NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

CHAPTER 2
MANAGEMENT OF RENEWABLE RESOURCES

SUBCHAPTER 1
WILDLIFE

WILDLIFE CONSERVATION

PART 401
WILDLIFE CONSERVATION

324.40101 Meanings of words and phrases.

Sec. 40101. For purposes of this part, the words and phrases defined in sections 40102 to 40104 have the meanings ascribed to them in those sections.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40102 Definitions; A to F.

Sec. 40102. (1) "Animals" means wild birds and wild mammals.

(2) "Bag limit" means the number of animals that may be taken and possessed as determined by the department.

(3) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

(4) "Buy" or "sell" means an exchange or attempt or offer to exchange for money, barter, or anything of value.

(5) "Chase" means to follow animals with dogs or other wild or domestic animals trained for that purpose.

(6) "Cormorant damage" means adverse impacts of double-crested cormorants on fish, fish hatchery stock, wildlife, plants, and their habitats and on man-made structures.

(7) "Cormorant depredation order" means the depredation order for double-crested cormorants to protect public resources, 50 CFR 21.48, issued by the United States Department of the Interior, Fish and Wildlife Service.

(8) "Crossbow" means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety and a draw weight of 100 pounds or greater.

(9) "Deer or elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk. Deer or elk feeding does not include any of the following:

(a) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.

(b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.

(c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:

(*i*) The area is occupied by livestock actively consuming the feed on a daily basis.

(*ii*) The feed is covered to deter wild, free-ranging white-tailed deer or elk from gaining access to the feed.

(*iii*) The feed is in a storage facility that is consistent with normal agricultural practices.

(d) Baiting to take game as provided by an order of the commission under section 40113a.

(10) "Disability" means a determinable physical characteristic of an individual that may result from disease, injury, congenital condition of birth, or functional disorder.

(11) "Feed" means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract white-tailed deer or elk. Feed does not include any of the following:

(a) Plantings for wildlife.

(b) Standing farm crops under normal agricultural practices.

(c) Agricultural commodities scattered solely as the result of normal agricultural practices.

(12) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. A pneumatic gun, as defined in section 1 of 1990 PA 319, MCL 123.1101, other than a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the

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purpose of marking the point of impact, is also considered a firearm for the purpose of this act.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 86, Imd. Eff. May 13, 1998;—Am. 1999, Act 66, Imd. Eff. June 25, 1999;—Am. 2000, Act 347, Imd. Eff. Dec. 28, 2000;—Am. 2007, Act 48, Imd. Eff. Aug. 3, 2007;—Am. 2015, Act 24, Eff. July 1, 2015.

Popular name: Act 451

Popular name: NREPA

324.40103 Definitions; G to R; "conservation" defined.

Sec. 40103. (1) "Game" means any species of wildlife designated by the legislature or the commission as game under section 40110 and any of the following animals but does not include privately owned cervidae species located on a cervidae livestock facility registered under the privately owned cervidae producers marketing act, 2000 PA 190, MCL 287.951 to 287.969:

(a) Badger.
(b) Bear.
(c) Beaver.
(d) Bobcat.
(e) Brant.
(f) Coot.
(g) Coyote.
(h) Crow.
(i) Deer.
(j) Duck.
(k) Elk.
(*l*) Fisher.
(m) Florida gallinule.
(n) Fox.
(o) Geese.
(p) Hare.
(q) Hungarian partridge.
(r) Marten.
(s) Mink.
(t) Moose.
(u) Muskrat.
(v) Opossum.
(w) Otter.
(x) Pheasant.
(y) Quail.
(z) Rabbit.
(aa) Raccoon.
(bb) Ruffed grouse.
(cc) Sharptailed grouse.
(dd) Skunk.
(ee) Snipe.
(ff) Sora rail.
(gg) Squirrel.
(hh) Virginia rail.
(ii) Weasel.
(jj) Wild turkey.
(kk) Wolf.
(*ll*) Woodchuck.
(mm) Woodcock.

(2) "Interim order of the department" means an order of the department issued under section 40108.

(3) "Kind" means an animal's sex, age, or physical characteristics.

(4) "Normal agricultural practices" means generally accepted agricultural and management practices as defined by the commission of agriculture and rural development.

(5) "Open season" means the dates during which game may be legally taken.

(6) "Parts" means any or all portions of an animal, including the skin, plumage, hide, fur, entire body, or egg of an animal.

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(7) "Protected" or "protected animal" means an animal or kind of animal that is designated by the department as an animal that shall not be taken.

(8) "Residence" means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

(9) "Conservation" means the wise use of natural resources.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 86, Imd. Eff. May 13, 1998;—Am. 1999, Act 66, Imd. Eff. June 25, 1999;—Am. 2000, Act 191, Eff. June 1, 2001;—Am. 2012, Act 520, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 21, Imd. Eff. May 8, 2013;—Am. 2014, Act 281, Eff. Mar. 31, 2015;—Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016.

Compiler's note: Act 160 of 2004, which was approved by the governor and filed with the secretary of state on June 18, 2004, provided for the amendment of Act 451 of 1994 by amending Sec. 40103 and adding Sec. 40110a. The amended and added sections were effective June 18, 2004. On March 28, 2005, a petition seeking a referendum on Act 160 of 2004 was filed with the Secretary of State. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 160 of 2004 was presented to the electors at the November 2006 general election as Proposal 06-3, which read as follows:

"PROPOSAL 06-3

"A REFERENDUM ON PUBLIC ACT 160 OF 2004 — AN ACT TO ALLOW THE ESTABLISHMENT OF A HUNTING SEASON FOR MOURNING DOVES

"Public Act 160 of 2004 would:

"Authorize the Natural Resources Commission to establish a hunting season for mourning doves.

"Require a mourning dove hunter to have a small game license and a $2.00 mourning dove stamp.

"Stipulate that revenue from the stamp must be split evenly between the Game and Fish Protection Fund and the Fish and Wildlife Trust Fund.

"Require the Department of Natural Resources to address responsible mourning dove hunting; management practices for the propagation of mourning doves; and participation in mourning dove hunting by youth, the elderly and the disabled in the Department's annual hunting guide.

"Should this law be approved?

"Yes [ ]

"No [ ]"

Act 160 of 2004 was rejected by a majority of the electors voting thereon at the November 2006 general election.

Enacting section 1 of Act 281 of 2014 provides:

"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."

Enacting section 2 of Act 281 of 2014 provides:

"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, § 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.

Popular name: Act 451

Popular name: NREPA

324.40104 Definitions; T, V.

Sec. 40104. (1) "Take" means to hunt with any weapon, dog, raptor, or other wild or domestic animal trained for that purpose; kill; chase; follow; harass; harm; pursue; shoot; rob; trap; capture; or collect animals, or to attempt to engage in such an activity.

(2) "Transport" means to carry or ship animals within this state or to points outside this state.

(3) "Trap" means taking or attempting to take animals by means of a trap or other device designed to kill or capture animals.

(4) "Vehicle" means every device in, upon, or by which any person or property is or may be transported, except devices exclusively moved by human power.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40105 Animals as property of state; taking of animals to be regulated.

Sec. 40105. All animals found in this state, whether resident or migratory and whether native or introduced, are the property of the people of the state, and the taking of all animals shall be regulated by the department as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

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Popular name: NREPA

324.40106 Game or protected animal; taking, releasing, transporting, selling, buying, or possessing; construction of section.

Sec. 40106. A person shall not take, release, transport, sell, buy, or have in his or her possession game or any protected animal, whether living or dead, or parts of any game or protected animal, from this state or from outside of this state, except as provided for in this part or by an order of the department or an interim order of the department. This section does not enhance the department's powers to establish an open season for an animal that is not game or give the department the power to designate a species as game.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40107 Management of animals; orders of department; procedures for exercising power; revision of order; filing orders to take place of former 1929 PA 286; filing and effective date of orders.

Sec. 40107. (1) The department shall manage animals in this state. In managing animals, the department may issue orders to do all of the following:

(a) Make recommendations to the legislature regarding animals that should be added or deleted from the category of game.

(b) Determine the kinds of animals that may be taken.

(c) Determine the animals or kinds of animals that are protected.

(d) Except as otherwise provided in section 40110, establish open seasons for taking or possessing game.

(e) Establish lawful methods of taking game.

(f) Establish lawful methods of taking game for persons who have certain disabilities.

(g) Establish bag limits.

(h) Establish geographic areas within the state where certain regulations may apply to the taking of animals.

(i) Determine conditions under which permits may be issued by the department.

(j) Establish fees for the issuing of permits by the department.

(k) Regulate the hours during which animals may be taken.

(*l*) Require that a person involved in a chase of an animal have in his or her possession a valid license that would authorize the taking of the animal being chased.

(m) Establish conditions under which animals taken or possessed outside of this state may be imported into this state.

(n) Regulate the buying and selling of animals and parts of animals.

(o) Establish methods of taking animals that are primarily taken because of the value of their pelts, which methods supplement the lawful methods of taking such animals that exist on October 1, 1988.

(2) In exercising a power under this section, the department shall comply with the following procedures in a manner that assures adequate public notice, opportunity for public comment, and due regard for traditional methods and practices that were lawful prior to October 1, 1988:

(a) An order shall be prepared by the department after comments from department field personnel and interested persons have been solicited and considered.

(b) The order shall be on the department agenda for at least 1 month prior to its consideration.

(c) The department shall provide an opportunity for public comment on the order.

(d) Except as otherwise provided in this subdivision, the department prior to issuance of an order shall provide a copy of each order to each member of the senate and the house of representatives standing committees that consider legislation pertaining to conservation, environment, recreation, tourism, and natural resources. The members of the standing committees have 30 days to review and submit comments to the department regarding an order. This subdivision shall not apply to an order that does not alter the substance of a lawful provision that exists in the form of a statute, rule, regulation, or order at the time the order is prepared.

(e) The department shall approve, reject, or modify the order.

(3) The department may revise an order issued pursuant to this section, and any revision of such an order shall comply with the procedure set forth in subsection (2).

(4) Not later than January 1, 1990, the commission shall issue orders pursuant to subsection (1) and file orders with the secretary of state that the commission considers sufficient to take the place of former 1929 PA 286. The orders filed with the secretary of state pursuant to this subsection shall indicate that the orders

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become effective upon filing with the secretary of state. Following the effective date of this part, the department shall undertake all of the powers given to the commission in former 1988 PA 256.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 86, Imd. Eff. May 13, 1998.

Popular name: Act 451

Popular name: NREPA

324.40107a Repealed. 2003, Act 242, Eff. Jan. 4, 2009.

Compiler's note: The repealed section pertained to raptors.

Popular name: Act 451

Popular name: NREPA

324.40107b Taking of live raptors for use in falconry; order; establishment of season; scope of section.

Sec. 40107b. (1) The department shall issue an order in the manner provided in section 40107(2) establishing a season or seasons for falconers to take live raptors for use in falconry. The order shall designate the numbers of raptors that may be taken and possessed and any other conditions pertaining to the taking and possession of raptors that the department considers advisable.

(2) This section does not, and an order issued under this section shall not, designate any species of raptor as game. This section does not prohibit the department from determining that any species of raptor is a protected animal.

History: Add. 2009, Act 36, Imd. Eff. June 4, 2009.

Popular name: Act 451

Popular name: NREPA

324.40107c Control and management of double-crested cormorants; administration of program; organization of states; funds.

Sec. 40107c. (1) To reduce cormorant damage, the department shall administer a program to control and manage double-crested cormorants. The department shall administer the program in cooperation with federal agencies and in a manner that complies with the cormorant depredation order.

(2) In consultation with the department of environmental quality, the department shall participate in a federally recognized organization of states, such as the Mississippi flyway council, to coordinate a regional effort to reduce cormorant damage that includes urging the federal government to do both of the following:

(a) Expand state options for double-crested cormorant control by revising the cormorant depredation order.

(b) Seek to amend the migratory bird convention with Mexico to designate the double-crested cormorant as a game species.

(3) The department shall seek funding from the Great Lakes protection fund authorized under part 331 for deposit in the cormorant control fund created in section 40107d.

History: Add. 2007, Act 47, Imd. Eff. Aug. 3, 2007.

Popular name: Act 451

Popular name: NREPA

324.40107d Control and management of double-crested cormorants; administration of program; organization of states; funds.

Sec. 40107d. (1) The cormorant control fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only to implement section 40107c.

History: Add. 2007, Act 49, Imd. Eff. Aug. 3, 2007.

Popular name: Act 451

Popular name: NREPA

324.40108 Interim orders.

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Sec. 40108. The department may modify an order issued under section 40107 by issuing an interim order consistent with federal regulations or when the department determines that animals are at risk of being depleted or extirpated, or the animal is threatening public safety or inflicting damage to horticulture, agriculture, or other property. The department shall publicize an interim order in a manner that ensures that interested persons are provided notice of the proposed interim order, the reasons for the requested modifications, and the proposed effective date of the order. In addition, the department shall provide a copy of an interim order to each member of the senate and the house of representatives standing committees that consider legislation pertaining to conservation, environment, recreation, tourism, and natural resources. An interim order under this section shall be in effect for not longer than 6 months.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40109 Transportation of game; identification of sex and species; tagging; section inapplicable to skins, pelts, and hides.

Sec. 40109. If game is transported, the sex and species of the game shall be readily identifiable unless the game is game that has been cleaned at a hunting preserve and tagged as required by law. If game is transported, it shall be tagged as required by law or a department order authorized under section 40107. This section does not apply to skins, pelts, or hides of game that is lawfully taken and legally possessed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40109a Conduct in another state; prosecution, punishment, or penalty prohibited.

Sec. 40109a. An individual shall not be prosecuted, punished, or penalized by this state for any of the following:

(a) Lawfully taking game in another state.

(b) Lawfully engaging in a hunt in another state.

(c) Possessing game that was lawfully taken in another state or this state if that game is possessed in compliance with this act and with orders issued under this act.

History: Add. 2013, Act 111, Imd. Eff. Sept. 24, 2013.

Popular name: Act 451

Popular name: NREPA

324.40110 Designation of species as game; establishment of first open season; removal from list; orders; definitions.

Sec. 40110. (1) Only the legislature or the commission may designate a wildlife species as game. Only the legislature or commission may establish the first open season for a game species designated under this section. The legislature retains the sole authority to remove a wildlife species from the list of game species. The commission shall exercise its authority under this subsection by issuing orders consistent with its duty to use principles of sound scientific wildlife management, as expressed in section 40113a. The commission may decline to issue orders authorizing an open season for a game species if doing so would conflict with principles of sound scientific wildlife management. The commission shall not designate any of the following as game under this subsection:

(a) A domestic animal.

(b) Livestock.

(c) Any species added to the game list by a public act that is rejected by a referendum before May 14, 2013.

(2) After the legislature or commission authorizes the establishment of the first open season for game under this section, the department may issue orders pertaining to that animal for each of the purposes listed in section 40107.

(3) As used in this section:

(a) "Domestic animal" means those species of animals that live under the husbandry of humans.

(b) "Livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. Livestock does not include dogs and cats.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2013, Act 21, Imd. Eff. May 8, 2013;—Am. 2014, Act 281, Eff. Mar. 31, 2015;—Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016.

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Compiler's note: Enacting section 1 of Act 281 of 2014 provides:

"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."

Enacting section 2 of Act 281 of 2014 provides:

"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, § 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.

Popular name: Act 451

Popular name: NREPA

324.40110a Open season for moose.

Sec. 40110a. The legislature hereby authorizes the establishment of the first open season for moose. The commission may issue orders pertaining to moose for each of the purposes listed in section 40113a, including, but not limited to, orders establishing the first open season for moose.

History: Add. 2010, Act 366, Imd. Eff. Dec. 22, 2010.

Compiler's note: Act 160 of 2004, which was approved by the governor and filed with the secretary of state on June 18, 2004, provided for the amendment of Act 451 of 1994 by amending Sec. 40103 and adding Sec. 40110a. The amended and added sections were effective June 18, 2004. On March 28, 2005, a petition seeking a referendum on Act 160 of 2004 was filed with the Secretary of State. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 160 of 2004 was presented to the electors at the November 2006 general election as Proposal 06-3, which read as follows:

"PROPOSAL 06-3

"A REFERENDUM ON PUBLIC ACT 160 OF 2004 — AN ACT TO ALLOW THE ESTABLISHMENT OF A HUNTING SEASON FOR MOURNING DOVES

"Public Act 160 of 2004 would:

"Authorize the Natural Resources Commission to establish a hunting season for mourning doves.

"Require a mourning dove hunter to have a small game license and a $2.00 mourning dove stamp.

"Stipulate that revenue from the stamp must be split evenly between the Game and Fish Protection Fund and the Fish and Wildlife Trust Fund.

"Require the Department of Natural Resources to address responsible mourning dove hunting; management practices for the propagation of mourning doves; and participation in mourning dove hunting by youth, the elderly and the disabled in the Department's annual hunting guide.

"Should this law be approved?

"Yes [ ]

"No [ ]"

Act 160 of 2004 was rejected by a majority of the electors voting thereon at the November 2006 general election.

Popular name: Act 451

Popular name: NREPA

324.40110b Legislative findings and declaration; establishment of first open season for wolf.

Sec. 40110b. (1) The legislature finds and declares that:

(a) The wildlife populations of the state and their habitat are of paramount importance to the citizens of this state.

(b) The sound management of wolf populations in this state is necessary, including the use of hunting as a management tool, to minimize negative human and wolf encounters and to prevent wolves from threatening or harming humans, livestock, and pets.

(2) The legislature hereby authorizes the establishment of the first open season for wolf. The commission may issue orders under section 40113a establishing annual wolf hunting seasons throughout the state.

History: Add. 2012, Act 520, Imd. Eff. Dec. 28, 2012.

Popular name: Act 451

Popular name: NREPA

324.40111 Taking animal from in or upon vehicle; transporting or possessing firearm in or upon vehicle; person with disability; transporting or possessing unloaded firearm in or upon vehicle on sporting clays range; individual holding permit to hunt from standing vehicle; possessing and discharging firearm to take game from personal assistive mobility device; transporting or possessing bow or crossbow in or upon vehicle while on public land or highway, road, or street; written permission to hunt or discharge firearm within certain distance of property; definitions.

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Sec. 40111. (1) Except as otherwise provided in subsection (3) or (5), this part, or in a department order authorized under section 40107, an individual shall not take an animal from in or upon a vehicle.

(2) Except as otherwise provided in subsection (3), (4), or (5), this part, or in a department order authorized under section 40107, an individual shall not transport or possess a firearm in or upon a vehicle, unless the firearm is unloaded and enclosed in a case, unloaded and carried in the trunk of a vehicle, or unloaded in a motorized boat.

(3) A person with a disability may transport or possess a firearm in or upon a vehicle, except for a car or truck, on a state licensed game bird hunting preserve if the firearm is unloaded and the vehicle is operated at a speed of not greater than 10 miles per hour. A person with a disability may possess a loaded firearm and may discharge that firearm to take an animal from in or upon a vehicle, except for a car or truck, on a state licensed game bird hunting preserve if the vehicle is not moving. The department may demand proof of eligibility under this subsection. An individual shall possess proof of his or her eligibility under this subsection and furnish the proof upon the request of a peace officer.

(4) An individual may transport or possess an unloaded firearm in or upon a vehicle on a sporting clays range.

(5) An individual holding a valid permit to hunt from a standing vehicle under section 40114 may transport or possess an uncased firearm with a loaded magazine on a personal assistive mobility device if the action is open. An individual holding a valid permit to hunt from a standing vehicle under section 40114 may possess a loaded firearm and may discharge that firearm to take game from a personal assistive mobility device if each of the following applies:

(a) The personal assistive mobility device is not moving.

(b) The individual holds a valid base license under section 43523a, holds any other necessary license under part 435, and complies with all other laws and rules for the taking of game.

(6) Except as otherwise provided in this part, an individual shall not transport or possess a bow or crossbow in or upon a vehicle while that vehicle is operated on public land or on a highway, road, or street in this state, unless the bow or crossbow is unstrung, enclosed in a case, or carried in the trunk of a vehicle.

(7) An individual shall not hunt with a firearm within 150 yards of an occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property.

(8) As used in this section:

(a) "Person with a disability" means a disabled person as that term is defined in section 19a of the Michigan vehicle code, 1949 PA 300, MCL 257.19a, and who is in possession of 1 of the following:

(*i*) A certificate of identification or windshield placard issued to a disabled person under section 675 of the Michigan vehicle code, 1949 PA 300, MCL 257.675.

(*ii*) A special registration plate issued to a disabled person under section 803d of the Michigan vehicle code, 1949 PA 300, MCL 257.803d.

(b) "Personal assistive mobility device" means any device, including, but not limited to, one that is battery-powered, that is designed solely for use by an individual with mobility impairment for locomotion and is considered an extension of the individual.

(c) "Unloaded" means that the firearm does not have ammunition in the barrel, chamber, cylinder, clip, or magazine when the barrel, chamber, cylinder, clip, or magazine is part of or attached to the firearm.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2012, Act 246, Imd. Eff. July 2, 2012;—Am. 2012, Act 340, Imd. Eff. Oct. 16, 2012;—Am. 2015, Act 24, Eff. July 1, 2015;—Am. 2015, Act 185, Eff. Jan. 1, 2016.

Popular name: Act 451

Popular name: NREPA

324.40111a Deer and elk feeding; order; definition.

Sec. 40111a. (1) The commission, after consultation with the commission of agriculture and rural development, shall issue in the manner provided in section 40113a an order concerning deer and elk feeding in this state.

(2) As used in this section, "deer and elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer and elk to prevent them from starving or for recreational viewing. Deer and elk feeding does not include any of the following:

(a) Baiting to take game as provided by an order of the commission under section 40113a.

(b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.

(c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:

(*i*) The area is occupied by livestock actively consuming the feed on a daily basis.

(*ii*) The feed is covered to deter wild, free-ranging white-tailed deer and elk from gaining access to the feed

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or is being used on a daily basis.

(*iii*) The feed is in a storage facility or is stored in a manner that is consistent with normal agricultural practices.

(d) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.

History: Add. 1999, Act 66, Imd. Eff. June 25, 1999;—Am. 2004, Act 537, Imd. Eff. Jan. 3, 2005;—Am. 2009, Act 199, Imd. Eff. Dec. 29, 2009;—Am. 2015, Act 265, Imd. Eff. Dec. 23, 2015.

Popular name: Act 451

Popular name: NREPA

324.40111c Use of tranquilizer propelled from bow or firearm; use of unmanned vehicle or device; prohibitions.

Sec. 40111c. (1) A person other than the department shall not take game using a tranquilizer propelled from a bow or firearm.

(2) An individual shall not take game or fish using an unmanned vehicle or unmanned device that uses aerodynamic forces to achieve flight or using an unmanned vehicle or unmanned device that operates on the surface of water or underwater.

History: Add. 2008, Act 301, Imd. Eff. Nov. 13, 2008;—Am. 2015, Act 13, Eff. July 13, 2015.

Popular name: Act 451

Popular name: NREPA

324.40112 Obstructing or interfering in lawful taking of animals or fish; prohibited conduct; petition; injunction; violation as misdemeanor; penalties; section inapplicable to peace officer.

Sec. 40112. (1) An individual shall not obstruct or interfere in the lawful taking of animals or fish by another individual.

(2) An individual violates this section when the individual intentionally or knowingly does any of the following:

(a) Drives or disturbs animals or fish for the purpose of disrupting a lawful taking.

(b) Blocks, impedes, or harasses another individual who is engaged in the process of lawfully taking an animal or fish.

(c) Uses a natural or artificial visual, aural, olfactory, gustatory, or physical stimulus or an unmanned vehicle or unmanned device that uses aerodynamic forces to achieve flight or that operates on the surface of the water or underwater, to affect animal or fish behavior in order to hinder or prevent the lawful taking of an animal or a fish.

(d) Erects barriers to deny ingress or egress to areas where the lawful taking of animals or fish may occur. This subdivision does not apply to an individual who erects barriers to prevent trespassing on his or her property.

(e) Interjects himself or herself into the line of fire of an individual lawfully taking wildlife.

(f) Affects the condition or placement of personal or public property intended for use in the lawful taking of an animal or a fish in order to impair the usefulness of the property or prevent the use of the property.

(g) Enters or remains upon private lands without the permission of the owner or the owner's agent, for the purpose of violating this section.

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

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

(4) An individual who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than $500.00 or more than $1,000.00, or both, and the costs of prosecution. An individual who violates this section a second or subsequent time is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not less than $1,000.00 or more than $2,500.00, or both, and the costs of prosecution. In addition to the penalties provided for in this subsection, any permit or license issued by the department authorizing the individual to take animals or fish shall be revoked. A prosecution under this section does not preclude prosecution or other action under any other criminal or civil statute.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 316, Eff. July 1, 1996;—Am. 2015, Act 12, Eff. July 13, 2015

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Popular name: Act 451

Popular name: NREPA

324.40113 Artificial light.

Sec. 40113. (1) Except as otherwise provided in a department order authorized under section 40107 for a specified animal, a person shall not use an artificial light in taking game or in an area frequented by animals; throw or cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest while having a bow or firearm or other weapon capable of shooting a projectile in the person's possession or under the person's control unless otherwise permitted by law. A licensed hunter may use an artificial light 1 hour before and 1 hour after shooting hours while in possession of any unloaded firearm or bow and traveling afoot to and from the licensed hunter's hunting location.

(2) Except as otherwise provided in a department order authorized under section 40107, a person shall not throw, cast, or cause to be thrown or cast, the rays of an artificial light from December 1 to October 31 between the hours of 11 p.m. and 6 a.m. for the purpose of locating animals. Except as otherwise permitted by law or an order of the department, from November 1 to November 30, a person shall not throw, cast, or cause to be thrown or cast, the rays of a spotlight, headlight, or other artificial light for the purpose of locating animals. This subsection does not apply to any of the following:

(a) A peace officer while in the performance of the officer's duties.

(b) A person operating an emergency vehicle in an emergency.

(c) An employee of a public or private utility while working in the scope of his or her employment.

(d) A person operating a vehicle with headlights in a lawful manner upon a street, highway, or roadway.

(e) A person using an artificial light to identify a house or mailbox number.

(f) The use of artificial lights used to conduct a census by the department.

(g) A person using an artificial light from November 1 to November 30 on property that is owned by that person or by a member of that person's immediate family.

(3) The operator of a vehicle from which the rays of an artificial light have been cast in a clear attempt to locate game shall immediately stop the vehicle upon the request of a uniformed peace officer or when signaled by a peace officer with a flashing signal light or siren from a marked patrol vehicle.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40113a Legislative findings and declarations; taking of game; issuance of orders; right to hunt, fish, and take game.

Sec. 40113a. (1) The legislature finds and declares that:

(a) The fish and wildlife populations of the state and their habitat are of paramount importance to the citizens of this state.

(b) The conservation of fish and wildlife populations of the state depend upon the wise use and sound scientific management of the state's natural resources.

(c) The sound scientific management of the fish and wildlife populations of the state, including hunting of bear, is declared to be in the public interest.

(d) The sound scientific management of bear populations in this state is necessary to minimize human/bear encounters and to prevent bears from threatening or harming humans, livestock, and pets.

(2) The commission has the exclusive authority to regulate the taking of game as defined in section 40103 in this state. The commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. The commission may take testimony from department personnel, independent experts, and others, and review scientific literature and data, among other sources, in support of its duty to use principles of sound scientific management. The commission shall issue orders regarding the taking of game following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission shall provide a copy of the order to each of the following:

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural

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resources.

(3) The legislature declares that hunting, fishing, and the taking of game are a valued part of the cultural heritage of this state and should be forever preserved. The legislature further declares that these activities play an important part in the state's economy and in the conservation, preservation, and management of the state's natural resources. Therefore, the legislature declares that the citizens of this state have a right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by subsection (2) and law.

History: Add. 1996, Act 377, Eff. Dec. 5, 1996;—Am. 1997, Act 19, Imd. Eff. June 12, 1997;—Am. 2013, Act 21, Imd. Eff. May 8, 2013;—Am. 2013, Act 22, Imd. Eff. May 8, 2013;—Am. 2014, Act 281, Eff. Mar. 31, 2015;—Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016.

Compiler's note: This section, as added by Act 377 of 1996, was submitted to, and approved by, the electors of the state at the general election held on November 5, 1996.

Enacting section 1 of Act 281 of 2014 provides:

"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."

Enacting section 2 of Act 281 of 2014 provides:

"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, § 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.

Popular name: Act 451

Popular name: NREPA

****** 324.40114 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 324.40114.amended ******

324.40114 Permits and licenses; issuance to individual who is paraplegic, amputee, or permanently disabled; taking of game with modified bow; permits for additional activities; suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of permit; disposition of fees; report; "cub bear" defined.

Sec. 40114. (1) The department may issue a permit to an individual who is unable to walk because the individual is a paraplegic or an amputee or because of a disease or injury that has rendered the individual permanently disabled. A permit issued under this subsection authorizes the individual to take game during the open season for that game, including deer of either sex, from or upon a standing vehicle if that individual holds a license to take that game issued under part 435 and complies with all other laws and rules for the taking of game.

(2) The department may issue a permit to an individual who is permanently disabled, who has full use of only 1 arm, and who upon investigation is unable to hold, aim, and shoot a bow. A permit issued under this subsection authorizes the individual to take game during the open season for that game with a bow that has been modified so that the bow may be held, aimed, and shot with 1 arm, if that individual holds a license to take that game issued under part 435 and complies with all other laws and rules for the taking of game.

(3) The commission may issue an order under section 40113a regulating the taking of game with a modified bow that may be shot with 1 arm. Subsection (2) does not apply on or after the effective date of such an order.

(4) In addition, the department may issue permits authorizing 1 or more of the following:

(a) The taking or possession of animals for the purpose of rehabilitating animals.

(b) The taking of animals to prevent or control damage and nuisance caused by the animals subject to the following:

(*i*) Except during an open season for deer, deer may be taken under this subdivision if the department determines that deer have caused damage to emerging, standing, or harvested crops or to feed properly stored in accordance with normal agricultural practices. If the department receives a request for a permit issued under this subdivision, the department shall, within 5 business days after receiving the request, determine whether a permit should be issued. If the department determines that a permit should not be issued under this subdivision, the department shall deny the request in writing within 10 business days after receiving the request. In denying the request for a permit, the department shall advise the applicant on other techniques for controlling or preventing damage caused by deer.

(*ii*) A permittee under a deer damage shooting permit may designate not more than 15 authorized shooters

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to implement the provisions of the permit unless the department authorizes otherwise.

(*iii*) Except during an open season for bear, bear may be taken under this subdivision if the department determines that bear have caused damage to emerging, standing, or harvested crops or to feed properly stored in accordance with normal agricultural practices. If the department receives a request for a permit issued under this subdivision, the department shall, within 4 days after receiving the request, respond to a request and evaluate whether a permit should be issued. The department may, within 10 days after responding to a request for a permit, attempt or recommend that the applicant attempt other methods for controlling or preventing damage caused by bear, if the applicant is not required to pay for those methods. Within 10 days after responding to a request for a permit, the department shall grant or deny the request in writing. In denying the request for a permit, the department shall advise the applicant on other techniques for controlling or preventing damage caused by bear. A permittee under a bear damage shooting permit may allow only an individual with a bear hunting license issued under section 43528 for that bear management unit and calendar year to implement the provisions of this subdivision. If an individual takes a bear under this subdivision, that individual shall not take another bear under a bear hunting license issued under section 43528 during that calendar year. An individual implementing this section is subject to the rules and regulations for a bear hunting license issued under section 43528 except that individuals shall not use bait to take a bear under this subdivision. An individual shall not take a cub bear or a female bear accompanied by a cub bear under this subdivision. Except as otherwise provided in this subdivision, the department shall not allow more than 5% of the bear hunting licenses issued for a bear management unit to be used to implement the provisions of this subdivision. In a bear management unit that offers fewer than 20 licenses, the department may allow 1 of those bear hunting licenses to be used to implement the provisions of this section. If an individual takes a bear under this subdivision, that individual shall register that bear at a field office of the department within 72 hours of taking the bear.

(c) The collection, transportation, possession, or disposition of animals and parts of animals for scientific purposes.

(d) The public exhibition of animals.

(e) Taxidermy.

(f) The disposition of accidentally or unlawfully taken or injured animals or animals that are unlawfully possessed.

(g) The taking of game with a crossbow by an individual who is permanently or temporarily disabled.

(h) The taking or possession of raptors for the purposes of falconry.

(5) A permit issued under this section may be suspended, revoked, annulled, withdrawn, recalled, canceled, or amended pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the holder of a permit is convicted of violating the permit or this section, his or her permit or license may be revoked and any animal and the parts of any animal in his or her possession shall be disposed of in a manner approved by the department.

(6) Fees received for permits and licenses issued under this section shall be forwarded by the department to the state treasurer to be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(7) Within 3 years after the effective date of the amendatory act that added subsection (4)(b)(*iii*), the department shall issue a report in electronic form to each member of the legislature that includes all of the following:

(a) The number of bear damage shooting permits issued under subsection (4)(b)(*iii*).

(b) The number of bears taken under subsection (4)(b)(*iii*).

(c) Any recommendations for changes to the bear damage shooting permits under subsection (4)(b)(*iii*).

(8) As used in this section, "cub bear" means a bear that is less than 1 year of age.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2008, Act 169, Imd. Eff. July 2, 2008;—Am. 2009, Act 109, Imd. Eff. Oct. 1, 2009;—Am. 2010, Act 87, Imd. Eff. May 27, 2010;—Am. 2012, Act 65, Imd. Eff. Mar. 27, 2012;—Am. 2014, Act 407, Eff. Mar. 30, 2015.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

****** 324.40114.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 ******

324.40114.amended Permits or licenses; issuance to individual who is paraplegic, amputee,

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or permanently disabled; taking of game with modified bow; permits for additional activities; activities not considered hunting; suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of permit; disposition of fees; report; "cub bear" defined.

Sec. 40114. (1) The department may issue a permit to an individual who is unable to walk because the individual is a paraplegic or an amputee or because of a disease or injury that has rendered the individual permanently disabled. A permit issued under this subsection authorizes the individual to take game during the open season for that game, including deer of either sex, from or upon a standing vehicle if that individual holds a license to take that game issued under part 435 and complies with all other laws and rules for the taking of game.

(2) The department may issue a permit to an individual who is permanently disabled, who has full use of only 1 arm, and who upon investigation is unable to hold, aim, and shoot a bow. A permit issued under this subsection authorizes the individual to take game during the open season for that game with a bow that has been modified so that the bow may be held, aimed, and shot with 1 arm, if that individual holds a license to take that game issued under part 435 and complies with all other laws and rules for the taking of game.

(3) The commission may issue an order under section 40113a regulating the taking of game with a modified bow that may be shot with 1 arm. Subsection (2) does not apply on or after the effective date of such an order.

(4) In addition, the department may issue permits authorizing 1 or more of the following:

(a) The taking or possession of animals for the purpose of rehabilitating animals.

(b) The taking of animals to prevent or control damage to crops or feed, disease, or nuisance caused by the animals. The taking of animals to prevent or control damage to crops or feed is subject to the following:

(*i*) Except during an open season for deer, deer may be taken under this subdivision if the department determines that deer have caused damage to emerging, standing, or harvested crops or to feed properly stored in accordance with normal agricultural practices. If the department receives a request for a permit issued under this subdivision, the department shall, within 5 business days after receiving the request, determine whether a permit should be issued. If the department determines that a permit should not be issued under this subdivision, the department shall deny the request in writing within 10 business days after receiving the request. In denying the request for a permit, the department shall advise the applicant on other techniques for controlling or preventing damage caused by deer.

(*ii*) A permittee under a deer damage shooting permit may designate not more than 15 authorized shooters to implement the provisions of the permit unless the department authorizes otherwise.

(*iii*) Except during an open season for bear, bear may be taken under this subdivision if the department determines that bear have caused damage to emerging, standing, or harvested crops or to feed properly stored in accordance with normal agricultural practices. If the department receives a request for a permit issued under this subdivision, the department shall, within 4 days after receiving the request, respond to a request and evaluate whether a permit should be issued. The department may, within 10 days after responding to a request for a permit, attempt or recommend that the applicant attempt other methods for controlling or preventing damage caused by bear, if the applicant is not required to pay for those methods. Within 10 days after responding to a request for a permit, the department shall grant or deny the request in writing. In denying the request for a permit, the department shall advise the applicant on other techniques for controlling or preventing damage caused by bear. A permittee under a bear damage shooting permit may allow only an individual with a bear hunting license issued under section 43528 for that bear management unit and calendar year to implement the provisions of this subdivision. If an individual takes a bear under this subdivision, that individual shall not take another bear under a bear hunting license issued under section 43528 during that calendar year. An individual implementing this section is subject to the rules and regulations for a bear hunting license issued under section 43528 except that individuals shall not use bait to take a bear under this subdivision. An individual shall not take a cub bear or a female bear accompanied by a cub bear under this subdivision. Except as otherwise provided in this subdivision, the department shall not allow more than 5% of the bear hunting licenses issued for a bear management unit to be used to implement the provisions of this subdivision. In a bear management unit that offers fewer than 20 licenses, the department may allow 1 of those bear hunting licenses to be used to implement the provisions of this section. If an individual takes a bear under this subdivision, that individual shall register that bear at a field office of the department within 72 hours of taking the bear.

(c) The collection, transportation, possession, or disposition of animals and parts of animals for scientific purposes.

(d) The public exhibition of animals.

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(e) Taxidermy.

(f) The disposition of accidentally or unlawfully taken or injured animals or animals that are unlawfully possessed.

(g) The taking of game with a crossbow by an individual who is permanently or temporarily disabled.

(h) The taking or possession of raptors for the purposes of falconry.

(5) The taking of animals pursuant to a permit issued under subsection (4)(a), (b), (c), (d), (e), (f), and (h) is not considered hunting.

(6) A permit issued under this section may be suspended, revoked, annulled, withdrawn, recalled, canceled, or amended pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the holder of a permit is convicted of violating the permit or this section, his or her permit or license may be revoked and any animal and the parts of any animal in his or her possession shall be disposed of in a manner approved by the department.

(7) Fees received for permits and licenses issued under this section shall be forwarded by the department to the state treasurer to be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(8) By March 30, 2018, the department shall issue a report in electronic form to each member of the legislature that includes all of the following:

(a) The number of bear damage shooting permits issued under subsection (4)(b)(*iii*).

(b) The number of bears taken under subsection (4)(b)(*iii*).

(c) Any recommendations for changes to the bear damage shooting permits under subsection (4)(b)(*iii*).

(9) As used in this section, "cub bear" means a bear that is less than 1 year of age.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2008, Act 169, Imd. Eff. July 2, 2008;—Am. 2009, Act 109, Imd. Eff. Oct. 1, 2009;—Am. 2010, Act 87, Imd. Eff. May 27, 2010;—Am. 2012, Act 65, Imd. Eff. Mar. 27, 2012;—Am. 2014, Act 407, Eff. Mar. 30, 2015;—Am. 2016, Act 356, Eff. Mar. 29, 2017.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.40115 Possession of certain game killed in collision with motor vehicle.

Sec. 40115. (1) Subject to subsections (9) and (10), an individual may possess game, other than badger, bobcat, brant, coot, crow, cub bear, duck, elk, fisher, Florida gallinule, geese, marten, moose, otter, snipe, sora rail, spotted fawn deer, Virginia rail, wild turkey, wolf, and woodcock, that is either killed by, or injured and euthanized as allowed under law following, a collision with a motor vehicle. The driver of the motor vehicle has first priority to take possession of the game.

(2) An individual in possession of deer under subsection (1) shall do 1 of the following:

(a) Obtain a salvage tag under subsection (8).

(b) Promptly notify the department or a local law enforcement agency of his or her intent to maintain possession of the game under subsection (1) by telephone or on the department's website.

(c) If the individual is the driver of the motor vehicle involved in the collision and as a result of that collision is calling 9-1-1 to report the collision, the individual must state his or her intent to maintain possession of the game under subsection (1).

(3) An individual in possession of beaver, coyote, fox, mink, muskrat, opossum, raccoon, skunk, weasel, or small game under subsection (1) shall prepare a written record with all of the following information:

(a) The date and time the individual took possession of the game.

(b) The location where the possession of the game occurred.

(c) The type of game the individual seeks to possess.

(d) Whether the individual has requested a salvage tag under subsection (8).

(e) The individual's full name, including middle initial, date of birth, mailing address, telephone number, and driver license number.

(f) The intended purpose for obtaining possession of the game, including, but not limited to, human consumption, bait, or other uses.

(4) An individual in possession of bear under subsection (1) shall obtain a salvage tag for that bear under subsection (8).

(5) If an individual notifies 9-1-1, the department, or a local law enforcement agency under subsection (2) of his or her intent to legally maintain possession of the game under subsection (1), that individual shall provide 9-1-1, the department, or the local law enforcement agency with the following information:

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(a) The date and time the individual took possession of the game.

(b) The location where the possession of the game occurred.

(c) The type of game the individual seeks to possess. If the game is a deer, identify whether the deer is an antlered deer or antlerless deer. If it is an antlered deer, identify the number of antler points.

(d) Whether the individual has requested a salvage tag under subsection (8).

(e) The individual's full name, including middle initial, date of birth, mailing address, telephone number, and driver license number.

(f) The intended purpose for obtaining possession of the game, including, but not limited to, human consumption, bait, or other uses.

(6) For beaver, coyote, fox, mink, muskrat, opossum, raccoon, skunk, weasel, and small game, an individual shall maintain the written record prepared under subsection (3) until the individual obtains a salvage tag under subsection (8) or until the game and its parts are consumed, are composted, or are no longer possessed by any person. The record shall be kept at the location where the game or its parts are kept. The individual shall exhibit the record upon request of a law enforcement officer.

(7) An individual in possession of game under subsection (1) who has obtained a salvage tag under subsection (2), (4), or (8) shall upon the request of a conservation officer or peace officer produce the salvage tag. Immediately following the issuance of a salvage tag, an individual possessing game shall securely attach the salvage tag to the game. The salvage tag shall remain attached until the game is processed, butchered for consumption, or delivered to a business for the purpose of taxidermy or tanning. If the game is used for bait, the salvage tag may be removed, but the individual possessing that game shall produce the salvage tag if requested by a conservation officer or peace officer.

(8) The department shall promptly issue a salvage tag if requested by an individual in possession of game under subsection (1).

(9) The director may immediately suspend all salvage mechanisms for disease-affected areas by issuing an order based on sound science to address disease control. The department shall provide public notice of that order and notify the legislative committees with primary oversight of natural resources before issuing that order. The director shall revoke the suspension after the department verifies the absence of the identified disease in the affected area. The department shall provide public notice of the suspension and of the revocation of the suspension by posting notice on the department's website and at department offices throughout the disease-affected areas.

(10) This section does not apply to an individual who intentionally uses a motor vehicle to kill or injure game.

(11) The department shall annually issue a report in electronic form to each member of the legislature that includes all of the following:

(a) The number of salvage tags issued under subsection (8).

(b) The number of animals reported to the department under subsection (2)(b).

(c) If available, the number of animals reported to local law enforcement agencies or 9-1-1 under subsection (2)(b) and (c).

History: Add. 2014, Act 255, Eff. Sept. 28, 2014.

Compiler's note: Former MCL 324.40115, which pertained to issuance of permit to person with a disability, was repealed by Act 347 of 2000, Eff. July 1, 2000.

Popular name: Act 451

Popular name: NREPA

324.40116 Hunter orange or other authorized color; exceptions; noncompliance not as evidence of contributory negligence; review and determination by commission; "hunter orange" and "hunter pink" defined.

Sec. 40116. (1) An individual shall not take game during the established daylight shooting hours from August 15 through April 30 unless the individual wears a cap, hat, vest, jacket, or rain gear of hunter orange or a color authorized by the commission under subsection (4). Hunter orange or a color authorized by the commission under subsection (4) includes camouflage that is not less than 50% hunter orange or a color authorized by the commission under subsection (4). The garments that are hunter orange or a color authorized by the commission under subsection (4) must be the hunter's outermost garment and be visible from all sides of the hunter.

(2) Subsection (1) does not apply to an individual engaged in the taking of deer with a bow or crossbow during archery deer season, an individual taking bear with a bow or crossbow, an individual engaged in the taking of turkey or migratory birds other than woodcock, an individual engaged in the sport of falconry, or an individual who is stationary and in the act of hunting bobcat, coyote, or fox.

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(3) The failure of an individual to comply with this section is not evidence of contributory negligence in a civil action for injury to the individual or for the individual's wrongful death.

(4) The commission shall review and determine whether hunter pink or any additional colors are effective and safe for individuals to wear while hunting. By October 1, 2017, the commission shall issue an order under section 40113a authorizing what additional garment colors may be worn under subsection (1) based on the determination made by the commission under this subsection.

(5) As used in this section:

(a) "Hunter orange" means the highly visible color commonly referred to as hunter orange and includes blaze orange, flame orange, and fluorescent blaze orange.

(b) "Hunter pink" means the highly visible color commonly referred to as hunter pink and includes blaze pink, flame pink, and fluorescent blaze pink.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 154, Imd. Eff. Apr. 3, 1996;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004;—Am. 2009, Act 65, Imd. Eff. July 2, 2009;—Am. 2016, Act 377, Imd. Eff. Dec. 22, 2016.

