90 days, or~~
3 ~~a fine of not less than \$50.00 or more than \$100.00 and costs of~~
4 ~~prosecution, or both. If a fine with costs is imposed under this~~
5 ~~part, the court shall sentence the offender to be confined in the~~
6 ~~county jail until the fine and costs are paid, but for a period not~~
7 ~~exceeding the maximum penalty for the offense.~~**Except as otherwise**
8 **provided in this act, a person that violates this part, any license**
9 **or permit issued under this part, or any administrative rule or**
10 **fisheries order issued under the authority of this part is guilty**
11 **of a misdemeanor punishable by imprisonment for not more than 90**
12 **days or a fine of not less than \$500.00 or more than \$5,000.00, or**
13 **both, and may be ordered to pay the costs of prosecution.**

14 ~~Sec. 47328. A person shall not use any kind of a boat, tug, or~~
15 ~~launch, except when used in hook and line fishing, or any kind of~~
16 ~~net or nets, set hook lines, or commercial trolling rigs for the~~
17 ~~purpose of taking, catching, killing, or transporting fish in any~~
18 ~~of the waters bordering on this state, regardless of whether for~~
19 ~~commercial purposes or for personal use, without first having~~
20 ~~applied for and been issued a license for that activity, in~~
21 ~~accordance with this part. A license, except as otherwise provided~~
22 ~~by law, is not required of persons engaged in sport trolling in~~
23 ~~these waters, except that the owners of boats operated with either~~
24 ~~an inboard or outboard motor and offered for hire in sport trolling~~
25 ~~for lake trout shall obtain a license for each boat. A license,~~
26 ~~except as otherwise provided by law, is not required of persons~~
27 ~~engaged in taking fish with set lines in lake St. Clair as provided~~
28 ~~in section 47302.~~

29 **(1) In addition to the penalties provided in this part, a**

1 licensed commercial fisher or agent operating under a commercial
2 fishing license that is convicted of the illegal taking or selling
3 of fish under this part shall reimburse this state for the value of
4 the fish as follows:

5 (a) For each fish not listed under section 47310, other than
6 lake sturgeon, of an individual weight of 1 pound or more, \$10.00
7 for each pound or fraction of a pound of fish illegally taken or
8 possessed.

9 (b) For lake sturgeon, \$1,500.00 for each fish illegally taken
10 or possessed.

11 (c) For all roe violations, \$20.00 for each pound or fraction
12 of a pound of roe illegally taken or possessed.

13 (2) The court in which a conviction for a violation described
14 in subsection (1) is obtained shall order the defendant to forfeit
15 to this state a sum as provided in subsection (1). If 2 or more
16 defendants are convicted of the illegal taking or selling of the
17 fish, the forfeiture must be declared against them jointly and
18 severally.

19 (3) If a defendant fails to pay upon conviction the sum
20 ordered by the court to be forfeited, the court shall require the
21 defendant to satisfy the forfeiture in the amount prescribed and
22 fix the manner and time of payment, or make a written order
23 permitting the defendant to pay the forfeited sums in installments
24 at the times and in the amounts as the court determines the
25 defendant is able to pay.

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

1 (5) All courts collecting forfeitures as provided in this
 2 section shall promptly remit the forfeiture to the county
 3 treasurer, who shall transmit it to the state treasurer to be
 4 credited to the game and fish protection account established in
 5 section 2010.

6 Sec. 47329. ~~(1) A person desiring a license under this part
 7 shall submit an application for that license to the department on
 8 oath when required on a form provided for that purpose by the
 9 department, accompanied by the fee required under this part. The
 10 application shall state the name and residence of the applicant,
 11 the manner in which he or she proposes to fish, the name or number
 12 of the tug, launch, boat, scow, or skiff, the overall length and
 13 the gross tonnage of the boat, the value of the boat, the name of
 14 the port from which the boat will operate, the number and kind of
 15 net or nets and hooks or other gear which he or she intends to use,
 16 the value of the buildings and grounds, and such other information
 17 as may be required for statistical purposes.~~

18 ~~(2) As used in this section, "overall length" means the
 19 minimum distance between the extreme outside end of the bow and the
 20 stern considering the nearest whole number of feet. The amount of
 21 the license fee to be paid shall be based on the overall length of
 22 the boat or boats, if a boat is used.~~

23 (1) The department shall permanently revoke the license of any
 24 person convicted of 5 designated offenses in any combination in a
 25 continuous 5-year period and that person is prohibited from
 26 purchasing a stake in any additional commercial fishing or
 27 wholesale license issued under this part for a period of 5 years.

28 (2) As used in this section, "designated offense" means a
 29 misdemeanor violation of any of the following offenses:

1 (a) Taking, selling, or offering for sale prohibited fish
2 species.

3 (b) Fishing or taking fish during the closed season.