Popular name: Act 451

Popular name: NREPA

324.40117 Possession of parts of animal as prima facie evidence of violation.

Sec. 40117. In a prosecution for a violation of this part or an order or interim order issued under this part, the possession of the parts of any game or protected animal, except when the taking is permitted by this part, is prima facie evidence that the animal was taken in violation of this part by the person possessing the animal.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 347, Imd. Eff. Dec. 28, 2000.

Popular name: Act 451

Popular name: NREPA

324.40118 Violation as misdemeanor; penalty.

Sec. 40118. (1) An individual who violates this part, an order or interim order issued under this part, or a condition of a permit issued under this part, except for a violation specified in subsections (2) to (17), is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than $50.00 or more than $500.00, or both, and the costs of prosecution. In addition, a permit issued by the department under this part shall be revoked pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of any game, except deer, bear, wild turkey, wolf, waterfowl, moose, or elk, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than $100.00 or more than $1,000.00, or both, and the costs of prosecution.

(3) Except as otherwise provided in this subsection, an individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of deer, bear, wild turkey, or wolf is guilty of a misdemeanor and shall be punished by imprisonment for not less than 5 days or more than 90 days, and a fine of not less than $200.00 or more than $1,000.00, and the costs of prosecution. An individual shall not be punished under this subsection for lawfully removing, capturing, or destroying a wolf under 2008 PA 290, MCL 324.95151 to 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

(4) An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of elk is guilty of a misdemeanor punishable by imprisonment for not less than 30 days or more than 180 days, or a fine of not less than $500.00 or more than $2,000.00, or both, and the costs of prosecution.

(5) An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of moose is guilty of a misdemeanor and shall be punished by imprisonment for not less than 90 days or more than 1 year and a fine of not less than $1,000.00 or more than $5,000.00, and the costs of prosecution.

(6) An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of waterfowl is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $250.00 or more than $500.00, or both, and the costs of prosecution. An individual who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of waterfowl a second or subsequent time is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of $500.00, or both, and the costs of prosecution.

(7) An individual sentenced under subsection (3), (14), or (15) shall not secure or possess a license of any

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kind to hunt during the remainder of the year in which convicted and the next 3 succeeding calendar years. An individual sentenced under subsection (11) shall not secure or possess a license to hunt during the remainder of the year in which convicted and the next succeeding calendar year, or longer in the discretion of the court.

(8) In addition to the penalties provided for violating this part or an order issued under this part, an individual convicted of the illegal killing, possessing, purchasing, or selling of a bear or an antlered white-tailed deer is subject to the following penalties:

(a) For a first offense, the individual shall not secure or possess a license of any kind to hunt for an additional 2 calendar years after the penalties imposed under subsection (7).

(b) For a second or subsequent offense, the individual shall not secure or possess a license of any kind to hunt for an additional 7 calendar years after the penalties imposed under subsection (7).

(9) In addition to the penalties provided for violating this part or an order issued under this part, an individual convicted of the illegal killing, possessing, purchasing, or selling of a wild turkey shall not secure or possess a license of any kind to hunt for an additional 2 calendar years after the penalties imposed under subsection (7).

(10) An individual sentenced under subsection (4) or (5) is subject to the following penalties:

(a) For a first offense, the individual shall not secure or possess a license of any kind to hunt for the remainder of the year in which convicted and the next 15 succeeding calendar years.

(b) For a second offense, the individual shall not secure or possess a license of any kind to hunt for the remainder of that individual's life.

(11) An individual who violates section 40113(1) is guilty of a misdemeanor punishable by imprisonment for not less than 5 days or more than 90 days, or a fine of not less than $100.00 or more than $500.00, or both, and the costs of prosecution.

(12) An individual who violates section 40113(2) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than $50.00 or more than $500.00, or both, and the costs of prosecution.

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

(14) An individual who violates a provision of this part or an order or interim order issued under this part regarding the taking or possession of an animal that has been designated by the department to be a protected animal, other than an animal that appears on a list prepared pursuant to section 36505, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $100.00 or more than $1,000.00, or both, and the costs of prosecution.

(15) An individual who buys or sells game or a protected animal in violation of this part or an order or interim order issued under this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both, for the first offense, and is guilty of a felony for each subsequent offense.

(16) An individual who willfully violates a provision of this part or an order or interim order issued under this part by using an illegally constructed snare or cable restraint is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of $1,000.00 for the first illegally constructed snare or cable restraint and $250.00 for each subsequent illegally constructed snare or cable restraint, or both, and the costs of prosecution.

(17) If an individual is convicted of a violation of this part or an order or interim order issued under this part and it is alleged in the complaint and proved or admitted at trial or ascertained by the court after conviction that the individual had been previously convicted 2 times within the preceding 5 years for a violation of this part or an order or interim order issued under this part, the individual is guilty of a misdemeanor and shall be punished by imprisonment for not less than 10 days or more than 180 days, and a fine of not less than $500.00 or more than $2,000.00, and costs of prosecution.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 347, Imd. Eff. Dec. 28, 2000;—Am. 2012, Act 520, Imd. Eff. Dec. 28, 2012;—Am. 2015, Act 188, Eff. Feb. 14, 2016.

Popular name: Act 451

Popular name: NREPA

324.40119 Reimbursement of state for value of game or protected animal; restitution for illegal killing, possessing, purchasing, or selling antlered white-tailed deer, antlered elk, antlered moose, and turkey with beard; forfeiture; default as civil contempt; additional time for payment; reduction of amount forfeited; revocation of forfeiture; collection of

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default in payment; disposition of forfeiture damages; "point" defined.

Sec. 40119. (1) In addition to the penalties provided for violating this part or an order issued under this part, and the penalty provided in section 36507, an individual convicted of the illegal killing, possessing, purchasing, or selling of game or protected animals, in whole or in part, shall reimburse the state for the value of the game or protected animal as follows:

(a) Elk, $5,000.00 per animal.

(b) Moose, $5,000.00 per animal.

(c) Bear, $3,500.00 per animal.

(d) Eagle, $1,500.00 per animal.

(e) Hawk or any animal that appears on a list specified in section 36505, $1,500.00 per animal.

(f) Deer, owl, and wild turkey, $1,000.00 per animal.

(g) Waterfowl, $500.00 per animal.

(h) Other game not listed in subdivisions (a) to (g), not less than $100.00 or more than $500.00 per animal.

(i) Other protected animals, $100.00 per animal.

(2) In addition to the restitution value established in subsection (1), an individual convicted of the illegal killing, possessing, purchasing, or selling of an antlered white-tailed deer also shall pay an additional restitution value that is equal to $1,000.00 plus 1 of the following:

(a) For an antlered white-tailed deer with at least 8 but not more than 10 points, $500.00 for each point.

(b) For an antlered white-tailed deer with 11 or more points, $750.00 for each point.

(3) In addition to the restitution value established in subsection (1), an individual convicted of the illegal killing, possessing, purchasing, or selling of an antlered elk shall pay an additional restitution value that is equal to 1 of the following:

(a) For an antlered elk with at least 8 but not more than 10 points, $250.00 for each point.

(b) For an antlered elk with 11 or more points, $500.00 for each point.

(4) In addition to the restitution value established in subsection (1), an individual convicted of the illegal killing, possessing, purchasing, or selling of an antlered moose shall pay an additional restitution value that is equal to $5,000.00.

(5) In addition to the restitution value established in subsection (1), an individual convicted of the illegal killing, possessing, purchasing, or selling of a turkey with a beard shall pay an additional restitution value of $1,000.00.

(6) The court in which a conviction for a violation described in subsections (1) to (5) is obtained shall order the defendant to forfeit to the state a sum as set forth in subsections (1) to (5). If 2 or more defendants are convicted of the illegal killing, possessing, purchasing, or selling, in whole or in part, of game or protected animals listed in subsections (1) to (5), the forfeiture prescribed shall be declared against them jointly.

(7) If a defendant fails to pay upon conviction the sum ordered by the court to be forfeited, the court shall either impose a sentence and, as a condition of the sentence, require the defendant to satisfy the forfeiture in the amount prescribed and fix the manner and time of payment, or make a written order permitting the defendant to pay the sum to be forfeited in installments at those times and in those amounts that, in the opinion of the court, the defendant is able to pay.

(8) If a defendant defaults in payment of the sum forfeited or of an installment, the court on motion of the department or upon its own motion may require the defendant to show cause why the default should not be treated as a civil contempt, and the court may issue a summons or warrant of arrest for his or her appearance. Unless the defendant shows that the default was not due to an intentional refusal to obey the order of the court or to a failure to make a good-faith effort to obtain the funds required for the payment, the court shall find that the default constitutes a civil contempt.

(9) If it appears that the defendant's default in the payment of the forfeiture does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of the forfeiture or of each installment, or revoking the forfeiture or the unpaid portion of the forfeiture, in whole or in part.

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

(11) A court receiving forfeiture damages shall remit the damages to the county treasurer, who shall deposit the damages with the state treasurer, who shall deposit the damages in the game and fish protection account established in section 2010.

(12) As used in this section, "point" means a projection on the antler of a white-tailed deer or elk that is at least 1 inch long as measured from its tip to the nearest edge of the antler beam.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2013, Act 175, Eff. Feb. 25, 2014;—Am. 2015, Act 187, Eff. Feb. 14, 2016.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:
"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.40120 Michigan big game trophy records; official keeper; recognition.

Sec. 40120. The department shall recognize commemorative bucks of Michigan, inc., as the official keeper of Michigan big game trophy records for deer, bear, elk, and turkey.

History: Add. 2006, Act 145, Imd. Eff. May 22, 2006.

Popular name: Act 451

Popular name: NREPA

PART 403
WILDLIFE PRESERVATION

324.40301 Sale of items signifying interest in wildlife preservation.

Sec. 40301. The department may issue for sale to the public a stamp, decal, medallion, or other item of personal property intended to signify the interest of the purchaser in contributing to wildlife preservation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40302 Use of net proceeds.

Sec. 40302. Net proceeds from the sale of an item authorized by this part shall be used by the department exclusively for wildlife research and habitat improvement for nongame wild animals or designated endangered species or designated plant species.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40303 Rights and privileges; marketing items.

Sec. 40303. The department may attach such rights and privileges to the items sold as will best serve the interests of wildlife preservation and shall market the items without the use of general fund appropriation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 405
WILDLIFE RESTORATION, MANAGEMENT, AND RESEARCH

324.40501 Wildlife restoration, management, and research projects; authority of department to cooperate with federal government; use of hunters' license fees.

Sec. 40501. The department shall perform such acts as may be necessary to conduct and establish wildlife restoration, management, and research projects and areas in cooperation with the federal government under the Pittman-Robertson wildlife restoration act, 16 USC 669 to 669i, and regulations promulgated by the United States secretary of the interior under that act. In compliance with that act, funds accruing to this state from license fees paid by hunters shall not be used for any purpose other than game and fish activities under the administration of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2008, Act 416, Imd. Eff. Jan. 6, 2009.

Popular name: Act 451

Popular name: NREPA

PART 409
HOMING PIGEONS

324.40901 Homing pigeons; prohibited acts.

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Sec. 40901. A person shall not at any time of the year or in any manner, hunt, take, pursue, capture, wound, kill, maim, or disfigure the homing pigeons of another person.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40902 Homing pigeons; use of certain devices prohibited.

Sec. 40902. A person shall not at any time make use of any pit, pitfalls, deadfall, scaffold, cage, snarl, trap, net, baited hook, or any similar device, or any drug poison, chemical, or explosive for the purpose of injuring, capturing, or killing a homing pigeon of another person.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.40903 Violation of part as misdemeanor; penalty.

Sec. 40903. A person who violates this part, upon conviction of a first offense, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $25.00 or more than $100.00 and the cost of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 411
PROTECTION AND PRESERVATION OF FISH, GAME, AND BIRDS

324.41101 Definitions.

Sec. 41101. As used in this part:

(a) "Area" means the whole of the state and the whole or any designated portion of any township or townships or county or counties within the state.

(b) "Waters" means any inland lake, stream, river, pond, or other body of water including the Great Lakes and connecting waters, any part or portion of such waters, and any and all chains, systems, or combinations of such waters, in any township or townships or county or counties, within this state, and in which any species of fish or waterfowl are protected by the laws of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41102 Regulatory powers of department; exception.

Sec. 41102. (1) The department, in accordance with this part, may regulate the taking or killing of all fish, game and fur-bearing animals, and game birds protected by the laws of this state, and may suspend or abridge the open season provided by law for the taking or killing of such fish, animals, or game birds in any designated waters or area of this state, if in the opinion of the department it is necessary to assist in the increased or better protection of the fish, game or fur-bearing animals, or game birds, or any particular kinds or species of fish, game or fur-bearing animals, or game birds, which may in the opinion of the department be threatened from any cause or causes with depletion or extermination in the waters or area. The department may promulgate rules and orders necessary to implement this part after a thorough investigation has been made by the department.

(2) This section does not apply to privately owned cervidae species located on a registered cervidae livestock facility or involved in a registered cervidae livestock operation under the privately owned cervidae producers marketing act.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 191, Eff. June 1, 2001.

Popular name: Act 451

Popular name: NREPA

324.41103 Orders protecting fish, animals, or birds; provisions; duration; notice; newspaper publication; filing; printing order in Michigan fish and game laws; fisheries research; experimental game management areas; notice of availability of annual sports fishing handbook and amendments, corrections, or additions thereto.

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Sec. 41103. (1) If the department determines that any fish, game or fur-bearing animals, or game birds of any kind or species are in danger of depletion or extermination and require additional protection in any designated waters or area within the state, the department may issue an order suspending or abridging the open season on fish, game or fur-bearing animals, or game birds, or may regulate their taking or killing in the waters or area as the department considers necessary for the further protection of fish, game or fur-bearing animals, or game birds in those waters or areas. The orders shall clearly specify the manner and condition relative to the taking or killing. The orders shall clearly and distinctly describe and set forth the waters or area affected by each order, and whether the order is applicable to all fish, game or fur-bearing animals, or game birds, or only to certain kinds or species designated in the order, and shall also clearly specify and set forth the length of time during which the order shall remain in effect. However, an order shall not remain in effect for more than 5 years. The public shall be notified of orders changing the rules pertaining to hunting, fishing, or trapping in the annual hunting, fishing, and trapping guides available by licensed agents of the department and field offices of the department or the department may publish the orders at least 21 days but not more than 60 days prior to taking effect, and at least once annually while in force, in at least 1 newspaper in each county, if a newspaper is published in a county, the whole or any portion of which is affected by the order. The first newspaper publication shall appear at least once each week for 3 successive weeks. A copy of the order as printed in the newspaper shall be filed with the clerk of each county. Proof by affidavit of the newspaper publication or other form of publication allowed in this section shall be filed with the department, and a copy of the order, while it is in force and effect, shall be included and printed in the authorized biennial compilation of the Michigan fish and game laws. The original of all orders on file in the Lansing office of the department shall be under the seal of the department and shall bear the signatures of the chairperson and secretary of the commission and shall be countersigned by the department. The department shall establish the seasons, size limits, creel limits, and methods of taking fish in certain designated inland lakes not to exceed 20 in number at any 1 time and in certain designated streams or portions of streams not to exceed 10 in number at any 1 time for the purpose of fisheries research. The department may establish not more than 1 experimental game management area that shall not exceed 40,000 acres in size, 4 experimental game management areas not to exceed 5,000 acres each in size, and 1 experimental game management area that shall include Beaver island in its entirety and the 4 islands that comprise the Little Beaver islands state game area. The department shall establish rules and orders governing the kind of game that may be taken in the areas designated in this subsection and the time, place, and manner or method of the taking.

(2) The department shall publish annually in 1 or more newspapers of general circulation in this state notice of the availability of the annual sports fishing handbook. The published notice shall inform the public of when, where, and how the annual sports fishing handbook may be obtained.

(3) The department shall notify the public of an amendment, correction, or addition to the annual sports fishing handbook in the same manner as provided for newspaper publication in subsection (1).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41104 Suspended open season; rescission or modification; exception.

Sec. 41104. If the open season during which any species of fish, game or fur-bearing animals, or game birds may be taken or killed has been suspended or abridged in any waters or area by an order of the department as provided in this part, if that order is still in force, and if it appears to the department that the conditions existing in the waters or area affected by the order no longer require that additional protection for those species, then the department shall cause a thorough investigation to be made of the waters or area and the conditions prevailing in the waters or area. If after the investigation the department is satisfied that because of the increase of the fish, game or fur-bearing animals, or game birds protected by the order in the waters or area, or because of the removal of the cause threatening those species with depletion or extermination, the additional protection afforded by the order is no longer needed, the department may rescind or modify the original order. Notices of the rescinding or modifying of the order shall be published in the same manner as notice of the original order and filed in the same manner in the office of the clerk of each county. This part does not suspend, abridge, or regulate the open seasons established by law for the taking of fish for commercial purposes from the waters of Lakes Superior, Michigan, Huron, and Erie, and the bays of those waters.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

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324.41105 Violation as misdemeanor; penalty.

Sec. 41105. A person who takes or kills any fish, game, or fur-bearing animal, or game bird, contrary to an order or rule promulgated under this part, or who violates this part, is guilty of a misdemeanor, punishable for the first offense by imprisonment for not more than 60 days or a fine of not more than $100.00. For each offense that is charged as a second or subsequent offense, the person is guilty of a misdemeanor, punishable by imprisonment for not less than 20 days or more than 90 days, or a fine of not less than $50.00 or more than $250.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 413

TRANSGENIC AND NONNATIVE ORGANISMS

324.41301 Definitions; possession of live organism.

Sec. 41301. (1) As used in this part:

(a) "Amphibian" means any frog, toad, or salamander of the class Amphibia.

(b) "Aquatic", except as used in subdivision (p), describes an amphibian, crustacean, fish, mollusk, reptile, wiggler, or aquatic plant.

(c) "Crustacean" means freshwater crayfish, shrimp, or prawn of the order Decapoda.

(d) "Genetically engineered" refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques, or the progeny of such an organism.

(e) "Introduce", with reference to an organism, means to knowingly and willfully stock, place, plant, release, or allow the release of the organism in this state at any specific location where the organism is not already naturalized.

(f) "Mollusk" means any mollusk of the classes Bivalvia and Gastropoda.

(g) "Native" means indigenous to any location in this state.

(h) "Nonaquatic" describes a bird, insect other than a wiggler, or mammal.

(i) "Nonnative" means not native.

(j) "Permitted aquatic species" means a species listed as provided in section 41302a.

(k) "Prohibited species", subject to section 41302, means any of the following:

(*i*) Any of the following prohibited aquatic plant species, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:

(A) African oxygen weed (Lagarosiphon major).

(B) Brazilian elodea (Egeria densa).

(C) Cylindro (Cylindrospermopsis raciborskii).

(D) European frogbit (Hydrocharis morsus-ranae).

(E) Fanwort (Cabomba caroliniana).

(F) Giant salvinia (Salvinia molesta, auriculata, biloba, or herzogii).

(G) Hydrilla (Hydrilla verticillata).

(H) Parrot's feather (Myriophyllum aquaticum).

(I) Starry stonewort (Nitellopsis obtusa).

(J) Water chestnut (Trapa natans).

(K) Yellow floating heart (Nymphoides peltata).

(*ii*) Any of the following prohibited terrestrial plant species, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:

(A) Giant hogweed (Heracleum mantegazzianum).

(B) Japanese knotweed (Fallopia japonica).

(*iii*) The following prohibited bird species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: Eurasian collared dove (Streptopelia decaocto).

(*iv*) The following prohibited crustacean species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: rusty crayfish (Orconectes rusticus).

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(*v*) Any of the following prohibited fish species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Bighead carp (Hypophthalmichthys nobilis).

(B) Bitterling (Rhodeus sericeus).

(C) Black carp (Mylopharyngodon piceus).

(D) Eurasian ruffe (Gymnocephalus cernuus).

(E) Grass carp (Ctenopharyngodon idellus).

(F) Ide (Leuciscus idus).

(G) Japanese weatherfish (Misgurnus anguillicaudatus).

(H) Round goby (Neogobius melanostomus).

(I) Rudd (Scardinius erythrophthalamus).

(J) Silver carp (Hypophthalmichthys molitrix).

(K) A fish of the snakehead family (family Channidae).

(L) Tench (Tinca tinca).

(M) Tubenose goby (Proterorhinus marmoratus).

(*vi*) Any of the following prohibited insect species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Asian longhorned beetle (Anoplophora glabripennis).

(B) Emerald ash borer (Agrilus planipennis).

(*vii*) The following prohibited mammal species, including a hybrid or genetically engineered variant: nutria (Myocastor coypus).

(*viii*) Any of the following prohibited mollusk species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Brown garden snail (Helix aspersa).

(B) Carthusian snail (Monacha cartusiana).

(C) Giant African snail (Achatina fulica).

(D) Girdled snail (Hygromia cinctella).

(E) Heath snail (Xerolenta obvia).

(F) Wrinkled dune snail (Candidula intersecta).

(*l*) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.

(m) "Relevant commission", "relevant department", or "relevant director" means the following:

(*i*) With respect to a species other than a plant or an insect, except a wiggler, the natural resources commission, department of natural resources, or the director of the department of natural resources, respectively.

(*ii*) With respect to a plant species or an insect species, other than a wiggler, the commission of agriculture and rural development, the department of agriculture and rural development, or the director of the department of agriculture and rural development, respectively.

(n) "Reptile" means any turtle, snake, or lizard of the class Reptilia.

(o) "Restricted species", subject to section 41302, means any of the following:

(*i*) Any of the following restricted aquatic plant species, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:

(A) Curly leaf pondweed (Potamogeton crispus).

(B) Eurasian watermilfoil (Myriophyllum spicatum).

(C) Flowering rush (Butomus umbellatus).

(D) Phragmites or common reed (Phragmites australis).

(E) Purple loosestrife (Lythrum salicaria), except that cultivars of purple loosestrife developed and recognized to be sterile and approved by the director of the department of agriculture and rural development under section 16a of the insect pest and plant disease act, 1931 PA 189, MCL 286.216a, are not a restricted species.

(*ii*) The following restricted terrestrial plant species, including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant: autumn olive (Elaeagnus umbellata).

(*iii*) Any of the following restricted mollusk species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

(A) Quagga mussel (Dreissena bugensis).

(B) Zebra mussel (Dreissena polymorpha).

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(p) "Wiggler" means an aquatic egg, nymph, or larva of an insect.

(2) For the purposes of this part:

(a) A person is not considered to possess a live organism simply because the organism is present on land or in waters owned by that person unless the person has knowingly introduced that live organism on that land or in those waters.

(b) A person is not considered to possess a live organism if the organism was obtained from the environment and the person only possesses the organism at the specific location at which it was obtained from the environment.

(c) A person is not considered to possess a live organism if the possession is for the purpose of promptly destroying the organism.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2005, Act 77, Imd. Eff. July 19, 2005;—Am. 2009, Act 51, Eff. Sept. 21, 2009;—Am. 2014, Act 358, Imd. Eff. Dec. 9, 2014;—Am. 2014, Act 537, Eff. Apr. 15, 2015.

Popular name: Act 451

Popular name: NREPA

324.41302 Adding or deleting from list of prohibited species or restricted species; consultation; procedure; determination; review; emergency order; order setting conditions for harvesting, possessing, and transporting naturalized organism of aquatic restricted species.

Sec. 41302. (1) The relevant commission may by order add to or delete a species from the list of prohibited species or restricted species under section 41301. Before the natural resources commission issues an order under this subsection, it shall consult with the department of agriculture and rural development. Before the commission of agriculture and rural development issues an order under this subsection, it shall consult with the department of natural resources. After the consultation, and at least 30 days before the relevant commission issues the order, the relevant department shall post a copy of the proposed order on the relevant department's website and shall submit a copy of the proposed order to all of the following:

(a) The legislature.

(b) The standing committees of the senate and house of representatives with primary responsibility for any of the following:

(*i*) Agricultural issues.

(*ii*) Environmental issues.

(*iii*) Natural resources issues.

(2) The relevant commission shall list a nonaquatic species as a prohibited species or restricted species if the relevant commission determines the following:

(a) For a nonaquatic prohibited species, all of the following requirements are met:

(*i*) The organism is not native.

(*ii*) The organism is not naturalized in this state or, if naturalized, is not widely distributed in this state.

(*iii*) One or more of the following apply:

(A) The organism has the potential to harm human health or to severely harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are not available.

(b) For a nonaquatic restricted species, all of the following requirements are met:

(*i*) The organism is not native.

(*ii*) The organism is naturalized and widely distributed in this state.

(*iii*) One or more of the following apply:

(A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are available.

(3) The relevant commission shall list an aquatic species as a prohibited species or restricted species if the relevant commission determines the following based on a review by the relevant department:

(a) For an aquatic prohibited species, all of the following requirements are met:

(*i*) The organism is not native or is genetically engineered.

(*ii*) The organism is not naturalized in this state or, if naturalized, is not widely distributed.

(*iii*) One or more of the following apply:

(A) The organism has the potential to harm human health or to severely harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are not available.

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(b) For an aquatic restricted species, all of the following requirements are met:

(*i*) The organism is not native.

(*ii*) The organism is naturalized in this state.

(*iii*) One or more of the following apply:

(A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.

(B) Effective management or control techniques for the organism are available.

(4) The following apply to a review by the relevant department of an aquatic species for listing as a prohibited species or restricted species under subsection (3):

(a) By 1 year after the effective date of the amendatory act that added this subsection, the relevant department shall review each aquatic species listed as a prohibited species or restricted species on the effective date of the amendatory act that added this subsection.

(b) By 1 year after the effective date of the amendatory act that added this subsection, the relevant department shall review each aquatic animal listed as injurious wildlife under the Lacey act, 16 USC 3371 to 3378, and each aquatic plant designated as a noxious weed under the plant protection act, 7 USC 7701 to 7786, for listing as a prohibited species or restricted species.

(c) The relevant department shall review new listings or delistings on the federal lists identified under subdivision (b) within 180 days after the listing or delisting.

(d) The relevant department shall review each aquatic species that has the potential to harm human health or natural, agricultural, or silvicultural resources for listing as a prohibited species or restricted species even if the species is not currently on either federal list described in subdivision (b).

(e) The relevant department may review a previously unreviewed aquatic species petitioned for listing as a permitted species under section 41302a(5) for which the risk assessment process under section 41302a(2) or (3) indicated a high invasive species risk.

(f) The relevant department may review other aquatic species for listing as prohibited or restricted species.

(5) The relevant director may issue an emergency order designating an organism as a prohibited species or restricted species if the organism has the potential to harm human health or to severely harm natural, agriculture, or silvicultural resources. An emergency order is effective for not longer than 90 days. The relevant department shall do all of the following:

(a) Post a proposed emergency order on its website and otherwise publicize the proposed emergency order in a manner that ensures that interested persons are provided notice of the proposed emergency order, the reasons for the emergency order, and the proposed effective date of the order.

(b) Provide a copy of the proposed emergency order to each member of the standing committees of the senate and the house of representatives that consider legislation pertaining to conservation, the environment, recreation, tourism, or natural resources.

(c) Post the final emergency order on its website.

(6) The relevant department may issue an order setting forth the conditions under which naturalized organisms of an aquatic restricted species may be harvested, possessed, and transported.

History: Add. 2009, Act 52, Eff. Sept. 21, 2009;—Am. 2014, Act 537, Eff. Apr. 15, 2015.

Popular name: Act 451

Popular name: NREPA

324.41302a Permitted aquatic species list; risk assessment; protocol; failure to pass risk assessment for permitted species; compensation of person involved in commercialization or sale; adding new aquatic species to permitted species list for future commercialization and sale.

Sec. 41302a. (1) By 2 years after the effective date of this section, the department of natural resources and the department of agriculture and rural development, after consultation and notice in the same manner as required of the respective commission under section 41302(1), shall each create a permitted species list for aquatic species for which it is the relevant department. Together, these lists compose the permitted aquatic species list. The initial permitted aquatic species list shall consist of all of the following:

(a) All species on the list of approved species for aquaculture under section 5 of the Michigan aquaculture development act, 1996 PA 199, MCL 286.875, on the effective date of this section or that are approved under a research permit under section 8 of the Michigan aquaculture development act, 1996 PA 199, MCL 286.878, on the effective date of this section.

(b) All native aquatic species, other than aquatic plants, that by the effective date of this section were, as live organisms, lawfully in commercial trade in this state. Within 1 year after the effective date of this section,

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the department of natural resources, in consultation with affected industries, shall determine which aquatic species qualify under this subdivision.

(c) All nonnative aquatic species, other than aquatic plants, that, by the effective date of this section, were, as live organisms, lawfully in wide commercial trade in this state for at least 5 years, if there is no evidence of the species causing harm to human health or natural, agricultural, or silvicultural resources in the Great Lakes region. For the purposes of this subdivision and subdivision (d), within 1 year after the effective date of this section, the department of natural resources, in consultation with affected industries, shall determine which aquatic species, other than aquatic plants, were, as live organisms, in commercial trade in this state by the effective date of this section and whether each of those species had, as live organisms, been in wide commercial trade in this state for at least 5 years.

(d) All nonnative aquatic species, other than aquatic plants, that, by the effective date of this section, were, as live organisms, lawfully in commercial trade in this state, that do not meet the requirements of subdivision (c), but that are approved by the department of natural resources based on a risk assessment under subsection (2). Within 2 years after the effective date of this section, the department of natural resources shall perform the risk assessment and approve or disapprove the assessed species for listing as permitted aquatic species.

(e) All aquatic plants, native or nonnative, that, by the effective date of this section, were, as live organisms, lawfully in commercial trade in this state. Within 1 year after the effective date of this section, the department of agriculture and rural development, in consultation with affected industries including the horticulture industry, shall determine which aquatic plants qualify under this subdivision.

(2) To perform a risk assessment on an aquatic species other than an aquatic plant, the department of natural resources shall use the risk assessment aquatic protocol developed by the United States fish and wildlife service, aquatic fisheries and resources program. The natural resources commission shall periodically review and may modify or replace the assessment protocol by order consistent with the purposes of this part.

(3) To perform a risk assessment on an aquatic plant, the department of agriculture and rural development shall use the plant protection and quarantine (PPQ) weed risk assessment protocol developed by the United States department of agriculture's plant protection and quarantine, plant epidemiology, and risk analysis laboratory, Raleigh, North Carolina. Each aquatic plant cultivar, variety, or hybrid shall be assessed separately. The commission of agriculture and rural development shall periodically review and may modify or replace the assessment protocol by order consistent with the purposes of this part.

(4) If an aquatic species that was not previously a prohibited or restricted species under this part does not pass the risk assessment for permitted species under this section and is reviewed under section 41302(4)(e) and placed on the prohibited species list or restricted species list, any person involved in the commercialization or sale of an aquatic species that possesses live organisms of that prohibited or restricted species shall be compensated at fair market value by this state for the loss of that species product in the person's possession in this state when the species was placed on the prohibited species list or restricted species list.

(5) Aquatic species that on the effective date of this section are, as live organisms, not in commercial trade in this state or are unknown to or unanticipated by the relevant department may be added to the permitted species list upon evaluation using the risk assessment procedure described under subsection (2) or (3), as applicable. After the creation of the initial permitted species list, any person involved in the commercialization or sale of aquatic species may petition the relevant department to review and add a new aquatic species to the permitted species list for future commercialization and sale in this state. The petitioner has the burden of demonstrating that the species passes the risk assessment under subsection (2) or (3), as applicable. The petitioner shall provide information that is requested by the relevant department to perform the risk assessment. Any prior background materials generated as a result of a federal agency review and identified by the petitioner shall be considered by the department. The petitioner shall pay a reasonable fee that does not exceed the administrative costs for the relevant department to review the petitioned species. The relevant department may, but is not required to, review on its own initiative an aquatic species for placement on the permitted species list.

History: Add. 2014, Act 537, Eff. Apr. 15, 2015.

Popular name: Act 451

Popular name: NREPA

324.41303 Possession of live prohibited or restricted organism; prohibition; exceptions; notification of location where found; importing, selling, or offering to sell.

Sec. 41303. (1) Subject to subsection (2), a person shall not knowingly possess a live organism if the organism is a prohibited species or restricted species, except under 1 or more of the following circumstances:

(a) The person intends to present a specimen of the prohibited species or restricted species, for

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identification or similar purposes, to a person who is a certified applicator or registered applicator under part 83, to a public or private institution of higher education, or to the department of natural resources, the department of agriculture and rural development, or any other state, local, or federal agency with responsibility for the environment, natural resources, or agriculture.

(b) The person has been presented with a specimen of a prohibited species or restricted species for identification or similar purposes under subdivision (a).

(c) The person possesses the prohibited species or restricted species in conjunction with otherwise lawful activity to eradicate or control the prohibited species or restricted species.

(d) The possession is pursuant to a permit issued for education or research purposes by the relevant department under section 41306 or, if the prohibited species or restricted species is a plant species or an insect other than a wiggler, by the United States department of agriculture.

(e) The species is an aquatic restricted species and the person possesses the species in compliance with an order under section 41302(6).

(2) A person described in subsection (1)(b) or (c) shall notify the department of natural resources, the department of agriculture and rural development, or the department of environmental quality if the prohibited species or restricted species was found at a location where it was not previously known to be present.

(3) Before initial establishment of the permitted aquatic species list, a person shall not import, sell, or offer to sell any live aquatic species unless the live aquatic species, by the effective date of the 2014 amendatory act that added this subsection, was lawfully in commercial trade in this state. After the initial establishment of the permitted aquatic species list, a person shall not import, sell, or offer to sell any live aquatic species not listed on the permitted aquatic species list.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2005, Act 78, Imd. Eff. July 19, 2005;—Am. 2009, Act 52, Eff. Sept. 21, 2009;—Am. 2014, Act 537, Eff. Apr. 15, 2015.

Popular name: Act 451

Popular name: NREPA

324.41305 Introduction of prohibited or restricted species, or genetically engineered or nonnative bird, crustacean, fish, insect, mammal, or mollusk, or aquatic plant; prohibition; exceptions.

Sec. 41305. A person shall not introduce a prohibited species, a restricted species, a genetically engineered or nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant unless the introduction is authorized by 1 of the following, as applicable:

(a) For a fish, by a permit issued by the department of natural resources under section 48735.

(b) For a plant or an insect other than a wiggler, by a permit issued by the department of agriculture and rural development under section 41306.

(c) For any other species, by a permit issued by the department of natural resources under section 41306.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2005, Act 79, Imd. Eff. July 19, 2005;—Am. 2009, Act 52, Eff. Sept. 21, 2009;—Am. 2014, Act 537, Eff. Apr. 15, 2015.

Popular name: Act 451

Popular name: NREPA

324.41306 Permit; application; fee; granting or denying; revocation; modification; hearing; administration; enforcement.

Sec. 41306. (1) A person shall apply to the relevant department for a permit that section 41303 or 41305 describes as being issued under this section. The application shall be submitted on a form developed by the relevant department. The application shall be accompanied by a fee based on the cost of administering this part. The relevant department shall either grant an administratively complete application and issue a permit or deny the application.

(2) In determining whether to grant or deny an application for a permit for introduction of a genetically engineered organism required by section 41305, the relevant department shall consider whether any application for a federal permit or approval for the genetically engineered organism has been granted or denied.

(3) The relevant department may revoke or modify a permit it has issued under subsection (1) after providing an opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) The relevant department shall administer and enforce this part. In addition, any peace officer may enforce the criminal provisions of this part.

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History: Add. 2005, Act 79, Imd. Eff. July 19, 2005;—Am. 2009, Act 52, Eff. Sept. 21, 2009;—Am. 2014, Act 537, Eff. Apr. 15, 2015.

Popular name: Act 451

Popular name: NREPA

324.41307 Rules.

Sec. 41307. The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, necessary to implement this part.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004.

Popular name: Act 451

Popular name: NREPA

324.41309 Violation; penalties; suspension or revocation of permit or license; order; liability for damages to natural resources; exceptions.

Sec. 41309. (1) A person who violates section 41303(2) is subject to a civil fine of not more than $100.00.

(2) A person who violates section 41303(1), or a condition of a permit issued under this part, with respect to a restricted species is subject to a civil fine of not more than $5,000.00. A person who violates section 41303(1), or a condition of a permit issued under this part, with respect to a prohibited species is subject to a civil fine of not more than $10,000.00.

(3) A person who violates section 41303(1) knowing the possession is unlawful or who willfully or in a grossly negligent manner violates a condition of a permit issued under this part is guilty as follows:

(a) For a violation involving a restricted species, the person is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined not less than $1,000.00 or more than $10,000.00.

(b) For a violation involving a prohibited species that is not an aquatic species, the person is guilty of a felony and may be imprisoned for not more than 2 years and shall be fined not less than $2,000.00 or more than $20,000.00.

(c) For a violation involving a prohibited species that is an aquatic species, the person is guilty of a felony and may be imprisoned for not more than 3 years and shall be fined not less than $2,000.00 or more than $100,000.00.

(4) A person who, with intent to damage natural, agricultural, or silvicultural resources or human health:

(a) Violates section 41303(1) with respect to a restricted species or possesses a nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant is guilty of a felony and may be imprisoned for not more than 2 years and shall be fined not less than $1,000.00 or more than $250,000.00.

(b) Violates section 41303(1) with respect to a prohibited species or possesses a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant is guilty of a felony and may be imprisoned for not more than 4 years and shall be fined not less than $2,000.00 or more than $500,000.00.

(5) A person who sells or offers to sell a restricted species is subject to a civil fine of not less than $1,000.00 or more than $10,000.00. A person who sells or offers to sell a prohibited species or who violates section 41303(3) is subject to a civil fine of not less than $2,000.00 or more than $20,000.00.

(6) A person who violates section 41305 is guilty as follows:

(a) For a violation involving a restricted species or a nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a misdemeanor and may be imprisoned for not more than 6 months and shall be fined not less than $500.00 or more than $5,000.00.

(b) For a violation involving a prohibited species or a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined not less than $1,000.00 or more than $10,000.00.

(7) A person who violates section 41305 with respect to a restricted species or nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant and who has actual or constructive knowledge of the identity of the restricted species or that the organism, whether a restricted species or other bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, is nonnative is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined not less than $1,000.00 or more than $10,000.00.

(8) A person who violates section 41305 with respect to a prohibited species that is not an aquatic species or with respect to a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant and who has actual or constructive knowledge of the identity of the prohibited species or that the bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant is genetically engineered, respectively, is guilty of a felony and may be imprisoned for not more than 2 years and shall be fined not less than $2,000.00 or more than $20,000.00.

(9) A person who violates section 41305 with respect to a prohibited species that is an aquatic species and

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who has actual or constructive knowledge of the identity of the prohibited species is guilty of a felony and may be imprisoned for not more than 3 years and shall be fined not less than $2,000.00 or more than $100,000.00.

(10) A person who violates section 41305 knowing the introduction is unlawful, is guilty as follows:

(a) For a violation involving a restricted species or nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a felony and may be imprisoned for not more than 2 years and shall be fined not less than $1,000.00 or more than $250,000.00.

(b) For a violation involving a prohibited species or a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a felony and may be imprisoned for not more than 4 years and shall be fined not less than $2,000.00 or more than $500,000.00.

(11) A person who, with intent to damage natural, agricultural, or silvicultural resources or human health, violates section 41305 is guilty as follows:

(a) For a violation involving a restricted species or nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a felony and may be imprisoned for not more than 3 years and shall be fined not less than $1,000.00 or more than $500,000.00.

(b) For a violation involving a prohibited species or a genetically engineered bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant, the person is guilty of a felony and may be imprisoned for not more than 5 years and shall be fined not less than $2,000.00 or more than $1,000,000.00.

(12) If a person commits a criminal violation of this part or a rule promulgated or permit issued under this part or knowingly commits a violation described in subsection (5) and if the violation involves a prohibited species that is an aquatic species, the court shall order that any permit or license issued to the person under part 473 or 487 be suspended for 1 year, and that the person is not eligible to be issued any permit or license under part 473 or 487 for 1 year. If the remaining term of an existing permit or license under part 473 or 487 is less than 1 year, the court shall order that the permit or license be revoked and that the person is not eligible to be issued any permit or license under part 473 or 487 for 1 year. For a second violation described in this subsection, the court shall order that any permit or license issued to the person under part 473 or 487 be revoked and that the person is permanently ineligible to be issued any permit or license under part 473 or 487. An order under this subsection is self-effectuating. The clerk of the court shall send a copy of the order to the department of natural resources.

(13) In addition to any other civil or criminal sanction imposed under this section, a person who violates this part is liable for any damages to natural resources resulting from the violation, including, but not limited to, costs incurred to prevent or minimize such damages.

(14) This part does not apply to activities authorized under the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.

History: Add. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2005, Act 76, Imd. Eff. July 19, 2005;—Am. 2009, Act 52, Eff. Sept. 21, 2009;—Am. 2014, Act 541, Eff. Apr. 15, 2015.

Popular name: Act 451

Popular name: NREPA

324.41310 Property used in criminal violation subject to seizure and forfeiture.

Sec. 41310. A vehicle, equipment, or other property used in a criminal violation of this part or a permit issued under this part involving a prohibited species that is an aquatic species is subject to seizure and forfeiture as provided in chapter 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.

History: Add. 2014, Act 537, Eff. Apr. 15, 2015.

Popular name: Act 451

Popular name: NREPA

324.41311 Invasive species fund; creation; disposition of funds; money remaining in fund; expenditures; purposes.

Sec. 41311. (1) The invasive species fund is created within the state treasury.

(2) The department of natural resources and the department of agriculture shall forward to the state treasurer and the state treasurer shall deposit into the fund civil fines collected under section 41309 and permit fees collected under section 41306. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the

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general fund.

(4) The department of natural resources and the department of agriculture shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) The administration of this part, consistent with section 41306(4).

(b) Public education about preventing the introduction of, controlling, or eradicating prohibited species, restricted species, and other nonnative species and genetically engineered aquatic plants, birds, crustaceans, fish, insects, mammals, and mollusks.

History: Add. 2005, Act 80, Imd. Eff. July 19, 2005;—Am. 2009, Act 52, Eff. Sept. 21, 2009.

Popular name: Act 451

Popular name: NREPA

324.41313 Providing information on website; requirements.

Sec. 41313. The department of natural resources and the department of agriculture shall each provide all of the following information on its website:

(a) Information on the requirements of this part applicable to the public.

(b) The penalties for violating the requirements of this part.

(c) A list of prohibited species and restricted species along with a description and a photograph or drawing of each of those species.

(d) Each annual report of the department under section 41323, for not less than 3 years after its issuance.

History: Add. 2005, Act 80, Imd. Eff. July 19, 2005;—Am. 2009, Act 52, Eff. Sept. 21, 2009.

Popular name: Act 451

Popular name: NREPA

324.41321 Repealed. 2009, Act 51, Eff. Sept. 21, 2009.

Compiler's note: The repealed section pertained to the invasive species advisory council.

Popular name: Act 451

Popular name: NREPA

324.41323 Duties of department.

Sec. 41323. (1) The department of natural resources shall do all of the following:

(a) By March 1 of each year, submit to the governor and the legislature a report that makes recommendations on all of the following:

(*i*) Additions to or deletions from the classes of genetically engineered or nonnative organisms covered by this part.

(*ii*) The status of various prohibited species and other problematic invasive species in this state, including, but not limited to, a list of infested waterbodies by species.

(*iii*) Preventing the introduction of and controlling or eradicating invasive species or genetically engineered aquatic plants, birds, crustaceans, fish, insects, mammals, or mollusks.

(*iv*) Restoration or remediation of habitats or species damaged by invasive species or genetically engineered organisms.

(*v*) Prioritizing efforts to prevent violations of and otherwise further the purposes of this part.

(*vi*) The specific areas of responsibility for various state departments under this part and the sharing of information on permits under this part among responsible state departments.

(*vii*) Educating citizens about their responsibilities under this part and their role in preventing the introduction of and controlling or eradicating prohibited species, restricted species, invasive species, and genetically engineered aquatic plants, birds, crustaceans, fish, insects, mammals, or mollusks.

(*viii*) Simplifying citizen access to state government for compliance with this part.

(*ix*) Legislation and funding to carry out the recommendations of the department of natural resources and otherwise further the purposes of this part.

(*x*) Other matters that the department of natural resources considers pertinent to the purposes of this part.

(b) Establish criteria for identifying waterbodies infested by prohibited species.

(c) Monitor and promote efforts to rescind the exemption under 40 CFR 122.3(a) for ballast water discharges.

(2) The department of natural resources shall carry out its reporting and other duties under this section in cooperation with the aquatic nuisance species council created under Executive Order No. 2002-21 and the department of agriculture.

History: Add. 2005, Act 75, Imd. Eff. July 19, 2005;—Am. 2009, Act 52, Eff. Sept. 21, 2009.

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Popular name: Act 451

Popular name: NREPA

324.41325 Boat, boating equipment, or boat trailer with aquatic plant attached; placement in state waters prohibited; order to remove aquatic plants; notice; posting; violation as civil infraction; penalty; definitions.

Sec. 41325. (1) A person shall not place a boat, boating equipment, or boat trailer in the waters of this state if the boat, boating equipment, or boat trailer has an aquatic plant attached.

(2) A law enforcement officer may order the owner or operator of a boat, boating equipment, or boat trailer to remove aquatic plants from the boat, boating equipment, or boat trailer. The owner or operator shall obey such an order.

(3) The department shall prepare a notice that contains a summary of subsections (1), (2), (4), (5), and (6) and shall make copies of the notice available to owners of public boating access sites. The department shall include the notice in relevant department publications and post the notice on its website.

(4) The owner of a public boating access site shall post and maintain the notice described in subsection (3).

(5) A person who violates subsection (1), (2), or (4) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $100.00.

(6) As used in this section:

(a) "Aquatic plant" means a submergent, emergent, or floating-leaf plant or a fragment or seed thereof. Aquatic plant does not include wild rice (Zizania aquatica).

(b) "Boat" means a vessel as defined in section 80104, and "boating" has a corresponding meaning.

History: Add. 2009, Act 91, Imd. Eff. Sept. 15, 2009.

Popular name: Act 451

Compiler's note: NREPA

PART 414
AQUATIC INVASIVE SPECIES ADVISORY COUNCIL

****** 324.41401 THIS SECTION IS REPEALED BY ACT 286 OF 2011 EFFECTIVE DECEMBER 21, 2015 ******

324.41401 Definitions.

Sec. 41401. As used in this part:

(a) "Aquatic invasive species" or "AIS" means an aquatic species that is nonnative to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

(b) "Council" means the aquatic invasive species advisory council created in section 41405.

(c) "Draft next vessel general permit" means the draft permit that the EPA prepares and publishes notice of in accordance with 40 CFR 124.6 and other applicable regulations before issuing the next vessel general permit.

(d) "EPA" means United States environmental protection agency.

(e) "Great Lakes commission" means the Great Lakes commission created by the Great Lakes basin compact established by joint legislative action of the Great Lakes states in 1955 and granted congressional consent through Public Law 90-419.

(f) "Great Lakes states" means Michigan, Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(g) "Next vessel general permit" means the permit the EPA issued to supersede the vessel general permit.

(h) "Vessel general permit" means the general permit entitled "Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel" announced at 73 FR 79,473 (December 29, 2008).

History: Add. 2011, Act 284, Imd. Eff. Dec. 21, 2011.

Popular name: Act 451

Popular name: NREPA

****** 324.41403 THIS SECTION IS REPEALED BY ACT 286 OF 2011 EFFECTIVE DECEMBER 21, 2015 ******

324.41403 Legislative findings.

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Sec. 41403. The legislature finds all of the following:

(a) The waters of the Great Lakes basin are precious public natural resources shared and held in trust by the Great Lakes states and provinces.

(b) The waters of the Great Lakes basin are interconnected and part of a single hydrologic system.

(c) The Great Lakes basin can concurrently serve multiple uses, such as municipal, public, industrial, commercial, agriculture, mining, navigation, energy development and production, recreation, fishing, tourism, the subsistence, economic and cultural activities of native peoples, water quality maintenance, and the maintenance of fish and wildlife habitat and a balanced ecosystem.

(d) The Great Lakes states and Canadian provinces have a shared duty to protect, conserve, restore, improve, and manage the Great Lakes for the use, benefit, and enjoyment of all their citizens, including generations yet to come. The most effective means of protecting, conserving, restoring, improving, and managing the Great Lakes is through the joint pursuit of unified and cooperative principles, policies, and programs mutually agreed upon, enacted, and adhered to by the Great Lakes states and by the Great Lakes Canadian provinces.

(e) AIS are a threat to public health and safety, the environment and natural resources, and the economy. AIS are a serious threat to the ecological integrity and uses of the Great Lakes.

(f) Over 180 AIS have become established in the Great Lakes, not including microbes. Ballast water discharge has been a major source of introduction of AIS.

(g) Forms of trade have been identified as potential vectors of AIS introduction and spread, through purposeful or incidental buying, selling, and transport. The overall goal of this state's AIS prevention efforts is to close the open pathways for AIS.

(h) This state's aquatic invasive species management plan provides a strategy to prevent and control AIS in waters of this state, including the Great Lakes. The plan, last updated in 2002, is being updated by the departments of environmental quality, natural resources, and agriculture and rural development to ensure that it provides a comprehensive approach to AIS including ballast water treatment standards and other AIS prevention, AIS monitoring, and AIS control and eradication, including rapid response to new AIS infestations.

(i) This state can effectively address the threat posed by AIS by updating and implementing a comprehensive AIS management plan, developing and adopting model programs to address AIS, and working cooperatively with other Great Lakes states and provinces to ensure a coordinated and consistent response to AIS.

History: Add. 2011, Act 285, Imd. Eff. Dec. 21, 2011.

Popular name: Act 451

Popular name: NREPA

****** 324.41405 THIS SECTION IS REPEALED BY ACT 286 OF 2011 EFFECTIVE DECEMBER 21, 2015 ******

324.41405 Aquatic invasive species advisory council; creation; membership; appointment; vacancy; removal; first meeting; election of chairperson and officers; quorum; compliance with open meetings act; writings subject to freedom of information act; compensation; reimbursement; technical advisory committees.

Sec. 41405. (1) The aquatic invasive species advisory council is created within the department of environmental quality.

(2) The council shall consist of the following:

(a) The director of the department of environmental quality or his or her designee.

(b) The director of the department of natural resources or his or her designee.

(c) The director of the department of agriculture and rural development or his or her designee.

(d) The director of the state transportation department or his or her designee.

(e) The attorney general or his or her designee.

(f) The following members appointed by the governor:

(*i*) A representative of the United States department of the interior, national park service.

(*ii*) A representative of an association of Great Lakes shipping companies.

(*iii*) A representative of the horticulture industry.

(*iv*) A representative of a regional association of businesses that has an international port operator as a member.

(g) The following members appointed by the senate majority leader:

(*i*) A representative of a statewide private conservation organization.

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(*ii*) A representative of the Great Lakes commission.
(*iii*) A representative of a statewide association of businesses.
(*iv*) A representative of an association of Indian tribes.
(*v*) A representative of a public university with an aquatic research center.
(h) The following members appointed by the speaker of the house of representatives:
(*i*) A representative of a regional or national private conservation organization.
(*ii*) A representative of an association of industries in the Great Lakes region.
(*iii*) A representative of a public utility.
(*iv*) A representative of a statewide association of local units of government.
(*v*) A representative of a statewide association of aquaculture businesses.

(3) The members first appointed to the council shall be appointed within 30 days after the effective date of this section. Members of the council shall serve for the life of the council.

(4) If a vacancy occurs on the council, the vacancy shall be filled in the same manner as the original appointment was made. The appointing officer may remove a member of the council for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(5) The first meeting of the council shall be called by the director of the department of environmental quality or his or her designee. At the first meeting, the council shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the council shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 3 or more members.

(6) A majority of the members of the council constitute a quorum for the transaction of business at a meeting of the council. The council may adopt bylaws governing its organization and procedure. Unless otherwise provided in its bylaws, a majority of the members present and serving are required for official action of the council.

(7) The business that the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(8) A writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) Members of the council shall serve without additional state compensation. However, members of the council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the council.

(10) The council may appoint technical advisory committees of individuals with relevant specific technical, scientific, or legal expertise, or relevant expertise in a trade listed in section 41409, or may appoint such individuals as adjunct members of the council without voting rights.

History: Add. 2011, Act 285, Imd. Eff. Dec. 21, 2011.

Popular name: Act 451

Popular name: NREPA

****** 324.41407 THIS SECTION IS REPEALED BY ACT 286 OF 2011 EFFECTIVE DECEMBER 21, 2015 ******

324.41407 Final update to plan; recommendations; report.

Sec. 41407. (1) Within 180 days after the effective date of the amendatory act that added this section or within 60 days of the issuance of a draft update to the Michigan aquatic invasive species management plan by the department of environmental quality, whichever is later, the council shall provide recommendations to the department of environmental quality on a final update to the plan. The final update shall address AIS prevention, AIS monitoring, and AIS control and eradication, including rapid response to new AIS infestations. In preparing the final update to the plan, the department of environmental quality shall consult with the advisory council.

(2) The council shall provide its recommendations under subsection (1) to the governor upon request. The recommendations are nonbinding and advisory in nature and may be used at the discretion of and in the manner determined by the governor. The recommendations shall be suitable for use by the executive branch in collaborating with other Great Lakes states and Canadian provinces to create or strengthen regional programs or coordinate state and provincial programs to achieve the purposes of this section.

(3) Within 60 days after the issuance of a final update to the aquatic invasive species management plan, the council shall submit a report with recommendations on the funding necessary to implement the plan and the method of providing that funding. The council shall submit the report to the governor, the senate majority leader, the speaker of the house of representatives, and the standing committees of the senate and house with

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primary responsibility for natural resources, conservation, agriculture, and commerce.

History: Add. 2011, Act 285, Imd. Eff. Dec. 21, 2011.

Popular name: Act 451

Popular name: NREPA

****** 324.41409 THIS SECTION IS REPEALED BY ACT 286 OF 2011 EFFECTIVE DECEMBER 21, 2015 ******

324.41409 Prevention of introduction and spread of AIS through trade; report; recommendations.

Sec. 41409. (1) Within 240 days after the effective date of the amendatory act that added this section, the council shall submit a report with recommendations for legislation or rules to prevent the introduction and spread of AIS through trade. The council shall submit the report to the governor, the senate majority leader, the speaker of the house of representatives, and the standing committees of the senate and house with primary responsibility for natural resources, conservation, agriculture, and commerce. In preparing the report, the council shall review the AIS laws of this state and other jurisdictions, including the other Great Lakes states.

(2) In the report under subsection (1), the council shall make recommendations on all of the following:

(a) The definition of aquatic invasive species. Before making recommendations under this subdivision, the council shall consider and address issues related to the domestication and cultivation of and potential beneficial effects of nonnative species and consider the "Invasive Species Definition Clarification and Guidance White Paper" submitted by the definitions subcommittee of the national invasive species advisory committee (ISAC) and approved by ISAC on April 27, 2006.

(b) Risk assessment processes to screen aquatic species proposed for trade and to screen pathways of introduction and spread. The risk assessment processes shall consider potential net harm to public health and safety, the environment and natural resources, and the economy. The processes shall place the burden to demonstrate the harmlessness of an aquatic species or pathway on the importer or other person responsible for introduction or distribution. The risk assessment process for species shall classify species into 3 lists: "prohibited", "permitted", and "restricted".

(c) Harmonizing federal and state law so that aquatic species on federal lists of either prohibited or permitted species of plants and animals are placed on the appropriate lists of this state.

(d) Establishing a program for aquatic species in trade to certify that the organisms are free of disease, insect pests, and incidental contamination by other species.

(e) An education program on safe-usage practices directed to both buyers and sellers of aquatic species in trade.

(f) Connecting regulations and education on aquatic species in trade to the protection of this state's natural resources as a component of the pure Michigan tourism advertising campaign.

(g) Financial and other resources for implementing recommendations under this subsection.

(h) Proposals for collaborating with other Great Lakes states and Canadian provinces to create or strengthen regional programs or coordinate state and provincial programs to achieve the goals set forth in subsection (1).

(3) In preparing the report required by this section, the council shall consult with representatives of organizations and businesses that deal with organisms in trade, including the aquarium, bait, pet, water garden, horticulture, aquaculture, and shipping trades.

History: Add. 2011, Act 286, Imd. Eff. Dec. 21, 2011.

Popular name: Act 451

Popular name: NREPA

****** 324.41411 THIS SECTION IS REPEALED BY ACT 286 OF 2011 EFFECTIVE DECEMBER 21, 2015 ******

324.41411 Draft next vessel general permit; development of recommendations by council.

Sec. 41411. The council shall develop recommendations regarding this state's comments on the draft next vessel general permit and certification response to the draft next vessel general permit under section 401 of title IV of the federal water pollution control act, 33 USC 1341, including a proposed ballast water treatment standard. The council shall provide its recommendations to the governor upon request. Such recommendations are nonbinding and advisory in nature and may be used at the discretion of and in the manner determined by the governor. The council's recommendations under this section shall be suitable for use by the executive branch in collaborating with other Great Lakes states to achieve a consistent position on

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the draft next vessel general permit. In developing its recommendations, the council shall regularly consult with the Great Lakes commission and the department of environmental quality, including the office of the Great Lakes.

History: Add. 2011, Act 284, Imd. Eff. Dec. 21, 2011.

Popular name: Act 451

Popular name: NREPA

324.41412 Phragmites australis control measures; review and recommendations.

Sec. 41412. The council shall review and provide recommendations on Phragmites australis control measures to the department and to the standing committees of the senate and house of representatives with primary jurisdiction relating to natural resources and the environment.

History: Add. 2012, Act 247, Imd. Eff. July 2, 2012.

Popular name: Act 451

Popular name: NREPA

***** *324.41413 THIS SECTION IS REPEALED BY ACT 286 OF 2011 EFFECTIVE DECEMBER 21, 2015* *****

324.41413 Duties of council.

Sec. 41413. To facilitate coordination and minimize duplication in fulfilling its duties, the council shall do all of the following:

(a) Consider relevant recommendations and reports by other state, regional, federal, provincial, Canadian, and international bodies and collaborations.

(b) Regularly consult with the Great Lakes commission and the department of environmental quality, including the office of the Great Lakes.

History: Add. 2011, Act 286, Imd. Eff. Dec. 21, 2011.

Popular name: Act 451

Popular name: NREPA

***** *324.41415 THIS SECTION IS REPEALED BY ACT 286 OF 2011 EFFECTIVE DECEMBER 21, 2015* *****

324.41415 Repeal of part.

Sec. 41415. This part is repealed effective 4 years after the effective date of the amendatory act that added this section.

History: Add. 2011, Act 286, Imd. Eff. Dec. 21, 2011.

Popular name: Act 451

Popular name: NREPA

SHOOTING AND HUNTING GROUNDS

PART 415
PUBLIC SHOOTING AND HUNTING GROUNDS

SUBPART 1

324.41501 Saginaw bay; public shooting and hunting ground.

Sec. 41501. All of the lands belonging to the state and being in township 16 north, range 9 east, in Wild Fowl bay, in the county of Huron, in this state, commonly known as the “middle ground,” lying between Maison island, in Saginaw bay, and the main land, are set apart and dedicated for a public shooting or hunting ground for the benefit and enjoyment of the people of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41502 Saginaw bay; trespassers; prosecution.

Sec. 41502. A person who has located upon or occupied or in the future locates upon or occupies any part of the lands described in this subpart, except as provided in this subpart, is a trespasser and may be prosecuted as a trespasser upon the public lands in the manner provided by law.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41503 Saginaw bay; hunting.

Sec. 41503. A person may go upon any parts of the lands described in this subpart at any and all times permitted by the game laws of this state for the purpose of hunting or shooting wildfowl or game. However, a person shall not hunt or shoot wildfowl or game on the lands, or any part of the lands, described in this subpart at any season or time or manner that is not permitted by the game laws of this state, and any person violating any game laws of this state by hunting wildfowl or game on any of the lands described in this subpart shall be punished as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41504 Saginaw bay; control; rules; enforcement; violation of subpart; penalty.

Sec. 41504. Public shooting grounds described in this subpart are under the control of the department. The department may make, publish, and enforce reasonable rules and regulations for the care and preservation of the shooting grounds, for the maintenance of good order, and for the protection of property as from time to time are necessary or expedient. If the department makes any rules or regulations pertaining to the management or welfare of the shooting grounds, the department may enforce the rules or regulations and cause a person violating any rule or regulation to be punished for that violation in the manner set forth in this subpart. All rules and regulations made by the department under the authority of this subpart or any other part or act shall be effective within the whole territory referred to in this subpart. A person who violates this subpart or any of the rules and regulations prescribed by the department is guilty of a misdemeanor, punishable by imprisonment for not less than 10 days or more than 60 days, or a fine of not more than $50.00, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART 2

324.41505 Lake Erie submerged lands in Monroe and Wayne counties; public shooting and hunting ground; fishing privileges.

Sec. 41505. All of that part of Lake Erie lying adjacent to the surveyed lands of Monroe and Wayne counties and any submerged lands within the surveyed lines of these counties and connected with Lake Erie and the Detroit river, providing the surveyed lands are owned by the state, are set apart and dedicated for a public shooting or hunting ground for the benefit and enjoyment of the people of the state, for a distance extending 1 mile into Lake Erie, the eastern line of the submerged lands and waters reserved by this subpart being 1 mile distant from the surveyed lines of the east side of Monroe and Wayne counties and parallel to those surveyed lines. This reservation and dedication shall not interfere with or detract from any rights or privileges as to fishing now enjoyed by any person or the public.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41506 Lake Erie submerged lands; trespassers; navigation.

Sec. 41506. A person who has located upon or occupied or in the future locates upon or occupies any part of the submerged lands or lake described in this subpart, except as provided in this subpart, is a trespasser and may be prosecuted as a trespasser upon the public lands in the manner provided by law. However, the waters shall be free for all purposes of navigation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41507 Lake Erie submerged lands; destruction of submarine vegetation; violation as misdemeanor; penalty.

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Sec. 41507. A person shall not cut or otherwise destroy the rushes and other submarine vegetation growing on the reserve described in this subpart without the consent of the boards of commissioners of Monroe and Wayne counties. A person who willfully cuts or destroys the same, or causes that cutting or destruction to be done, knowingly, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $100.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART 3

324.41508 Great Lakes, Kalamazoo, Grand and Muskegon rivers; submerged and swamp lands; public shooting and hunting grounds; boundaries; excluded lands.

Sec. 41508. All of the swamp or submerged lands lying along the borders of Lakes Erie, Huron, Michigan, Superior, and St. Clair, except such parts of the "St. Clair Flats," so-called, as have been, prior to January 1, 1899, actually occupied, built up, cultivated, or improved to the extent of at least $25.00, within the boundaries of the state, and within the limits described in this section, and also all swamp or submerged lands adjoining these lakes, or in the bayous adjoining or emptying into these lakes, and also all swamp or submerged lands contiguous to and lying along the shores of the Kalamazoo river, Grand river, and Muskegon river, which now belong to the state, or to which the state later acquires title, are set apart and dedicated for a public shooting and hunting ground, for the benefit and enjoyment of the people of the state. This park shall extend to the state line into the respective lakes from the shoreline of the lakes, and the outer boundary of the park shall be the center line of the lakes or the boundary of the state. The park described in this subpart shall include all swamp or submerged lands lying between the shoreline and the outer boundary. The premises described in this subpart do not include any islands in any of the lakes to which the state does not have title, unless the state first acquires title. The park shall also include the swamp or submerged lands owned or acquired by the state that border upon the lakes or in or upon the bayous emptying into the lakes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41509 Public shooting and hunting ground; inclusion of subsequently acquired swamp or submerged lands.

Sec. 41509. (1) If the state acquires title to any swamp or submerged lands within the limits described in section 41508, whether by purchase, escheat, forfeiture, tax bid, or tax title, the lands shall be, by operation of this subpart, included in the park described in this subpart and shall not be offered for sale by the state.

(2) This section does not apply to a conveyance made pursuant to a public act or a conveyance ratified pursuant to section 41510.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41510 Swamp or submerged lands; ratification of certain conveyances; title.

Sec. 41510. All conveyances made before July 1, 1977, by or for and on behalf of the state conveying swamp or submerged lands described in section 41508 or 41509 are ratified and declared to have passed good and sufficient title to the lands conveyed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41511 Land subject to fish and game laws; navigation; private and municipal dockage.

Sec. 41511. The reservation and dedication in section 41508 shall not interfere with or detract from any rights or privileges of fishing now enjoyed by private persons or the public, but the park described in this subpart shall be subject to the fish and game laws of this state in the same manner as though there had been no dedication. The waters in this park shall be free for all purposes of navigation. This subpart shall not interfere with the common law right of riparian owners to dockage and wharfage, and shall not interfere in any manner with dock or harbor lines or regulations of any municipality or of the state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

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Popular name: Act 451

Popular name: NREPA

324.41512 Trespassers; officers to protect possession; operation of statute of limitations.

Sec. 41512. A person who has located upon or occupied or in the future locates upon or occupies any part of the park set aside in section 41508, except as provided in this subpart, is a trespasser against the state, and an action may be brought against the person in the name of the people of the state by the prosecuting attorney or the board of supervisors of any county in which the trespass occurs, and no statute of limitations shall be considered operative against the state so as to bar any suit or proceeding brought by or on behalf of the state regarding the possession of these swamp or submerged lands.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41513 Control by county commissioners; permissible destruction of submarine vegetation.

Sec. 41513. The board of commissioners of each county shall have the care and control of that part of the park described in this subpart within its own boundaries and that part lying opposite and immediately adjoining in the Great Lakes. The respective boards of commissioners, in their discretion, may allow the cutting or destruction of the rushes and submarine vegetation growing in the park in or opposite their respective counties.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41514 Destruction of submarine vegetation; consent required; violation as misdemeanor; penalty.

Sec. 41514. A person shall not cut or otherwise destroy, or cause the cutting or destruction of, any rushes or other submarine vegetation growing on the park described in this subpart without the consent of the board of commissioners of the county to which that portion of the park is immediately adjoining; and any person who willfully cuts or destroys the same, or causes such cutting or destruction to be done, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00 and costs of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41515 Driving ducks away from hunters; violation as misdemeanor; penalty; navigation.

Sec. 41515. A person shall not willfully scare or drive wild ducks or other wild waterfowl, or cause the same to be done, from or away from any person lawfully hunting wild ducks or wild waterfowl within the park described in this subpart, for the purpose of depriving or attempting to deprive the person of any or all of his or her opportunities of shooting or hunting the wild duck or other wild waterfowl. A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00 and costs of prosecution, or both. This subpart does not detract from the right of passage over the waters described in this subpart, in good faith, or in the ordinary course of navigation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 417
GAME BIRD HUNTING PRESERVES

324.41701 “License” defined.

Sec. 41701. As used in this part, “license” means a license issued by the department to operate a game bird hunting preserve.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

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324.41702 Game bird hunting preserves; license; fee; duration; Sunday hunting.

Sec. 41702. The department may issue licenses authorizing the establishment and operation of game bird hunting preserves pursuant to part 13. The fee for a license is $105.00 for a preserve of 320 acres or less and $180.00 for a preserve in excess of 320 acres. Unless revoked as provided by law, licenses issued under this section are valid from the date of issuance until June 30 of the third license year. Game bird hunting preserves licensed under this section may allow hunting on Sundays, notwithstanding the provisions of a local ordinance or regulation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

324.41703 Game bird hunting preserves; size; boundary signs.

Sec. 41703. Each game bird hunting preserve shall contain not less than 80 acres or more than 640 acres of land leased or owned by the licensee, except that those preserves whose operations are confined only to ducks may contain a minimum of 50 acres. The exterior boundaries of each preserve shall be clearly defined with signs erected at intervals of 150 feet or less.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

324.41704 Species under game bird hunting preserve license; limitation; propagation, sale, and release of birds; requirements for wild turkeys or wild turkey hybrids.

Sec. 41704. (1) Only artificially propagated wild turkeys and wild turkey hybrids and other artificially propagated species as prescribed by the department may be hunted under a game bird hunting preserve license. A license holder may propagate and sell the prescribed birds, carcasses, or products, in addition to releasing the birds for hunting purposes, by adhering to all requirements, except breeder's license fee requirements of part 427 and orders issued by the department under that part.

(2) Wild turkey or wild turkey hybrids authorized under a license shall have 1 wing pinioned and shall be fenced and released in compliance with orders issued by the department under section 41710.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

324.41705 Licenses; determination by department of percentage of species hunted.

Sec. 41705. The licenses provided for in this part entitle the holders of the licenses and their lessees and licensees to take, by hunting, the percentage of each species released on the premises each year as the department determines.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41706 Tagging of birds; cost; reuse.

Sec. 41706. Except as otherwise provided by an order issued under section 41710, before a game bird shot under authority of a game bird hunting preserve license is consumed on the premises or removed from the property, a stamp-mark, band, tag, or seal as designated by the department shall be affixed to the carcass or to the container holding the carcass. The bands, tags, or seals shall be furnished at reasonable cost to the operator of the game bird hunting preserve by the department. Except as otherwise provided by an order issued under section 41710, a person shall not remove the stamp-mark, band, tag, or seal from the carcass until the carcass is prepared for consumption or from the container until each carcass in the container is prepared for consumption. Such items of identification shall not be reused by any person.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

324.41707 Species of wild animal or bird permitted to be hunted.

Sec. 41707. A wild animal, or a wild bird of a species other than those permitted to be hunted under

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authority of a license issued under this part, shall not be hunted or killed on a game bird hunting preserve except in accordance with the laws of this state governing the hunting of that species.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

324.41708 Operator's records; contents; inspection; reports.

Sec. 41708. Each operator of a game bird hunting preserve licensed under this part shall maintain a record of the names, addresses, and hunting license numbers of all persons hunting upon the preserve, together with the date upon which they hunted and the number of each species taken. The operator shall also maintain an accurate record of the total number, by species, of birds propagated, reared, or purchased and, for each release of birds, the date of the release and the number of individuals of each species released. The records shall be open for inspection by the department at any reasonable time. The licensee shall also provide complete and accurate reports when and as required by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

324.41709 License; application; contents.

Sec. 41709. An application for a license under this part shall state the name and address of the applicant, the legal description of the premises to be licensed, the kind of birds to be covered by the license, and other information required by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

324.41710 Open season; duration; orders.

Sec. 41710. (1) By order, the department may establish an open season for game bird hunting preserves that shall be not less than 120 days. The department may issue other orders governing the administration of this part as the department considers expedient.

(2) Orders issued under subsection (1) shall be issued subject to the procedure under section 40107.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

324.41711 License fees; credit to game and fish protection account.

Sec. 41711. All money received from the sale of licenses and tags or seals as provided in this part shall be deposited in the state treasury to the credit of the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.41712 Violation as misdemeanor; penalty; grounds for suspension or revocation of license.

Sec. 41712. (1) A person who violates this part or an order issued under this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00 and the costs of prosecution, or both.

(2) In addition to the penalty provided in this section, a license issued under this part may be suspended or revoked, after a hearing as provided by law, if the license holder fails to comply with the requirements of this part, if a licensee fails to maintain or submit accurate reports and records as required by the department, or if a licensee is convicted of a violation of this part. Birds held under a license that is suspended or revoked shall then be disposed of only in a manner approved by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

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Popular name: Act 451

Popular name: NREPA

PART 419
HUNTING AREA CONTROL

324.41901 Regulation and prohibitions in certain areas; powers of department; area closures; hearings, investigations, studies, and statement of facts; regulations.

Sec. 41901. (1) In addition to all of the department powers, in the interest of public safety and the general welfare, the department may regulate and prohibit hunting, and the discharge of firearms and bow and arrow, as provided in this part, on those areas established under this part where hunting or the discharge of firearms or bow and arrow may or is likely to kill, injure, or disturb persons who can reasonably be expected to be present in the areas or to destroy or damage buildings or personal property situated or customarily situated in the areas or will impair the general safety and welfare. In addition, the department may determine and define the boundaries of the areas. Areas or parts of areas may be closed throughout the year. The department, in furtherance of safety, may designate areas where hunting is permitted only by prescribed methods and weapons that are not inconsistent with law. Whenever the governing body of any political subdivision determines that the safety and well-being of persons or property are endangered by hunters or discharge of firearms or bow and arrows, by resolution it may request the department to recommend closure of the area as may be required to relieve the problem. Upon receipt of a certified resolution, the department shall establish a date for a public hearing in the political subdivision, and the requesting political authority shall arrange for suitable quarters for the hearing. The department shall receive testimony on the nature of the problems resulting from hunting activities and firearms use from all interested parties on the type, extent, and nature of the closure, regulations, or controls desired locally to remedy these problems.

(2) Upon completion of the public hearing, the department shall cause such investigations and studies to be made of the area as it considers appropriate and shall then make a statement of the facts of the situation as found at the hearing and as a result of its investigations. The department shall then prescribe regulations as are necessary to alleviate or correct the problems found.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41902 Submission of findings and recommendations; approval or disapproval of prescribed controls; ordinance; certified copy; repeal of ordinance; enforcement; rules.

Sec. 41902. (1) The department shall submit its findings and recommendations to the governing body of the political subdivision concerned. By majority vote, the governing body shall advise the department by certified resolution that it approves or disapproves the prescribed hunting or firearms controls. If the governing body disapproves the prescribed controls, further action shall not be taken. If the governing body approves the prescribed controls, a local ordinance shall be enacted in accordance with the provisions of law pertaining to the enactment of ordinances, which ordinance shall be identical in all respects to the regulations prescribed by the department. A certified copy of the ordinance shall be forwarded to the department. The governing body of the political subdivision, having established such an ordinance, by majority vote, may repeal the ordinance at any time. The department shall be informed of such action by certified resolution.

(2) State, local, and county law enforcement officers shall enforce ordinances enacted in accordance with this part.

(3) All rules promulgated under this section and section 41901 before March 17, 1986 shall remain in effect unless rescinded pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41903 Closure notice signs; materials, form, placement, maintenance, spacing, publication of notice; rescission of closure.

Sec. 41903. The department shall designate closure notice signs of approved material, overall size, number, and letter size and composition of message. At least 4 notices, relatively equally spaced, shall be posted on the boundaries of the closed area. A closure is not effective prior to the erection of closure notices by the petitioning political subdivisions and approval of the same by the department. The petitioning political

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subdivision shall place and maintain the signs and shall publish a notice of closure for 3 successive weeks, at least once in each week, in a newspaper published in the county in which the area to be closed is located. If no newspaper is published in the county, then the notice shall be published in a newspaper published in an adjoining county. If, in the judgment of the department, closure signs are not maintained so as to adequately give notice of the closure to a careful and prudent person, the closure may be rescinded by service of notice of rescission on the clerk or recording officer of the political subdivision, and in such case the closure shall terminate 30 days after service of notice of rescission.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41904 Prohibitions against discharge of firearms; exceptions.

Sec. 41904. Any prohibition against discharge of firearms made under authority of this part does not apply to peace officers or members of any branch of the armed forces in the discharge of their proper duties. The department may authorize the use of firearms to prevent or control the depredations of birds or animals in situations where significant damages are being caused by wildlife.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.41905 Violation of part or rules as misdemeanor.

Sec. 41905. Any person who violates this part or a rule promulgated under this part is guilty of a misdemeanor.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 421
DOG TRAINING AREAS

324.42101 Special dog training area; permit; application; fee; size; limitation; additional permits.

Sec. 42101. Upon application of any club or organization having 10 or more members who are citizens of this state, or upon the application of 10 or more citizens of this state, and the payment of a registration fee of $5.00, the department, pursuant to part 13, may issue a permit authorizing the establishment and maintenance by the club, organization, or citizens on land owned by them, or over which they have legal control, of a special dog training area where dogs may be trained at any time during the year. A dog training area shall not be less than 40 acres or more than 240 acres, and permits shall not be issued for more than 6 special dog training areas in any 1 county. In counties having a population of 100,000 or more, the department may issue additional permits as the department considers to be in the public interest.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

324.42102 Training dogs; conditions; rules; prohibitions.

Sec. 42102. Permit holders may at any time during the year train their own dogs or the dogs of other persons on land described in section 42101 or permit others to do so under conditions that are mutually agreed upon and under rules as may be considered expedient by the department. Hunting or the carrying or possession of firearms other than a pistol or revolver with blank cartridges at any time of year on lands described in section 42101 is unlawful.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42103 Dog training areas; posting boundary lines; notice; contents.

Sec. 42103. The boundary lines of each such special dog training area described in section 42101 shall be kept plainly and conspicuously posted by the permit holder with legible notices at least 10 inches by 12 inches in size placed not more than 100 yards apart which shall bear the following warning:

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Special Dog Training Area
Hunting is Unlawful
This Land is Set Aside under Special Permit
For the Training of Dogs
Entering Hereon for the Purpose of Hunting or
Permitting Dogs to Enter without Proper Authorization
Is Punishable by Fine and/or Imprisonment
.....
(Name and address of permit holder to be printed here)
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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42104 Area for field dog trials and dog training on state-owned lands; establishment; closing areas; fee; bond; care and maintenance of areas.

Sec. 42104. The department may establish areas that include the Gladwin, Brighton, Highland, Waterloo, Ionia, Escanaba state forest, and White Cloud areas for field dog trials and dog training on state owned lands or lands under the department's jurisdiction or control and may promulgate rules governing the operation and control of the areas as it considers desirable or expedient. The department may close the areas for any period to the hunting, trapping, or both, of any or all species of wild birds and wild animals or to dog training. The department may establish a fee for the use of the areas established by this section or may require a performance bond to insure cleanup measures and other factors, or may establish and require both a fee and a bond. Fees collected for the use of the areas, subject to annual appropriations by the legislature, shall be used in the care and maintenance of the areas.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42105 Dog training areas; boundary fence or poster; mutilation, injury, or destruction prohibited.

Sec. 42105. A person shall not willfully, negligently, or maliciously cut, remove, cover up, deface, or otherwise mutilate, injure, or destroy any special dog training area boundary fence or wire or poster placed in accordance with this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42106 Violation as misdemeanor; penalty.

Sec. 42106. A person who violates this part or any rule promulgated under section 42102 or 42104, upon conviction, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00 and costs of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

POSSESSION, SALE, REGULATION OF WILDLIFE

PART 425

FURS, HIDES, AND PELTS

324.42501 Protected game birds or game animals; dealers in furs, hides, plumage, or pelts; license; fees; designation by department; “plumage” defined.

Sec. 42501. (1) A person shall not engage in the business of buying, selling, dealing, or the tanning and dressing of raw furs, hides, or pelts of beaver, otter, fisher, marten, muskrat, mink, skunk, raccoon, opossum, wolf, lynx, bobcat, fox, weasel, coyote, badger, deer, or bear and the plumage, skins, or hides of protected game birds or game animals except as authorized by a license issued by the department under part 13. A license application shall be accompanied by a fee as follows:

(a) For any person who engages in the business of buying and selling raw furs, hides, and pelts of fur-bearing animals or the plumage, skins, or hides of protected game birds or game animals, the fee is

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$10.00.

(b) Each person in the business of manufacturing furs who buys raw pelts is a dealer, and the fee for each individual or agent who buys furs is, for a resident, $10.00 and, for a nonresident, $50.00.

(c) For any person who engages in the business of custom tanning or dressing of raw furs, the fee is $5.00. However, such a license does not authorize that person to buy or sell raw furs.

(2) Any person holding a fur dealer's license under this part is entitled to buy furs, hides, pelts, and the plumage, skins, or hides, and parts thereof, of protected game birds and game animals that are legally taken.

(3) The department may designate the plumage and skin of those game birds and game animals that may not be bought or sold if it determines that such a prohibition will best serve the public interest. The plumage and skins, or parts of plumage and skins, of migratory game and nongame birds may be bought and sold only in accordance with federal law or rule.

(4) For the purposes of this part, "plumage" means any part of the feathers, head, wings, or tail of any bird.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004;—Am. 2014, Act 160, Imd. Eff. June 11, 2014.

Popular name: Act 451

Popular name: NREPA

324.42502 Fur dealer's license; forms and blanks; term; revocation.

Sec. 42502. The department may prepare suitable report forms and blanks covering the different kinds of licenses to be issued under this part. All licenses issued under this part are for the calendar year and shall expire on December 31 of each year. Licenses may be revoked at any time by the department for a violation of the law relating to the buying, selling, or dealing in furs, hides, or pelts of fur-bearing animals and the plumage, skins, or hides of protected game birds and game animals. Any fraudulent practice employed in connection with the buying or selling of the furs, hides, or pelts of any of the animals mentioned in this part and the plumage, skins, or hides of protected game birds and game animals, or the failure to make a report required by this part, is sufficient grounds for the revocation of a license issued under this part. Any person whose license has been revoked shall not secure another license except in the discretion of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42503 Shipping permits; contents; label; confiscation.

Sec. 42503. Any dealer who desires to ship or transport out of the state any fur-bearing animals or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals legally taken or killed in the state during the open season, shall first procure a permit from the department. The permit shall state the names of the consignee and consignor, destination and number and kinds of fur-bearing animals, or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals that are to be shipped or transported, and the permit shall be presented to transportation company with consignment. All shippers of fur-bearing animals, or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals are required to label all packages offered for shipment by parcel post, common carrier, or otherwise. The label shall be securely attached to the package, and shall plainly indicate the names and addresses of the consignee and consignor and the complete contents of the package. A person or the agent or employee of any common carrier, association, stage, express, railway, or transportation company shall not transport or receive for transportation or carriage, or sell or offer for sale, any fur-bearing animals legally taken during the open season for that animal, or the raw skins of such a fur-bearing animal, or part thereof, or the plumage, skin, or hide, or parts thereof, of protected game birds and game animals except as specifically provided for by this part. All fur-bearing animals, or the raw skins of fur-bearing animals, or parts thereof, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals possessed or that have been shipped or are being transported in violation of this part, shall be confiscated and disposed of as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42504 Report of pelts in possession on last day of season.

Sec. 42504. Within 10 days after the close of the respective open seasons provided by law for the taking of fur-bearing animals, game birds, and game animals, each person holding a license under this part shall report

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to the department stating the number and kinds of furs, hides, or pelts of each fur-bearing animal, and the plumage, skins, or hides, or parts thereof, of protected game birds and game animals in his or her possession on the last day of the open season for each fur-bearing animal, game bird, and game animal. The reports shall be notarized and sent by registered mail.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42505 Monthly reports.

Sec. 42505. On or before the tenth day of every month, each person licensed to do business under this part shall make a report to the department on blanks to be furnished by the department, stating the number and kinds of raw furs, hides, or pelts of fur-bearing animals, or the plumage, skins, or hides, or parts thereof, of protected game birds and game animals purchased or sold during the preceding month, and the name and address of the person from whom purchased and to whom sold. The report shall be notarized and sent by registered mail.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42506 Money received from sale of licenses; credit to game and fish protection account; use.

Sec. 42506. All money received from the sale of licenses as provided in this part shall be forwarded to the state treasurer and placed to the credit of the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010, and shall be used for the purpose necessary to the protection, propagation, and distribution of game and fur-bearing animals as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2002, Act 356, Imd. Eff. May 23, 2002;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.42507 Violation as misdemeanor; penalty.

Sec. 42507. A person or his or her agent or servant who violates this part is guilty of a misdemeanor, and shall forfeit to the state all furs, hides, and pelts of fur-bearing animals and the plumage, skins, or hides, or parts thereof, of protected game birds or game animals illegally bought or held, and reimburse the state for illegal furs or illegal plumage, skins, hides, or parts thereof, of protected game birds and game animals sold. If a fine and costs are imposed, the court shall sentence the offender to imprisonment until the fine and costs are paid, but for a period not exceeding the maximum jail penalty provided for this offense.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 427
BREEDERS AND DEALERS

324.42701 Definitions.

Sec. 42701. As used in this part:

(a) “Game” has the same meaning ascribed to that term in part 401.

(b) “License” means a game breeder's license issued pursuant to this part.

(c) “Stock” means game.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42702 Possession of game for propagation and dealing and selling of game; license; denial; zoning requirements; license nontransferable; validity.

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Sec. 42702. (1) The department may, pursuant to part 13, issue licenses to authorize the possession of game for propagation and the dealing in and selling of game.

(2) The department shall deny an application for a new license under subsection (1) if the applicant is not the owner or lessee of the premises to be used for the purposes designated in the license application.

(3) Beginning on the effective date of the amendatory act that added this subsection, unless the premises to be used for the purposes designated in the license application are zoned agricultural, the department shall notify in writing the city or the township and, if applicable, village where the premises are located that an application has been filed under this section. The notice shall include a copy of the application. If, within 30 days after the notice is sent, the local unit of government notifies the department that the use designated in the license application would violate a local ordinance that prohibits the captivity of game animals and that does not violate the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474, the department shall deny the license application.

(4) A license issued under subsection (1) is nontransferable and is valid from July 1 to June 30 of the third license year.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 191, Eff. June 1, 2001;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004;—Am. 2004, Act 537, Imd. Eff. Jan. 3, 2005;—Am. 2008, Act 569, Imd. Eff. Jan. 16, 2009.

Popular name: Act 451

Popular name: NREPA

324.42703 License to be valid and current; exemptions.

Sec. 42703. A person shall not maintain in captivity or propagate or sell game, except as otherwise provided by law, unless that person holds a valid and current license issued pursuant to this part. Public zoological parks are not required to secure a license. A license is not required of a person who purchases any carcass, product, or part of game sold from a person licensed pursuant to this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42704 License fees.

Sec. 42704. The fee for a license shall be established by the department as follows:

(a) If it is practicable to count the applicant's game, the fee shall be $45.00 for the total number of game not exceeding 500, and an additional fee of $15.00 shall be assessed for each additional number of game of 500 or less.

(b) If it is impracticable to count the game, the fee shall be $45.00 for 40 acres or less that is to be used by the applicant for game propagation purposes, and $15.00 for each additional 40 acres or less.

(c) If the fee for an applicant is determined by utilizing a combination of the methods provided in subdivisions (a) and (b), the fee shall be the larger one that can be charged under either subdivision (a) or (b).

(d) The maximum fee for a single license shall not exceed $150.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42705 Rights of licensee.

Sec. 42705. A person who has secured a license may possess, propagate, use, buy, sell, trap, kill, consume, ship, or transport any or all of the stock designated in that license, and offspring, products, carcasses, pelts, or other parts of the stock as provided in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42706 Islands, enclosures, and pens used for propagation purposes; character and location; construction; conditions to issuance of license or approval of enclosure; purchase of deer from state; applicability of subsections (2) and (3); “flush” or “flushed” defined.

Sec. 42706. (1) All islands, enclosures, and pens used for propagation purposes shall be of a character and in a location that the department approves as satisfactory to keep in complete and continuous captivity the stock covered by the license, and shall be constructed in a manner to prevent the entrance of wild stock of the

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same species. However, pinioned or wing-clipped birds may be kept in unroofed enclosures.

(2) After July 1, 1986, the department shall not issue a license to a person, or approve an enclosure or pen capable of enclosing deer, unless the following conditions are met:

(a) The township or city in which the enclosure or pen is to be located has granted authorization for the enclosure or pen to be located within the township or city.

(b) If there are deer within the area to be enclosed, the applicant or license holder flushes that area to eliminate those deer. The applicant or license holder shall submit the proposed method to be used to flush deer from the area to the department for approval.

(3) Any deer that cannot be flushed from the land that is to be enclosed and is covered by a license issued under this part shall be purchased from the state as provided in section 42707.

(4) Subsections (2) and (3) do not apply to a person who has a valid license on July 1, 1986, unless the license holder expands the lands covered by the license.

(5) As used in this section, "flush" or "flushed" means to move or chase from the area that is to be enclosed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42707 Purchase of and title to state-owned game; price.

Sec. 42707. If wild, state owned game animals are present on land that is covered by a license, the applicant may purchase the state owned game from the state and secure title to the game. Except as otherwise provided in this section, the price to be paid for the game shall be fixed by the department, but the price shall not exceed the market value that the game have for breeding purposes. However, the price of deer purchased from the state shall be $250.00 per deer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42708 Game covered by license; manner of taking or killing; requirement for wild turkey or wild turkey hybrids.

Sec. 42708. (1) Game covered by a license may be taken or killed in any manner and at any time, except that game birds covered by a license may not be shot, except by the holder of a license in special situations when the department promulgates rules or the department issues orders permitting the shooting of game birds.

(2) Wild turkey or wild turkey hybrids covered by a license shall have 1 wing pinioned within 14 days of hatching.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42709 Removal of game from premises; identification; seals, bands, and tags; removal of certain fertile eggs prohibited.

Sec. 42709. (1) Game, including the parts or products of game, may be removed from licensed premises only when identified as required by the department. This identification may be by bill of sale, invoice, or seals, tags, bands, or appropriate stamp mark affixed to carcasses and their parts or to wrappers, crates, or other containers. Required tags and seals shall be provided to the license holder by the department at reasonable cost. The use of seals, bands, and tags shall not be required on consignments of game sent to the department or to other state institutions to be used for scientific purposes.

(2) Live game may be removed from licensed premises only by licensed game breeders, shooting preserve operators, or persons holding permits authorizing the possession of the game. Wild turkeys or wild turkey hybrids shall not be removed from licensed premises unless they are pinioned.

(3) Fertile eggs from wild turkeys or wild turkey hybrids shall not be removed from licensed premises.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42710 Orders; rules.

Sec. 42710. (1) The department may issue orders considered necessary by the department to protect the public interest and to provide for the proper administration of this part. Orders under this part shall be issued

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according to the procedure for the issuance of orders provided for in part 401.

(2) The department may promulgate rules designating certain game that do not require protection under this part and that may be possessed, propagated, purchased, or sold without a license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42711 Released or escaped game as property of state; permission to release game birds required.

Sec. 42711. (1) Game that are released or that escape from the premises of a person licensed under this part become the property of the state.

(2) Game birds shall not be released without the written permission of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.42712 Disposition of money.

Sec. 42712. All money received from the sale of licenses under this part shall be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Popular name: Act 451

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: NREPA

324.42713 Suspension or revocation of license.

Sec. 42713. (1) After providing an opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the department may suspend or revoke a license under this part if any of the following apply:

(a) The licensee violates this part.

(b) The licensee fails to provide accurate reports and records within reasonable time limits as designated by the department.

(c) The premises used for the purposes identified in the license are located in a city or village and are zoned residential, the licensed use is a nonconforming use in that zone, and the licensee has been convicted of a crime or held responsible for a civil infraction directly related to the captivity of pheasants on the premises.

(2) If a licensee under this part is convicted of a violation of the game laws of this state, his or her license may be revoked or its renewal denied. In that case, the game held under the license may be disposed of only in a manner approved by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2008, Act 569, Imd. Eff. Jan. 16, 2009.