4 (c) Fishing in or taking fish from waters closed to commercial
5 fishing.

6 (d) Taking, selling, or offering for sale more than twice the
7 amount of the allowable possession limit for undersized commercial
8 fish species.

9 (e) Falsifying catch records or required wholesale records.

10 Sec. 47363. The following commercial fishing rules within the
11 Michigan Administrative Code are rescinded:

12 (a) R 299.1071 to R 299.1079.

13 (b) R 299.702 to R 299.705.

14 (c) R 299.721 to R 299.724.

15 (d) R 299.731.

16 (e) R 299.751.

17 (f) R 299.761.

18 (g) R 299.771.

19 (h) R 299.781.

20 (i) R 299.782.

21 (j) R 299.791.

22 (k) R 299.801.

23 (l) R 299.813.

24 (m) R 299.815.

25 (n) R 299.817.

26 (o) R 299.822.

27 Sec. 48724. (1) As used in this section, "fish cleaning
28 station" means an operation or location used to clean salmon for
29 sport fishers.

1 (2) Except as provided in subsection (3)(c), a person shall
2 not purchase, sell, or otherwise exchange anything of value for raw
3 or unprocessed salmon eggs unless the person is licensed ~~pursuant~~
4 ~~to~~**under** section ~~47333-47323~~ and the sale, purchase, or exchange of
5 the raw or unprocessed salmon eggs is made with another person who
6 is also licensed ~~pursuant to~~**under** section ~~47333-47323~~.

7 (3) A person who operates or is the agent of an operator of a
8 fish cleaning station shall not do any of the following:

9 (a) Accept raw or unprocessed salmon eggs except from whole
10 salmon, known as salmon in the round, or eggs salvaged from salmon
11 cleaned at the station.

12 (b) Operate a fish cleaning station that sells raw or
13 unprocessed salmon eggs without a current and valid permit issued
14 by the department.

15 (c) Buy, barter, or otherwise exchange anything of value for
16 raw or unprocessed salmon eggs. This subdivision does not prohibit
17 the operator of a fish cleaning station or his or her agents from
18 exchanging the service of cleaning salmon in exchange for the eggs
19 in the salmons' carcasses or from charging a fee for cleaning
20 salmon.

21 (d) Buy or sell salmon carcasses taken by a person licensed
22 under part 435.

23 (4) A person issued a permit to operate a fish cleaning
24 station shall comply with all of the following requirements:

25 (a) Raw or unprocessed salmon eggs may only be collected and
26 stored at the location of the fish cleaning station specified in
27 the permit.

28 (b) The fish cleaning station ~~shall~~**must** be licensed in
29 accordance with the ~~food processing act of 1977, Act No. 328 of the~~

1 ~~Public Acts of 1978, being sections 289.801 to 289.810 of the~~
 2 ~~Michigan Compiled Laws, food law, 2000 PA 92, MCL 289.1101 to~~
 3 **289.8111**, and operated in compliance with the ~~Michigan food law of~~
 4 ~~1968, Act No. 39 of the Public Acts of 1968, being sections 289.701~~
 5 ~~to 289.727 of the Michigan Compiled Laws, food law, 2000 PA 92, MCL~~
 6 **289.1101 to 289.8111**, only when the salmon eggs or salmon, or both,
 7 are sold or given to another person for human consumption.

8 (c) Disposal of offal and unwanted salmon carcasses ~~shall~~**must**
 9 be in a manner approved by the local health department.

10 (d) A permit holder shall accept from sport fishers all salmon
 11 carcasses that are brought to the station and shall hold and
 12 dispose of them and their offal only in a manner approved by the
 13 local health department.

14 (e) As a condition of his or her permit, a permit holder whose
 15 fish cleaning station is located on state owned land shall provide
 16 free access to the fish cleaning station facilities to anglers who
 17 wish to use the facilities to clean their own salmon catch.

18 (5) This section ~~shall~~**does** not ~~be construed to~~ prohibit the
 19 selling or buying of chemically treated salmon eggs in the form of
 20 spawn sacks or spawn bags.

21 (6) If the department finds that a person is in violation of
 22 this section or a permit issued under this section, the department
 23 may issue an order requiring the person to comply with the permit.
 24 In addition to the penalties provided for in this part, the
 25 department or its agent, the attorney general, or a person may seek
 26 injunctive relief for a violation of this section or a permit
 27 issued under this section.

28 Enacting section 1. Sections 46101, 46102, 47301a, 47319,
 29 47330 to 47362, 47901 to 47905, and 48901 of the natural resources

1 and environmental protection act, 1994 PA 451, MCL 324.46101,
2 324.46102, 324.47301a, 324.47319, 324.47330 to 324.47362, 324.47901
3 to 324.47905, and 324.48901, are repealed.