Popular name: Act 451

Popular name: NREPA

324.42714 Violation as misdemeanor; penalties.

Sec. 42714. A person who violates this part or an order issued under this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both. A person who is convicted of a second violation of this part or an order issued under this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $500.00, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

PART 431
FOXES IN CAPTIVITY

324.43101 Foxes in captivity as domestic animals; protection; construction of part.

Sec. 43101. Silver, silver-black, black, and cross foxes, which of their nature, in the absence of efforts for

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their domestication, were known as wild, which are brought into or born in captivity upon a farm or ranch for the purpose of cultivating or pelting their furs, together with their offspring and increase, are domestic animals for the purpose of any statute or law relating generally to domestic animals, other than dogs and cats or other pets, or relating to farming or to animal husbandry or to the encouragement of agriculture, unless any such statute or law is impossible to apply to such fur-bearing animals. Such fur-bearing animals, together with their offspring and increase, are the subjects of ownership, lien, and all other property rights, in the same manner as purely domestic animals, in whatever situation, location, or condition the fur-bearing animals may be, and regardless of whether they remain in or escape from captivity. Such fur-bearing animals shall receive the same protection of law as, and in the same way and to the same extent are the subject of trespass or larceny as, other personal property. This part shall not be construed to include silver, silver-black, black, and cross foxes within the definition of livestock, or give any person any right to recovery for damage or destruction of the animal under the dog law of 1919, Act No. 339 of the Public Acts of 1919, being sections 287.261 to 287.290 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43102 Brands or tattoo marks; recording; prima facie evidence of ownership.

Sec. 43102. An owner or prospective owner of a fur-bearing animal described in this part which is living in captivity is entitled, by written subscribed statement, to adopt distinctive brands or tattoo marks, not including Arabic numerals and not including brands or tattoo marks already in known use by others, for such fur-bearing animals, and to have the distinctive identifying brands or tattoo marks recorded in his or her name in the office of the commission of agriculture, upon paying a recording fee of $1.00 for each brand or each tattoo mark. All fees received by the department of agriculture under this part shall be retained by the department of agriculture and used to defray the expenses of administering this part. Such statements shall be recorded in a suitable book to be kept in the office of the commission of agriculture. The presence of a recorded brand or recorded tattoo mark upon such a fur-bearing animal is prima facie evidence of the ownership of the animal by the person in whose name the brand or tattoo mark is recorded, subject always to that person's right to make due transfer of title, right or interest in, or lien upon the animal.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43103 Prohibited acts; trespass on premises; killing, trapping, injuring or disturbing fur-bearing animal; consent.

Sec. 43103. Without the permission of the owner of a privately owned fur-bearing animal described in this part, a person shall not enter the enclosure within which the privately owned fur-bearing animal is kept, or trespass on private ground adjoining such an enclosure and knowingly annoy or disturb the animals. A person shall not knowingly and willfully kill, trap, or injure any fur-bearing animal owned by another person without the consent of the owner. However, a duly authorized peace or conservation officer may enter upon such premises in the performance of his or her regular duties.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43104 Violation of part as misdemeanor; penalty.

Sec. 43104. A person who violates this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 433
LIMITATION ON ACREAGE FOR PROPAGATION OR SPORTING PURPOSES

324.43301 Limitation on acreage held for sporting purposes.

Sec. 43301. A person shall not acquire, hold, or occupy by purchase, lease, or other evidence of title, possession, or right of occupancy or enclose by fences or other barriers in 1 tract an amount of real estate

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within this state exceeding 15,000 acres for the purpose of the preservation or propagation of game or fish or for use for yachting, hunting, boating, fishing, rowing, or any other sporting purpose.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43302 Limitation on acreage; location.

Sec. 43302. A person shall not acquire, hold, or occupy in the manner and for the purposes stated in section 43301 any real estate that is located within 2 miles of any other real estate acquired, held, or occupied for any of the uses or purposes mentioned in section 43301.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43303 Violation of part; fine.

Sec. 43303. A person who violates this part is subject to a civil fine of $50.00 for each day that a violation of this part continues. The fine shall be recovered in the manner provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBCHAPTER 2
HUNTING AND FISHING LICENSES

PART 435
HUNTING AND FISHING LICENSING

324.43501 Meanings of words and phrases.

Sec. 43501. For the purposes of this part, the words and phrases defined in sections 43502 to 43508 have the meanings ascribed to them in those sections.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43502 Definitions; A to C.

Sec. 43502. (1) "Accompany" means to go along with another person under circumstances that allow one to come to the immediate aid of the other person and while staying within a distance from the person that permits uninterrupted, unaided visual and auditory communication.

(2) "Amphibian" means a frog, toad, salamander, or other member of the class amphibia.

(3) "Apprentice license" means a license issued under section 43520(3) or (4).

(4) "Aquatic species" means a fish, reptile, amphibian, mollusk, aquatic insect, or crustacea or part thereof.

(5) "Base license" means a license issued under section 43523a.

(6) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.

(7) "Crossbow" means a weapon consisting of a bow, with a draw weight of 100 pounds or more, mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety.

(8) "Crustacea" means a freshwater crayfish, shrimp, or prawn of the order decapoda.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 282, Imd. Eff. July 10, 2006;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43503 Definitions; F.

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

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

(3) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a

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projectile by action of an explosive. A pneumatic gun, as defined in section 1 of 1990 PA 319, MCL 123.1101, other than a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact, is also considered a firearm for the purpose of this act.

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

(5) "Fur-bearing animals" includes badger, beaver, bobcat, coyote, fisher, fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, skunk, and weasel.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2012, Act 520, Imd. Eff. Dec. 28, 2012;—Am. 2015, Act 24, Eff. July 1, 2015.

Popular name: Act 451

Popular name: NREPA

324.43504 Definitions.

Sec. 43504. As used in this part:

(a) "Game" has the meaning given that term in part 401.

(b) "Game and fish protection account" means the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(c) "Wildlife and fisheries" includes any member of the wild animal kingdom, including any mammal, bird, fish, reptile, amphibian, or invertebrate found in this state at any point in its natural life cycle.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43505 Definitions; H to N.

Sec. 43505. (1) "Hunt" and "hunting" mean to pursue, capture, shoot, kill, chase, follow, harass, harm, rob, or trap a wild animal, or to attempt to engage in such an activity.

(2) "Identification" means a driver license issued by Michigan, another state, or a Canadian province as accepted by the department, a state of Michigan identification card issued by the secretary of state, or a sportcard issued by the department.

(3) "License" means a document or a tag, stamp, plastic card, or other device that may include a stamp or a tag that authorizes the licensee to hunt, fish, trap, or possess wild animals or aquatic species and other identification required by the department.

(4) "Minor child" means a person less than 17 years old.

(5) "Nonresident" means or refers to a person who is not a resident.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 282, Imd. Eff. July 10, 2006.

Popular name: Act 451

Popular name: NREPA

324.43506 Definitions; O to R.

Sec. 43506. (1) "Open season" means the time during which game animals, game birds, fur-bearing animals, and aquatic species may be legally taken or killed. Open season includes both the first and last day of the season or period.

(2) "Reptile" means a turtle, snake, lizard, or any other member of the class reptilia.

(3) "Resident" means or refers to any of the following:

(a) A person who resides in a settled or permanent home or domicile within the boundaries of this state with the intention of remaining in this state.

(b) A student who is enrolled in a full-time course at a college or university within this state and who resides in the state during the school year.

(c) A person regularly enlisted or commissioned as an officer in the armed forces of the United States and officially stationed in this state.

(d) A person regularly enlisted or commissioned as an officer in the armed forces of the United States who, at the time of enlistment, was a resident of this state and has maintained his or her residence in this state for purposes of obtaining a driver license or voter registration, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2006, Act 282, Imd. Eff. July 10, 2006.

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Popular name: Act 451

Popular name: NREPA

324.43507 Definitions; S.

Sec. 43507. (1) "Senior citizen" means a resident 65 years of age or older.

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

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

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2012, Act 520, Imd. Eff. Dec. 28, 2012.

Popular name: Act 451

Popular name: NREPA

324.43508 Definitions; T to W.

Sec. 43508. (1) “Take” means fishing, hunting, trapping, catching, capturing, killing, or the attempt to engage in such an activity.

(2) “Trap” and “trapping” mean the taking of wild animals by means of a trap.

(3) “Waterfowl” means ducks, geese, gallinules, and mergansers.

(4) “Wild animal” means a mammal, bird, fish, reptile, amphibian, or crustacea of a wild nature indigenous to this state or introduced to this state by the department or a species determined by the department to be of public benefit.

(5) “Wiggler” means a mayfly nymph or other aquatic insect nymphs or larvae.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43509 Taking aquatic species; taking or possessing wild animal; license.

Sec. 43509. (1) A person 17 years of age or older shall not take aquatic species, except aquatic insects, in or upon any waters over which this state has jurisdiction or in or upon any lands within the state, or possess aquatic species, except aquatic insects, without having in his or her possession a valid license as provided in this part.

(2) A person shall not take or possess a wild animal without having in his or her possession a valid license as provided in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2010, Act 29, Imd. Eff. Mar. 26, 2010.

Popular name: Act 451

Popular name: NREPA

324.43510 Carrying or transporting firearm, slingshot, bow and arrow, crossbow, or trap; license required; exception; applicability to taking of wild animal.

Sec. 43510. (1) Subject to subsection (2), except as provided in section 43513, and except for an individual hunting on a game bird hunting preserve licensed under part 417, an individual shall not carry or transport a firearm, slingshot, bow and arrow, crossbow, or a trap while in any area frequented by wild animals unless that individual has in his or her possession a license as required under this part.

(2) This act or a rule promulgated or order issued by the department or the commission under this act shall not be construed to prohibit an individual from transporting a pistol or carrying a loaded pistol, whether concealed or not, if either of the following applies:

(a) The individual has in his or her possession a license to carry a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435.

(b) The individual is authorized under the circumstances to carry a concealed pistol without obtaining a license to carry a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435, as provided for under any of the following:

(*i*) Section 12a of 1927 PA 372, MCL 28.432a.

(*ii*) Section 227, 227a, 231, or 231a of the Michigan penal code, 1931 PA 328, MCL 750.227, 750.227a,

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750.231, and 750.231a.

(3) Subsection (2) does not authorize an individual to take or attempt to take a wild animal except as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2004, Act 129, Imd. Eff. June 3, 2004;—Am. 2006, Act 433, Imd. Eff. Oct. 5, 2006;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43511 Deer or elk season; transporting or possessing shotgun or rifle; license required; exception.

Sec. 43511. (1) Subject to subsection (2), and except as provided in section 43513, during the open season for the taking of deer or elk with a firearm, a person shall not transport or possess a shotgun with buckshot, slug load, ball load, or cut shell or a rifle other than a .22 caliber rim fire, unless the person has in his or her possession a license to hunt deer or elk with a firearm.

(2) Subsection (1) does not apply during muzzle-loading deer season.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 433, Imd. Eff. Oct. 5, 2006.

Popular name: Act 451

Popular name: NREPA

324.43512 Repealed. 1998, Act 104, Eff. Mar. 23, 1999.

Compiler's note: The repealed section pertained to possession of valid turkey license in order to carry firearm or bow and arrow.

Popular name: Act 451

Popular name: NREPA

324.43513 Carrying, transporting, or possessing firearm, slingshot, bow and arrow, or crossbow; hunting license not required; hunting on game bird hunting preserve; carrying or possessing unloaded weapon.

Sec. 43513. (1) An individual may carry, transport, or possess a firearm without a hunting license if the firearm is unloaded in both barrel and magazine and either enclosed in a case or carried in a vehicle in a location that is not readily accessible to any occupant of the vehicle. An individual may carry, transport, or possess a slingshot, bow and arrow, or crossbow without a hunting license if the slingshot, bow, or crossbow is unstrung, enclosed in a case, or carried in a vehicle in a location that is not readily accessible to any occupant of the vehicle.

(2) Regardless of whether the individual has a license or it is open season for the taking of game, an individual may carry, transport, possess or discharge a firearm, a bow and arrow, or a crossbow if all of the following apply:

(a) The individual is not taking or attempting to take game but is engaged in 1 or more of the following activities:

(*i*) Target practice using an identifiable, artificially constructed target or targets.

(*ii*) Practice with silhouettes, plinking, skeet, or trap.

(*iii*) Sighting-in the firearm, bow and arrow, or crossbow.

(b) The individual is, or is accompanied by or has the permission of, either of the following:

(*i*) The owner of the property on which the activity under subdivision (a) is taking place.

(*ii*) The lessee of that property for a term of not less than 1 year.

(c) The owner or lessee of the property does not receive remuneration for the activity under subdivision (a).

(3) An individual may carry, transport, or possess a firearm, slingshot, bow and arrow, or crossbow without a hunting license if the individual is hunting on a game bird hunting preserve licensed under part 417.

(4) An individual may carry or possess an unloaded weapon at any time if the individual is traveling to or from or participating in a historical reenactment.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 1998, Act 129, Eff. Mar. 23, 1999;—Am. 2006, Act 433, Imd. Eff. Oct. 5, 2006;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43514 Hunting small game and fishing without license permitted; conditions; exception.

Sec. 43514. (1) Until March 1, 2014, a resident, the resident's spouse, and the resident's children may hunt

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small game without a license upon the enclosed farmlands upon which they are regularly domiciled, at a time and in a manner permitted by law; except that they shall obtain a waterfowl hunting license for hunting waterfowl and a federal migratory bird hunting stamp as required by law.

(2) A resident, the resident's spouse, and the resident's children may fish without a license in water wholly within the limits of their enclosed farmlands or other enclosed lands upon which they are regularly domiciled, at a time and in a manner permitted by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43515 Permit authorizing developmentally disabled individual or resident of home for aged to fish without license.

Sec. 43515. The department may issue a permit authorizing a developmentally disabled individual or a resident of a home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260, to fish without a license if the developmentally disabled individual or the resident of the licensed home for the aged is a member of a group accompanied by 1 or more adults licensed under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2014, Act 77, Imd. Eff. Mar. 28, 2014.

Popular name: Act 451

Popular name: NREPA

***** *324.43516 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 324.43516.amended* *****

324.43516 Hunting, fur harvester, or fishing license; carrying license; exhibiting license on demand; deer license with unused kill tag; exhibiting tag on request; tribal conservation officer; definition.

Sec. 43516. (1) An individual who has been issued a hunting, fur harvester's, or fishing license shall carry the license and shall exhibit the license upon the demand of a conservation officer, a law enforcement officer, a tribal conservation officer who complies with subsection (3), or the owner or occupant of the land if either or both of the following apply:

(a) The person is hunting, trapping, or fishing.

(b) Subject to section 43510(2) and except as provided in section 43513, the individual is in possession of a firearm or other hunting or trapping apparatus or fishing apparatus in an area frequented by wild animals or fish, respectively.

(2) Subject to section 43510(2) and except as provided in section 43513, an individual shall not carry or possess afield a shotgun with buckshot, slug loads, or ball loads; a bow and arrow; a muzzle-loading rifle or black powder handgun; or a centerfire handgun or centerfire rifle during firearm deer season unless that individual has a valid deer license, with an unused kill tag, if issued, issued in his or her name. The individual shall exhibit an unused kill tag, if issued, upon the request of a conservation officer, a law enforcement officer, or the owner or occupant of the land.

(3) A tribal conservation officer under subsection (1) must be in uniform, display proper credentials, and be on official duty within the ceded territory of the treaty of March 28, 1836, 7 Stat 491.

(4) As used in this section, "tribal conservation officer" means a conservation officer employed by the Great Lakes Indian fish and wildlife commission, the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Little Traverse Bay Bands of Odawa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians, or the Little River Band of Ottawa Indians.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 129, Imd. Eff. June 3, 2004;—Am. 2006, Act 433, Imd. Eff. Oct. 5, 2006;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013;—Am. 2016, Act 36, Eff. June 6, 2016.

Popular name: Act 451

Popular name: NREPA

***** *324.43516.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017* *****

324.43516.amended Hunting, fur harvester, or fishing license; carrying license; exhibiting license upon demand; deer license with unused kill tag; exhibiting tag on request; electronic copy; consent to search electronic device not presumed; expanded use of

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electronic technology; tribal conservation officer; definition.

Sec. 43516. (1) Until March 1, 2018, an individual who has been issued a hunting, fur harvester's, or fishing license shall carry the license and shall exhibit the license upon the demand of a conservation officer, a law enforcement officer, a tribal conservation officer who complies with subsection (6), or the owner or occupant of the land if either or both of the following apply:

(a) The individual is hunting, trapping, or fishing.

(b) Subject to section 43510(2) and except as provided in section 43513, the individual is in possession of a firearm or other hunting or trapping apparatus or fishing apparatus in an area frequented by wild animals or fish, respectively.

(2) Subject to section 43510(2) and except as provided in section 43513, an individual shall not carry or possess afield a shotgun with buckshot, slug loads, or ball loads; a bow and arrow; a muzzle-loading rifle or black powder handgun; or a centerfire handgun or centerfire rifle during firearm deer season unless that individual has a valid deer license, with an unused kill tag, if issued, issued in his or her name. The individual shall exhibit an unused kill tag, if issued, upon the request of a conservation officer, a law enforcement officer, or the owner or occupant of the land.

(3) Beginning March 1, 2018, an individual who has been issued a hunting, fur harvester's, or fishing license shall carry the license or, if applicable, an electronic copy of the license and shall exhibit the license or, if applicable, an electronic copy of the license upon the demand of a conservation officer, a law enforcement officer, a tribal conservation officer who complies with subsection (6), or the owner or occupant of the land if either or both of the following apply:

(a) The individual is hunting, trapping, or fishing.

(b) Subject to section 43510(2) and except as provided in section 43513, the individual is in possession of a firearm or other hunting or trapping apparatus or fishing apparatus in an area frequented by wild animals or fish, respectively.

(4) An individual who displays an electronic copy of his or her license using an electronic device as provided in subsection (3) is not presumed to have consented to a search of the electronic device. This state, a law enforcement agency, a tribal conservation officer who complies with subsection (6), an employee of this state or a law enforcement agency, or the owner or occupant of the land is not liable for damage to or loss of an electronic device that occurs as a result of a conservation officer, a tribal conservation officer who complies with subsection (6), a law enforcement officer, or the owner or occupant of the land viewing an electronic copy of a license in the manner provided in this section, regardless of whether the conservation officer, tribal conservation officer who complies with subsection (6), law enforcement officer, or owner or occupant of the land was in possession of the electronic device at the time the damage or loss occurred.

(5) The department shall continue to explore the expanded use of electronic technology to provide additional services that will enhance hunting and fishing experiences for individuals in this state.

(6) A tribal conservation officer under subsection (1), (3), or (4) must be in uniform, display proper credentials, and be on official duty within the ceded territory of the treaty of March 28, 1836, 7 Stat 491.

(7) As used in this section, "tribal conservation officer" means a conservation officer employed by the Great Lakes Indian fish and wildlife commission, the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Little Traverse Bay Bands of Odawa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians, or the Little River Band of Ottawa Indians.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 129, Imd. Eff. June 3, 2004;—Am. 2006, Act 433, Imd. Eff. Oct. 5, 2006;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013;—Am. 2016, Act 36, Eff. June 6, 2016;—Am. 2016, Act 461, Eff. Mar. 29, 2017.

Popular name: Act 451

Popular name: NREPA

324.43517 Hunting by minor child; order establishing mentored youth hunting program.

Sec. 43517. (1) A parent or legal guardian of a minor child shall not permit or allow the minor child to hunt game under the authority of a license issued under this part except under 1 of the following conditions:

(a) The minor child hunts only on land upon which a parent or guardian is regularly domiciled or a parent or guardian, or another individual at least 18 years old authorized by a parent or guardian, accompanies the minor child. This subdivision does not apply under any 1 of the following circumstances:

(*i*) The license is an apprentice license.

(*ii*) The minor child is less than 14 years old and the license is a license to hunt deer, bear, or elk with a firearm.

(*iii*) The minor child is less than 10 years old.

(b) If the license is an apprentice license, a parent or guardian, or another individual at least 21 years old

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authorized by a parent or guardian, who is licensed to hunt that game under a license other than an apprentice license accompanies the minor child. In addition, if the minor child is less than 14 years old and the apprentice license is a license to hunt deer, bear, or elk with a firearm, the minor child shall hunt only on private property.

(c) If the minor child is less than 14 years old and the license is a license to hunt deer, bear, or elk with a firearm, the minor child hunts only on private property and a parent or guardian, or another individual authorized by a parent or guardian who is at least 18 years old, accompanies the minor child. This subdivision does not apply if the license is an apprentice license or if the minor child is less than 10 years old.

(d) If the minor child is less than 10 years old, the minor hunts only with a mentor in compliance with the mentored youth hunting program established by the commission under subsection (2).

(2) Within 1 year after the effective date of the amendatory act that added this subsection, the commission shall issue an order under section 40113a establishing a mentored youth hunting program. The order shall provide for at least all of the following:

(a) A mentor shall be at least 21 years of age before participating in the mentored youth hunting program.

(b) A mentor shall possess a valid license to hunt, other than an apprentice license, before engaging in any mentored youth hunting program.

(c) An individual shall not be a mentor unless he or she presents proof of previous hunting experience in the form of a previous hunting license, other than an apprentice license, or certification of completion of training in hunter safety issued to the individual by this state, another state, a province of Canada, or another country.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 282, Imd. Eff. July 10, 2006;—Am. 2011, Act 109, Eff. Sept. 1, 2011.

Popular name: Act 451

Popular name: NREPA

324.43518 "Department" defined; signature requirement for valid license.

Sec. 43518. (1) As used in this section to section 43544, "department" includes a person designated by the department to issue and sell licenses.

(2) A license issued under this part is not valid unless it is signed as required by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43519 License requirements; effect of court order.

Sec. 43519. (1) To obtain any license, an applicant shall provide the department with 1 or more of the following as required by the department:

(a) Proof of residency or a signed affidavit of Michigan residency.

(b) Information required on the license application.

(c) The required license fee.

(d) Proof of identification.

(2) A person shall not obtain or attempt to obtain a license if a court order prohibits the person from obtaining that license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43520 Hunting license; issuance to minor child; requirements; duties of issuing agent; proof of previous hunting experience or certification of completion of training in hunter safety; affidavit; information to be recorded; apprentice license; mentored youth hunting license; fee; report.

Sec. 43520. (1) Subject to other requirements of this part, the department may issue a hunting license to a minor child if all of the following requirements are met:

(a) A parent or legal guardian of the minor child applies for the license on behalf of the minor child.

(b) The parent or guardian represents that the requirements of section 43517, as applicable, will be complied with.

(c) The license fee is paid.

(2) A person authorized to sell hunting licenses shall not issue a hunting license to an individual born after

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January 1, 1960, unless the individual presents proof of previous hunting experience in the form of a hunting license issued by this state, another state, a province of Canada, or another country or presents a certification of completion of training in hunter safety issued to the individual by this state, another state, a province of Canada, or another country. If an applicant for a hunting license does not have proof of such a previous license or a certification of completion of training in hunter safety, a person authorized to sell hunting licenses may issue a hunting license if the applicant submits a signed affidavit stating that the applicant has completed a course in hunter safety or that the applicant possessed such a hunting license previously. The person selling a hunting license shall record as specified by the department the form of proof of the previous hunting experience or certification of completion of hunter safety training presented by the applicant. This subsection does not apply to the issuance of an apprentice license. An apprentice license or the equivalent does not satisfy the requirements of this subsection concerning proof of previous hunting experience.

(3) An individual who does not meet the requirements of subsection (2) may obtain an apprentice license for the same price as the corresponding regular license that the individual would otherwise be qualified to obtain. An individual 17 years old or older shall not hunt game under an apprentice license unless another individual at least 21 years old who possesses a license, other than an apprentice license, to hunt that game accompanies that apprentice licensee and does not accompany more than 1 other apprentice licensee. For the purposes of this subsection and section 43517(1)(b), an individual shall not go along with more than 2 apprentice licensees of any age for the purpose of accompanying those apprentice licensees while those apprentice licensees are hunting. If an individual has represented to an apprentice licensee or, if the apprentice licensee is a minor child, to the apprentice licensee's parent or legal guardian that the individual would accompany the apprentice licensee for the purposes of this subsection, the individual shall not go along with the apprentice licensee while the apprentice licensee is hunting unless the individual actually accompanies the apprentice licensee and possesses a license, other than an apprentice license, to hunt the same game as the apprentice licensee. An individual is not eligible to obtain a specific type of apprentice license, such as a firearm deer license, an archery deer license, a combination deer license, a small game license, or a turkey license, for more than 2 license years. An apprentice license shall be distinguished from a license other than an apprentice license by a notation or other means.

(4) Beginning March 1, 2014, an individual who does not meet the requirements of subsection (2) may obtain an apprentice license for the same price as the corresponding regular license that the individual would otherwise be qualified to obtain. An individual 17 years old or older shall not hunt game under an apprentice license unless another individual at least 21 years old who possesses a license, other than an apprentice license, to hunt that game accompanies that apprentice licensee and does not accompany more than 1 other apprentice licensee. For the purposes of this subsection and section 43517(1)(b), an individual shall not go along with more than 2 apprentice licensees of any age for the purpose of accompanying those apprentice licensees while those apprentice licensees are hunting. If an individual has represented to an apprentice licensee or, if the apprentice licensee is a minor child, to the apprentice licensee's parent or legal guardian that the individual would accompany the apprentice licensee for the purposes of this subsection, the individual shall not go along with the apprentice licensee while the apprentice licensee is hunting unless the individual actually accompanies the apprentice licensee and possesses a license, other than an apprentice license, to hunt the same game as the apprentice licensee. An individual is not eligible to obtain a specific type of apprentice license, such as a deer license, a base license, or a turkey license, for more than 2 license years. An apprentice license shall be distinguished from a license other than an apprentice license by a notation or other means.

(5) Only a minor who is less than 10 years old may obtain a mentored youth hunting license. A minor who is less than 10 years old shall not hunt game under a mentored youth hunting license unless that minor complies with all requirements of the mentored youth hunting program established by the commission under section 43517. The fee for a mentored youth hunting license is $7.50 and shall include all of the privileges conferred by all of the following:

(a) Resident small game license.

(b) Combination deer license.

(c) All species fishing license.

(d) Spring turkey hunting license and fall turkey hunting license.

(e) Resident fur harvester's license.

(6) Beginning March 1, 2014, the fee for a mentored youth hunting license is $7.50 and shall include all of the privileges conferred by all of the following:

(a) Base license.

(b) Deer license.

(c) All-species fishing license.

(d) Spring wild turkey hunting license and fall wild turkey hunting license.

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(e) Fur harvester's license.

(7) By September 1, 2015 and every 4 years after that date, the department shall submit a report to the standing committees of the senate and house of representatives with primary responsibility for conservation and outdoor recreation issues evaluating whether the fee revenue received by the department from mentored youth hunting licenses under subsection (6) is adequate to administer the mentored youth hunting program.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 282, Imd. Eff. July 10, 2006;—Am. 2011, Act 120, Eff. Sept. 1, 2011;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43521 Discounting price of license.

Sec. 43521. Notwithstanding any other section of this part, the department may discount the price of a license for the following purposes:

(a) For marketing purposes to increase participation in hunting and fishing activities.

(b) The price of any license or application fee may be discounted or eliminated to achieve a harvest or management objective for that species.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2009, Act 69, Imd. Eff. July 9, 2009.

Popular name: Act 451

Popular name: NREPA

324.43522 Issuance of sportcard to persons not possessing driver license or other identification; fee.

Sec. 43522. If a person applying for a license or permit under this part does not possess a Michigan driver license or other identification, the department shall issue a sportcard. A person authorized by the department to issue licenses shall charge a $1.00 fee for each sportcard that he or she issues. The authorized person shall forward the required form and the fee collected pursuant to this section to the department. The department shall issue a license and a sportcard provided for in this part if the applicant satisfies the license requirements and pays the license fees.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43522a Repealed. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Compiler's note: The repealed section pertained to deferment of license fee increase by director.

Popular name: Act 451

Popular name: NREPA

324.43523 Repealed. 2013, Act 108, Eff. Mar. 1, 2014.

Compiler's note: The repealed section pertained to small game license and fees.

Popular name: Act 451

Popular name: NREPA

****** 324.43523a THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 324.43523a.amended ******

324.43523a Base license; hunting fur-bearing animals; fee; hours void; limited nonresident small game license.

Sec. 43523a. (1) Except as otherwise provided in this part, an individual shall not hunt small game, unless the individual possesses a current base license. A base license authorizes the individual named in the license to hunt for small game, except for animals or birds that require a special license.

(2) If authorized in an order issued under part 401, an individual that possesses a current base license may take specified fur-bearing animals by means other than trapping during the open season for hunting these fur-bearing animals. However, an individual who goes on a bobcat hunt with a licensed hunter is not required to possess a base license if the individual does not carry a firearm, bow, or crossbow and does not own dogs used to chase or locate a bobcat during the hunt.

(3) Beginning March 1, 2014, the fee for a base license is as follows:

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(a) Subject to subdivision (b), for a resident, $10.00.

(b) For a resident minor child or nonresident minor child, $5.00.

(c) Subject to subdivision (b), for a nonresident, $150.00.

(4) A base license is void between the hours of 1/2 hour after sunset and 1/2 hour before sunrise with the exception of coyote hunting.

(5) Beginning March 1, 2014, a nonresident may purchase a limited nonresident small game license entitling that individual to hunt for a 7-day period all species of small game that are available to hunt under a nonresident base license. The fee for a limited nonresident small game license is $80.00. The purchase of a 7-day limited nonresident small game license does not entitle the holder to purchase any additional licenses.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

****** 324.43523a.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 ******

324.43523a.amended Base license; hunting fur-bearing animals; fee; hours void; limited nonresident small game license; development and display of electronic license.

Sec. 43523a. (1) Except as otherwise provided in this part, an individual shall not hunt small game, unless the individual possesses a current base license. A base license authorizes the individual named in the license to hunt for small game, except for animals or birds that require a special license.

(2) If authorized in an order issued under part 401, an individual who possesses a current base license may take specified fur-bearing animals by means other than trapping during the open season for hunting these fur-bearing animals. However, an individual who goes on a bobcat hunt with a licensed hunter is not required to possess a base license if the individual does not carry a firearm, bow, or crossbow and does not own dogs used to chase or locate a bobcat during the hunt.

(3) The fee for a base license is as follows:

(a) Subject to subdivision (b), for a resident, $10.00.

(b) For a resident minor child or nonresident minor child, $5.00.

(c) Subject to subdivision (b), for a nonresident, $150.00.

(4) A base license is void between the hours of 1/2 hour after sunset and 1/2 hour before sunrise with the exception of coyote hunting.

(5) A nonresident may purchase a limited nonresident small game license entitling that individual to hunt for a 7-day period all species of small game that are available to hunt under a nonresident base license. The fee for a limited nonresident small game license is $80.00. The purchase of a 7-day limited nonresident small game license does not entitle the holder to purchase any additional licenses.

(6) Not later than March 1, 2018, the department shall develop an electronic license that allows an individual to display an electronic copy of his or her base license using an electronic device.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013;—Am. 2016, Act 461, Eff. Mar. 29, 2017.

Popular name: Act 451

Popular name: NREPA

324.43523b Combination hunt and fish license; resident; nonresident; fees.

Sec. 43523b. (1) Beginning March 1, 2014, the fee for a resident combination hunt and fish license is $75.00 and shall include all of the privileges conferred by all of the following:

(a) Resident base license.

(b) Two deer licenses.

(c) All-species fishing license.

(2) Beginning March 1, 2014, the fee for a nonresident combination hunt and fish license is $265.00 and shall include all of the privileges conferred by all of the following:

(a) Nonresident base license.

(b) Two deer licenses.

(c) All-species fishing license.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43524 Wild turkey hunting license; fees; lottery; issuance of license; use of fees; report; purchase of license beginning March 1, 2014; eligibility; application fee; use.

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Sec. 43524. (1) An individual shall not hunt wild turkey without a wild turkey hunting license. The fee for a resident wild turkey hunting license is $15.00. The fee for a nonresident wild turkey hunting license is $69.00. Subject to the requirements of section 40113a, the commission may issue an order requiring that all applications for wild turkey hunting licenses, or applications for wild turkey hunting licenses for certain geographic areas, be entered into a lottery designed and run by the department. An individual selected in a lottery, upon meeting the requirements of this part, is authorized to purchase a wild turkey hunting license. The license shall be issued for a specified hunting period and confers upon the holder of the license the right to hunt wild turkeys.

(2) The department may charge a nonrefundable application fee not to exceed $4.00 for each application for a wild turkey hunting license that is entered into a lottery under subsection (1).

(3) From fees collected under subsection (1) or (2), the following amounts shall be used for scientific research, biological survey work on wild turkeys, creation and management of wild turkey habitat on state land, national forestland, and private land, annual wild turkey hunter surveys, disease testing for wild turkeys suspected of having a disease and voluntarily submitted to the department of natural resources, and other wild turkey management in this state:

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(a) Resident wild turkey hunting license..........  $  9.50
(b) Nonresident wild turkey hunting license.......   $50.00
(c) Senior wild turkey hunting license...........  $  1.00
(d) Wild turkey hunting application............   amount of
                                                 application  fee,
                                                  if any,  but not
                                                 more than $  3.00.
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(4) The department shall, to the extent possible, use the money from subsection (3) to create and manage wild turkey habitat on state forestland, state game areas, national forestland, and private land, where appropriate. The department shall, before January 1 of each year, provide to the standing committees in the senate and house of representatives that primarily consider issues relating to natural resources a report detailing the expenditures for the prior year under subsection (3).

(5) Beginning March 1, 2014, only an individual holding a valid base license is eligible to purchase a wild turkey hunting license, pursuant to current regulations. The fee for a wild turkey hunting license is $15.00.

(6) Beginning March 1, 2014, the department may charge a nonrefundable application fee not to exceed $5.00 for each application for a wild turkey hunting license that is entered into a lottery under subsection (1).

(7) Beginning March 1, 2014, from fees collected under subsection (5) or (6), the following amounts shall be used for scientific research, biological survey work on wild turkeys, creation and management of wild turkey habitat on state land, national forestland, and private land, annual wild turkey hunter surveys, disease testing for wild turkeys suspected of having a disease and voluntarily submitted to the department of natural resources, and other wild turkey management in this state:

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(a) Wild turkey hunting license....................   $9.50
(b) Senior wild turkey hunting license....... ......  $1.00
(c) Wild turkey hunting application............  amount  of
                                                 application  fee,
                                                  if any,  but not
                                                more than $  3.00.
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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2002, Act 81, Imd. Eff. Mar. 25, 2002;—Am. 2012, Act 81, Imd. Eff. Apr. 11, 2012;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43525 Repealed. 2013, Act 108, Eff. Mar. 1, 2014.

Compiler's note: The repealed section pertained to waterfowl hunting license and fees.

Popular name: Act 451

Popular name: NREPA

324.43525a Repealed. 2013, Act 108, Eff. Mar. 1, 2014.

Compiler's note: The repealed section pertained to combination deer license.

Popular name: Act 451

Popular name: NREPA

****** 324.43525b THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See*

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*324.43525b.amended ******

324.43525b Waterfowl hunting license beginning March 1, 2014; requirements; fee; issuance as stamp; use of fees.

Sec. 43525b. (1) Except as otherwise provided in this part, beginning March 1, 2014, an individual 16 years of age or older shall not hunt waterfowl without a current waterfowl hunting license issued by this state. The annual license requirement is in addition to the requirements for a base license and federal migratory bird hunting stamp. The fee for the waterfowl hunting license is $12.00.

(2) If issued as a stamp, a waterfowl hunting license shall be affixed to the base license of the individual and signed across the face of the stamp by the individual to whom it is issued.

(3) A collector may purchase a waterfowl hunting license, if it is issued as a stamp, without being required to place it on a base license, sign across its face, or provide proof of competency under section 43520(2). However, a license described in this subsection is not valid for hunting waterfowl.

(4) Beginning March 1, 2014, from the fee collected for each waterfowl hunting license, the department shall use the following amounts:

(a) $9.00 shall be used to acquire, restore, or enhance wetlands and other lands to be managed for the benefit of waterfowl. Except as otherwise provided in this subdivision, not more than 0.25% of the money under this subdivision shall be used to acquire lands. However, if all of the money appropriated from the natural resources trust fund for eco-region acquisition carried over from previous fiscal years is spent, then the 0.25% limitation under this subdivision does not apply. The department shall not acquire land under this subdivision until that acquisition is approved by the joint capital outlay subcommittee.

(b) $1.93 shall be used to operate, maintain, and develop managed waterfowl areas in this state.

(c) The remaining amount shall be retained under section 43541 or used for administration of this part.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

****** 324.43525b.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 ******

324.43525b.amended Waterfowl hunting license; requirements; fee; issuance as stamp; use of fees; electronic display.

Sec. 43525b. (1) Except as otherwise provided in this part, an individual 16 years of age or older shall not hunt waterfowl without a current waterfowl hunting license issued by this state. The annual license requirement is in addition to the requirements for a base license and federal migratory bird hunting stamp. The fee for the waterfowl hunting license is $12.00.

(2) If issued as a stamp, a waterfowl hunting license shall be affixed to the base license of the individual and signed across the face of the stamp by the individual to whom it is issued.

(3) A collector may purchase a waterfowl hunting license, if it is issued as a stamp, without being required to place it on a base license, sign across its face, or provide proof of competency under section 43520(2). However, a license described in this subsection is not valid for hunting waterfowl.

(4) From the fee collected for each waterfowl hunting license, the department shall use the following amounts:

(a) $9.00 shall be used to acquire, restore, or enhance wetlands and other lands to be managed for the benefit of waterfowl. Except as otherwise provided in this subdivision, not more than 0.25% of the money under this subdivision shall be used to acquire lands. However, if all of the money appropriated from the natural resources trust fund for eco-region acquisition carried over from previous fiscal years is spent, then the 0.25% limitation under this subdivision does not apply. The department shall not acquire land under this subdivision until that acquisition is approved by the joint capital outlay subcommittee.

(b) $1.93 shall be used to operate, maintain, and develop managed waterfowl areas in this state.

(c) The remaining amount shall be retained under section 43541 or used for administration of this part.

(5) Not later than March 1, 2018, the department shall develop an electronic license that allows an individual to display an electronic copy of his or her Michigan waterfowl hunting license using an electronic device.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013;—Am. 2016, Act 462, Eff. Mar. 29, 2017.

Popular name: Act 451

Popular name: NREPA

324.43526 Repealed. 2013, Act 108, Eff. Mar. 1, 2014.

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Compiler's note: The repealed section pertained to firearm deer license and fees.

Compiler's note: Act 451

Compiler's note: NREPA

324.43526a Repealed. 2012, Act 241, Eff. Jan. 1, 2017.

Compiler's note: The repealed section pertained to hunters helping landowners program.

****** 324.43526b.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 ******

324.43526b.added Electronic copy of kill tag; display using electronic device.

Sec. 43526b. The department may develop an electronic license that allows an individual to display an electronic copy of his or her kill tag under section 43524, 43527a, 43528, 43528a, 43528b, or 43529 using an electronic device.

History: Add. 2016, Act 461, Eff. Mar. 29, 2017.

Popular name: Act 451

Popular name: NREPA

324.43527 Repealed. 2013, Act 108, Eff. Mar. 1, 2014.

Compiler's note: The repealed section pertained to bow and arrow deer license and fees.

Popular name: Act 451

Popular name: NREPA

324.43527a Purchase of deer license beginning March 1, 2014; eligibility; application fee; kill tag; second deer license.

Sec. 43527a. (1) Beginning March 1, 2014, only an individual holding a valid base license is eligible to purchase a deer license or an antlerless deer license, pursuant to current regulations. The fee for a deer license or an antlerless deer license is $20.00.

(2) Beginning March 1, 2014, the department shall charge a nonrefundable application fee not to exceed $5.00 for each individual who applies for an antlerless deer license.

(3) The department may issue a kill tag with or as part of each deer license. The kill tag shall bear the license number. The kill tag may also include space for other pertinent information required by the department. The kill tag, if issued, is part of the license.

(4) Where authorized by the department, a resident may purchase a second deer license for the fee assessed under this subsection for the deer license for which that individual is eligible. However, a senior license discount is not available for the purchase of a second deer license. Where authorized by the department, a nonresident may purchase an additional deer license or antlerless deer license under this section for $170.00. The department may issue orders under part 401 designating the kind of deer that may be taken and the geographic area in which any license issued under this section is valid, when advisable in managing deer.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43527b Deer management assistance permits.

Sec. 43527b. The department may issue deer management assistance permits pursuant to current regulations.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43528 Bear hunting license; exception; eligibility beginning March 1, 2014; fees; kill tag; application fee; bear participation license.

Sec. 43528. (1) An individual shall not hunt bear unless the individual possesses a bear hunting license. However, an individual who goes on a bear hunt with a licensed hunter is not required to possess a bear hunting license if the individual does not carry a firearm, bow, or crossbow and does not own dogs used to chase or locate bear during the hunt. Beginning March 1, 2014, only an individual holding a valid base license is eligible to purchase a bear hunting license, pursuant to current regulations.

(2) The fee for a resident bear hunting license is $15.00. The fee for a nonresident bear hunting license is $150.00. Beginning March 1, 2014, the fee for a bear hunting license is $25.00.

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(3) The department may issue a kill tag with, or as a part of, a bear hunting license. The kill tag shall bear the license number. The kill tag may also include space for other pertinent information required by the department. The kill tag, if issued, is part of the license.

(4) In addition to the license fees in subsection (2), the department shall charge a nonrefundable application fee not to exceed $4.00 for each individual who applies for a bear hunting license. Beginning March 1, 2014, in addition to the license fees in subsection (2), the department shall charge a nonrefundable application fee not to exceed $5.00 for each individual who applies for a bear hunting license.

(5) Beginning March 1, 2014, the following individuals chasing or locating bear with dogs during the open season for that game and who hold a valid base license are eligible for the purchase of a bear participation license for a fee of $15.00:

(a) Any individual possessing a firearm, crossbow, or bow and arrow.

(b) The owner, when present, of any dog chasing or locating bear.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 103, Imd. Eff. Mar. 5, 1996;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2008, Act 347, Imd. Eff. Dec. 23, 2008;—Am. 2009, Act 70, Imd. Eff. July 9, 2009;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43528a Moose hunting license; fees; kill tag.

Sec. 43528a. (1) A resident shall not hunt moose without a moose hunting license. Beginning March 1, 2014, only a resident holding a valid base license is eligible to purchase a moose hunting license, pursuant to current regulations. The fee for a moose hunting license is $100.00. The department may establish a nonrefundable application fee not to exceed $4.00 for each individual who applies for a moose hunting license. Beginning March 1, 2014, the department may establish a nonrefundable application fee not to exceed $5.00 for each individual who applies for a moose hunting license.

(2) The department may issue a kill tag with, or as part of, a moose hunting license. The kill tag shall bear the license number. The kill tag may also include space for other pertinent information required by the department. The kill tag, if issued, is part of the license.

History: Add. 2010, Act 366, Imd. Eff. Dec. 22, 2010;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43528b Wolf hunting license; eligibility beginning March 1, 2014; fee; kill tag.

Sec. 43528b. (1) An individual shall not hunt wolf without a wolf hunting license. Beginning March 1, 2014, only an individual holding a valid base license is eligible to purchase a wolf hunting license. The fee for a resident wolf hunting license is $100.00. The fee for a nonresident wolf hunting license is $500.00. The department may establish a nonrefundable application fee not to exceed $4.00 for each individual who applies for a wolf hunting license. Beginning March 1, 2014, the department may establish a nonrefundable application fee not to exceed $5.00 for each individual who applies for a wolf hunting license.

(2) The department may issue a kill tag with, or as part of, a wolf hunting license. The kill tag shall bear the license number. The kill tag may also include space for other pertinent information required by the department. The kill tag, if issued, is part of the license.

History: Add. 2012, Act 520, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43529 Elk hunting license; eligibility beginning March 1, 2014; fees; kill tag.

Sec. 43529. (1) A resident shall not hunt elk during the elk season without an elk hunting license. Beginning March 1, 2014, only a resident holding a valid base license is eligible to purchase an elk hunting license, pursuant to current regulations. The fee for an elk hunting license is $100.00. The department may establish a nonrefundable application fee not to exceed $4.00 for each individual who applies for an elk hunting license. Beginning March 1, 2014, the department may establish a nonrefundable application fee not to exceed $5.00 for each individual who applies for an elk hunting license.

(2) The department may issue a kill tag with, or as a part of, an elk hunting license. The kill tag shall bear the license number. The kill tag may also include space for other pertinent information required by the department. The kill tag, if issued, is part of the license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

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Popular name: Act 451

Popular name: NREPA

324.43530 Repealed. 2013, Act 108, Eff. Mar. 1, 2014.

Compiler's note: The repealed section pertained to hunting small game on game bird hunting preserves.

Popular name: Act 451

Popular name: NREPA

324.43531 Fur harvester's license; exception; fees; conditions to issuance of nonresident fur harvester's license; rights of licensee; eligibility beginning March 1, 2014; validity of license.

Sec. 43531. (1) Except as otherwise provided in section 43523(2) or section 43523a(2), an individual shall not trap or hunt fur-bearing animals unless the individual possesses a fur harvester's license. However, an individual who goes on a bobcat hunt with a licensed hunter is not required to possess a fur harvester's license if the individual does not carry a firearm, bow, or crossbow and does not own dogs used to chase or locate a bobcat during the hunt.

(2) The fee for a resident fur harvester's license is $15.00. The fee for a fur harvester's license for a resident or nonresident minor child 10 years old or older shall be discounted 50% from the cost of the resident fur harvester's license.

(3) Until March 1, 2014, the department may issue a nonresident fur harvester's license to a nonresident of this state if the state, province, or country in which the nonresident applicant resides allows residents of this state to obtain equivalent hunting and trapping privileges in that state, province, or country. The fee for an eligible nonresident fur harvester's license is $150.00. Nonresident fur harvester's licenses shall not be sold or purchased before November 15 of each year.

(4) An individual who holds a fur harvester's license may hunt fur-bearing animals during the season open to taking fur-bearing animals with firearms and may trap fur-bearing animals during the season open to trapping fur-bearing animals.

(5) Beginning March 1, 2014, only an individual holding a valid base license is eligible to purchase a fur harvester's license, pursuant to current regulations. The fee for a fur harvester's license is $15.00.

(6) Beginning March 1, 2014, for a nonresident holding a valid base license and a valid fur harvester's license, the fur harvester's license is not valid for fur-bearing species for which a bag limit has been established.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2008, Act 347, Imd. Eff. Dec. 23, 2008;—Am. 2009, Act 70, Imd. Eff. July 9, 2009;—Am. 2011, Act 120, Eff. Sept. 1, 2011;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43531b Issuance of free tags.

Sec. 43531b. Pursuant to current regulations, the department may issue free tags for survey purposes or for the enforcement of harvest limits.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

****** 324.43532 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 324.43532.amended ******

324.43532 Restricted fishing license; fees; rights of licensee; all-species fishing license.

Sec. 43532. (1) An individual 17 years of age or older shall not take or possess an aquatic species, except aquatic insects, in the waters over which this state has jurisdiction without a license. The fee for a resident restricted fishing license is $15.00. The fee for a nonresident restricted fishing license is $34.00.

(2) A restricted fishing license entitles the licensee to take and possess aquatic species as prescribed by law, other than trout, salmon, lake sturgeon, lake herring, amphibians, reptiles, or crustaceans.

(3) An individual under 17 years of age may take aquatic species in the waters over which this state has jurisdiction without a license. However, an individual under 17 years of age may obtain an all-species fishing license. The fee for a resident or nonresident who is under 17 years of age for an all-species fishing license is $2.00. The department shall not sell or vendor the list of licensees under this subsection.

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(4) The fee for a resident all-species fishing license is $28.00. The fee for a nonresident all-species fishing license is $42.00.

(5) An all-species fishing license entitles the licensee to take and possess all aquatic species as prescribed by law.

(6) An individual to whom a valid restricted fishing license has been issued may return the restricted license to the department or its authorized agent and receive an all-species fishing license by paying a fee equal to the difference in cost between the all-species fishing license and the restricted fishing license for which that individual is eligible.

(7) Beginning March 1, 2014, an individual 17 years of age or older shall not take or possess an aquatic species, except aquatic insects, in the waters over which this state has jurisdiction without a license. The fee for a resident all-species fishing license is $25.00. The fee for a nonresident all-species fishing license is $75.00. Beginning March 1, 2014, the restricted fishing license, license for an individual under 17 years of age, and all-species upgrades under subsections (1), (3), and (6) are no longer available.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2002, Act 108, Imd. Eff. Mar. 27, 2002;—Am. 2010, Act 29, Imd. Eff. Mar. 26, 2010;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

****** 324.43532.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 ******

324.43532.amended All-species fishing license; fees; electronic license.

Sec. 43532. (1) An all-species fishing license entitles the licensee to take and possess all aquatic species as prescribed by law.

(2) An individual 17 years of age or older shall not take or possess an aquatic species, except aquatic insects, in the waters over which this state has jurisdiction without a license. The fee for a resident all-species fishing license is $25.00. The fee for a nonresident all-species fishing license is $75.00.

(3) Not later than March 1, 2018, the department shall develop an electronic license that allows an individual to display an electronic copy of his or her all-species fishing license using an electronic device.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2002, Act 108, Imd. Eff. Mar. 27, 2002;—Am. 2010, Act 29, Imd. Eff. Mar. 26, 2010;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013;—Am. 2016, Act 463, Eff. Mar. 29, 2017.

Popular name: Act 451

Popular name: NREPA

324.43532a Additional charges; deposit.

Sec. 43532a. Beginning March 1, 2014, the department shall charge an additional $1.00 per base license under sections 43523a(3) and 43535(2), combination hunt and fish license under section 43523b, and all-species fishing license under sections 43532(7) and 43536(2). The department shall deposit money generated under this section in the Michigan wildlife management public education subaccount created in section 43532b.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013;—Am. 2013, Act 246, Eff. Mar. 27, 2014.

Popular name: Act 451

Popular name: NREPA

324.43532b Michigan wildlife management public education subaccount; Michigan wildlife council.

Sec. 43532b. (1) The Michigan wildlife management public education subaccount is created within the game and fish protection account.

(2) The state treasurer may receive money or other assets from any source for deposit into the subaccount. The state treasurer shall direct the investment of the subaccount. The state treasurer shall credit to the subaccount interest and earnings from subaccount investments.

(3) Money in the subaccount at the close of the fiscal year shall remain in the subaccount and shall not lapse to the game and fish protection account or the general fund.

(4) The department shall be the administrator of the subaccount for auditing purposes.

(5) The Michigan wildlife council shall expend money from the subaccount, upon appropriation, only to support the program designed under subsection (18) and to pay the department's administrative costs in implementing this section. Not more than 5% of the annual appropriations from the subaccount shall be spent on the administrative costs of the department in implementing this section.

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(6) The Michigan wildlife council is created within the department.

(7) The Michigan wildlife council shall consist of the following 9 members:

(a) The director or his or her designee.

(b) Four individuals who have purchased hunting or fishing licenses in this state on a regular basis, including at least once during each of the last 3 years, at least 1 of whom has purchased a hunting license and at least 1 of whom has purchased a fishing license, appointed by the governor with the advice and consent of the senate from a list recommended by statewide sportsmen's organizations.

(c) One individual representing local businesses in this state that are substantially impacted by hunting and fishing, appointed by the governor with the advice and consent of the senate.

(d) One individual representing agricultural producers in this state, appointed by the governor with the advice and consent of the senate.

(e) One individual with a media or marketing background, who is not an employee of the department, appointed by the governor with the advice and consent of the senate.

(f) One individual representing rural areas of this state whose economies are substantially impacted by hunting and fishing, appointed by the governor with the advice and consent of the senate.

(8) In appointing members under subsection (7), the governor shall make an effort to appoint members from all geographic areas of this state, at least 1 of whom is from the Upper Peninsula.

(9) The members first appointed to the Michigan wildlife council shall be appointed within 90 days after the effective date of this section.

(10) The appointed members of the Michigan wildlife council shall serve for terms of 4 years or until a successor is appointed, whichever is later, except that of the members first appointed 2 shall serve for 2 years, 3 shall serve for 3 years, and 3 shall serve for 4 years. The appointed members shall not serve more than 2 full terms.

(11) If a vacancy occurs on the Michigan wildlife council, the governor shall make an appointment for the unexpired term in the same manner as the original appointment.

(12) The governor may remove a member of the Michigan wildlife council for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(13) The first meeting of the Michigan wildlife council shall be called by the director. At the first meeting, the Michigan wildlife council shall adopt bylaws and then elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the Michigan wildlife council shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by a majority of the members serving.

(14) A majority of the members of the Michigan wildlife council constitute a quorum for the transaction of business at a meeting of the Michigan wildlife council. A majority of the members serving are required for official action of the Michigan wildlife council.

(15) The business that the Michigan wildlife council may perform shall be conducted at a public meeting of the Michigan wildlife council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(16) A writing prepared, owned, used, in the possession of, or retained by the Michigan wildlife council in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(17) Members of the Michigan wildlife council shall serve without compensation. However, members of the Michigan wildlife council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the Michigan wildlife council.

(18) The Michigan wildlife council shall do all of the following:

(a) Develop and implement, in conjunction with a third-party marketing or advertising agency, a comprehensive media-based public information program to promote the essential role that sportsmen and sportswomen play in furthering wildlife conservation and to educate the general public about hunting, fishing, and the taking of game. That education shall include, but is not limited to, teaching that hunting, fishing, and the taking of game are any of the following:

(*i*) Necessary for the conservation, preservation, and management of this state's natural resources.

(*ii*) A valued and integral part of the cultural heritage of this state and should forever be preserved.

(*iii*) An important part of this state's economy.

(b) Provide a semiannual report to the legislature on the program and expenditures under this section.

(c) Prepare an operational plan no later than 120 days after the first meeting of the Michigan wildlife council and no later than April 30 in subsequent years.

(d) Expend money from the Michigan wildlife management public education subaccount in accordance with the operational plan and in compliance with section 40501, except that all expenditures shall be within

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the scope of the activities and funding levels authorized in the operational plan.

(19) The Michigan wildlife council may give preference to Michigan-based firms when hiring a third-party marketing or advertising agency under subsection (18).

History: Add. 2013, Act 246, Eff. Mar. 27, 2014.

Popular name: Act 451

Popular name: NREPA

****** 324.43533 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 324.43533.amended ******

324.43533 24-hour or 72-hour fishing license; fees.

Sec. 43533. (1) A resident or nonresident may purchase a 24-hour or 72-hour fishing license entitling that individual to take, for a designated 24-hour or 72-hour period, respectively, and possess all aquatic species as prescribed by law. Except as provided in this section, the fee for a 24-hour fishing license is $7.00 per designated consecutive 24-hour period. Notwithstanding any other provision of this section, the fee for a 24-hour fishing license for a senior citizen is $3.00.

(2) The fee for a 72-hour fishing license, to be issued beginning in 2010, is as follows:

(a) Except for a senior citizen, $21.00.

(b) For a senior citizen, $9.00.

(3) Beginning March 1, 2014, a resident or nonresident may purchase a 24-hour fishing license entitling that individual to take, for a designated 24-hour period, and possess all aquatic species as prescribed by law. The fee for a 24-hour fishing license is $10.00 per designated consecutive 24-hour period.

(4) Beginning March 1, 2014, a resident or nonresident may purchase a 72-hour fishing license entitling that person to take, for a designated 72-hour period, and possess all aquatic species as prescribed by law. The fee for a 72-hour fishing license is $30.00 per designated consecutive 72-hour period.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 356, Imd. Eff. July 1, 1996;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2010, Act 29, Imd. Eff. Mar. 26, 2010;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

****** 324.43533.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 ******

324.43533.amended 24-hour or 72-hour fishing license; fees; electronic license.

Sec. 43533. (1) A resident or nonresident may purchase a 24-hour fishing license entitling that individual to take, for a designated 24-hour period, and possess all aquatic species as prescribed by law. The fee for a 24-hour fishing license is $10.00 per designated consecutive 24-hour period.

(2) A resident or nonresident may purchase a 72-hour fishing license entitling that individual to take, for a designated 72-hour period, and possess all aquatic species as prescribed by law. The fee for a 72-hour fishing license is $30.00 per designated consecutive 72-hour period.

(3) Not later than March 1, 2018, the department shall develop an electronic license that allows an individual to display an electronic copy of his or her 24-hour or 72-hour fishing license using an electronic device.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 356, Imd. Eff. July 1, 1996;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2010, Act 29, Imd. Eff. Mar. 26, 2010;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013;—Am. 2016, Act 463, Eff. Mar. 29, 2017.

Popular name: Act 451

Popular name: NREPA

324.43534 Free fishing days.

Sec. 43534. (1) The department shall designate a Saturday and the following Sunday during January or February of each year as free winter fishing days. In addition, the department may designate 1 other day or 2 other consecutive days each year as free fishing days.

(2) During free fishing days, a resident or nonresident may fish for all species of fish in waters of this state designated by the department without purchasing a license or permit.

(3) A person who fishes during a free fishing day pursuant to subsection (1) has the same privileges and is subject to the same rules and regulations as the holder of a limited fishing license issued pursuant to section 43533.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1999, Act 233, Imd. Eff. Dec. 28, 1999.

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Popular name: Act 451

Popular name: NREPA

324.43535 Senior license; discounted fees.

Sec. 43535. (1) Until March 1, 2014, a resident of this state who is 65 years of age or older may obtain a senior small game license, a senior firearm deer license, a senior bow and arrow deer license, a senior bear hunting license, a senior wild turkey hunting license, or a senior fur harvester's license. The fee for each senior license shall be discounted 60% from the fee for the resident license.

(2) Beginning March 1, 2014, a resident of this state who is 65 years of age or older may obtain a senior base license, a senior deer license, a senior wild turkey hunting license, or a senior fur harvester's license. The fee for each senior license shall be discounted 60% from the fee for the resident license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

***** *324.43536 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 324.43536.amended* *****

324.43536 Senior restricted fishing license; senior all-species fishing license; discounted fees.

Sec. 43536. (1) Until March 1, 2014, a resident of this state who is 65 years of age or older may obtain a senior restricted fishing license. The fee for a senior restricted fishing license is discounted 60% from the fee for a resident restricted fishing license.

(2) A resident of this state who is 65 years of age or older may obtain a senior all-species fishing license. The fee for a senior all-species fishing license is discounted 60% from the fee for a resident all-species fishing license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

***** *324.43536.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017* *****

324.43536.amended Senior all-species fishing license; discounted fees; electronic license.

Sec. 43536. (1) A resident of this state who is 65 years of age or older may obtain a senior all-species fishing license. The fee for a senior all-species fishing license is discounted 60% from the fee for a resident all-species fishing license.

(2) Not later than March 1, 2018, the department shall develop an electronic license that allows an individual to display an electronic copy of his or her senior all-species fishing license using an electronic device.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013;—Am. 2016, Act 463, Eff. Mar. 29, 2017.

Popular name: Act 451

Popular name: NREPA

324.43536a Obtaining license by active member of military; “active member of the military” defined.

Sec. 43536a. (1) Beginning March 1, 2014, an active member of the military may obtain any license under this part for which a lottery is not required at no cost upon presentation to a licensing agent of leave papers, duty papers, military orders, or other evidence acceptable to the department verifying that he or she is stationed outside of this state. The license is valid during the season in which that license would otherwise be valid.

(2) As used in this section, "active member of the military" means either of the following:

(a) An individual described by section 43506(3)(d).

(b) An individual who meets all of the following requirements:

(*i*) The individual is a reserve component soldier, sailor, airman, or marine or member of the Michigan national guard and is called to federal active duty.

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(*ii*) At the time the individual was called to federal active duty, he or she was a resident of this state.

(*iii*) The individual has maintained his or her residence in this state for the purpose of obtaining a driver license or voter registration, or both.

History: Add. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2003, Act 4, Imd. Eff. Apr. 22, 2003;—Am. 2004, Act 545, Imd. Eff. Jan. 3, 2005;—Am. 2013, Act 21, Imd. Eff. May 8, 2013;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013;—Am. 2014, Act 281, Eff. Mar. 31, 2015.

Compiler's note: Enacting section 1 of Act 281 of 2014 provides:

"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."

Enacting section 2 of Act 281 of 2014 provides:

"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, § 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.

Popular name: Act 451

Popular name: NREPA

324.43537 Restricted or senior all-species fishing license; eligibility of legally blind; disabled veteran; resident license for which lottery not required; proof of eligibility; processing licenses; appropriations; "disabled veteran" defined.

Sec. 43537. (1) Until March 1, 2014, a resident who is declared legally blind is eligible to purchase a senior restricted or senior all-species fishing license. Beginning March 1, 2014, a resident who is declared legally blind is eligible to purchase a senior all-species fishing license.

(2) A disabled veteran is eligible to obtain any resident license under this part for which a lottery is not required free of charge.

(3) The department may demand proof of eligibility under subsection (1), (2), or (4). The licensee, when taking aquatic species or hunting, shall possess proof of his or her eligibility under subsection (1), (2), or (4), as applicable, and shall furnish the proof upon the request of a peace officer.

(4) The department shall process licenses issued under this section in the same manner as licenses issued to senior citizens for purposes of receiving appropriations from the legislature under section 43546.

(5) As used in this section, "disabled veteran" means either of the following:

(a) A resident who has been determined by the United States department of veterans affairs to be permanently and totally disabled as a result of military service and entitled to veterans' benefits at the 100% rate, for a disability other than blindness.

(b) A resident rated by the United States department of veterans affairs as individually unemployable.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2007, Act 60, Imd. Eff. Sept. 18, 2007;—Am. 2012, Act 339, Eff. Mar. 1, 2013;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43538 Fishing; reciprocity.

Sec. 43538. The department may permit a person licensed under the fishing laws of an adjacent state to fish in the inland lakes and rivers or portions of rivers of this state that constitute a part of the border of this state, if the adjacent state grants similar privileges to a person licensed in this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43539 Report by licensee.

Sec. 43539. The department may require each licensed hunter, trapper, and angler to make a report to the department of the number, kinds, and location of game animals, game birds, fur-bearing animals, and fish taken during the respective open season by the licensee. The department shall establish the prescribed manner in which the requested information is reported.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

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Popular name: NREPA

324.43540 License; application and issuance by mail, on-line computer service, or telephone; fees; delinquent payment.

Sec. 43540. (1) An application for 1 or more licenses issued under this part may be made by mail, on-line computer service, or telephone to the department, or to a person designated by the department, who shall forward the license issued to the applicant to an address as directed by the applicant. An applicant shall satisfy all the requirements of this part for obtaining a license before a license is issued by mail or telephone. The department may charge a fee for an application made by mail, on-line computer service, or telephone in addition to the fee for the license or licenses. Total fees collected by the department under this subsection in any license year shall not exceed the additional cost of providing mail or telephone service in that year.

(2) If a check or draft of a required fee is not paid on its first presentation, the fee is delinquent as of the date the check or draft was tendered. The person tendering the check or draft remains liable for the payment of each fee and any penalty.

(3) The department may revoke a license, duplicate license, application, or permit if the department has determined that a fee prescribed in this part has not been paid and remains unpaid after reasonable notice or demand.

(4) If a fee is still delinquent 15 days after the department has given notice to a person who tendered the check or draft, the department shall assess and collect a $15.00 penalty in addition to the license and transaction fee.

(5) The director may refuse to issue additional licenses under this part to a person who is delinquent in payment of fees or penalties provided in subsection (4) at the time the application is submitted.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43540a Sportsmen against hunger program; implementation; duties of department; financial donations; contract with nonprofit organization to administrate program; contract requirements; "program" defined.

Sec. 43540a. (1) Subject to subsection (4), by January 1, 2007, the department shall implement a program to distribute wild game to people in need. The program shall be known as the sportsmen against hunger program.

(2) Under the program, the department shall do all of the following:

(a) Collect donations of legally taken game that complies with all state and federal game laws, including any requirement that the parts of the game be intact.

(b) Contract for processing the donated game.

(c) Distribute the processed game to food banks, soup kitchens, and other charitable organizations that provide meals or food to people free of charge.

(d) Promote the program through the license distribution system and other means that will further the mission of the program.

(3) Under the program, the department may request financial donations to offset the cost of processing donated game. The financial donations are tax deductible.

(4) The department may contract for the administration of the program by a nonprofit organization that is exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501, if the department determines that it is more efficient to do so. Subject to section 43540c(9), payments under the contract shall be adequate to cover the nonprofit organization's costs in administering the program. Before entering such a contract, the department shall issue a request for proposals. If the request for proposals does not yield a bid that meets the requirements of this section, both of the following apply:

(a) The department is not required to implement the sportsmen against hunger program.

(b) The department shall, within 30 days, submit a report to the standing committees of the senate and house of representatives with primary responsibility for hunting issues. The report, as applicable, shall explain that no bids were received or shall specify why each bid received was unacceptable. The report shall also indicate whether the department intends to implement the sportsmen against hunger program.

(5) To qualify to enter a contract under subsection (4), a nonprofit organization must have demonstrated a commitment to the goals of the program and have at least 5 years of experience in providing wild game or other food to people free of charge. The contract shall require that the contracting nonprofit organization do all of the following:

(a) Maintain a license under the charitable organizations and solicitations act, 1975 PA 169, MCL 400.271

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to 400.294.

(b) Maintain adequate staff to perform the tasks outlined in the contract.

(c) Annually undergo an independent financial audit and provide the audit information and report to all of the following:

(*i*) The department.

(*ii*) The subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee with responsibility for the budget of the department.

(*iii*) The committees of the senate and house of representatives with primary responsibility for natural resources issues.

(6) As used in this section, "program" means the sportsmen against hunger program created under subsection (1).

History: Add. 2005, Act 116, Imd. Eff. Sept. 22, 2005.

Popular name: Act 451

Popular name: NREPA

324.43540c Sportsmen against hunger program; donation; creation; disposition of money or other assets; money remaining in fund; expenditure; costs; limitation; "fund" defined.

Sec. 43540c. (1) Subject to subsection (2), when a person applies for a license under this part, the department or the department's agent shall ask whether the person would like to donate $1.00 to the sportsmen against hunger program created by the department under section 43540a and, if so, shall collect the donation with the license fee. A person designated by the department to issue licenses shall not receive a commission under section 43541 for the donation.

(2) Subsection (1) applies to license applications made beginning January 1, 2006.

(3) A donation under subsection (1) is in addition to the license fee.

(4) The department shall transfer donations under subsection (1) to the state treasurer for deposit in the fund.

(5) The sportsmen against hunger fund is created within the state treasury.

(6) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(7) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(8) Money from the fund shall be expended, upon appropriation, only by the department for 1 or more of the following purposes:

(a) The costs of administering the fund, including the costs of collecting donations to the fund.

(b) The administration of the sportsmen against hunger program created under section 43540a, including, if applicable, the costs of any contract with a nonprofit organization to administer the sportsmen against hunger program, as authorized under section 43540a(4).

(9) The department shall not incur costs described in subsection (8) in excess of the amount of revenue in the fund available to cover such costs.

(10) As used in this section, "fund" means the sportsmen against hunger fund created in subsection (5).

History: Add. 2005, Act 117, Imd. Eff. Sept. 22, 2005.

Popular name: Act 451

Popular name: NREPA

324.43540d Repealed. 2010, Act 366, Eff. Dec. 22, 2011.

Compiler's note: The repealed section pertained to establishment of moose hunting advisory council.

324.43540e Wolf management advisory council.

Sec. 43540e. (1) The wolf management advisory council is created within the department.

(2) The council shall consist of at least the following members:

(a) The director of the department or his or her designee.

(b) One member representing an organization that promotes conservation in this state appointed by the director or his or her designee.

(c) One member representing organizations that promote hunting or fishing in this state appointed by the director or his or her designee.

(d) One member representing a tribal government appointed by the director or his or her designee.

(e) One member representing agricultural interests appointed by the director or his or her designee.

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(f) One member representing an animal advocacy organization appointed by the director or his or her designee.

(3) The council shall meet at least annually.

(4) A majority of the members of the council constitute a quorum for the transaction of business at a meeting of the council. A majority of the members present and serving are required for official action of the council.

(5) The business that the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) A writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) Members of the council shall serve without compensation. However, members of the council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the council.

(8) The council shall annually submit to the commission and to the legislature a report that makes nonbinding recommendations as to the proper management of wolves in this state.

History: Add. 2012, Act 520, Imd. Eff. Dec. 28, 2012.

Popular name: Act 451

Popular name: NREPA

324.43541 Retaining percentage of fees for sportcard, license, duplicate license, application, or permit; additional charges.

Sec. 43541. (1) A person authorized by the department to issue licenses on March 15, 1993, may retain 7.5% of the fees for each sportcard, license, duplicate license, application, or permit that the person sells. A person authorized by the department after March 15, 1993 to issue licenses may retain 5% of the fees for each sportcard, license, duplicate license, application, or permit that the person sells. The department shall consider any additional location established after March 15, 1993 at which licenses are sold as a new authorized agent for purposes of determining the percentage of fees that may be retained for sales at the new location by that authorized agent. Beginning March 1, 2014, any person authorized by the department to issue licenses may retain 7.5% of the fees for each sportcard, license, duplicate license, application, or permit that the person sells.

(2) In addition to the fees authorized under subsection (1), the department may also authorize a person who is authorized to issue licenses to charge and retain a 50-cent transaction fee for collecting migratory bird survey responses.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43542 Licenses; validity; fee; report.

Sec. 43542. (1) All licenses issued under this part are valid from March 1 through March 31 of the following year or as otherwise provided by order of the commission. The department shall designate the period of validity on the license or permit.

(2) The fee for a multiyear license, permit, or application shall be the annual fee for that license, permit, or application multiplied by the number of years designated by order of the commission.

(3) At least 6 months prior to the commission issuing an order under subsection (1), the department shall report to the legislature how the department will ensure that the money collected for any multiyear licenses or permits is accounted for and allocated to the appropriate fiscal year.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2009, Act 34, Imd. Eff. June 4, 2009.

Popular name: Act 451

Popular name: NREPA

324.43543 Course of instruction in safe handling of firearms; instructors; registration; certificate of competency.

Sec. 43543. The department shall provide for a course of instruction in the safe handling of firearms and shall designate persons, without compensation, to serve as instructors and to award certificates. A person desiring to take the course of instruction shall register with an instructor certified by the department. Upon successful completion of the course, the person shall be issued a certificate of competency.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43544 License, sportcard, or kill tag; loss or destruction; duplicate; certification of loss form; fees.

Sec. 43544. (1) If a license or sportcard issued pursuant to this part or a kill tag is lost or destroyed, a licensee may procure a duplicate from the department. To obtain a duplicate license, sportcard, or kill tag, the licensee shall file a certification of loss form with the department and shall pay the duplicate fee as provided in subsection (2) for each duplicate requested.

(2) If the licensee meets the requirements of subsection (1) and all other requirements of this part for procuring a license or sportcard, or, if required by this part, a kill tag, the department shall verify the purchase of the original and issue to the licensee the duplicates requested and collect the following applicable duplicate fees:

(a) Until March 1, 2014, and except as provided in subdivision (c), $3.00 for each license included in a certification of loss.

(b) Beginning March 1, 2014, the amount the individual would pay for each license included in a certification of loss.

(c) For a duplicate of a kill tag, the fee shall equal the amount that the individual would pay for a license to which the kill tag applies without regard to marketing discounts or multilicense discounts.

(d) For a duplicate of a sportcard, $1.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

***** *324.43545 THIS SECTION IS REPEALED BY ACT 461 OF 2016 EFFECTIVE MARCH 29, 2017* *****

324.43545 Assessment or collection of fees beginning March 1, 2019; prohibition.

Sec. 43545. Beginning March 1, 2019, the department shall not assess or collect any license or permit fees authorized in this part.

History: Add. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43546 Senior hunting and fishing licenses; appropriating sum equal to fees not collected; crediting appropriation to game and fish protection account.

Sec. 43546. (1) Before June 1 of each year, the department shall determine the total number of senior hunting and fishing licenses issued and the total fees collected the preceding license year. The department shall determine the total fees that would have been collected if those senior citizens had been required to purchase full-price resident hunting and fishing licenses during the preceding license year. From this total, the department shall subtract the fees collected from the sale of senior hunting and fishing licenses during the preceding license year. The difference is the amount that would otherwise be collected.

(2) The legislature shall annually appropriate from the general fund a sum equal to the fees that would otherwise be collected as determined pursuant to subsection (1). The sum appropriated shall be credited to the game and fish protection account.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43547 Preparation and issuance of sportcards and licenses; information; equipment; conservation law enforcement stamps; issuance of licenses beginning March 1, 2014.

Sec. 43547. (1) The department shall prepare sportcards, if necessary, and licenses to comply with this part

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and may authorize persons to issue sportcards and licenses.

(2) A sportcard shall provide the following information as required by the department:

(a) The name of the applicant.

(b) The height and weight of the applicant.

(c) The address of the applicant.

(d) The birth date of the applicant.

(e) The applicant's social security number.

(f) Other information as required by the department.

(3) A license may include the following information:

(a) The date and time of issuance of the license.

(b) The identification code of the person issuing the license.

(c) The form of proof of eligibility to receive a license by the applicant as required.

(d) Other information as required by the department.

(e) The applicant's date of birth.

(4) Until March 1, 2014, the department may require persons authorized to issue licenses under this part to purchase or rent equipment necessary to issue licenses. The purchase or lease charge shall not exceed the actual cost incurred by the department in making the equipment available for purchase or lease. However, notwithstanding the equipment rental or purchase charges otherwise required under this section, if the department requires the use of designated computer equipment to issue licenses, the department shall supply each licensed agent who is entitled to retain 7.5% of the fees received and was authorized on March 15, 1993 to issue licenses with a computer system at no charge to the licensed agent for each location at which that licensed agent sells licenses. A person who is eligible to receive equipment without charge may be required to purchase a service and maintenance contract for that equipment. The cost of the contract shall not be more than $200.00 for the first year of the contract and thereafter the actual cost to the state of maintaining the computer system. Equipment that is supplied without charge to a licensed agent shall be returned to the department at such time as the person is no longer a licensed agent.

(5) Until March 1, 2014, a person who is authorized after March 15, 1993 to issue licenses shall pay the full annual rental or purchase fee for equipment required under subsection (4).

(6) Until March 1, 2014, a person who on March 15, 1993 is authorized to issue licenses who rents the equipment for the issuance of licenses required under subsection (4) shall pay rent or service and maintenance contract cost, as applicable for that equipment not to exceed 50% of the total of the annual amount the person is authorized to retain under section 43541, or the rental charge otherwise determined by the department, whichever is less.

(7) The department may provide persons authorized to issue licenses under this part with conservation law enforcement stamps to enable the purchaser of the stamps to contribute to the wildlife resource protection fund created in section 43555. Conservation law enforcement stamps may be issued by the department in the amounts of $2.00 and $5.00.

(8) Beginning March 1, 2014, the department may require persons authorized to issue licenses under this part to rent equipment necessary for the issuance of licenses. A person who is authorized to issue licenses for less than a full license year shall pay rent of $5.00 per week until the person has been authorized to issue licenses for a full license year. Once a person has been authorized to issue licenses for a full license year, a person shall pay rent of $5.00 per week or $2.50 per week if that person's annual license sales under this part are less than the 5-year average license sales as of the effective date of the amendatory act that added this subsection for persons authorized to issue licenses under this part. The weekly rental fee shall be assessed and collected in a form and manner prescribed by the department. Rent shall not exceed 50% of the total of the annual amount the person is authorized to retain under section 43541.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43548 Persons authorized to issue limited fishing licenses without equipment; bond; remittance of money; limitation on fee; fees held in trust.

Sec. 43548. (1) The department may require a person authorized to issue limited fishing licenses without the equipment described in section 43547 to file a bond with the department. The type and amount of the bond shall be determined by the department.

(2) A person issuing a sportcard, license, or permit shall remit to the department money required to be charged for the sale of each license, duplicate license or sportcard, application, or permit by the method and at

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the frequency prescribed by the department.

(3) A person shall not charge a fee for a sportcard or a license in an amount that is more than the license and transaction fee printed on the sportcard or license by the department.

(4) All fees collected from the sale of sportcards, licenses, duplicate licenses or sportcards, applications, or permits, except for the fees and commissions provided in section 43541(1) and (2), are held in trust for the state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43549 Violation of MCL 324.43548; penalties.

Sec. 43549. A person who violates section 43548, in addition to other penalties provided by law, forfeits the right to issue licenses and sportcards and forfeits the right to retain any percentage of the license or sportcard fees not received by the department within 48 hours after the date and time the license or sportcard fees should have been deposited as required by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43550 Format of license.

Sec. 43550. The department shall select the format of the license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43551 Issuance of certain licenses; restriction.

Sec. 43551. The department may restrict the issuance of certain licenses to issuance only by department offices or employees.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43552 Quotas on licenses.

Sec. 43552. The department may establish a quota on the number of each kind of license that may be issued.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43553 Disposition of money received from sale of passbooks and licenses; payments; grants; youth hunting and fishing education and outreach fund; annual report; posting measures and metrics on website.

Sec. 43553. (1) The department shall transmit all money received from the sale of licenses to the state treasurer, together with a statement indicating the amount of money received and the source of the money.

(2) Except as provided in section 43555 and subsection (5), the state treasurer shall credit the money received from the sale of passbooks and licenses to the game and fish protection account.

(3) Except as provided in sections 43524, 43525, 43525b, and 43554 and subsection (4), money credited to the game and fish protection account shall be paid out by the state treasurer pursuant to the accounting laws of this state for the following purposes:

(a) Services rendered by the department, together with the expenses incurred in the enforcement and administration of the wildlife and fisheries laws of the state, including the necessary equipment and apparatus incident to the operation and enforcement of the wildlife and fisheries laws, and the protection, propagation, distribution, and control of wildlife and fish.

(b) The propagation and liberation of wildlife or fish and for their increase at the time, place, and manner as the department considers advisable.

(c) The purchase, lease, and management of lands, together with the necessary equipment for the purpose of propagating and rearing wildlife or fish, and for establishing and maintaining game refuges, wildlife

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sanctuaries, and public shooting and fishing grounds. Except as otherwise provided in this subdivision, not more than 0.25% of the money credited to the game and fish protection account shall be used to purchase lands under this subdivision. However, if all of the money appropriated from the natural resources trust fund for eco-region acquisition carried over from previous fiscal years is spent, then the 0.25% limitation under this subdivision does not apply. Land shall not be purchased under this subdivision until that purchase is approved by the joint capital outlay subcommittee.

(d) Conducting investigations and compiling and publishing information relative to the propagation, protection, and conservation of wildlife.

(e) Delivering lectures, developing cooperation, and carrying on appropriate educational activities relating to the conservation of the wildlife of this state.

(4) The department may make direct grants to colleges and universities in this state, out of funds appropriated from the game and fish protection account, to conduct fish or wildlife research or both fish and wildlife research.

(5) The youth hunting and fishing education and outreach fund is created as a separate fund in the department of treasury. Until March 1, 2014, the state treasurer shall credit to the youth hunting and fishing education and outreach fund the money received from the sale of small game licenses and all-species fishing licenses under sections 43523 and 43532, respectively, to minor children. Beginning March 1, 2014, the state treasurer shall credit to the youth hunting and fishing education and outreach fund $1.00 received from the sale of each base license to minor children under section 43523a. Money in the youth hunting and fishing education and outreach fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(6) Money credited to the youth hunting and fishing education and outreach fund shall be paid out by the state treasurer pursuant to the accounting laws of this state for hunting and fishing education and outreach programs for minor children.

(7) The department and any other executive department of the state that receives money from the game and fish protection account or the youth hunting and fishing education and outreach fund shall submit an annual report to the legislature showing the amount of money received by the department or other executive department from the game and fish protection account or the youth hunting and fishing education and outreach fund and how that money was spent. An executive department required to submit a report as provided in this subsection shall send a copy of the report to the legislature and to the department.

(8) Not later than November 1, 2013, the department shall complete and post on its website a fisheries division strategic and tactical plan with measures and metrics.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43554 Deer habitat; improvement; maintenance; management; use of license fee; limitation.

Sec. 43554. One dollar and fifty cents of the license fee for each firearm deer, bow and arrow deer, and resident sportsperson's license shall be used for improving and maintaining a habitat for deer and for the acquisition of lands for an effective program of deer habitat management. Beginning March 1, 2014, $1.50 of the license fee for each deer and resident sportsperson's license shall be used for improving and maintaining a habitat for deer and for the acquisition of lands for an effective program of deer habitat management. Except as otherwise provided in this section, not more than 0.25% of the money under this section shall be used to acquire lands. However, if all of the money appropriated from the natural resources trust fund for eco-region acquisition carried over from previous fiscal years is spent, then the 0.25% limitation under this section does not apply. Land shall not be acquired under this section until that acquisition is approved by the joint capital outlay subcommittee.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43555 Wildlife resource protection fund; creation; transmission and deposit of additional fee; money credited; expenditures; voluntary contribution; annual report.

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Sec. 43555. (1) Thirty-five cents from each license and stamp fee prescribed in this part, except for fees for licenses described in section 43553(5), shall be transmitted to the department for deposit in the wildlife resource protection fund created in this section.

(2) The wildlife resource protection fund is created as a separate fund within the state treasury. The state treasurer shall credit the money received from the department under this section to the wildlife resource protection fund. The money in the wildlife resource protection fund shall be expended by the department for the following purposes:

(a) Rewards for information leading to the arrest and prosecution of poachers and persons who obstruct or interfere in the lawful taking of animals or aquatic species in violation of section 40112 or 48702a, respectively. If a violation of section 40112 or 48702a involved killing a person engaged in lawfully taking an animal or aquatic species, the reward shall be $5,000.00. A person whose lawful taking of an animal or aquatic species is obstructed or interfered in is not eligible to receive a reward under this subdivision.

(b) Hiring conservation officers for the investigation of poaching and the investigation of tips regarding potential poaching.

(c) A promotional and educational campaign to inform the general public on 1 or more of the following:

(*i*) The harm and danger of poaching.

(*ii*) The reward for information that leads to the arrest and prosecution of poachers and persons who obstruct or interfere in the lawful taking of animals or aquatic species in violation of section 40112 or 48702a, respectively.

(*iii*) Other antipoaching programs undertaken by the department.

(*iv*) How to identify and report persons who obstruct or interfere in the lawful taking of animals or aquatic species in violation of section 40112 or 48702a, respectively.

(3) At the time a person purchases a license or stamp under this part, he or she may make a voluntary contribution in any amount to the wildlife resource protection fund to be expended for the purposes provided in subsection (2). A person who wishes to make such a contribution may purchase 1 or more conservation law enforcement stamps from a person authorized to issue licenses and sportcards under this part.

(4) The department shall annually report to the legislature on the expenditures from the wildlife resource protection fund.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 1998, Act 472, Eff. Mar. 23, 1999.

Popular name: Act 451

Popular name: NREPA

324.43556 Hunter access leases on private land; lease payments; control of hunter access by participating landowners; cancellation of lease agreement; forfeiture of lease payments; posting boundaries of leased land; cause of action for injuries; orders.

Sec. 43556. (1) The department may utilize the game and fish protection account for the purpose of acquiring and administering hunter access leases on private land.

(2) The department may determine and provide lease payments in amounts that are related to the benefits the leased land provides for public use if for a designated lease period a participating landowner agrees to allow public access to certain lands for the purpose of hunting. Department field personnel shall inspect the lands and determine their value to the program. Final approval of lease proposals shall be made by the department.

(3) Participating landowners have authority to control hunter access according to the terms of the lease agreement, including terms requiring a hunter to obtain verbal or written permission to hunt on the participating landowners' land.

(4) Pursuant to rules adopted under this section, participating landowners may cancel their lease agreement at any time prior to the expiration of the lease. Cancellation of the agreement prior to the expiration of the lease shall result in the forfeiture of all lease payments that have been received by the participating landowner for the year in which cancellation occurs.

(5) Participating landowners shall post, with signs provided by the department, the boundaries of land leased under this section.

(6) A cause of action shall not arise for injuries to persons hunting on lands leased under this section unless the injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or lessee.

(7) The department may issue orders pursuant to part 401 governing the administration and operation of a hunting access program.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:
"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43557 License application lists, information, and publications; sale; price; disposition of proceeds.

Sec. 43557. The department may sell, or contract for the sale of, license application lists or information filed with the department pursuant to this part and related publications of the department. The department shall establish the price for the lists, information, and publications, and the proceeds of all sales pursuant to this section shall be credited to the game and fish protection account in the manner prescribed in section 43553.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:
"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43558 Prohibited conduct; misdemeanor; penalties; carrying firearm under influence of controlled substance or alcohol; effect of prior conviction; violation of subsection (1)(d) as misdemeanor.

Sec. 43558. (1) A person is guilty of a misdemeanor if the person does any of the following:

(a) Makes a false statement as to material facts for the purpose of obtaining a license or uses or attempts to use a license obtained by making a false statement.

(b) Affixes to a license a date or time other than the date or time issued.

(c) Issues a license without receiving and remitting the fee to the department.

(d) Without a license, takes or possesses a wild animal, wild bird, or aquatic species, except aquatic insects. This subdivision does not apply to a person less than 17 years of age who without a license takes or possesses aquatic species.

(e) Sells, loans, or permits in any manner another person to use the person's license or uses or attempts to use another person's license.

(f) Falsely makes, alters, forges, or counterfeits a sportcard or a hunting, fishing, or fur harvester's license or possesses an altered, forged, or counterfeited hunting, fishing, or fur harvester's license.

(g) Uses a tag furnished with a deer license, bear hunting license, elk hunting license, or wild turkey hunting license more than 1 time, or attaches or allows a tag to be attached to a deer, bear, elk, or turkey other than a deer, bear, elk, or turkey lawfully killed by the person.

(h) Except as provided by law, makes an application for, obtains, or purchases more than 1 license for a hunting, fishing, or trapping season, not including a limited fishing license, second deer license, antlerless deer license, or other license specifically authorized by law, or if the applicant's license has been lost or destroyed.

(i) Applies for, obtains, or purchases a license during a time that the person is ineligible to secure a license.

(j) Knowingly obtains, or attempts to obtain, a resident or a senior license if that person is not a resident of this state.

(2) Except as provided in subsection (5), a person who violates subsection (1) shall be punished by imprisonment for not more than 90 days, or a fine of not less than $25.00 or more than $250.00 and the costs of prosecution, or both. In addition, the person shall surrender any license and license tag that was wrongfully obtained.

(3) A person licensed to carry a firearm under this part is prohibited from doing so while under the influence of a controlled substance or alcohol or a combination of a controlled substance and alcohol. A person who violates this subsection is guilty of a misdemeanor, punishable by imprisonment for 90 days, or a fine of $500.00, or both.

(4) An applicant for a license under this part who has previously been convicted of a violation of the game and fish laws of this state may be required to file an application with the department together with other information that the department considers expedient. The license may be issued by the department.

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(5) A person who violates subsection (1)(d), upon a showing that the person was ineligible to secure a license under court order or other lawful authority, is guilty of a misdemeanor, punishable by imprisonment for not more than 180 days, or a fine of not less than $500.00 and not more than $2,500.00, or both, and the costs of prosecution.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2013, Act 108, Imd. Eff. Sept. 17, 2013.

Popular name: Act 451

Popular name: NREPA

324.43559 Violation; revocation of license; suspension order; compliance; rescission; failure to answer citation or notice to appear; failure to comply with court order or judgment.

Sec. 43559. (1) If a person is convicted of violating this part, or another law relative to hunting, fishing, or trapping that does not otherwise require the revocation of, or prohibit the securing of, 1 or more licenses, the court may order the revocation of 1 or more of the person's licenses and may by order provide that the person shall not secure 1 or more licenses for not less than the remainder of the year in which convicted and during the next succeeding year, or longer in the discretion of the court.

(2) The department shall comply with a suspension order issued as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, within 7 days after receipt of the suspension order.

(3) An order rescinding a suspension order issued under the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, is effective upon its entry by the court and purchase by the licensee of a replacement license.

(4) If a person is charged with, or convicted of, a violation of this part, or another law relative to hunting, fishing, or trapping, and the person fails to answer a citation or a notice to appear in court, or for any matter pending, or fails to comply with an order or judgment of the court, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court within 14 days after the notice is issued, the department shall suspend the person's hunting, fishing, and trapping licenses. If the person fails to appear within the 7-day period, or fails to comply with the order or judgment of the court within the 14-day period, the court shall immediately inform the department. The department shall immediately suspend the person's hunting, fishing, and trapping licenses and notify the person of the suspension by first-class mail sent to the person's last known address.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 1998, Act 95, Eff. Aug. 10, 1998;—Am. 2013, Act 37, Imd. Eff. May 28, 2013.

Popular name: Act 451

Popular name: NREPA

324.43560 Violation as misdemeanor; penalty.

Sec. 43560. A person who violates this part or a rule promulgated under this part, for which violation a penalty is not otherwise provided for in this part, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $25.00 or more than $250.00 and the costs of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43561 Rules.

Sec. 43561. The department may promulgate rules for the administration of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

PART 437
MICHIGAN GAME AND FISH PROTECTION TRUST FUND

324.43701 Definitions.

Sec. 43701. As used in this part:

(a) "Game and fish protection account" means the game and fish protection account of the Michigan

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conservation and recreation legacy fund provided for in section 2010.

(b) "Gas" means a mixture of hydrocarbons and nonhydrocarbons in a gaseous state which may or may not be associated with oil and includes liquids resulting from the condensation of those hydrocarbons and nonhydrocarbons.

(c) "Mineral" means an inorganic substance that can be extracted from the earth, except for oil or gas, and includes rock, metal ores, and mineral water.

(d) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir.

(e) "Trust fund" means the Michigan game and fish protection trust fund established in section 41 of article IX of the state constitution of 1963 and provided for in section 43702.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43702 Michigan game and fish protection trust fund; establishment; composition.

Sec. 43702. In accordance with section 41 of article IX of the state constitution of 1963, the Michigan game and fish protection trust fund is established in the state treasury. The trust fund shall consist of all of the following:

(a) All assets of the game and fish protection trust fund immediately prior to the effective date of the amendatory act that added section 2001.

(b) Bonuses, rentals, delayed rentals, royalties, and other revenues collected or reserved by the state under leases or direct sale contracts in effect on or after April 7, 1986, entered into by the state pursuant to section 502, 503, or 33936 or section 12 of former 1909 PA 280, or any other law enacted for leasing for the purpose of permitting extraction or removal of minerals, coal, oil, gas, or other resources from state owned lands, if these bonuses, rentals, delayed rentals, royalties, direct sale proceeds, and other revenues accrue from lands acquired by the state using revenues derived from the game and fish protection account, the game and fish protection trust account created in section 4 of the Kammer recreational land trust fund act of 1976, former 1976 PA 204, federal funds made available to the state under 16 USC 669 to 669i, commonly known as the federal aid in wildlife restoration act, or 16 USC 777 to 777*l*, commonly known as the federal aid in fish restoration act, or related state or federal funds.

(c) Gifts, grants, bequests or assets from any source.

(d) Other revenues as authorized by law.

(e) Interest and earnings accruing from assets of the trust fund.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43703 Transfer of interest and earnings; manner of maintaining corpus of trust fund; transfer of funds.

Sec. 43703. (1) The state treasurer shall transfer the interest and earnings from the trust fund to the game and fish protection account.

(2) Subject to subsection (3), the corpus of the trust fund shall be maintained by the state treasurer in a manner that will provide for future transfers to the game and fish protection account from the trust fund's interest and earnings.

(3) The legislature may annually appropriate and transfer not more than $6,000,000.00 from the corpus of the trust fund to the game and fish protection account.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

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"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43704 Investment of trust fund; report on accounting of revenues and expenditures.

Sec. 43704. (1) The state treasurer shall direct the investment of the trust fund. The state treasurer shall have the same authority to invest the assets of the trust fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140*l*.

(2) The department shall annually prepare a report containing an accounting of revenues and expenditures from the trust fund. This report shall identify the interest and earnings of the trust fund from the previous year, the investment performance of the trust fund during the previous year, and the total amount of appropriations from the trust fund during the previous year. This report shall be provided to the senate and house of representatives appropriations committees and the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to natural resources and the environment.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2002, Act 56, Eff. Sept. 21, 2002.

Popular name: Act 451

Popular name: NREPA

324.43705 Joint legislative work group; establishment; purpose; composition; membership; appointment; service; vacancy; first meeting; quorum; compensation; assistance and staff support; report.

Sec. 43705. (1) A joint legislative work group on game and fish program revenue is established.

(2) The work group shall consist of representatives of the house and senate standing committees with primary responsibility for natural resources issues and the house and senate appropriations subcommittees on natural resources. Members shall be appointed on a bipartisan basis by the speaker of the house of representatives and the senate majority leader. The work group shall also include representatives of the natural resources commission and other interested parties.

(3) The members first appointed to the work group shall be appointed within 30 days after the effective date of the 2004 amendatory act that amended this section.

(4) Each member of the work group shall serve at the pleasure of the speaker of the house of representatives or the senate majority leader, whichever appointed the member.

(5) If a vacancy occurs on the work group, the vacancy shall be filled in the same manner as the original appointment was made.

(6) The first meeting of the work group shall be called by the senate majority leader. At the first meeting, the work group shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the work group shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 2 or more members.

(7) A majority of the members of the work group constitute a quorum for the transaction of business at a meeting of the work group. A majority of the members present and serving are required for official action of the work group.

(8) Members of the work group shall serve without compensation. However, members of the work group may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the work group.

(9) Assistance and staff support to the work group may be provided by the house and senate fiscal agencies.

(10) By December 31, 2004, and annually thereafter, the work group shall issue to the members of the legislature a report on game and fish program revenue. The report shall include, but need not be limited to, tax credit issues and alternative funding options to establish stable sources of long-term financial support for game and fish protection programs.

History: Add. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2004, Act 311, Imd. Eff. Aug. 27, 2004.

Popular name: Act 451

Popular name: NREPA

PART 439
MICHIGAN NONGAME FISH AND WILDLIFE TRUST FUND

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324.43901 Definitions.

Sec. 43901. As used in this part:

(a) "Nongame fish and wildlife" means fish or wild animals that are unconfined and not ordinarily taken for sport, fur, or food, and the habitat that supports them. However, nongame fish and wildlife includes fish and wild animals designated as game species when located in an area of this state where the taking of that species of fish or wild animal is prohibited.

(b) "Trust fund" means the Michigan nongame fish and wildlife trust fund established in section 42 of article IX of the state constitution of 1963 and provided for in section 43902.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43902 Michigan nongame fish and wildlife trust fund; establishment; composition; investment; annual report.

Sec. 43902. (1) In accordance with section 42 of article IX of the state constitution of 1963, the Michigan nongame fish and wildlife trust fund is established in the state treasury. The trust fund shall consist of all of the following:

(a) All assets of the nongame fish and wildlife trust fund immediately prior to the effective date of the amendatory act that added section 2001, which money is hereby transferred to the Michigan nongame fish and wildlife trust fund.

(b) All money credited to the trust fund pursuant to section 439 of the income tax act of 1967, 1967 PA 281, MCL 206.439, and section 811*l* of the Michigan vehicle code, 1949 PA 300, MCL 257.811*l*.

(c) Gifts, grants, bequests, or assets from any source.

(d) Other revenues as authorized by law.

(e) Interest and earnings accruing from assets of the Michigan nongame fish and wildlife trust fund.

(2) The state treasurer shall direct the investment of the trust fund. The state treasurer shall have the same authority to invest the assets of the trust fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140*l*.

(3) The department shall annually prepare a report containing an accounting of revenues and expenditures from the trust fund. This report shall identify the interest and earnings of the trust fund from the previous year, the investment performance of the trust fund during the previous year, and the total amount of appropriations from the trust fund during the previous year. This report shall be provided to the senate and house of representatives appropriations committees and the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to natural resources and the environment.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 69, Eff. Mar. 28, 2001;—Am. 2002, Act 55, Eff. Sept. 21, 2002;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43903 Retention of certain money in trust fund on permanent basis; expenditures.

Sec. 43903. (1) The Michigan nongame fish and wildlife trust fund shall maintain a principal balance of not less than $6,000,000.00, which shall be retained in the trust fund on a permanent basis.

(2) The interest and earnings of the trust fund and any money not otherwise retained on a permanent basis under subsection (1) shall be expended for the purposes of implementing the management plan described in section 43904. In implementing the management plan described in section 43904, the department may expend money from the Michigan nongame fish and wildlife trust fund for grants to state colleges and universities.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

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324.43904 Plan for management of nongame fish and wildlife resources.

Sec. 43904. The department shall develop and implement a long-range plan for the management of Michigan's nongame fish and wildlife resources. The plan shall be reviewed and updated as necessary every 5 years.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43905 Duties of department.

Sec. 43905. The department shall do all of the following:

(a) Develop long-range nongame wildlife plans.

(b) Provide information to the public about the value of nongame fish and wildlife and their habitats.

(c) Review and develop proposals for projects to implement the long-range management plan.

(d) Determine the interests and opinions of the public in managing nongame fish and wildlife.

(e) Encourage public involvement by offering projects and activities with which the public can become involved to increase their knowledge and understanding of nongame fish and wildlife resources in this state.

(f) Integrate the nongame fish and wildlife program with other department programs that affect or benefit nongame fish and wildlife or their habitats.

(g) Purchase and develop critical nongame wildlife habitats in this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 69, Eff. Mar. 28, 2001.

Popular name: Act 451

Popular name: NREPA

324.43906 Determination of projects to be funded; solicitation and approval of proposals.

Sec. 43906. The department shall determine which projects should be funded with money from the trust fund. The department shall solicit and approve proposals from individuals, groups, and institutions for the management of nongame fish and wildlife species. In order for a proposal to be approved, the proposal must comply with the long-range plan once completed and must further the management of nongame fish and wildlife species identified in the plan.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43907 Public information program.

Sec. 43907. The department shall develop and implement a public information program to present the values and benefits of nongame fish and wildlife and their habitats to our society, including the means by which citizens can observe and enjoy nongame fish and wildlife; to inform the public as to how the nongame fish and wildlife fund is being utilized to meet the goals set forth in the plan; and to inform the public on the existence of the nongame fish and wildlife fund and its purpose.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 441
GAME AND FISH LIFETIME LICENSE TRUST FUND

324.44101 Definitions.

Sec. 44101. As used in this part:

(a) “Resident” means either of the following:

(*i*) A person who resides in a settled or permanent home or domicile within the boundaries of this state with the intention of remaining in this state.

(*ii*) A student who is enrolled in a full-time course of study at a college or university within this state.

(b) “Trust fund” means the game and fish lifetime license trust fund created in section 44104.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

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324.44102 Lifetime hunting or fishing licenses; fees; privileges, responsibilities, and duties; validity; comprehensive lifetime hunting and fishing license.

Sec. 44102. (1) From March 1, 1989 to February 28, 1990, certain lifetime hunting or fishing licenses may be purchased by a resident of this state as provided in this part, for the following fees:

(a) The fee for a lifetime small game license, equivalent to the license available annually pursuant to section 43523, is $220.00.

(b) The fee for a lifetime firearm deer license, equivalent to the license available annually to take 1 deer in a season pursuant to section 43526, is $285.00.

(c) The fee for a lifetime bow and arrow deer license, equivalent to the license available annually to take 1 deer in a season pursuant to section 43527, is $285.00.

(d) The fee for a lifetime sportsperson's license, equivalent to the license available pursuant to section 43521, is $1,000.00.

(e) The fee for a comprehensive lifetime hunting and fishing license is $1,025.00 and shall include all of the following:

(*i*) Resident small game license.

(*ii*) Resident firearm deer license.

(*iii*) Resident bow and arrow deer license.

(*iv*) Resident fishing license.

(*v*) Resident trout and salmon license.

(*vi*) Resident bear hunting license.

(*vii*) Waterfowl hunting license.

(*viii*) Resident fur harvester's license.

(f) The fee for a lifetime fishing license, equivalent to the resident annual fishing license issued pursuant to section 43532, is $220.00.

(g) The fee for a lifetime trout and salmon license, equivalent to the annual trout and salmon license issued pursuant to section 43532, is $220.00.

(2) A lifetime license issued pursuant to this section shall allow the holder of that license, throughout his or her lifetime, the same privileges, responsibilities, and duties as would the equivalent annual license or stamp issued pursuant to part 435. However, a lifetime license issued under this part does not guarantee the holder of that license the right to take game except in compliance with harvest regulations and license and permit conditions established for that species by the department.

(3) A lifetime license issued to a person who is a resident of this state at the time the license is purchased continues to be valid even if the holder of that license becomes a nonresident.

(4) A person who holds a lifetime sportsperson license may purchase a comprehensive lifetime hunting and fishing license for $25.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44103 Submission of application and fee; contents of application; notice of change in name or address; purchase of lifetime license for another person; issuance of certificate; minor child; eligibility of holder of certificate to hunt or fish; review of application; mailing license; denial of application; retention of certain amounts; tender of money and information; report; return of information, unsold license, and money to department; replacement lifetime license; forwarding proceeds to state treasurer.

Sec. 44103. (1) A resident of this state may purchase a lifetime license by submitting a completed application accompanied by the fee required in section 44102 to a person authorized by the department to sell lifetime licenses between March 1, 1989 and February 28, 1990. The application shall provide information required by the department including:

(a) The name of the applicant.

(b) The age of the applicant.

(c) The height, weight, and eye color of the applicant.

(d) The address of the applicant.

(e) If the applicant has a driver license, the driver license number of the applicant.

(f) The social security number of the applicant.

(2) The holder of a lifetime license shall notify the department if he or she has a name or address change.

(3) A person may purchase a lifetime license for another person, and upon receipt of full payment, the

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department shall issue a certificate entitling the designated person to apply for a license as provided for in this part. If a lifetime license is purchased and a certificate issued in the name of a minor child who is under the lawful age to utilize the license, the completed application shall be submitted at a district or regional office of the department when the child is of lawful age to utilize the license. The holder of a certificate is not eligible to hunt or fish pursuant to the lifetime license until he or she completes the application process and receives a license from the department.

(4) Upon receipt of the completed application from the person authorized to sell lifetime licenses and receipt of the fee, the department shall review the application and mail the lifetime license to the applicant within 7 days. However, if the department determines that the applicant is not eligible for the equivalent license or stamp under part 435, the department shall return the fee to the applicant, minus the amount retained by the person authorized by the department to sell lifetime licenses, with notification of the denial of the application for a lifetime license.

(5) A person authorized by the department to sell lifetime licenses may retain the following amount:

(a) Six dollars from each lifetime fishing license, small game license, and trout and salmon license.

(b) Eight dollars from each lifetime firearm and bow and arrow deer license.

(c) Fifteen dollars from each lifetime sportsperson license and each comprehensive lifetime hunting and fishing license.

(6) A person authorized to sell lifetime licenses shall, before the twenty-fifth day of each month, tender to the department the money received from the fifteenth day of the preceding month to the fifteenth day of the month in which payment is tendered for the lifetime licenses sold during that period, along with any other relevant information required by the department.

(7) A person authorized to sell lifetime licenses, before March 31, 1990, shall file with the department a complete report of all lifetime licenses sold between March 1, 1989 and February 28, 1990. All information required in subsection (1), unsold lifetime licenses, and remaining money, not previously sent to the department, shall be returned to the department.

(8) If a license issued under this part is lost, damaged, or destroyed, the licensee may apply to the department for a replacement lifetime license by filing an affidavit and meeting the requirements of this part for procuring a lifetime license. However, the fee for a lifetime license shall be waived if the licensee presents the department with the damaged license or the facts presented regarding the destruction or loss of the lifetime license are verified by a police report or other verification approved by the department. The department or a conservation officer may require the holder of a lifetime license to obtain a replacement license from the department if the license is mutilated or illegible.

(9) The department shall forward the proceeds of the sale of lifetime licenses to the state treasurer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44104 Game and fish lifetime license trust fund; creation; purpose; crediting money received; investment of trust fund.

Sec. 44104. (1) The game and fish lifetime license trust fund is created within the state treasury for the benefit of the people of this state to assist in providing adequate long-term funding for the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(2) The state treasurer shall credit money received from the sale of lifetime hunting and fishing licenses under this part to the trust fund.

(3) The state treasurer shall invest the trust fund in the same manner as surplus funds are invested.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.44105 Maintenance and investment of corpus, interest, and earnings of trust fund; crediting certain amount to game and fish protection account.

Sec. 44105. (1) Except as otherwise provided in subsection (2) , the corpus of the trust fund and the interest and earnings of the trust fund shall be maintained and invested by the state treasurer as provided in section 44104.

(2) For each lifetime license issued under this part, the state treasurer shall credit annually to the game and

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fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010 from the accumulated interest and earnings of the trust fund, and from the corpus of the trust fund if the accumulated interest and earnings of the trust fund are insufficient, that amount of money that the department would have received had the holder of the lifetime license purchased the equivalent annual license during the license year. For a comprehensive lifetime hunting and fishing license, the equivalent annual license for purposes of calculations required by this section shall be the annual sportsperson license available pursuant to section 43521.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.44106 Violation of MCL 324.44103; penalty.

Sec. 44106. In addition to any other penalty provided by law, a person who violates section 44103 shall forfeit the right to issue lifetime licenses and shall forfeit the right to retain the fee provided in section 44103(5) for lifetime licenses not received by the department within 20 days after the date the fees should have been tendered as provided in section 44103.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBCHAPTER 3
FISHERIES

CHARTER AND LIVERY BOATS

PART 445
CHARTER AND LIVERY BOAT SAFETY

324.44501 Definitions.

Sec. 44501. As used in this part:

(a) "Boat livery" means a place of business or any location where a person rents or offers for rent any vessel other than a nonmotorized raft to the general public for noncommercial use on the waters of this state. Boat livery does not include a place where a person offers cabins, cottages, motel rooms, hotel rooms, or other similar rental units if vessels are furnished only for the use of persons occupying the units.

(b) "Carrying passengers for hire" or "carry passengers for hire" means the transporting of any individual on a vessel other than a nonmotorized raft for consideration directly or indirectly paid to the owner of the vessel, the owner's agent, the operator of the vessel, or any other person who holds any interest in the vessel.

(c) "Charter boat" means a vessel other than a nonmotorized raft that is rented or offered for rent to carry passengers for hire if the owner or the owner's agent retains possession, command, and control of the vessel.

(d) "Class A vessel" means a vessel, except a sailboat, that carries for hire on navigable waters not more than 6 passengers.

(e) "Class B vessel" means a vessel, except a sailboat, that carries for hire on inland waters not more than 6 passengers.

(f) "Class C vessel" means a vessel, except a sailboat, that carries for hire on inland waters more than 6 passengers.

(g) "Class D vessel" means a vessel that is propelled primarily by a sail or sails and carries for hire on navigable waters not more than 6 passengers or carries passengers for hire on inland waters.

(h) "Class E vessel" means a vessel that carries not more than 6 passengers for hire and meets either of the following requirements:

(*i*) Is utilized primarily as a river-drift boat that is propelled primarily by hand.

(*ii*) Is a vessel that is 18 feet or less in length operated primarily on a river or tributary to the Great Lakes, Lake St. Clair, or their connecting waterways.

(i) "Equipment" means a system, part, or component of a vessel as originally manufactured, or a system, part, or component manufactured or sold for replacement, repair, or improvement of a system, part, or component of a vessel; an accessory or equipment for, or appurtenance to, a vessel; or a marine safety article, accessory, or equipment intended for use by an individual on board a vessel; but does not include radio

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equipment.

(j) "Inland waters" means all waters of this state, except navigable waters.

(k) "Livery boat" means a vessel, other than a nonmotorized raft, that is rented or offered for rent by a boat livery or a boat owner or his or her agent if the boat livery or boat owner or his or her agent relinquishes or offers to relinquish complete physical control of the vessel to the renter while retaining legal title to the vessel.

(*l*) "Navigable waters" means those waters of the state over which this state and the United States Coast Guard exercise concurrent jurisdiction, including the Great Lakes and waters connected to the Great Lakes, to the upstream limit of navigation as determined by the United States Army Corps of Engineers.

(m) "Navigable waters livery boat" means a livery boat other than a nonmotorized canoe or kayak that is more than 20 feet in length and is rented or offered for rent for use on navigable waters.

(n) "Operate", when used with reference to a vessel, means to start any propulsion engine or to physically control the motion, direction, or speed of the vessel.

(o) "Owner", when used in reference to a vessel, means a person who claims lawful possession of the vessel by virtue of legal title or an equitable interest in a vessel that entitles that person to possession of the vessel.

(p) "Passenger" means an individual carried on board a charter boat except any of the following:

(*i*) The owner of the vessel or the owner's agent.

(*ii*) The pilot and members of the crew of the vessel who have not contributed consideration for their transportation either before, during, or after the voyage.

(q) "Peace officer" means a sheriff or sheriff's deputy; village or township marshal; officer of the police department of any city, village, or township; officer of the Michigan state police; or other police officer or law enforcement officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, and includes the director and conservation officers employed by the department.

(r) "Personal watercraft" means a vessel that meets all of the following requirements:

(*i*) Uses a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion.

(*ii*) Is designed without an open load carrying area that would retain water.

(*iii*) Is designed to be operated by 1 or more individuals positioned on, rather than within, the confines of the hull.

(s) "Pilot's license" means a vessel operator's license issued by the United States Coast Guard or other federal agency, or a license issued by the department to an operator of a charter boat that is operated on inland waters.

(t) "Training or instructional purposes" means the teaching of any individual in the handling and navigation of a vessel or the techniques of waterskiing.

(u) "Vessel" means every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water irrespective of the method of operation or propulsion.

(v) "Waters of the state" means any waters within the territorial limits of this state and includes those waters of the Great Lakes which are under the jurisdiction of this state.

(w) "Waterways account" means the waterways account of the Michigan conservation and recreation legacy fund provided for in section 2035.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2012, Act 249, Imd. Eff. July 2, 2012;—Am. 2012, Act 294, Imd. Eff. Aug. 1, 2012;—Am. 2016, Act 294, Eff. Jan. 2, 2017.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.44502 Conditions to renting or leasing charter boat or carrying passengers for hire; possession and display of valid pilot's license; obtaining vessel inspection certificate and pilot's license.

Sec. 44502. (1) A person shall not rent or lease, or offer to rent or lease, a charter boat, and a person shall not carry passengers for hire on a vessel on the waters of this state unless all of the following conditions are satisfied:

(a) The department has inspected the vessel, if required by this part, and has issued a certificate of inspection that is valid and current for the vessel.

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(b) The operator of the vessel is a licensed pilot or is under the direct supervision of a licensed pilot who is on board the vessel.

(c) The person complies with the reporting requirements of section 44508.

(2) The licensed pilot of a charter boat shall possess a valid and current pilot's license issued in his or her name and shall immediately display that license upon demand of any peace officer.

(3) A person shall not operate a charter boat that carries 7 or more passengers on navigable waters without first obtaining a current vessel inspection certificate and a pilot's license from the United States coast guard or other federal agency.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44503 Conditions to advertising or arranging for carrying passenger on charter boat.

Sec. 44503. A person shall not advertise or arrange for the carrying of any passenger on a charter boat unless the charter boat has been issued a valid and current certificate of inspection provided for in section 44502 or operates under a reciprocal agreement pursuant to section 44513.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44504 Rules establishing minimum safety standards for charter boats; vessel ventilation and rail height.

Sec. 44504. (1) The department shall promulgate rules to establish minimum safety standards for charter boats. The safety standards shall be designed to ensure the safety and well-being of persons utilizing a charter boat and shall include all of the following:

(a) Methods for determining that a charter boat is of a structure suitable for carrying passengers and crew and is in a condition to enable it to be navigated safely.

(b) Necessary equipment and operating requirements.

(c) Minimum public liability insurance requirements.

(d) Methods for determination of maximum passenger capacity.

(e) Suitable tests to determine the sufficiency of the charter boat's structure, equipment, and stability.

(2) Except rules addressing vessel ventilation and rail height, rules pertaining to safety standards promulgated under the authority of former Act No. 228 of the Public Acts of 1965 shall remain in effect as provided in section 44526. Vessel ventilation and rail height shall be consistent with generally accepted and federally approved manufacturing processes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44505 Public liability insurance; notice of cancellation or expiration.

Sec. 44505. An insurance carrier that issues public liability insurance required by this part or a rule promulgated under this part shall notify the department immediately, in writing, whenever the insurance is canceled or expires and is not renewed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44506 Rules for licensing pilots of charter boats.

Sec. 44506. The department shall promulgate rules for the licensing of pilots of charter boats on inland waters. Rules promulgated under this section shall be designed to ensure that pilots of charter boats have the training and skills necessary to ensure the safety and well-being of charter boat passengers, crew members, and members of the general public.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44507 Inspection of charter boats and equipment; certificate of inspection; number of crew; effect of noncompliance.

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Sec. 44507. (1) Except for an inspection under section 44511(2) and except for a class E vessel that is a charter boat, the department shall inspect or arrange for the inspection of every charter boat and its equipment once every 24 months while the charter boat is at dockside and at least once every 72 months while the charter boat is in dry dock to determine if the charter boat and its equipment comply with the rules promulgated under section 44504. In addition, the department may at any time inspect or provide for the inspection of any charter boat if the department has reasonable cause either to believe that a provision of this part has been violated or that an inspection is necessary to ensure the safety of life and property. This subsection shall not apply to a class E vessel that is a charter boat; however, the department may inspect a class E vessel that is a charter boat if necessary to ensure the safety of life and property.

(2) If, after the inspection provided for in section 44502 and payment of the fees prescribed in section 44511, it is found that the charter boat and its equipment complies with this part and the rules promulgated under this part, the department shall issue to the owner of the charter boat a certificate of inspection to be furnished by the department. The certificate of inspection shall:

(a) Contain the maximum passenger, crew, and total person capacity of the charter boat.

(b) Be prominently displayed on the charter boat while the charter boat is operated upon waters of the state.

(c) Expire on May 31 of the second year following the year in which the charter boat was dockside inspected, except that the department may extend the expiration date if conditions exist that prevent the launching or the inspection of the charter boat before the expiration of the certificate of inspection.

(3) The department may determine the number of crew necessary for the safe operation of a charter boat.

(4) If it is determined by the department that a charter boat or its equipment does not comply with this part, or the rules promulgated under this part, or applicable federal law or regulations, a certificate of inspection shall not be issued and any current certificate of inspection may be revoked by the department pursuant to chapter 5 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.291 to 24.292 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44508 Availability of fish in waters utilized by charter boats; catch activity committee; composition; duties; reports; charter boat operator engaged in fishing; duties.

Sec. 44508. (1) The department may research the availability of fish in the waters of this state that are utilized by charter boats.

(2) The department shall form a catch activity committee that is composed of 2 individuals from the department and 2 representatives from the Michigan charter boat association. The catch activity committee shall do all of the following:

(a) Develop a monthly catch activity report form that pertains to the number, type, and location of fish taken from charter boats in this state.

(b) Plan and prioritize research concerning the information gathered pursuant to this section.

(3) The department shall distribute to each charter boat operator in this state the monthly catch activity report form developed under subsection (2), and each charter boat operator engaged in fishing shall complete and maintain that form in the manner prescribed in subsection (5).

(4) The department shall compile an annual report based upon information contained in those monthly catch activity report forms submitted to the department pursuant to subsection (5). The annual report shall not disclose the identity of a charter boat operator who provides information pursuant to subsection (5).

(5) A charter boat operator engaged in fishing shall do each of the following:

(a) Maintain on board each charter boat under his or her control a daily record of all catch activity of that charter boat for the current calendar month.

(b) Make available for inspection the daily catch activity records required to be maintained under this subsection upon the request of a peace officer.

(c) Complete a monthly catch activity report form provided by the department for each charter boat under his or her control.

(d) Sign, date, and submit to the department, on or before the tenth day of each month, a monthly catch activity report form completed by that charter boat operator for each charter boat under his or her control that was engaged in fishing during the previous month.

(e) The operator of a charter boat that is used for fishing on 2 or more bodies of water within a calendar month shall complete for that charter boat a separate monthly catch activity report form for each body of water fished, and shall sign, date, and submit each form to the department in the manner prescribed by this

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section.

(f) If a charter boat operator engaged in fishing does not submit to the department a completed monthly catch activity report form within 30 days after that form is required to be delivered to the department, the department shall notify that charter boat operator of his or her noncompliance with this section. If a charter boat operator engaged in fishing fails to return a completed monthly catch activity report form for a vessel within 60 days after that form is required to be delivered to the department, the department may revoke the state certificate of inspection issued for that vessel.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44509 Operation of charter boat in violation of terms of certificate of inspection.

Sec. 44509. (1) A person shall not operate a charter boat in violation of the terms of a certificate of inspection.

(2) Subsection (1) does not apply when the charter boat is being utilized by the owner of the charter boat exclusively for noncommercial purposes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44510 State pilot's license or renewal; examination; reexamination; revocation; issuance; duration.

Sec. 44510. (1) The department shall examine, or provide for the examination of, all applicants for a state pilot's license or renewal of an existing state pilot's license pursuant to the rules promulgated under section 44506 to ensure that an applicant has the skill, knowledge, and experience necessary to pilot a charter boat. If the department has reasonable cause to believe it necessary, the department may reexamine the holder of a state pilot's license at any time to determine continued compliance with the rules. If it is determined by the department that the holder of the state pilot's license no longer complies with the rules, the department may revoke the license pursuant to chapter 5 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.291 to 24.292 of the Michigan Compiled Laws.

(2) If, after the applicant has successfully completed the examination and paid the fees prescribed in section 44511, the department determines that the applicant is qualified pursuant to the rules promulgated under section 44506, the department shall issue to the applicant a state pilot's license to be furnished by the department.

(3) A state pilot's license shall be issued for a 3-year period.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44511 Application for charter boat inspection or state pilot's examination; filing; fee; form; furnishing required information; false information; signature as certification of true and correct information; inspection fee schedules for dry dock and dockside inspection; inspection without fee or for reduced fee; examination fee for state pilot's license; forfeiture of application fee; disposition and use of inspection fees.

Sec. 44511. (1) The owner of a charter boat required to be inspected under this part and a person required to be licensed as a state pilot under this part shall file an application with the required fee for the charter boat inspection or the state pilot's examination with the department on a form prescribed and furnished by the department. Persons applying for a certificate of inspection or a state pilot's license shall furnish information reasonably required by the department. A person shall not file an application for charter boat inspection or state pilot's examination that contains false information. A person filing an application shall certify by the person's signature that the information furnished on the application is true and correct.

(2) If a charter boat has never been inspected, the owner shall pay the department an inspection fee for dry dock and dockside inspection according to the following schedule:

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(a) Class A and D vessels.......................  $250.00
(b) Class B vessels.............................  $120.00
(c) Class C vessels.............................  $350.00
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(3) For each required dry dock or dockside inspection of a charter boat other than an inspection under

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subsection (2), the owner shall pay the department a fee according to the following schedule:

```
(a)    Class A and D vessels
(i)    Dockside inspection.....................  $100.00
(ii)   Dry dock inspection.....................  $150.00
(b)    Class B vessels
(i)    Dockside inspection.....................  $ 60.00
(ii)   Dry dock inspection.....................  $ 60.00
(c)    Class C vessels
(i)    Dockside inspection.....................  $150.00
(ii)   Dry dock inspection.....................  $200.00
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(4) If the department inspects any charter boat at an interval other than as required by this part, the inspection shall be conducted without an inspection fee for a dockside inspection and for a reduced fee to be determined by the department for a dry dock inspection. If a 24-month dockside inspection and a 72-month dry dock inspection are required in the same year, the owner shall only pay the fee for the dry dock inspection, as provided in subsection (3).

(5) For each examination of a person for a state pilot's license, the applicant shall pay a fee of $30.00 to the department.

(6) The charter boat inspection fee or state pilot's license examination fee shall be forfeited to the department and credited to the marine safety subaccount of the waterways account if the owner of the charter boat or the applicant for a state pilot's license fails to keep an appointment, which has been mutually agreed upon between the owner or the applicant and the department, for an inspection or reinspection of the charter boat or a state pilot's license examination, without notifying the inspecting officer or the department's marine safety section within the department's law enforcement division at least 24 hours prior to the scheduled appointment. Upon the forfeiture of an application fee, the owner of the charter boat or the applicant for a state pilot's license shall submit a new application and the required fee before the department conducts any inspection of the charter boat or conducts any examination of the applicant for a state pilot's license.

(7) The revenue received for inspection fees under this section shall be deposited in the state treasury to the credit of the marine safety subaccount of the waterways account and shall only be used to pay for inspections required by this part, and to maintain the education and enforcement program provided for in section 44513(2). The revenue division of the department of treasury shall annually provide to the department an accurate total of revenue collected and shall annually credit that amount to the marine safety subaccount of the waterways account.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2012, Act 249, Imd. Eff. July 2, 2012.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.44512 Petition for evidentiary hearing; appeal.

Sec. 44512. (1) A person denied a state pilot's license or the owner of a charter boat for which a certificate of inspection has been denied or revoked may petition the department for an evidentiary hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(2) A person who owns a charter boat may petition the department for an evidentiary hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, regarding the determination of the maximum passenger, crew, or total person capacity of the charter boat.

(3) A person who is aggrieved by the decision of the department under subsection (1) or (2) may appeal the action of the department in the manner provided in chapter 6 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.301 to 24.306 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44513 Reciprocity; annual operating permit; amount and use of fees; education and enforcement program; printed materials.

Sec. 44513. (1) The department may enter into reciprocal agreements with other states and countries

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concerning the operation and inspection of charter boats from those states and countries that operate on the waters of this state. Reciprocity shall be granted only if a state or country can establish to the satisfaction of the department that their laws concerning charter boats meet or exceed the laws of this state. A charter boat shall not operate on the waters of this state under a reciprocal agreement pursuant to this section except as authorized under an annual operating permit issued by the department pursuant to part 13. The fee for an annual operating permit is $100.00. The department shall utilize the fees for annual operating permits issued pursuant to this section to provide funds for the education and enforcement program provided for in subsection (2).

(2) The department shall develop an education and enforcement program designed to eliminate the operation of charter and livery boats that have not been inspected as required by this part and to prepare printed materials to provide the public with information regarding the safety features and requirements necessary for the lawful operation of charter and livery boats.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

324.44514 Repealed. 2012, Act 249, Imd. Eff. July 2, 2012.

Compiler's note: The repealed section pertained to conditions for operation of boat livery.

324.44515 Rules requiring equipment and minimum safety standards for livery boats.

Sec. 44515. The department shall promulgate rules requiring equipment and minimum safety standards for livery boats that are rented or leased to the public by boat liveries. The rules shall be for the purpose of ensuring the safety of those persons utilizing the facilities of boat liveries and shall include all of the following:

(a) Safe operation standards.

(b) Maximum vessel load capacity.

(c) Maximum horsepower of any motor to be used to propel the vessel.

(d) Required equipment and equipment standards to ensure the safety of the general public.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44516 Boat livery; annual inspection decal, plate, or tab; permit application; inspection fee; inspection by sheriff's department; permit; issuance; display; powers and duties of department and conservation officer; items to be furnished by department of natural resources.

Sec. 44516. (1) A boat livery shall not rent a motorized livery boat unless the livery boat has a current annual inspection decal, plate, or tab as provided under section 44518.

(2) Regardless of whether the livery boats are motorized or nonmotorized, a person shall not operate a boat livery except as authorized by a permit issued pursuant to part 13. Subject to subsection (7), the owner of a boat livery shall submit an application for a boat livery permit to the sheriff's department of the county where the boat livery is located. The application for a boat livery permit shall include all of the following:

(a) The boat livery name.

(b) The mailing address of the boat livery.

(c) The location of the boat livery.

(d) The waters of the state on which the boat livery rents vessels.

(e) The number of each of the following available for rent:

(*i*) Motorized livery boats, other than navigable waters livery boats.

(*ii*) Nonmotorized livery boats, other than navigable waters livery boats.

(*iii*) Navigable waters livery boats.

(3) An application for a boat livery permit shall be accompanied by an inspection fee of $100.00 for each navigable waters livery boat that the boat livery rents or offers to rent. A fee collected under this subsection shall be forwarded to the department of treasury to be credited to the marine safety subaccount of the waterways account. An inspection of a navigable waters livery boat shall be a comprehensive dockside inspection.

(4) If the boat livery rents or offers for rent 1 or more motorized livery boats, after the sheriff's department receives an application for a boat livery permit under subsection (3), the county sheriff or a deputy sheriff shall inspect the motorized livery boats and associated equipment to determine if they meet the minimum

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safety standards established under rules promulgated under this part.

(5) A boat livery permit shall be issued if any of the following apply:

(a) One or more motorized livery boats and their associated equipment pass inspection under subsection (4).

(b) The boat livery rents or offers for rent 1 or more nonmotorized livery boats.

(6) A boat livery owner shall prominently display a boat livery permit issued under subsection (5) on the site of the boat livery. The permit expires on May 31 of the year following the year in which the permit is issued.

(7) The department and a conservation officer shall exercise the powers and perform the duties of the county sheriff's department and a sheriff or deputy sheriff under this section and section 44518 under any of the following circumstances:

(a) If the county does not receive state aid under section 80117 to conduct a marine safety program.

(b) If the boat livery rents or offers to rent a navigable waters livery boat.

(8) The department of natural resources shall furnish boat livery permit application forms, blank boat livery permits, registration decals, and inspection decals, plates, or tabs to the sheriff's department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2012, Act 249, Imd. Eff. July 2, 2012;—Am. 2012, Act 294, Imd. Eff. Aug. 1, 2012.

Popular name: Act 451

Popular name: NREPA

324.44517 Repealed. 2012, Act 249, Imd. Eff. July 2, 2012.

Compiler's note: The repealed section pertained to inspection fees for livery boats.

324.44518 Affixing inspection decal, plate, or tab to motorized livery boat; expiration; fees; information; amount, disposition, and use of fees.

Sec. 44518. (1) The sheriff of the county where a boat livery is located or a deputy sheriff shall affix or cause to be affixed an inspection decal, plate, or tab to each motorized livery boat that passes the inspection under section 44516.

(2) An inspection decal, plate, or tab under subsection (1) expires on May 31 of the year following the year in which the inspection decal, plate, or tab is issued. The inspection decal, plate, or tab shall bear all of the following information:

(a) The maximum number of persons permitted to be carried aboard the motorized livery boat.

(b) The maximum horsepower of a motor permitted to be used on the motorized livery boat.

(c) Any other information that the department may reasonably require.

(3) A boat livery owner shall pay to the sheriff or deputy sheriff a fee of $2.00 for each decal, plate, or tab affixed under subsection (1) to a motorized livery boat other than a navigable waters livery boat. Fees collected under this subsection shall be forwarded as follows:

(a) Except as provided in subdivision (b), to the treasurer of the county in which the fee is collected to be credited for the purpose of reimbursing the sheriff's department for expenses incurred under this part.

(b) If, pursuant to section 44516(7), a conservation officer performs the inspection, to the department of treasury to be credited to the marine safety subaccount of the waterways account.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2012, Act 249, Imd. Eff. July 2, 2012;—Am. 2012, Act 294, Imd. Eff. Aug. 1, 2012.

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"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.44519 Removing, damaging, or mutilating inspection decal, plate, or tab.

Sec. 44519. A boat livery owner, the designated representative of the boat livery owner, or any other person, except an inspecting officer, shall not remove, damage, or mutilate a valid inspection decal, plate, or tab affixed to a livery boat except that when a livery boat is sold, damaged, destroyed, or removed from rental or leasing service, the boat livery owner or his or her designated representative shall remove the valid inspection decal, plate, or tab and return it to the inspecting officer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

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324.44520 Written rental contract required for certain livery boats; relinquishing physical control; responsibility of individual renting livery boat; display of information.

Sec. 44520. (1) The owner of a boat livery shall not rent a livery boat more than 20 feet in length to be used on navigable water except pursuant to a written rental contract between the boat livery owner and the renter.

(2) A boat livery owner or agent of the owner shall not relinquish physical control of any livery boat to the person renting the livery boat or someone in that person's party if any of the following apply:

(a) The equipment required pursuant to rules promulgated under this part is not aboard the livery boat.

(b) The livery boat contains a number of individuals in excess of the maximum number approved for the livery boat and required to be displayed under subsection (4).

(c) The livery boat is equipped with a motor with a horsepower rating in excess of the maximum horsepower approved for the livery boat and indicated on the inspection decal, plate, or tab affixed to the livery boat.

(3) The individual renting a livery boat, or an individual in the renter's party, is not responsible for a violation of a rule described in subsection (2)(a) if the livery boat or equipment was in violation when the owner relinquished possession of the livery boat to the renter or the individual in the renter's party.

(4) A livery boat shall display the maximum number of persons and maximum weight of persons, gear, and other items the livery boat is capable of safely carrying under normal conditions. The information may be displayed on the inspection decal, plate, or tab required for a motorized livery boat; on a manufacturer's plate, decal, plate, or tab; or by other means.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2012, Act 249, Imd. Eff. July 2, 2012.

Popular name: Act 451

Popular name: NREPA

324.44520a Nonmotorized livery boat; liability for injury or death to user; notice; definitions.

Sec. 44520a. (1) An owner of a nonmotorized livery boat is not liable for an injury to or the death of a user of the nonmotorized livery boat resulting from a risk inherent in the use or operation of a nonmotorized livery boat.

(2) An owner of a nonmotorized livery boat shall display in conspicuous locations a notice specifying that a user of the nonmotorized livery boat accepts the risk inherent in the use or operation of a nonmotorized livery boat.

(3) As used in this section:

(a) "Owner of a nonmotorized livery boat" means the person who owns the nonmotorized livery boat, the boat livery that rents or furnishes the nonmotorized livery boat for use, or an employee or agent of the owner or boat livery.

(b) "Risk inherent in the use or operation of a nonmotorized livery boat" means a danger or condition that is an integral part of the use or operation of a nonmotorized livery boat and is limited to 1 or more of the following:

(*i*) Wave or other water motion.

(*ii*) Weather conditions.

(*iii*) Contact or maneuvers necessary to avoid contact with another vessel or a manmade object in or near the water.

(*iv*) Contact or maneuvers necessary to avoid contact with rock, sand, vegetation, or other natural objects in or near the water.

(*v*) Malfunction of equipment, except for equipment owned by the owner of a nonmotorized livery boat.

(*vi*) Failure to use or wear a personal flotation device or to have lifesaving equipment available, except if the owner of a nonmotorized livery boat failed to provide the personal flotation device or lifesaving equipment when required by law to do so.

(*vii*) The actions of a vessel operator, except if the owner of a nonmotorized livery boat rented the livery boat to an operator who the owner knew or in the exercise of reasonable care should have known was disqualified by law from operating the livery boat.

(*viii*) Having on board a number of persons or weight of persons, gear, and other items that exceeds the maximum approved for the livery boat, except in any of the following circumstances:

(A) If the owner of a nonmotorized livery boat knowingly relinquished physical control of the livery boat to a user of the nonmotorized livery boat with a number of persons or weight of persons, gear, and other items on board that exceeds the maximum approved for the livery boat or did not properly inform the user of the nonmotorized livery boat of the maximum weight or number of persons approved for the livery boat.

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(B) If a nonmotorized livery boat did not display the maximum number of persons or maximum weight of persons, gear, or other items permitted to be carried on board as required under section 44520 when the boat livery owner relinquished physical control of the livery boat to a user of the nonmotorized livery boat.

(c) "User of the nonmotorized livery boat" means an individual who participates in the use or operation of the nonmotorized livery boat regardless of whether the individual rented the nonmotorized livery boat.

History: Add. 2006, Act 183, Imd. Eff. June 12, 2006;—Am. 2012, Act 249, Imd. Eff. July 2, 2012;—Am. 2012, Act 294, Imd. Eff. Aug. 1, 2012.

Popular name: Act 451

Popular name: NREPA

324.44521 Presenting rental contract or lease agreement for examination by peace officer; prohibited conduct by person renting, leasing, or operating livery boat.

Sec. 44521. (1) Any person renting, leasing, or operating a livery boat on navigable waters that is more than 20 feet in length shall present for examination, upon demand of any peace officer, a copy of the rental contract or lease agreement.

(2) A person renting, leasing, or operating a livery boat on waters of the state shall not do any of the following:

(a) Permit the operation of the livery boat without the equipment required by rules promulgated under this part.

(b) Permit the operation of the livery boat if it contains a number of persons in excess of the maximum number approved for the livery boat and indicated on the inspection decal, plate, or tab affixed to the livery boat.

(c) Permit the operation of the livery boat, if it is equipped with a motor with a horsepower rating in excess of the maximum horsepower approved for the livery boat and indicated on the inspection decal, plate, or tab affixed to the livery boat.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44522 Rental of personal watercraft; prohibition; certification required; rental agreement; contents; validity; liability; violation of subsection (1) or (2) as misdemeanor; impoundment.

Sec. 44522. (1) A boat livery shall not rent a personal watercraft to any of the following:

(a) A person who is under 14 years of age.

(b) A person who does not display a boater safety certificate that is issued by the department if required under part 802.

(c) A person who is not required to obtain a boater safety certificate issued by the department under part 802 before operating a personal watercraft, unless the person obtains training in the safe use of a personal watercraft from the boat livery before the personal watercraft is rented. The department shall provide to boat liveries guidelines for the training required under this subdivision.

(2) A person who rents a personal watercraft from a boat livery shall not permit an individual to operate the personal watercraft if the individual has not obtained a boating safety certificate as required under part 802.

(3) A boat livery shall provide a copy of the written rental agreement to each individual who rents a personal watercraft from the boat livery and who has obtained the training required under subsection (1). The written rental agreement shall include all of the following information:

(a) The name of the person who rents a personal watercraft from the boat livery.

(b) The date or dates of the rental.

(4) The written rental agreement described under subsection (3) is a valid boating safety certificate under part 802 only for the person named in the certificate on the date or dates of the rental of the personal watercraft.

(5) A person who rents a personal watercraft from a boat livery is liable for any injury occasioned by the negligent operation of the personal watercraft, whether the negligence consists of a violation of the statutes of this state, or the failure to observe the ordinary care in operation required by the common law. The person is not liable unless the personal watercraft is being used with his or her expressed or implied consent. It shall be rebuttably presumed that the personal watercraft is being operated with the knowledge and consent of the person if it is driven at the time of the injury by his or her son, daughter, spouse, father, mother, brother,

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sister, or other immediate member of the person's family.

(6) A person who violates subsection (1) or (2) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not less than $100.00 or more than $500.00, or both. A person who violates subsection (1) or (2) twice within a 3-year period is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both. A person who violates subsection (1) or (2) 3 or more times within a 5-year period is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $2,000.00, or both.

(7) In addition to any penalty imposed under subsection (6), upon a person's second or subsequent violation of subsection (1), the court may issue an order impounding the personal watercraft that was rented in violation of subsection (1) for not more than 1 year. The cost of storage for an impoundment ordered under this subsection shall be paid by the owner of the personal watercraft.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 262, Eff. Mar. 23, 1999;—Am. 2012, Act 294, Imd. Eff. Aug. 1, 2012.

Popular name: Act 451

Popular name: NREPA

324.44522a Inspection by peace officer.

Sec. 44522a. In addition to inspections conducted for purposes of section 44516 or under section 80166, a peace officer may inspect any livery boat at a boat livery. The peace officer shall give the owner of the boat livery at least 72 hours' advance notice of an inspection under this section and shall conduct the inspection at a reasonable time.

History: Add. 2012, Act 249, Imd. Eff. July 2, 2012.

Popular name: Act 451

Popular name: NREPA

324.44523 Petition for evidentiary hearing.

Sec. 44523. (1) A boat livery owner denied a permit to operate a boat livery by an inspecting officer designated by the department may petition the department for an evidentiary hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(2) A boat livery owner may petition the department for an evidentiary hearing pursuant to the administrative procedures act, Act No. 306 of the Public Acts of 1969, regarding the determination by the inspecting officer of the maximum vessel load capacity of a livery boat, the maximum horsepower of any motor to be used to propel a livery boat, and any equipment requirements or standards.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44524 Violation as misdemeanor; penalties; seizure, condemnation, and confiscation of vessel; issuance of appearance ticket.

Sec. 44524. (1) A person who violates this part or a rule promulgated under this part is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(2) When a vessel is operated in violation of section 44502, 44509, or 44516(1) or (2), the vessel may be seized as evidence, and upon conviction of the owner, the vessel may be condemned and confiscated in the same manner as provided for under part 16.

(3) A peace officer may issue an appearance ticket to any person violating this part or a rule promulgated under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2012, Act 249, Imd. Eff. July 2, 2012.

Popular name: Act 451

Popular name: NREPA

324.44525 Applicability and construction of part.

Sec. 44525. (1) Except for the reporting requirements of section 44508, this part does not apply to a vessel that is required to be inspected by federal law or regulations for the purposes of carrying passengers for hire and that carries a valid and current certificate of inspection issued pursuant to federal law.

(2) This part does not require a person to secure a state pilot's license if that person has been issued a valid and current federal pilot's license from the United States coast guard or other federal agency.

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(3) This part does not apply to a vessel 20 feet or less in length that is used primarily for training or instructional purposes and is not used at any time as a charter boat or a livery boat.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44526 Effect of rules.

Sec. 44526. Except as otherwise provided in section 44504, rules promulgated pursuant to former Act No. 244 of the Public Acts of 1986 or an act repealed by that former public act remain in effect until replaced by rules promulgated pursuant to former Act No. 244 of the Public Acts of 1986 or this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

AQUATIC SPECIES

PART 451

FISHING FROM INLAND WATERS

324.45101 Inland lakes; fishing prohibited; exception.

Sec. 45101. A person shall not take any fish from any of the inland lakes of this state, within which fish are planted at the expense of the people of this state, if the public is excluded from taking fish from those waters. However, this part does not apply to any small inland lakes covering less than 250 acres in which fish are planted without the written consent of the persons who together own in fee simple the submerged acreage.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45102 Violation of part; penalty.

Sec. 45102. A person who violates this part is guilty of a misdemeanor, punishable by imprisonment for not more than 30 days, or a fine of not less than $10.00 or more than $100.00, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 453

FISHING WITH HOOK AND LINE

324.45301 Lawful fishing with hook and line.

Sec. 45301. In any of the navigable or meandered waters of this state where fish have been or are propagated, planted, or spread at the expense of the people of this state or the United States, the people have the right to catch fish with hook and line during the seasons and in the waters that are not otherwise prohibited by the laws of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45302 Fishing rights; action; defense.

Sec. 45302. An action shall not be maintained against a person entering upon the waters for the purpose of fishing, by the owner, lessee, or other person having the right of possession of adjoining lands, except for actual damage done. In such an action, the defendant under a proper notice may dispute at trial the plaintiff's right to either title or possession of the land claimed to have been trespassed upon.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 455

FROGS

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324.45501 Frogs; limitation on taking or killing; spearing with aid of artificial light prohibited.

Sec. 45501. A person shall not take or kill any species of frogs in this state from November 16 in any year to the Friday immediately preceding the opening of the season on black bass of the following year. A person shall not spear frogs at any time with the aid of an artificial light.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45502 Frogs; lawful purchase, sale, or possession.

Sec. 45502. This part does not prevent the purchase, sale, or possession of frogs or any portion of the carcasses of frogs that have been legally taken or that have been shipped in from outside this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45503 Frogs; permits to take for scientific or experimental purposes; revocation.

Sec. 45503. The department may, pursuant to part 13, issue permits to take frogs at any season of the year if used for scientific or experimental purposes. These permits are revocable at the pleasure of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

324.45504 Violation of part or false statement; penalty.

Sec. 45504. A person who violates this part or who makes a false statement in securing or attempting to secure a permit under this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $50.00 and costs of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 457
MUSSELS

324.45701 Definitions.

Sec. 45701. As used in this part:

(a) "Mussel" means the pearly freshwater mussel, clam, or naiad, and the shells of the pearly freshwater mussel, clam, or naiad.

(b) "Crowfoot bar" means a bar of any material bearing a series of hooks designed to catch or adapted for catching mussels by the insertion of the hooks between the shells of mussels.

(c) "Hand rod" means any mechanism of capture that is adapted for picking the mussels singly from the bottom of waters and is operated by the picker holding the hand rod in the hand.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45702 Mussels; registration and license requirements.

Sec. 45702. A person shall not take, catch, or kill mussels by means of any kind of apparatus or in any manner in any of the inland waters of this state without first registering with the department and obtaining a license issued for this purpose in accordance with this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45703 License; application; form; fee.

Sec. 45703. A person shall not take, catch, or kill mussels in any of the inland waters of this state without applying to the department on a form provided for that purpose by the department. The application shall be accompanied by a fee of $3.00, if the applicant is a resident of this state, and a fee of $50.00, if the applicant

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is a nonresident of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45704 License; issuance; duration; contents; possession; exhibition.

Sec. 45704. The department shall upon receipt of an application and the proper fee issue a license to take, catch, or kill mussels. All licenses shall begin July 1 and expire on September 30, following issuance. Licenses shall be consecutively numbered as issued, and a record of licenses and their numbers shall be kept by the department. A license shall state whether it is a resident or nonresident license, the address of the licensee, and the amount paid for the license. The license shall also state what waters have been closed to the capture of mussels by the department. Every person while taking, catching, or killing mussels shall have the license required by this section in his or her possession and shall exhibit the license when requested to do so by an authorized officer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45705 Applications and licenses; record; receipts; disposition; "nonresident" defined.

Sec. 45705. The department shall keep a record of all applications and licenses issued and on the first day of each month shall pay to the state treasurer all money received for the sale of licenses issued under this part, and the money shall be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010 and shall be disbursed by the state treasurer for services of the department and for the department's expenses in enforcing this part and the game and fish laws of this state, for propagation, and for biological investigations and such other investigations as may be necessary. For the purposes of this part, a nonresident of this state is a person who has not resided within this state for a period of at least 6 consecutive months immediately prior to the time application is made for a license under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.45706 Mussels; number of boats permitted; crowfoot bars; hand rods; prohibited devices; mufflers.

Sec. 45706. Any person to whom a license has been issued under this part may operate not more than 1 boat, with or without a motor, in taking, catching, or killing mussels. The person may use 1 additional boat, with or without a motor, for the purpose of towing only when an apparatus for taking, catching, or killing mussels is not used or kept on the boat. A person engaged in taking, catching, or killing mussels on the waters shall not possess more than 4 crowfoot bars, shall have not more than 2 of the bars in the water at 1 time, and shall not use or possess a crowfoot bar of greater than 20 feet in length. A person may also use his or her hands or a device known as a hand rod in taking, catching, or removing mussels from the waters. However, a person shall not use to gather mussels a fork, dredge, tongs, or other device that when used digs deeply into the bed of the stream. All boats propelled by an internal combustion engine or motor and used in taking, catching, killing, or conveying mussels taken under this part shall be equipped at all times with a quiet muffler for the exhaust.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45707 Mussels; limitation on catch of certain undersized species.

Sec. 45707. A person shall not take, catch, kill, offer for sale, or possess, in a quantity of more than 1% by weight, mussels of the varieties known either as mucket or pocketbook species of a size less than 3 inches at the greatest dimension. Undersized mussels shall be immediately culled and returned to the water from which they were taken without avoidable injury.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

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Popular name: Act 451

Popular name: NREPA

324.45708 Mussels; closed areas; orders of department; publication; effective date.

Sec. 45708. The department may, for the conservation of the mussel resources of the state, prescribe areas in any part of the state from which mussels shall not be taken for a period specified by the department. A person shall not take, catch, or kill mussels in closed waters. All orders of the department affecting mussels shall be published once a year in a newspaper of general circulation published within each county containing or having on its boundary waters affected by the order. All such orders shall take effect at the time established in the order, but not less than 21 days after the publication of the order. The department may extend the time within which the order takes effect.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45709 Mussels; report to department by license holder; prerequisite to new license.

Sec. 45709. On or before December 31 of the year in which any license was issued, the holder of the license shall make a written report to the department, on a form furnished by the department, under oath if requested to do so, stating the total weight of mussel shells taken, caught, or killed under the license, the names and locations of waters from which the mussels were taken, the weight of shells taken from each water, the amount of money received for shells sold, and any other information required by the department in determining the trend of the industry and available supply of mussels. The department may deny a new license to the holder until the report is made in accordance with this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45710 Taking mussels for culture or scientific investigation; permit required.

Sec. 45710. A person shall not take from any of the inland waters of this state any kind of mussels in any manner for the purpose of culture or scientific investigation without first obtaining a permit from the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45711 Violation of part; penalty; default.

Sec. 45711. A person who violates this part is guilty of a misdemeanor, punishable by a fine of not less than $10.00 or more than $100.00 and costs of prosecution, and in default of the payment of the fine, by imprisonment for not more than 90 days, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 459
PROPAGATION OF GAME FISH IN PRIVATE WATERS

324.45901 Definitions.

Sec. 45901. As used in this part:

(a) "Game fish" includes all species of fish in the families of salmonidae (trout and salmon), thymallidae (grayling), esocidae (northern pike and muskellunge), serranidae (white bass and striped bass), centrarchidae (bass, bluegill, and crappie), percidae (perch and walleye), acipenseridae (sturgeon), ictaluridae (catfish), and coregonidae (whitefish).

(b) "Genetically engineered" refers to a fish whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques.

(c) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2003, Act 270, Eff. Mar. 30, 2004.

Popular name: Act 451

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Popular name: NREPA

324.45902 Game fish; license for propagation for sale.

Sec. 45902. (1) A person shall not propagate, rear, or have in possession for the purpose of offering for sale or selling any kind of game fish except as authorized by a license issued by the department pursuant to part 13. A license is nontransferable and expires on December 31 of the year for which issued. A separate license is required for each place of business where game fish are propagated, reared, or possessed for the purpose of sale or offering for sale.

(2) This part does not apply to the following:

(a) The sale, offering for sale, or possession of dead, fresh, or frozen brook trout, brown trout, or rainbow trout lawfully taken in and exported from another state or country or that have been procured from a licensed dealer within this state.

(b) The propagation, rearing, possession, or sale of game fish pursuant to a registration or permit issued pursuant to the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 200, Imd. Eff. May 17, 1996;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

324.45903 Game fish; license; application; contents; fee.

Sec. 45903. Any person owning or having control of private waters in this state who desires a license under this part shall make application for the license to the department, accompanied by a fee of $5.00. The application shall state the name and address of the applicant and include the description of the premises where game fish are to be propagated, reared, possessed, or offered for sale, together with additional information as may be required. Upon receipt of the application and fee, the department, if satisfied that this part and the rules promulgated under this part have been complied with, shall issue a license to the applicant.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

324.45904 Game fish; sale; posting of license.

Sec. 45904. A person shall not propagate, rear, or possess, for the purpose of offering for sale or selling, any game fish, except at the location described in his or her license. The license shall be conspicuously posted at the person's place of business at all times.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45905 Rules; enforcement.

Sec. 45905. The department may promulgate and enforce rules as may be necessary to carry out the intent of this part and to protect the public interest.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45906 Importation of game fish or viable eggs; prohibition or restriction; rules.

Sec. 45906. (1) A person shall not import into this state any live game fish, including viable eggs of any game fish, except as authorized by a license as provided for in this part issued by the department pursuant to part 13. A license under this subsection does not apply to a genetically engineered variant of a live game fish species unless the genetically engineered variant is specifically identified in the license.

(2) The department may promulgate rules under this part to prohibit or restrict the importation of any species of game fish or other fish if the importation of that species would endanger the public fishery resources of this state. A prohibition or restriction in rules promulgated under this subsection applies to a genetically engineered variant of a fish species identified in the prohibition or restriction unless the prohibition or restriction specifically provides otherwise. A prohibition or restriction in rules promulgated under this subsection may be limited to a genetically engineered fish.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

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Popular name: Act 451

Popular name: NREPA

324.45907 License fees; crediting game and fish protection account.

Sec. 45907. All money received from the sale of licenses provided for in this part shall be paid over to the state treasurer and shall be credited by the state treasurer to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.45908 Violation of part or rules as misdemeanor; penalty; suspension or revocation of license.

Sec. 45908. (1) Except as provided in subsection (2), a person who violates this part or the rules promulgated under this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. In addition to the penalty, any license issued under this part may be revoked.

(2) A person who knowingly violates section 45906 or a rule promulgated under section 45906 with respect to a genetically engineered fish or with respect to any fish species that is not naturalized in this state is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both. In addition, any license issued to the person under this part may be revoked, and the person is liable for damages to natural resources resulting from the violation, including, but not limited to, costs incurred to prevent or minimize such damages.

(3) Any license issued under this part may be suspended or revoked by the department after a hearing, upon reasonable notice, when any of the operations under it fail to comply with the requirements of this part or the rules promulgated under this part. Whenever any license is suspended or revoked, the fish held under the license shall be disposed of only in a manner approved by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2003, Act 270, Eff. Mar. 30, 2004.

Popular name: Act 451

Popular name: NREPA

PART 461
REGULATING FISHING IN NORTHPORT HARBOR

324.46101 Northport harbor; fishing for perch or smelt prohibited.

Sec. 46101. (1) A person shall not take any of the species of fish known as perch with gill nets, pound nets, trap nets, seines, setlines, or set hooks, or any other device except a hook and line, and no nets of any description for the taking of perch shall be set within 200 feet of any dock in the waters of Northport harbor (known as Northport bay), and within a line beginning at the extreme southern end of lot 3, section 36, town 32 north, range 11 west of Northpoint point at the water's edge; thence on a line southerly across Northport bay to Bellows (Gull) island; thence southerly on a line from Bellows (Gull) island to most northerly point of lot 3, section 25, town 31 north, range 11 west; thence due west to the east shore of lot 1, section 25, town 31 north, range 11 west; thence northerly following the bay shore to the place of beginning. A person shall not set any trap or pound net in that part of Northport harbor north of a line beginning at the extreme southern end of lot 3, section 36, town 32 north, range 11 west of Northport point at the water's edge and extending west to the town line between 31 north and 32 north in the village of Northport.

(2) A person shall not use a bait net in shallow waters along the shores of Northport harbor during the smelt spawning season to obtain smelt for other than a commercial purpose.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46102 Violation of part as misdemeanor; penalty.

Sec. 46102. A person who violates this part is guilty of a misdemeanor, punishable by a fine of not more than $100.00, or imprisonment for not more than 90 days, or both.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 463
FISHING LAWS IN ST. JOSEPH RIVER

324.46301 St. Joseph river; applicability of general laws.

Sec. 46301. All general laws relative to fishing on inland lakes are applicable to the waters in that part of the St. Joseph river formerly known as Municipal pond, and now known as Union Lake, Union City, Branch county, Michigan, extending from a point known as Arbogast bridge westward to and including the Riley dam.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 465
FISHING SHANTIES

324.46501 Definitions.

Sec. 46501. As used in this part:

(a) "Fishing shanty" means a fishing house or any other structure or shelter placed on the ice on the waters over which this state has jurisdiction.

(b) "Local unit of government" means a county, city, township, village, or other governmental unit. Local unit of government does not include the state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46502 Fishing shanty; affixing name and address of owner.

Sec. 46502. (1) A person shall not set, place, erect, or cause to be set, placed, or erected, or use a fishing shanty at any time upon the ice in waters over which the state has jurisdiction, unless the name and address of the owner is affixed to each side of the outside of the fishing shanty in legible letters not less than 2 inches in height. The letters shall be readily visible and consist of materials that are not soluble in water.

(2) Placing the owner's name and address on a piece of wood, plastic, or other material and affixing that piece of material to the fishing shanty is not compliance with this section.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46503 Fishing shanties; Upper Peninsula; removal; conditions.

Sec. 46503. A person who sets, places, erects, or causes to be set, placed, or erected a fishing shanty upon the ice of any waters of counties located within the Upper Peninsula, or the waters of the Great Lakes adjacent to the Upper Peninsula, shall remove the fishing shanty before ice conditions are unsafe for its removal. However, except as provided in section 46506, the fishing shanty shall not remain on the ice beyond 12 midnight, March 31, of any year.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46504 Fishing shanties; certain counties; removal; conditions.

Sec. 46504. A person who sets, places, erects, or causes to be set, placed, or erected a fishing shanty upon the ice of any water in Emmet, Cheboygan, Presque Isle, Charlevoix, Leelanau, Antrim, Otsego, Montmorency, Alpena, Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, Alcona, Manistee, Wexford, Missaukee, Roscommon, Ogemaw, Iosco, Mason, Lake, Osceola, Clare, Gladwin, Arenac, Oceana, Newaygo, Mecosta, Isabella, Midland, or Bay counties, or those waters of the Great Lakes adjacent to the counties listed in this section, shall remove the fishing shanty before ice conditions are unsafe for its removal. However, except as provided in section 46506, the fishing shanty shall not remain on the ice beyond 12 midnight,

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March 15, of any year.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46505 Fishing shanties; other counties; removal; conditions.

Sec. 46505. A person who sets, places, erects, or causes to be set, placed, or erected a fishing shanty upon the ice of water in any of the counties of this state not listed in section 46504, and those waters of the Great Lakes adjacent to these counties, except as provided in section 46507, shall remove a fishing shanty before ice conditions are unsafe for its removal. However, except as provided in section 46506, the fishing shanty shall not remain on the ice beyond 12 midnight, March 1, of any year.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46506 Fishing shanty; use and placement after certain dates.

Sec. 46506. After the dates listed in sections 46503, 46504, and 46505, a person may place and use a fishing shanty for the purposes of fishing if the fishing shanty is removed from the ice at the conclusion of each day's fishing activity.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46507 Fishing shanties; Lake St. Clair; removal; conditions; violation.

Sec. 46507. A person who sets, places, erects, or causes to be set, placed, or erected any fishing shanty upon the ice of lake St. Clair within the jurisdiction of this state shall remove the fishing shanty before ice conditions are unsafe for its removal or before sundown on the first Sunday after February 20 and on a daily basis following that date. Failure to remove a fishing shanty within the time specified in this section is a violation of this part, and the department or the local unit of government may then authorize the removal and storage or destruction of the fishing shanty.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46508 Ordinance, rule, or regulation of local unit of government; effect.

Sec. 46508. A local unit of government shall not pass an ordinance, rule, or regulation regulating the placement, use, marking, or removal of a fishing shanty on the ice of any waters over which this state has jurisdiction. An ordinance, rule, or regulation described in this section that is in effect on April 1, 1994 is void. However, if a person fails to remove a fishing shanty within the time specified in sections 46503, 46504, and 46505, a local unit of government may remove the fishing shanty from the ice or water and store or destroy the fishing shanty.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46509 Violation as misdemeanor; penalty; reimbursement to governmental entity.

Sec. 46509. (1) A person who violates this part is guilty of a misdemeanor, punishable by imprisonment for not more than 30 days, or a fine of not less than $100.00 or more than $500.00, or both, and costs of prosecution.

(2) Upon conviction for the violation of this part, the court shall order the defendant to reimburse the governmental entity that removes or provides for the removal of the fishing shanty from the water or ice an amount equal to 3 times the cost of removal.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 467

MODIFICATION OF COMMERCIAL FISHING LAWS

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324.46701 Commercial fishing laws; suspension by department.

Sec. 46701. Notwithstanding any other act or part to the contrary, any statute or law of this state governing commercial fishing may be suspended, abridged, extended, or modified by the department when, in the opinion of the department, that action is necessary for the better protection, preservation, maintenance, and harvesting of the fish. The existing statutes and laws regulating commercial fishing shall remain in full force and effect unless suspended, abridged, extended, or modified by order of the department in the manner provided in this part or by subsequent acts of the legislature.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46702 Effective date of order; copy to licensees.

Sec. 46702. The effective date of any order issued by the department under this part shall be not less than 30 days from and after the date of its issuance. Within 10 days after the date of its issuance, a copy of the order shall be sent by first-class mail to all persons of record licensed under part 473.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46703 Violation of order; penalty; revocation of license.

Sec. 46703. A person who violates any order issued under this part is guilty of a misdemeanor. Each violation is a separate and distinct offense and, in addition to the penalties provided in this part, any license issued under authority of part 473 to any person convicted in any 1 license year of 3 violations of any order or orders promulgated under authority of this part, or of any act or part regulating commercial fishing, shall be automatically revoked and canceled for the remainder of the license year for which issued. The revocation shall prohibit for the balance of the license year the use of any boats, nets, or other gear covered by the license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46704 Construction of part.

Sec. 46704. Nothing in this part confers upon the department the power to alter any provisions of the statutes relating to forfeitures, penalties, or license fees.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 469
TAKING RAINBOW TROUT IN SOO RAPIDS AND ST. MARYS RIVER

324.46901 Soo Rapids and certain connecting waters of St. Marys river; closed seasons on rainbow trout; excepted waters.

Sec. 46901. A person shall not take or attempt to take rainbow trout in the waters of the Soo Rapids, and the United States power canal and tailrace, the north and south canals, the locks and the approaches thereto, between the international railway bridge and a line drawn from the ferry dock immediately below the St. Marys falls in Sault Ste. Marie, Michigan, to the ferry dock in Sault Ste. Marie, Ontario, all being a part of the St. Marys river, Chippewa county, except from June 1 to November 30. This section does not apply to the Michigan northern power canal, which is a part of the connecting waters between Lake Superior and Lake Huron for the purpose of regulating fishing in that area.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.46902 Violation of part as misdemeanor; penalty.

Sec. 46902. A person who violates this part is guilty of a misdemeanor, punishable by imprisonment for not less than 10 days or more than 90 days, or a fine of not less than $10.00 or more than $100.00, or both.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 471
FISHERIES MAINTENANCE

324.47101 Department; fish-breeding duties; property tax exempt; superintendent of fisheries; duties.

Sec. 47101. The department shall select suitable locations within this state at which to establish and maintain fish-breeding establishments for the propagation and cultivation of whitefish, and such other kinds of food fish as the department may direct, for the purpose of stocking such fish and replenishing the supply of the fish in the inland and bordering waters of this state. All property owned or leased by the department shall be exempt from taxation so long as held and used for state purposes under this part. The department shall employ a competent person as superintendent of fisheries, whose duty it shall be to devote his or her entire time to gathering ova, hatching and planting, or distributing fish, and superintending generally the practical operations of the work.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47102 Accounts; records; biennial report.

Sec. 47102. The department shall keep proper books of accounts and records of its transactions, and also of all operations and experiments in the discharge of the duties under this part, and shall report biennially to the governor upon its operations and the practical results and success of the operations.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47103 Duties of department.

Sec. 47103. The department may take or cause to be taken any fish in any manner or at any time, for the purposes connected with the fish culture or with scientific observation. The department shall further discharge any duties required of it by law relating to the fishing interests or to enforce laws relating to the protection of fish and fisheries in this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47104 Appropriation; carrying forward unexpended balance.

Sec. 47104. The unexpended balance of any appropriation to implement this part at the end of the year for which the appropriation is made shall be carried forward to the credit of the department, if the department certifies to the state treasurer that the money is needed for the purchase of additional grounds, for making permanent improvements upon any of its property, or for equipment or labor.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2002, Act 356, Imd. Eff. May 23, 2002.

Popular name: Act 451

Popular name: NREPA

324.47105 Joint action with other states.

Sec. 47105. In case appropriations by other states contiguous to the waters of this state are made, and a disposition for joint action with this state is expressed, the department, with the approval of the governor, may arrange for and carry into effect joint action for replenishing the supply of food fish in the contiguous waters.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 473
COMMERCIAL FISHING

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324.47301 Fish in Great Lakes; property of state.

Sec. 47301. All fish of whatever kind found in the waters of Lakes Superior, Michigan, Huron, and Erie, commonly known as the Great Lakes, the bays of the Great Lakes, and the connecting waters between those lakes within the jurisdiction of this state are the property of the state, and taking the fish from those waters is a privilege. All fish in waters described in this section shall be taken, transported, sold, and possessed only in accordance with this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47301a Obstruction or interference in lawful taking of fish; prohibited conduct; injunction; violation as misdemeanor; penalty; applicability of section to peace officer; definitions.

Sec. 47301a. (1) A person shall not obstruct or interfere in the lawful taking of fish by a person licensed under this part.

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

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

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

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

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

(e) Blocks, impedes, or harasses another person who is engaged in the process of lawfully taking fish.

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

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

(h) Interjects himself or herself into the area where nets or fishing lines are cast by a person lawfully taking fish.

(i) Affects the condition or placement of personal or public property intended for use in the lawful taking of fish in order to impair the usefulness of the property or prevent the use of the property.

(j) Enters or remains upon private lands without the permission of the owner or the owner's agent, for the purpose of violating this section.

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

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

(4) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than $500.00 or more than $5,000.00, or both, and the costs of prosecution. A person who violates this section a second or subsequent time is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not less than $1,000.00 or more than $10,000.00, or both, and the costs of prosecution. In addition to the penalties provided in this subsection, any permit or license issued by the department authorizing the person to take aquatic species shall be revoked. A prosecution under this section does not preclude prosecution or other action under any other criminal or civil statute.

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

(6) As used in this section:

(a) “Aquatic species” means fish, reptiles, mollusks, crustacea, minnows, wigglers, and amphibians of the class amphibia.

(b) “Take” and “taking” mean to fish for by any lawful method, catch, kill, capture, trap, or shoot any species of fish, reptiles, amphibians, mollusks, wigglers, or crustacea regulated by this part, or to attempt to engage in any such activity.

(c) “Vessel” means every description of watercraft used or capable of being used as a means of transportation on water.

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History: Add. 1996, Act 317, Eff. July 1, 1996.

Popular name: Act 451

Popular name: NREPA

324.47302 Fishing license; limited number to be issued; qualifications; provisions; expiration date; suspension or revocation; renewal; transfer.

Sec. 47302. (1) Notwithstanding the provisions of this or any other part or act, the department, when in the department's opinion it is necessary for the better protection, preservation, management, harvesting, and utilization of the fisheries in the waters described in section 47301 may limit the number of fishing licenses to be issued under this part and fix and determine the qualifications of persons to whom licenses are issued. In determining the number of licenses that the department issues during any license year, the department shall consider the number of persons holding licenses, the number of licensees needed to harvest the fish known or believed to be harvestable, the capacity of the boats and equipment owned and used by licensees to harvest those fish, and any other facts that may bear upon the allowing of a limited number of licensed persons to engage in commercial fishing in an economical and profitable manner. In determining the qualifications of the licensees, the department shall consider the kind, nature, and condition of the boats and fishing equipment and gear to be used by the applicant, the years of experience the applicant has had in commercial fishing, and the quantity and kinds of fish that the applicant has caught during the previous 5 years, and other facts that may assist the department in determining that the applicant is capable of engaging in commercial fishing in a proper and profitable manner and will comply with the laws applicable to commercial fishing.

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

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

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

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

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

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

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

(4) The department may suspend or revoke any license issued under this part if the licensee fails to fulfill or violates any of the conditions, terms, or restrictions of the license. The department shall afford the licensee a hearing in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. Any person whose license has been suspended or revoked is not eligible to apply for or receive a license for the ensuing 2 calendar years following the suspension or revocation.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47303 Fish and game protection account; receipts; use.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

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324.47305 Rules.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47306 Commercial fishing law; setting of nets or hook lines prohibited; connecting waters.

Sec. 47306. A person shall not place or set any kind of a net or set hook lines or take or attempt to take any kind of fish with a net or set hook lines, except minnow seines as provided in section 47309, in any of the connecting waters between Lake Superior and Lake Huron and the connecting waters between Lake Huron and Lake Erie. For the purposes of this part, the connecting waters between Lake Superior and Lake Huron are all of that part of the straits of St. Mary in this state, extending from a line drawn from Birch point range front light to the most westerly point of Round island, thence following the shore of Round island to the most northerly point thereof, thence from the most northerly point of said Round island to Point Aux Pins light, Ontario, to a line drawn east and west from the most southerly point of Little Lime island; and the connecting waters of Lake Huron and Lake Erie are all of the St. Clair river and all of lake St. Clair and all of the Detroit river extending from fort Gratiot light in Lake Huron to a point in the lower Detroit river where the center line of Oak street, city of Wyandotte, Wayne county, Michigan, extended due east, would intersect the international boundary line. The boundary line between Lake Michigan and Lake Huron is a line extending due north from old Mackinac point lighthouse across the straits of Mackinac.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47307 Setting of nets or hook lines prohibited; channel at mouth of stream or outlet of inland lake; fishing from docks; spearing through ice.

Sec. 47307. A person shall not set any net, set hook lines, or other device for the purpose of taking or catching fish within 160 rods on either side of the thread of the stream at the mouth of any river or outlet of an inland lake emptying into Lakes Superior, Michigan, Huron, or Erie, commonly known as the Great Lakes, or the bays of the Great Lakes, navigable for vessels drawing 10 feet or more, leaving an open channel of 1 mile in width for the free passage of fish, extending at right angles from the shoreline as near as may be, 2 miles from shore. However, within the next 1/2 mile on either side of any such rivers or outlets of inland lakes, nets, set hook lines, or other devices shall not be used for the purpose of taking fish that will extend a greater distance than 1 mile from shore. The purpose of the limitations in this section is to leave an open channel of 1 mile in width 1 mile out, and 2 miles in width for the second mile out, for the free passage of fish. No net or other device for taking fish shall be set or used within 40 rods on either side of the thread of the stream at the mouth of any other river or the outlet of any other inland lake leaving an open channel of 80 rods in width for the free passage of fish, extending at right angles with the shoreline as near as may be 2 miles out from shore. For the purpose of this section, the shore commences at the average low-water mark. If the location of the open channel or the average low-water mark is in dispute, this location shall be determined by the department. Except as provided in sections 47311 and 47313, a person may at all times catch any kind of fish in all of the waters named in this part, and from the docks, harbors of refuge, or breakwaters, with a hook and line except largemouth black bass, smallmouth black bass, bluegills, sunfish, brook or speckled trout, rainbow and steelhead trout, brown and Loch Leven trout, northern pike, pike-perch, perch, or muskellunge, which shall only be taken or possessed in the manner and at the time specified by the laws of this state protecting those fish. A person may also spear carp, suckers, mullet, redhorse, sheepshead, lake trout, herring, smelt, perch, pike-perch, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee white fish, catfish, dogfish, and garpike through the ice in the connecting waters as defined in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47308 Set hook lines, spears, and gill nets; use permitted; marketing prohibited; unused bait.

Sec. 47308. Except as otherwise provided by law, a person may use in the waters of Lakes Michigan,

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Superior, Huron, and Erie, and the bays of those lakes, within the jurisdiction of this state, set hook lines or spears for the purpose of taking fish; and for the purpose of securing bait for use in baiting said hook lines, a person may use gill nets as provided in section 47309. However, a person shall not market or possess for the purpose of marketing any fish taken in bait nets. All unused bait, fresh or old, shall be taken ashore.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47309 Nets; use; meshes.

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

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

(b) Gill nets with meshes of not less than 2-1/2 inches or more than 2-3/4 inches may be set in water of any depth, and gill nets with meshes of not less than 2-1/2 inches or more than 3 inches may be set in waters not exceeding 100 feet in depth, for the purpose of taking herring, chubs, perch, and pilot fish, commonly called menominees, wherever and whenever they will not take to exceed 10% by weight of other fish, such percentage to be determined by the department, by inspection of the fish taken in the nets. All uninjured fish, except herring, chubs, perch, and pilot fish, shall be returned to the waters from which they were taken with as little injury as possible, by the persons lifting the nets; all sound, undersized, and dead fish found in the nets are the property of the state, and shall not be sold or disposed of, but shall be dressed and brought in and delivered immediately to the department at the fishing port of the person taking the fish. The sound, undersized, and dead fish shall be then disposed of by the department. If more than 10% of fish other than herring, chubs, perch, and pilot fish are taken, then all of the other fish shall be disposed of by the department. An angler may have in his or her possession, not to exceed in quantity the percentage allowed of lake trout, whitefish, yellow pickerel, perch, or suckers, of a weight or length less than established by this part, which are caught in 2-1/2 inch to 2-3/4 inch or 2-1/2 inch to 3 inch mesh gill nets, as provided for in this subsection, but the same may be shipped and disposed of only under the direction of the department. All undersized fish taken over under this section shall be disposed of by the department to state, county, or charitable institutions. Parties handling the fish shall be paid not more than 3 cents per pound for boxing, packing, and icing the fish. The department shall remove or cause to be removed any of the nets if, from the inspection provided in this section, the department determines that the nets are taking more fish of species other than herring, chubs, perch, and pilot fish than allowed by this section.

(c) Gill nets with meshes of not less than 2-1/4 inches or more than 2-3/4 inches may be used to take blue back herring in the waters of Lake Superior and Whitefish bay, and those waters of the straits of Mackinac bounded on the Lake Huron end by a line drawn from the southernmost tip of St. Martin point, Mackinac county, to the westernmost tip of Lime Kiln point on Bois Blanc island, thence in a southerly direction to the northernmost tip of Point Au Sable in T 38 N, R 2 W, Cheboygan county, and bounded on the Lake Michigan end by a line drawn from the southernmost tip of Seul Croix point in Schoolcraft county in an easterly direction to the Lansing shoal lighthouse, thence to the White shoal lighthouse, thence in a southeasterly direction to the westernmost tip of Waugoshance point in Emmet county, and Green bay of Lake Michigan, as defined in section 47311, wherever they will not interfere with or take whitefish or lake trout or any other fish protected under the laws of this state.

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

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

(f) Pound nets having meshes not less than 4-1/2 inches in the lifting pot, crib, or pocket and in the heart and tunnel, and having meshes not less than 5 inches in the lead, shall be used for taking whitefish and lake

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trout. In the pound nets, meshes not more than 3-1/2 inches may be used in 1 side of the pot or in the back, being that part of the pot opposite the tunnel entrance. In fishing with the pound nets, or any other pound nets permitted by this part, the crib or pot and hearts and lead shall extend to or above the surface of the water; the crib or pot and hearts shall be entirely open at the top, the sides or walls of the pot or crib and of the hearts shall be held vertically as near as possible and shall have 5 or more stakes driven into the earth at the bottom of the lake to hold the net in place. A pound net permitted under this part or any part of the webbing of the net shall not be set in water of a depth greater than 80 feet. Pound nets fished through the ice may be held in place by fastening them to the ice without the use of stakes.

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

(h) Trap nets having meshes not less than 4-1/2 inches in the lifting pot, crib, or pocket and in the heart and tunnel and having meshes not less than 5 inches in the lead shall be used for taking whitefish and lake trout. In such trap nets, meshes not more than 3-1/2 inches may be used in the tunnel inside the pot, in either the front, back, or 1 side of the pot for a distance not exceeding 5 feet from the bottom of the net and in that portion of the bottom of the net connected thereto for a distance not exceeding 5 feet, and in the connecting ends for a depth and width not exceeding 5 feet, for the purpose of shoaling fish. These trap nets shall not be used in any of the waters under the jurisdiction of this state except in Lakes Huron and Erie and then only in such a manner that no trap net or any part of the webbing of the net is set in water of a depth greater than 80 feet. Trap nets having meshes as described in this subsection and with no part of the lifting pot or crib over 15 feet in depth may be used to take whitefish and lake trout in Lakes Superior and Michigan in water of a depth not greater than 80 feet.

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

(j) Any pound net or trap net with meshes in the lifting pot or crib between 3-1/2 and 4-1/2 inches, or any lifting pot or crib of such nets with meshes between 3-1/2 and 4-1/2 inches, is illegal and shall be seized and confiscated when found in use. Hoop nets, fyke nets, drop nets, and gobbler nets are considered under this part to be trap nets.

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

(*l*) The measurement of the mesh of all nets and seines as prescribed in this section shall be by extension measure. The size of the mesh of all nets or netting used in fishing as provided by this part shall be determined by extension measure, and the measurement shall be made of meshes irrespective of where the net or netting is found, whether in the water, on boat, on reel, on dock, or in any other place on land. Extension measure means the distance between the extreme angles of any single mesh, and the measurements shall be

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taken between and inside the knots. All measurements of the mesh in gill nets or gill netting shall be made with a flexible steel gauge constructed and used as prescribed in this section. All measurements of the mesh of gill nets or gill netting shall be made by inserting in the mesh parallel with the selvage a gauge made of spring steel free from rust, of a length equal to the number of inches prescribed in this section for the mesh measured. The ends of the gauge shall be free of sharp edges or burrs. The gauge shall not be graduated, and any necessary markings shall be placed near the ends of the gauge. The length of the gauge measured parallel with the long edge shall not at any point exceed or be less than the prescribed length by more than 2/1000 of an inch. Its width at any point shall not exceed 9/16 of an inch or be less than 7/16 of an inch. Its thickness shall be such that when it is set vertically on a solid anvil with its upper end loaded with a dead weight between 7-1/2 and 8-1/2 ounces, the gauge shall deflect at its middle 1/10 of its length. The meshes to be gauged shall be at least 3 meshes removed from the selvage or side lines and shall not be stretched or manipulated in any way prior to or after the insertion of the gauge, and the same mesh shall not be gauged more than once. In gauging a mesh, the flexible gauge shall be held only by the ends and bent between thumb and forefinger, the bent rule shall then be inserted in the mesh parallel with the selvage and with the collapsed mesh, and finger pressure shall be released immediately, not gradually. If the gauge does not straighten out completely under its own tension within 2 seconds after its release in the mesh without slipping a knot or breaking the twine, the mesh is unlawful, and if the majority of 10 or more meshes selected at random by the enforcement officer from any part or parts of the gill net or from the entire gill net or from any gill netting being gauged are found to be unlawful, the gill net or gill netting if found in use or in or upon any licensed commercial fishing boat shall be seized and confiscated. If found in possession but not in use, any such gill net or gill netting shall be sealed by the enforcement officer with a suitable seal provided by the department and, when once sealed and for so long as the seal remains intact on the net or netting, may be possessed by the owner until disposed of or destroyed by the owner as provided in this section. The gill net or gill netting shall not be disposed of or destroyed except under direction of a conservation officer and, until that time, shall be available for inspection by the department or any conservation officer. Any person who, without authority from the department, breaks or destroys a seal attached to a gill net or gill netting, or any person who refuses or neglects to produce for inspection any sealed gill net or gill netting, or who disposes of or destroys a sealed gill net or gill netting except under the direction of a conservation officer, is guilty of a misdemeanor and upon conviction is subject to the penalty provided for in section 47327. A person shall not use any gill net of a greater measurement than 11 feet in depth in any of the waters of the Great Lakes and the bays of the Great Lakes. In Lake Erie, a gill net shall not be over 36 meshes deep. A trawl of any kind shall not be licensed.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47310 Taking, catching, or attempting to take or catch fish with gill net, pound net, or trap net in certain waters; transfer of fishing licenses; license or permit for chubs; applicability of section.

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

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

(3) The department may issue a license or permit that authorizes the holder of the license or permit to take, catch, or attempt to take or catch coregonus, commonly known as chubs, with a gill net, pound net, or trap net as follows:

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

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47311 Closed seasons; setting of nets or hooks; disposition of fish taken during closed season; revocation of license; chilling fish.

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

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

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

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

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

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

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

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

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

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

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47312 Taking fish for fish culture; commercial fishing; closing.

Sec. 47312. The department may authorize the taking of trout, whitefish, and yellow pickerel for the purpose of fish culture at any time during the open or closed seasons provided in this part, when it is determined by test nets set under the direction of the department that at least 20% of the fish taken are females and at least 40% of these females are ripe and ready to spawn. However, when all spawn needed for state and federal hatcheries has been secured, the department may close all commercial fishing during the remainder of the closed season. The department may close all commercial fishing during the closed season on those

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grounds that are so located as to prevent proper handling of spawn or where it appears that little or no spawn is being taken.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47313 Spawn; handling; violation of part; unlawful taking of trout.

Sec. 47313. All persons engaged in fishing for whitefish, trout, yellow pickerel, or perch in the waters named in this part shall from the beginning of the spawning season for these fish, such time to be determined by test under the direction of the department, until the beginning of the closed season provided by section 47311 and before and after the closed season, strip all ripe fish, both male and female, save all of the spawn, properly impregnate it, and deliver it to the department at its fishing port, and all such persons shall have a sufficient number of people on each boat and all the equipment needed properly to save, handle, impregnate, and deliver such spawn. The saving, handling, impregnating, and delivering of spawn shall be done under the direction of the department and in accordance with such regulations and under such supervision as prescribed by the department. However, the department shall not discriminate against any person engaged in fishing during the closed or open season, having on each boat a sufficient number of people and all the equipment needed properly to save, handle, impregnate, and deliver such spawn at any port or fishing ground when it has been determined that fish are ripe for spawning. This determination shall be made by setting test nets on each fishing ground where spawn will be taken. A person engaged in commercial fishing that fails to properly save, handle, impregnate, and deliver such spawn during any period when spawn are ripe is guilty of a violation of this part. A person shall not take from the waters of the Great Lakes any lake or Mackinaw trout during the closed season established by this part for those fish, except by the use of gill nets, trap nets, and pound nets after tests have been made and the percentage of ripe fish secured as provided for in section 47312.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47314 Spawn; propagation; planting of fry; violation of part.

Sec. 47314. The department shall deliver to designated representatives of the United States bureau of fisheries and to the state fish hatcheries as much of this spawn as may be desired by the bureau and state hatcheries for propagation and planting in the waters of the lakes within the jurisdiction of this state, and the remainder of the spawn shall be properly impregnated and planted upon the spawning beds from which it was taken. The persons so fishing shall plant upon the spawning beds the fry hatched from such proportion of the spawn as may have been taken from the fish caught by the persons when directed to do so by the department. A person refusing or failing to comply with this section is guilty of a violation of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47315 Taking fish for fish culture; powers of department; sale; disposition of proceeds.

Sec. 47315. The department may take fish in any manner, in any of the waters mentioned in this part, at any and all seasons of the year, for the purpose of fish culture and scientific investigation; may have and hold ripe and unripe fish in order to take spawn from the fish; may sell all of those ripe and unripe fish; and may devote the proceeds of the sales exclusively toward defraying the expenses incurred in taking the fish and fertilizing and planting the spawn from the fish.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47316 Shipments; marketing; seizure as illegal.

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

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container of 10% by weight of any fish that is illegal to ship shall make the entire contents of the package or container subject to seizure as an illegal shipment.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47317 Possession of shipment of illegal fish; construction.

Sec. 47317. The possession of any package or shipment of illegal fish offered to any common carrier as described in section 47316 shall be construed to be and shall remain in the consignor until delivered to the consignee. However, if any common carrier as described in section 47316 is not able or refuses or neglects to show from whom the consignment of any shipment of fish was received, the shipment shall be considered to be in possession of the common carrier having the shipment in transit, and they may be proceeded against the same as the original owner.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47318 Repacking after opening; detention of legal shipment prohibited.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47319 Minimum length and weight requirements; unlawful possession and marketing.

Sec. 47319. (1) A person shall not market, possess, transport, or offer for sale at any time in this state, whether caught within or outside of this state, any of the following:

(a) Whitefish, of a length less than 17 inches.

(b) Lake trout, of a weight less than 1-1/2 pounds in the round, and 1-1/4 pounds when dressed.

(c) Ciscowet trout, of a weight less than 1-1/2 pounds in the round.

(d) Perch, of a length less than 8-1/2 inches in the round and filleted perch of a weight less than 1-3/4 ounces; perch with heads and tails off of a length less than 5-1/2 inches.

(e) Suckers, of a length less than 14 inches.

(f) Northern pike, of a length less than 20 inches.

(g) Catfish, of a length less than 17 inches. Catfish of not less than 15 inches in length may be taken from the waters of Lake Erie.

(h) Pike-perch (yellow pickerel), of a length less than 15-1/2 inches in the round and filleted pike-perch (yellow pickerel) of a weight less than 9 ounces. Pike-perch (yellow pickerel) not less than 13 inches in length may be taken from Lake Erie. Pike-perch (yellow pickerel) not less than 13 inches in length taken from the waters of Lake Erie may be sold or offered for sale at a dock or docks along Lake Erie. Any such pike-perch (yellow pickerel) of a length less than 15-1/2 inches shall not be otherwise offered for sale, bartered, or sold within the limits of the state.

(i) Blue pike, of a length less than 11 inches.

(j) White bass, of a length less than 9 inches.

(k) Sturgeon, of a length less than 42 inches.

(*l*) Black crappie, of a length less than 7 inches.

(2) Imported commercial fish species and game fish if of a size or weight or species not prohibited by the laws of the state or country where caught may be possessed, transported, offered for sale, and marketed in this state, if either of the following conditions are met:

(a) The fish are processed outside the state and sold to consumers in the same package as imported, and each package is labeled as a product of the state or country where the fish were caught.

(b) A chain of satisfactory evidence of importation is maintained through to the retailer who sells to the consumer, in a manner prescribed by the department.

(3) The measurement of the length of a fish within the meaning of this part shall be taken in a straight line from the tip of the snout to the utmost end of the tail fin. For the purpose of this part, a “fish in the round” is a fish that is entirely intact as it was taken out of the water with no part removed by dressing. A “dressed fish” is a fish with the head attached but with the gills and the entire gut or viscera (stomach, liver, intestine,

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gonads) removed. A “filleted fish” is a fish with the entire head, gut or viscera, gills, bones, scales, and all fins removed. The measurements of length and weight as prescribed in this part apply without any allowance made for the shrinkage of the fish. A person shall not possess on any boat, or on any other conveyance used to reach the nets from shore, any meat grinders or similar devices by the use of which the identification of the species or measurement of the individual fish is impossible. A person shall not bring ashore any fish that is so mutilated that identification and measurement is impossible. A person shall not market, possess, or offer for sale any fish illegally taken from the waters defined by this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47320 Undersized fish; return to waters; definition.

Sec. 47320. A person engaged in lifting pound nets, trap nets, or seines in the waters of this state shall not take from the waters of this state any undersized fish, and all undersized fish found in the nets fished in those waters shall be returned to the waters with as little injury as possible by the person or persons lifting the net or nets. For the purpose of this part, undersized fish are fish of a smaller size than established by this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47321 Taking of certain fish by commercial fishing devices prohibited; return to waters.

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

(a) Largemouth black bass, Huro salmoides.

(b) Smallmouth black bass, Micropterus dolomieu.

(c) White crappie, also known as strawberry bass, Pomoxis annularis.

(d) Bluegill, Lepomis macrochirus.

(e) Common sunfish, Lepomis gibbosus.

(f) Brook or speckled trout, Salvelinus fontinalis.

(g) Rainbow and steelhead trout, Salmo gairdnerii.

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

(i) Muskellunge, Esox masquinongy.

(2) In addition to the prohibition in subsection (1), a person shall not sell or offer for sale or possess at any time any of the fish listed in subsection (1) unless otherwise provided by law. Any such fish, whether dead or alive, shall at once be returned to the waters from which taken by the person or persons taking the fish.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47322 Marking of location of nets and devices.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47323 Inspection before shipment.

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

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laws of the other states substantially conform to the commercial fishing laws of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47324 Power of department to take fish for cultural purposes; price; basis.

Sec. 47324. The department may take, for fish cultural purposes only, fish taken by any person fishing in the waters of this state, and when so taken the fish shall be weighed and shall be paid for. The price shall be based on the Chicago, Detroit, and New York markets, or at such other price as may be agreed upon by the person or persons taking the fish and the department, plus the cost of transportation, if any.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47325 Daily report of catch; failure to file; penalty; monthly form.

Sec. 47325. Every person taking fish for the market in any of the waters mentioned in this part shall keep an accurate report of each day's catch upon forms furnished by the department of the number of pounds of each kind of fish taken, of the locality fished, of the kind and amount of fishing gear employed, of the length of time (number of nights) each unit of gear employed fished without being lifted, of the kind and amount of spawn taken, of the kind and amount of caviar taken, and of such other data as the biologists may require in following the trend of the fisheries, and shall each month report, under oath when requested, the above data to the department. Any person whose report for the last preceding month is not received by the department at its office in Lansing, Michigan, on or before the fifteenth day of the month following, is delinquent, and notice to that effect shall be mailed to the delinquent person by the department. Failure to submit a report within 30 days after the close of the month for which a report is required shall be considered as intent to violate this section. The license of any person who fails to submit reports for 2 or more months, and who has been duly notified by the department each following month as provided in this section, may be suspended by the department until such time as the delinquent reports are submitted to the department. The boat and nets for which a license is suspended shall not be used for commercial fishing by any person until the suspension has been lifted and the license restored. However, any person who fails to make the report or reports as described in this section shall be denied a new license or a renewal of his or her license until this part has been complied with. Any person engaged in fishing operations shall submit a monthly form to the department regardless of whether fishing was discontinued for 1 or more months, noting the facts.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47326 Report of fish in possession by commercial fishermen; contents; inspection; prohibited possession.

Sec. 47326. Every person licensed to take fish under this part, at the close of the 24-hour period immediately following the close of the respective open seasons provided for by this part, shall report to the department, on forms provided by the department, the kinds of fish and number or weight of fish possessed at the close of the 24-hour period. Any subsequent shipment or sale, or both, of such fish shall be reported immediately to the department, on forms furnished by the department, showing the amount and kinds of fish shipped or sold, the date of the shipment or sale, and the name and address of the person or persons to whom the fish were shipped or sold. All fish in possession upon which the season is closed shall be made available for inspection at any reasonable time upon the demand of the department. A person shall not possess or ship, transport, or sell any fish upon which the season is closed and which have not been reported as provided in this section.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47327 Violation of MCL 324.47301 to 324.47325; penalty.

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

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or more than 90 days, or a fine of not less than $50.00 or more than $100.00 and costs of prosecution, or both. If a fine with costs is imposed under this part, the court shall sentence the offender to be confined in the county jail until the fine and costs are paid, but for a period not exceeding the maximum penalty for the offense.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47328 License to use fishing devices; sport trolling; licensing boats for hire; license not required under certain conditions in lake St. Clair.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47329 Commercial fishing licenses; application; contents; "overall length" defined; fee.

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47330 License to use fishing devices; issuance fees.

Sec. 47330. (1) The department, when application is made by any person in accordance with section 47329, shall issue the license provided for in this part upon payment by the applicant, if a resident of this state, of the following fees:

(a) For fishing with set hook lines or nets, with or without a boat not exceeding 16 feet in overall length, or a boat used in sport trolling for lake trout for hire, $16.00 per year. Any person using more than a single crew consisting of not more than 4 people in fishing nets or hooks under the ice shall secure a license for each crew member. The department, upon proper application, shall issue with each license to fish nets or set hook lines under the ice 4 identification cards bearing the number of the license and the year for which issued. Each member of a single crew engaged in the setting, lifting, or pulling of nets, set hook lines, or other devices, set under the ice under authority of the license, shall carry the card on his or her person at all times while so engaged and upon demand of any conservation officer shall exhibit the card. Minnow seines and dip nets are exempt from this section.

(b) For each rowboat, sailboat, powerboat, motorboat, steamboat, or scow used in catching, killing, taking, or transporting fish caught with nets, set hook lines, or trolling rigs, $3.00 per foot overall length, and $1.00 per ton additional for each ton over 10 gross tons. A license is not required for a scow used only in transporting nets. Each license for a boat propelled by sail, steam, gas, or other mechanical power entitles the licensee to operate a rowboat not exceeding 16 feet in overall length. Each rowboat shall bear the same identification as the boat for which the license is issued and shall be used only while attending the boat. A resident person shall not pay less than $50.00 or more than $200.00 on any 1 boat in any 1 license year.

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(2) For a nonresident of this state, the fee shall be 5 times the fee required of a resident in accordance with the schedule prescribed in this section. A license under section 47329 shall not be issued to a nonresident for fishing in Lake Erie and Lake Huron except at the discretion of the department.

(3) For the purpose of this part, a nonresident is any person who has not actually resided in this state for 3 years immediately prior to the date of application for a license, any person applying for a license for use of nets or a boat registered or of record at a port outside of the state, or any firm, company, copartnership, partnership, association, or corporation in which any of their stock, boats, nets, and fishing equipment has been owned by nonresident persons at any time during the 3 years immediately prior to the date of application for a license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47331 Commercial fishing licenses; form; tag attached to boat; fee; transfer procedure.

Sec. 47331. (1) Upon the payment of the fee provided for in section 47330, the department shall have prepared and shall issue to a person entitled to the same, a printed or written license signed by the department setting forth the date of issuing the license, to whom issued, the date on which it will expire, the name or number, and the kind of boat, tug, or launch, including the number of and kind of net or nets for which the license was issued. The department shall also issue, with the license, a suitable tag bearing the license number and the year for which issued which must be attached to the boat to facilitate identification. The department, upon application and the payment of a fee of $1.00, may do 1 or more of the following:

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

(b) In case of the sale or the transfer of the title of any licensed boat, transfer the license to the new owner or owners. However, if the sale or transfer is to a nonresident as determined by the preceding sections, then the difference between the fee for a resident license and a nonresident license shall also be paid.

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

(2) Whenever a license is transferred to a larger boat, the difference between the fee paid for the license and the fee required by this part for that boat shall also be paid. A refund shall not be made when a license is transferred to a smaller boat. However, any boat to which a license has been transferred as provided in this section shall be used in the taking, catching, or killing of fish or in the setting or pulling of nets, set hook lines, or other commercial fishing devices, only within a radius of 50 miles of the port designated in the license as originally issued, and not more than 1 license shall be issued for any 1 boat in any 1 calendar year. The owner of any licensed boat acquired from the estate of a deceased licensee or as a result of bankruptcy proceedings may, in addition to having the license transferred in his or her name, have a port of his or her choice designated in the license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47332 Licenses; expiration date; record of applications and licenses; disposition of fees.

Sec. 47332. All licenses expire on December 31 in the calendar year for which they were issued. The department shall keep a record of all applications and licenses. On the first day of each month, the department shall pay over to the state treasurer all money received by the department under this part, and the money shall be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010 and shall be disbursed by the state treasurer for services of the department and the department's expenses in enforcing the commercial fishing laws, for the protection and propagation of fish, and for the purchase of patrol boats and other apparatus to be used for that purpose, and as otherwise provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.47333 Wholesale fish market or house; license; fee; label on containers; record.

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Sec. 47333. (1) Every person who deals in fish by operating a wholesale fish market or fish house, or who solicits the purchase of or buys fish for wholesale distribution, shall secure a license from the department. Each license shall expire on December 31, and the fee for the license is $5.00.

(2) A person holding a license under the provisions of this section shall not transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any fish or carcass or part of any fish or carcass unless the package or parcel is labeled in plain English on the address side of the package or parcel so as to disclose the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish contained in the package or parcel.

(3) Any person licensed under this section may, at any time, sell, purchase, or barter, or have in his or her possession or under his or her control for the purpose of sale or barter, any commercial fish. However, the provisions of section 47319 shall at all times be observed. Each person shall keep a separate record of the purchase of fish in a form as required by the department. The record shall at all times be open to inspection by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47334 Violation of sections; penalties.

Sec. 47334. Any person who violates sections 47328 to 47333 is guilty of a misdemeanor and upon conviction for the first offense shall be punished by imprisonment for not more than 60 days, or a fine of not less than $25.00 or more than $100.00 and the costs of prosecution, or both. Each violation is a separate and distinct offense. In addition to the penalties provided in this section, the license of any person convicted of violating section 47333 may be revoked by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47335 Nets and seines; prohibited use in certain waters of Lake Superior.

Sec. 47335. A person shall not take or catch fish of any kind with gill nets, pound nets, trap nets, seines, or other device of any kind except with hook and line and spear in the waters of Lake Superior within a radius of 1/2 mile from the mouth of the Two Hearted river located in T 50 N, R 9 W, Luce county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47336 Grand Traverse bay.

Sec. 47336. A person shall not take or attempt to take fish with seines or nets of any kind in that part of Grand Traverse bay lying southerly of a line drawn due east and west through Mission Point light, Grand Traverse county, said waters being further described as the east arm and the west arm of Grand Traverse bay. A person may take chubs with gill nets in any part of Grand Traverse bay where the depth of water exceeds 300 feet.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47337 Charlevoix bay.

Sec. 47337. A person shall not take or catch, or attempt to take or catch, any species of fish with gill nets, pound nets, trap nets, seines, set hook lines, or any other device whatsoever, except a hook and line and spear as permitted by law, or set any such nets, seines, set hook lines, or devices, in the waters of Lake Michigan within a radius or distance of 2 miles from Charlevoix south pierhead light, located at the mouth of the Pine river in Charlevoix county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47338 Setting or using nets near public docks or piers prohibited; exceptions.

Sec. 47338. A person shall not set or use any kind of a net mentioned in this part, except seines in the taking of noxious fish, within a radius of 1/2 mile of any public dock or pier from which the public is not

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excluded from fishing with hook and line. However, a person may set nets under the ice for the purpose of taking all fish, except perch, within the 1/2 mile radius of any such dock or pier. Public docks for the purpose of this part include all docks except docks owned by individuals and used exclusively for their own boats. This section does not apply to St. James Harbor, Beaver Island, and Charlevoix county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47339 Saginaw bay.

Sec. 47339. As used in this part, "Saginaw bay" means those waters lying inside of a line drawn from Tawas point lighthouse in Iosco county to a monument which shall be erected by the department on Oak point in Huron county, including the waters of Tawas bay, in which area nets may be set and used as provided by law. However, nets shall not be set or used in any of the following locations:

(a) Within that area between the shoreline and a line drawn from a monument which shall be erected by the department on Fish point in Tuscola county to a monument which shall be erected by the department on the westerly point of Stony island, thence to a monument which shall be erected by the department on the westerly point of North island, thence to a monument which shall be erected by the department on the westerly end of Sand point in Huron county. However, nets may be used in that part of this area lying southerly of the south line of section 21, town 16 north of range 9 east, extending due west. Seines not exceeding 5 feet in depth and 100 rods in length may be used in that part of this area lying northerly of the south line of section 21, town 16 north, range 9 east, extending due west, for the taking of noxious fish.

(b) Within that area enclosed within and bounded by the following lines: beginning at the monument on Sand point described in subdivision (a), thence for a distance of 1 mile along a line drawn from that monument to a monument to be erected by the department on the easterly point of Little Charity island, thence 218 degrees along a line to a point where it would intersect a line drawn from the Gravelly point shoal lighthouse to the monument on North island described in subdivision (a), thence southeasterly along the latter line to the monument on North island, thence northeasterly to the point of beginning; the object being to provide a channel approximately 1 mile in width for the free passage of fish.

(c) Within that area of Tawas bay bounded on the south by a line extending from the U.S. fog signal building on Tawas point due west to the mainland.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47340 Marquette Bay.

Sec. 47340. A person shall not drive stakes for fishing purposes, or set, place, or extend any pound, trap, stake, or set net of any kind, or any other device, except hook and line and spear as permitted by law, to take or catch fish in the waters of Marquette Bay, beginning with a line from the Presque Isle breakwater on the S.S.E. period line to east side of section 8 opposite the mouth of the Chocolay river.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47341 Grand Marais harbor.

Sec. 47341. Commencing June 15, 1962, a person shall not place or set any kind of net or set hook lines or take or attempt to take any kind of fish with a net or set hook line in the waters of east bay and west bay, Grand Marais harbor, and in the waters of Lake Superior within 2 miles on either side of the range lights at the entrance to Grand Marais harbor, extending out to 30 fathoms of water, all in Alger county, Michigan.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47342 False Presque Isle bay.

Sec. 47342. A person shall not set nets or seines of any kind or description west of a certain line commencing at the 1/4 post between sections 13 and 24 in town 33 north, range 8 east; thence north across the bay of False Presque Isle to 1/4 post between sections 12 and 13 in said town 33 north, range 8 east, in Presque Isle county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

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Popular name: Act 451

Popular name: NREPA

324.47343 Presque Isle harbor.

Sec. 47343. A person shall not take or attempt to take fish with seines, set hook lines, or nets of any kind in the waters of Presque Isle harbor and that portion of Lake Huron within a line drawn between Presque Isle light in section 8, town 34 north, range 8 east, and South Albany Point in section 22, town 34 north, range 8 east, Presque Isle county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47344 Thunder Bay.

Sec. 47344. A person shall not catch or take fish of any kind with a net or other device of any kind, except hook and line and spear as permitted by law, from that part of Thunder Bay in Lake Huron, lying inside, or south and west of a straight line extending from the mouth of Thunder Bay river to the center of Surplur Island; thence south and east to the north and south line between sections 20 and 21 in township 29 north, of range 9 east, in the state of Michigan, where said line intersects the waters of the said lake, excepting therefrom that part of said Thunder Bay in front of sections 2, 11 and 12 in township 29 north, of range 8 east, and sections 34 and 35 in township 30 north, of range 8 east. However, no net or other device of any kind, except hook and line and spear as permitted by law, shall be used by any person to take or catch fish in that part of the waters of said Thunder Bay within 1/2 mile of the mouth in any direction of any stream that discharges its waters into that portion of said Thunder Bay.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47345 Whitney bay.

Sec. 47345. A person shall not fish with, use, or set any seines, gill nets, or any form of pound, trap, sweep, or set nets, or any similar device for taking fish in Whitney bay or any waters tributary to that bay in the township of Drummond, county of Chippewa.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47346 Pike Bay and Island Harbor.

Sec. 47346. A person shall not take or catch fish of any kind with gill nets, trap nets, pound nets, seines, or other device of any kind, except hook and line, in that part of upper Lake Huron known as Pike Bay and Island Harbor within a line drawn from the most southerly point of section 17, town 41 north, range 5 east, on Drummond Island to the most westerly point of Espanore Island; thence southerly and easterly along the shore to the most southerly point of said Espanore Island; thence due east to the mainland of Drummond Island. However, a person may use spears through the ice of those waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47347 Straits of Mackinac.

Sec. 47347. A person shall not take or catch fish of any kind with gill nets, trap nets, seines, or other device of any kind, except hook and line and spear as permitted by law, in that part of the Straits of Mackinac, within 1 mile from the shoreline, from a point where the section line between sections 22 and 23, town 40 north, of range 4 west intersects the Straits of Mackinac, and running from there easterly to where the west line of the city limits of the city of St. Ignace intersects the Straits of Mackinac, and within 1/2 mile from there easterly and northerly to where the north line of the city of St. Ignace intersects Lake Huron or the Straits of Mackinac.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

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Popular name: Act 451

Popular name: NREPA

324.47348 Les Cheneaux channels.

Sec. 47348. (1) A person shall not fish with seines, gill nets, or any form of trap nets, or in any manner except by hook and line, the channels known as the Les Cheneaux channels, in Mackinac county, or in the entrances to the channels or in the waters adjacent to the channels, within a line drawn as follows: Beginning at the southerly extremity of the point of land on the easterly side of Dudley bay; running thence southwesterly in a straight line to the southeasterly extremity of Beaver Tail Point; thence westerly in a straight line to the southeasterly point of Crow island; thence southwesterly in a straight line to the extreme southeasterly point of Boot island; thence southwesterly in a straight line to Point Fuyards; thence northwesterly in a straight line to the extreme southerly part of St. Martin's Point. However, pound nets of legal mesh and size, for the taking of whitefish and lake trout, may be set and used in any place in the protected waters, except in that portion of Prentice bay lying north of a line drawn from the south end of Scotty's Point to the south end of Whitefish Point and in the channels known as the Les Cheneaux channels, in Mackinac county, or in the entrances to the channels, lying west of the east line of section 34, in town 42 north, range 1 east, said line running north and south. Gill nets of not more than 150 feet in length and of the size mesh established in section 47309 for taking herring and menominees may be legally used and set in the protected waters, at any place or places where nets for the taking of whitefish and lake trout are permitted by this part, during the months of January, February, and March of each year, for the purpose of taking herring and menominees for commercial purposes. A person may use spears through the ice of such waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike. If perch, black bass, northern pike, or pike-perch are taken in any of the nets described in this section used for the taking of whitefish and lake trout, menominee, or herring, as permitted by this part, they shall be immediately released and placed back in the water.

(2) A person shall not take more than 50 perch by hook and line and spear from waters described in this section, in any 1 day, and the sale of any perch, black bass, northern pike, or pike-perch caught or taken from those protected waters by hook and line and spear, is unlawful.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47349 Fishing in certain water of upper Lake Huron with fishing devices; prohibition; exceptions; spearing through ice for certain fish; open season.

Sec. 47349. A person shall not take or catch fish of any kind with gill nets, pound nets, trap nets, seines, or other device of any kind, except a hook and line, in those waters of upper Lake Huron within the following boundaries: Beginning at a point where the north line of town 41 north intersects the shore of the mainland south of the village of Detour, in Chippewa county; thence due east to Drummond Island; thence northerly and easterly along the shore of Drummond Island to a point where the section line between sections 23 and 24, town 43 north, range 6 east, on Poe Point, meets the waters edge; thence northwesterly to a point on the international boundary line where it intersects a line drawn due north from the most westerly end of Chippewa Point; thence due north to the international boundary line; thence westerly along said international boundary line to a point where it intersects a line drawn due east through the most southerly point of Little Lime Island; thence due west from said point to the mainland; thence following the shore of the mainland southeasterly to the point of beginning. However, nets with meshes not less than 4-1/2 inches and set hook lines may be used from December 15 to April 1 of each year in these waters except in that portion of Potagannissing Bay lying southerly of a line drawn from the most northerly part of Dix Point on section 19, town 42 north, range 5 east, to Chippewa Point on section 30, town 43 north, range 6 east, on Drummond Island, Chippewa county, where no device for taking fish other than a hook and line shall be used at any time. A person shall not take or catch fish of any kind with gill nets, pound nets, trap nets, seines, or other device of any kind, except a hook and line, in the waters on the south side of Drummond Island lying north of a line beginning at the most southerly part of Cream City Point on section 22, town 41 north, range 5 east, thence easterly to Traverse Point, thence easterly to Scammon Point, thence southeasterly to the most southerly part of Long Point on section 29, town 41 north, range 7 east. A person may use spears through the ice of such waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47350 Little Traverse bay.

Sec. 47350. A person shall not take or catch fish of any kind with gill nets, trap nets, seines, or other device of any kind, except hook and line and spear as permitted by law, and except the dipping of minnows, as defined in section 48728, by hand net and the taking of minnows by glass trap, in that part of Little Traverse bay on Lake Michigan, lying east of the line common to sections 9 and 10, township 34 north, of range 6 west, extended northerly across the bay to meet the line common to sections 9 and 10, township 35 north, of range 6 west, all in Emmet county. Minnows may be taken or caught from the waters above-described by use of a seine, hand net, or glass trap except seines may not be used within 100 feet of any public dock from which the public is not excluded from fishing with hook and line.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47351 Little Bay de Noquette.

Sec. 47351. A person shall not fish with, use, or set any seines, gill nets, or any form of pound, trap, sweep, or set nets, or any like device, or use any spear, night line, or set line for taking fish in any of the waters of this state known as Little Bay de Noquette, which means those waters of Little Bay de Noquette and tributaries north from a line drawn from the extreme end of Saunders' Point on the west shore to the extreme end of Squaw Point on the east shore. However, a person may from December 15 to April 1 of each year take suckers in any of the waters described in this section by means of pound nets, if the pound nets are lifted only under the supervision of representatives of the department. A person may use spears through the ice of such waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47352 Garden bay.

Sec. 47352. A person shall not take or catch fish of any kind with gill nets, pound nets, trap nets, seines, or other device of any kind, except hook and line and spear as permitted by law, in the waters of Garden Bay on Lake Michigan within a radius of 1-1/4 miles from the mouth of Garden Creek, Delta county. However, nets as used in Big Bay De Noc for taking smelt may be used also in Garden Bay to take smelt if they do not take or injure any other species of fish.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47353 Little Bay de Noquette, Big Bay de Noquette, and Green Bay.

Sec. 47353. A person shall not in the waters of this state known as Little Bay de Noquette and Big Bay de Noquette, and that part of Green Bay lying north of a line drawn from the point where the south boundary of Delta county (being the south line of township 37 north) meets the west shore of Green Bay, thence easterly to the most southerly point of St. Martin Island, thence northeasterly through the most southeasterly point of Poverty Island to the most southeasterly point of Summer Island (also called Big Summer Island), thence northerly along the shore of Summer Island to the most easterly point thereof, thence northerly to the navigation buoy off the south end of Point Detour:

(a) Fish, set, use, or maintain in the water any pound net designed for the impounding of fish, unless the pound net is held in place solely by 10 or more stakes driven firmly into the ground beneath the water.

(b) Fish, set, use, or maintain any pound net in water having a depth greater than 50 feet.

(c) Fish, set, or have in the water any trap net, hoop net, fyke net, drop net, or gobbler net at any time from April 15 to May 20.

(d) Fish, set, use, maintain, or permit to remain in the water any net of any description, except minnow seines, between July 1 and September 10, in whole or in part within any of the areas described as follows:

(*i*) In Big Bay de Noquette north of a line from the southernmost tip of Porcupine Point to the westernmost

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tip of Valentine Point.

(*ii*) In Little Bay de Noquette between the westerly shore and a line drawn from the extreme end of Saunders Point to the extreme end of Squaw Point and thence to the mouth of the channel into the Gladstone yacht harbor.

(*iii*) In Little Bay de Noquette and Green Bay between the westerly shore and a line drawn from the most easterly point on Portage Point 1 and 1/2 miles south, thence in a general southerly direction parallel to the westerly shoreline and 1 and 1/2 miles out from shore to a point where the township line between town 37 n and 38 n, r 23 w intersect, thence west to the shore.

(e) Subdivisions (a) and (b) do not apply to or restrict the fishing, setting, use, or maintenance of pound nets otherwise lawfully used for the taking of smelt or herring during the winter months under the ice.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47354 Keweenaw bay.

Sec. 47354. A person shall not take, catch, or attempt to take or catch any fish with seines, gill nets, or any form of pound or trap nets or in any manner except by the use of hook and line and spear as permitted by law in the waters of L'Anse bay, which are defined as follows: South of an east and west line beginning at the meander corner between sections 25 and 36, township 51 north, range 33 west, and extending west to the meander corner between section 27 and section 34, township 51 north, range 33 west. In the remaining waters of Lake Superior inside of a line extending from Manitou light on Manitou island, Keweenaw county, to the Huron island light on west Huron island and thence to the mouth of the Huron river in township 52 north, range 29 west, Marquette county, excluding Huron bay as defined in section 47356, from January 1 to October 31 in each year a person shall not set or use in waters between 120 feet in depth and 300 feet in depth any gill net with meshes less than 4-1/2 inches, except for taking herring when the net is floated so that the lower line of the net is not more than 42 feet below the surface of the water, and for the taking of bait for set hook lines in accordance with section 47309.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47355 Portage Lake ship canal.

Sec. 47355. A person shall not take, catch, or attempt to take or catch any fish with seines, gill nets, or any form of pound nets or trap nets or in any manner except by the use of hook and line in those waters of Houghton county, commencing at the northerly entrance to Portage Lake and extending through Portage Lake ship canal and within 1/2 mile in all directions from the canal entrance inside of the breakwaters. However, a person may use spears through the ice of such waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, nothern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47356 Huron bay.

Sec. 47356. A person shall not take, catch, or attempt to take or catch any fish with seines, gill nets, or any form of pound or trap nets or in any manner except by the use of hook and line in the waters of Huron bay, which within this part mean: South of an east and west line beginning at the meander corner between sections 14 and 23, township 52 north, range 31 west, and running west to the meander corner between sections 15 and 22, township 52 north, range 31 west, Baraga county. A person may use spears through the ice of those waters during the months of January, February, and March for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47357 Duncan Bay.

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Sec. 47357. A person shall not use any kind of a net, set hook line, or other device for the purpose of taking or catching fish in the waters of Duncan Bay, Lake Huron, which as used in this part mean all those waters of Duncan Bay, Lake Huron, lying south of a line drawn west from Cheboygan Point lighthouse on Lighthouse Point to a point where the easterly boundary line of Beaugrand township meets the westerly boundary line of the corporate limits of the city of Cheboygan extended due north would intersect the waters of Lake Huron. However, a person may take or catch fish in these closed waters with hook and line or spears in accordance with the laws of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47358 Munising and Murray bays.

Sec. 47358. A person shall not take or catch fish of any kind in any manner except with hook and line and spear as permitted by law in any of the waters of Munising and Murray bays of Lake Superior which as used in this part mean those waters of Munising and Murray bays of Lake Superior lying westerly of a line drawn from Sand Point in section number 19, town 47 north, range 18 west, to the eastern end of the eighth line dividing lots 1 and 2 in the northeast quarter of section number 24, town 47 north, range 19 west, and easterly of a line drawn from the southern end of the quarter line between lots 2 and 3 of section number 22, town 47 north, range 19 west, to the northern end of the quarter line between lots number 2 and 3 in section number 27, town 47 north, range 19 west, and fish so taken shall not be bought or sold.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47359 Bait; taking with nets.

Sec. 47359. The taking of minnows as defined in section 48728 and other small fish for bait with nets not otherwise prohibited by law is not a violation of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47360 Construction of part.

Sec. 47360. Nothing contained in this part authorizes the taking, selling, or transporting of fish, the use of illegal nets, or the setting of nets at a place or places or at times otherwise forbidden by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47361 Violation of MCL 324.47335 to 324.47360; penalty; suspension or revocation of permit or license; issuance or reinstatement.

Sec. 47361. (1) A person who violates sections 47335 to 47360 is guilty of a misdemeanor, punishable by imprisonment for not more than 30 days, or a fine of not less than $10.00 or more than $100.00 and costs of prosecution, or both. The license of any person convicted of 3 violations of this part or other acts or parts regulating commercial fishing in any 1 license year shall be automatically revoked and canceled for the balance of the license year for which issued, and such a revocation prohibits the use of boats, nets, or other gear by any person during the balance of the year for which the license was issued.

(2) Subject to subsection (3), if any permit or license under this part is ordered to be suspended or revoked under section 41309 and if the department maintains a database of suspensions or revocations of permits or licenses under this part, the department shall not issue a permit or license under this part to the person for the period provided in the order.

(3) If a permit or license under this part is ordered to be suspended under section 41309, the suspension remains in effect until all of the following occur:

(a) The suspension period set forth in the court order has elapsed.

(b) The person pays the department a reinstatement fee of $125.00.

(4) Unless a person's permit or license is otherwise suspended, revoked, or denied, the permit or license is immediately reinstated on satisfaction of the requirements of subsection (3).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2014, Act 541, Eff. Apr. 15, 2015.

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Popular name: Act 451

Popular name: NREPA

324.47362 Part 479 not repealed.

Sec. 47362. This part shall not be construed to repeal part 479.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 475
FISH HATCHERIES FOR RESTOCKING THE GREAT LAKES

324.47501 Fish hatcheries to restock Great Lakes; establishment; plan.

Sec. 47501. The department may plan the establishment of fish hatcheries for the propagation and cultivation of pickerel, trout, and whitefish for restocking the Great Lakes that border this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 477
FISH RESTORATION AND MANAGEMENT PROJECTS

324.47701 Fish restoration; cooperation with federal government; funds accruing from license fees; use.

Sec. 47701. The department may perform acts as may be necessary to the establishment and management of fish restoration, management, and research projects and areas in cooperation with the federal government as defined in chapter 658, 64 Stat. 430, 16 U.S.C. 777 to 777e, 777f to 777i, and 777k to 777 *l*, commonly known as the federal aid in fish restoration act, and with rules and regulations promulgated by the United States secretary of the interior under that act; and in compliance with that act, funds accruing to the state from license fees paid by anglers shall not be used for any purpose other than fish and game activities under the administration of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 479
FISHERIES CONTAMINATION

324.47901 Refuse from fish catch; disposal.

Sec. 47901. All fish, offal, or filth accruing from the catching and curing of fish shall be burned or buried at least 10 rods away from the beach or shore of any stream, pond, or lake.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47902 Nonresident fishing license; fee; forfeiture; disposition of money accrued.

Sec. 47902. The county board of commissioners of each county, or a majority of the county board of commissioners, shall grant, on the application of a nonresident person, a written 1-year license, for each pound or trap net used, upon payment of $50.00. A person who violates this part shall forfeit the sum of $100.00, and all costs of suit. The county board of commissioners, or a majority of the county board of commissioners, shall enforce this part, and all money accruing from fishing licenses and forfeitures shall be paid to the county treasurer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47903 Dumping into waters prohibited; molesting of nets.

Sec. 47903. A person shall not put into any stream, pond, or lake any sand, coal, cinders, ashes, log slabs, decayed wood, bark, sawdust, or filth. A boat owner, a captain of any boat or vessel, or any other person shall

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not run into or molest any pond net, trap net, or other stationary net or fixture set in any lake for fishing purposes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47904 Violation of part; penalty.

Sec. 47904. A person who violates this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both, and the person shall be liable civilly for damages done in an action in any court having jurisdiction.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.47905 Prohibited acts; penalty; civil liability.

Sec. 47905. A person shall not willfully cut, tear, untie, remove, or in any manner injure, damage, molest, or destroy any net, rope, line, stake, anchor, or other property belonging to, in use, or to be used in any pond net or trap net or other net or nets and fixtures thereto belonging, lawfully set and used for the purpose of taking fish from any of the lakes or streams in this state or in any of the lakes or waters bordering upon this state. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than $500.00, or imprisonment for not more than 6 months, or both, and the person is liable civilly for all damages done willfully to the property to the legal owners or occupants of the property, to be recovered in an action of trespass in any court having jurisdiction in the county where the property is located.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 483
PASSAGE OF FISH OVER DAMS

324.48301 Free passage of fish; rules; fish ladders.

Sec. 48301. The department shall prescribe rules and regulations to provide for the free passage and uninterrupted passage of fish over or through dams now in existence or that are or may be erected over rivers, streams, or creeks. The department may abrogate the provisions of this part that require the erection of fish ladders if the department determines that the height of the dam or the condition of the river or stream makes the installation of the ladders impracticable or unnecessary.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48302 Inspector of dams; duties; plan; contents; copies.

Sec. 48302. The department is the inspector of dams across rivers, streams, and creeks of this state and shall prepare a draft of a general plan that the department determines will best permit the free passage of large and small fish up and down a stream at the dam. Each plan shall set forth details and specifications for material and construction and connection with the dam that will enable the owner of the dam to properly construct and place the means designated. The department shall furnish a copy of the plans and specifications to each owner or occupant of a dam, on request.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48303 Order to provide free passage of fish; compliance; kind and manner.

Sec. 48303. Any person owning or using any dam that exists or may be constructed across any river, stream, or creek in this state, if ordered by the department, shall, within 90 days after the issuance of the order, erect and maintain in good repair sufficient and permanent means to admit the free and uninterrupted passage of fish over or through the dam. The means providing for the free passage of fish shall be of a kind and shall be placed in a manner prescribed by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

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Popular name: Act 451

Popular name: NREPA

324.48304 Prosecutions; mandamus.

Sec. 48304. The department shall prosecute in the name of the people of the state in all cases where this part is violated, and the prosecuting attorney of the county in which a prosecution is commenced under this part shall aid in the prosecution when requested to do so by the department. The attorney general may institute mandamus proceedings in the circuit court for Ingham county to compel any person to comply with this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48305 Violations of part; separate offenses.

Sec. 48305. If any person owning, using, or employing the use of any dam across any of the rivers, streams, or creeks of this state refuses or fails to erect and maintain in proper repair the means or equipment ordered by the department, that person is guilty of a violation of this part, and every period of 30 days during which any person owning or using a dam fails to erect or maintain in proper repair the means or equipment for the free passage of fish renders that person guilty of a distinct and separate offense of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48306 Construction of passageways for fish by department; expenses; payment; tax assessment.

Sec. 48306. If the owner or user of any dam refuses or fails to construct and maintain the means or equipment for the free passage of fish when ordered by the department, the department may cause the same to be constructed over or through the dam at the place in the dam that will cause the least injury to the water power, and the expense of the construction of the means for the free passage of fish shall be certified by the department to the county board of commissioners of the county in which the dam is located, and the expense shall be audited by the county board of commissioners and shall be paid from the general fund of the county. The county board of commissioners of any county, upon auditing and allowing the expense, shall order, by resolution, the supervisor of the township or ward in which the dam is situated to spread the expense upon the assessment roll of the township or ward as a tax against the property to which the dam is appurtenant and against the owners of the property to be collected in the same manner as other township taxes and paid over to the county treasurer or returned as delinquent in accordance with law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48307 Passage of fish through and over dams; apparatus obstructing rivers, streams, or creeks prohibited; violation; authority of department.

Sec. 48307. Except as authorized by law, a person shall not obstruct the channel or course of any river, stream, or creek in this state by placing or causing to be placed in that river, stream, or creek any net, wire, screen, or any other apparatus or material of any kind that will prevent the free passage of fish up and down the river, stream, or creek. A person who violates this section is guilty of a violation of this part. The department may in the public interest authorize the placing of screens in any river, stream, creek, or in the inlet or outlet of any lake.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 485
SPEARING OF FISH IN HOUGHTON LAKE PROHIBITED

324.48501 Repealed. 2012, Act 301, Imd. Eff. Sept. 25, 2012.

Compiler's note: The repealed section pertained to prohibition against spear fishing in Houghton lake, Roscommon county.

PART 487

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SPORT FISHING

SUBPART I
DEFINITIONS

324.48701 Definitions.

Sec. 48701. As used in this part:

(a) "Amphibian" means any frog, toad, or salamander of the class amphibia.

(b) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order decapoda.

(c) "Dip net" means a square net that is constructed from a piece of webbing of heavy twine, hung on heavy cord or frame so as to be without sides or walls, and suspended from the corners and attached in such a manner that when the net is lifted no part is more than 4 feet below the plane formed by the imaginary lines connecting the corners from which the net is suspended. As used in fishing, it shall be lowered and raised vertically as nearly as possible.

(d) "Game fish" includes all of the following:

(*i*) Lake trout (Salvelinus namaycush).

(*ii*) Brook trout (Salvelinus fontinalis).

(*iii*) Brown trout (Salmo trutta).

(*iv*) Rainbow or steelhead trout (Oncorhynchus mykiss).

(*v*) Atlantic landlocked salmon (Salmo salar sebago).

(*vi*) Grayling (Thymallus arcticus).

(*vii*) Largemouth bass (Micropterus salmoides).

(*viii*) Smallmouth bass (Micropterus dolomieu).

(*ix*) Bluegill (Lepomis macrochirus).

(*x*) Pumpkinseed or common sunfish (Lepomis gibbosus).

(*xi*) Black crappie and white crappie, also known as calico bass and strawberry bass (Pomoxis nigromaculatus and Pomoxis annularis).

(*xii*) Yellow perch (Perca flavescens).

(*xiii*) Walleye (Sander vitreous).

(*xiv*) Northern pike (Esox lucius).

(*xv*) Muskellunge (Esox masquinongy).

(*xvi*) Lake sturgeon (Acipenser fulvescens).

(*xvii*) Splake (Salvelinus namaycush x Salvelinus fontinalis).

(*xviii*) Coho salmon (Oncorhynchus kisutch).

(*xix*) Chinook (King) salmon (Oncorhynchus tshawytscha).

(*xx*) Pink salmon (Oncorhynchus gorbuscha).

(e) "Genetically engineered" refers to a fish whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques.

(f) "Hand net" means a mesh bag of webbing or wire suspended from a circular, oval, or rectangular frame attached to a handle.

(g) "Inland waters of this state" means the waters within the jurisdiction of the state except Saginaw river, Lakes Michigan, Superior, Huron, and Erie, and the bays and the connecting waters. The connecting waters between Lake Superior and Lake Huron are that part of the Straits of St. Mary in this state extending from a line drawn from Birch Point Range front light to the most westerly point of Round Island, thence following the shore of Round Island to the most northerly point thereof, thence from the most northerly point of Round Island to Point Aux Pins light, Ontario, to a line drawn due east and west from the most southerly point of Little Lime Island. The connecting waters of Lake Huron and Lake Erie are all of the St. Clair river, all of Lake St. Clair, and all of the Detroit river extending from Fort Gratiot light in Lake Huron to a line extending due east and west of the most southerly point of Celeron Island in the Detroit river.

(h) "Mollusks" means any mollusk of the classes bivalvia and gastropoda.

(i) "Nongame fish" includes all kinds of fish except game fish.

(j) "Nonresident" means a person who is not a resident.

(k) "Nontrout streams" means all streams or portions of streams other than trout streams.

(*l*) "Open season" means the time during which fish may be legally taken or killed and includes both the first and last day of the season or period designated by this part.

(m) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.

(n) "Reptiles" means any turtle, snake, or lizard of the class reptilia.

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(o) "Resident" means either of the following:

(*i*) A person who resides in a settled or permanent home or domicile with the intention of remaining in this state.

(*ii*) A student who is enrolled in a full-time course at a college or university within this state.

(p) "Trout lake" means a lake designated by the department in which brook trout, brown trout, or rainbow trout are the predominating species of game fish. The department may designate certain trout lakes in which certain species of fish are not desired and in which it is unlawful to use live fish of any kind for bait.

(q) "Trout stream" means any stream or portion of a stream that contains a significant population of any species of trout or salmon as determined by the department. The department shall designate not more than 212 miles of trout streams in which only lures or baits as the department prescribes may be used in fishing, and the department may prescribe the size and number of fish that may be taken from those trout streams. The department shall not restrict children under 12 years old from taking a minimum of 1 fish, except for lake sturgeon (Acipenser fulvescens), in any trout stream. Any trout stream in a county that includes a city with a population of 750,000 or more shall be so designated. In addition, the department shall issue an order adopting criteria for determining which trout streams should be so designated. Before the department issues the order, the department shall submit the proposed order to the commission. The commission shall receive public comment on the proposed order. The department shall consider any guidance provided by the commission on the proposed order and may make changes to the proposed order based on that guidance.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2002, Act 434, Imd. Eff. June 10, 2002;—Am. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2008, Act 291, Imd. Eff. Oct. 6, 2008.

Popular name: Act 451

Popular name: NREPA

324.48702 Fish, reptiles, amphibians, mollusks, and crustaceans as property of state; exception; registration under Michigan aquaculture development act.

Sec. 48702. (1) Except as otherwise provided in subsection (2), all fish, reptiles, amphibians, mollusks, and crustaceans found in this state are the property of the state and may only be taken at times and in a manner as provided in this part.

(2) Fish, reptiles, amphibians, mollusks, crustaceans, and any other aquaculture species propagated, reared, produced, or possessed pursuant to a registration or permit issued under the Michigan aquaculture development act are not the property of the state and may be taken, produced, purchased, acquired, lawfully exported or imported, or possessed only in compliance with that act.

(3) The department shall consider a registration under the Michigan aquaculture development act as equivalent to a game fish breeders license for purposes of obtaining a planting permit under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 200, Imd. Eff. May 17, 1996.

Popular name: Act 451

Popular name: NREPA

324.48702a Definitions; obstruction or interference in lawful taking of aquatic species; prohibited conduct.

Sec. 48702a. (1) As used in this section and section 48702b:

(a) “Aquatic species” means fish, reptiles, mollusks, crustacea, minnows, wigglers, and amphibians of the class amphibia.

(b) “Take” and “taking” mean to fish for by any lawful method, catch, kill, capture, trap, or shoot any species of fish, reptiles, amphibians, mollusks, wigglers, or crustacea, regulated by this part, or to attempt to engage in any such activity.

(c) “Vessel” means every description of watercraft used or capable of being used as a means of transportation on water.

(2) A person shall not obstruct or interfere in the lawful taking of aquatic species by another person.

(3) A person violates this section when the person intentionally or knowingly does any of the following:

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

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

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

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

(e) Blocks, impedes, or harasses another person who is engaged in the process of lawfully taking an aquatic species.

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

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

(h) Interjects himself or herself into the area where nets, fishing lines, or traps may be placed by a person lawfully taking aquatic species.

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

(j) Enters or remains upon private lands without the permission of the owner or the owner's agent, for the purpose of violating this section.

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

History: Add. 1996, Act 315, Eff. July 1, 1996.

Compiler's note: Enacting Section 3 of Act 315 of 1996 , which provided:
"Section 3. This amendatory act shall not take effect unless Senate Bill No. 964 of the 88th Legislature is enacted into law."

Popular name: Act 451

Popular name: NREPA

324.48702b Violation of MCL 324.48702a.

Sec. 48702b. (1) Upon petition of an aggrieved person or a person who reasonably may be aggrieved by a violation of section 48702a , a court of competent jurisdiction, upon a showing that a person was engaged in and threatens to continue to engage in illegal conduct under section 48702a, may enjoin that conduct.

(2) A person who violates section 48702a is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than $500.00 or more than $1,000.00, or both, and the costs of prosecution. A person who violates section 48702a a second or subsequent time is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not less than $1,000.00 or more than $2,500.00, or both, and the costs of prosecution. In addition to the penalties provided for in this subsection, any permit or license issued by the department authorizing the person to take aqunatic species shall be revoked. A prosecution under this subsection does not preclude prosecution or other action under any other criminal or civil statute.

(3) Section 48702a does not apply to a peace officer while the peace officer performs his or her lawful duties.

History: Add. 1996, Act 318, Eff. July 1, 1996.

Popular name: Act 451

Popular name: NREPA

SUBPART II
FISHING DEVICES

324.48703 Fishing means or device; lines; hooks; tip-up or similar device; spear, bow and arrow, or crossbow; order to regulate nets.

Sec. 48703. (1) A person shall not take, catch, or kill or attempt to take, catch, or kill a fish in the waters of this state with a grab hook, snag hook, or gaff hook, by the use of a set or night line or a net or firearm or an explosive substance or combination of substances that have a tendency to kill or stupefy fish, or by any other means or device other than a single line or a single rod and line while held in the hand or under immediate control, and with a hook or hooks attached, baited with a natural or artificial bait while being used for still fishing, ice fishing, casting, or trolling for fish, which is a means of the fish taking the bait or hook in the mouth. A person shall not use more than 3 single lines or 3 single rods and lines, or a single line and a single rod and line, and shall not attach more than 6 hooks on all lines. The department shall have the authority to decrease the number of rods per angler. However, the department shall not reduce the number of rods per angler to less than 2. For the purposes of this part, a hook is a single, double, or treble pointed hook. A hook, single, double, or treble pointed, attached to a manufactured artificial bait shall be counted as 1 hook. The department may designate waters where a treble hook and an artificial bait or lure having more than 1 single pointed hook shall not be used during the periods the department designates. In the Great Lakes or recognized smelt waters, any numbers of hooks, attached to a single line, may be used for the taking of smelt, alewife, or

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other bait fish.

(2) A person shall not set or use a tip-up or other similar device for the purpose of taking fish through the ice unless the name and address of the person owning the tip-up or other similar device is marked in legible English on the tip-up or other similar device or securely fastened to it by a plate or tag.

(3) The department may issue an order to regulate the taking of fish with a spear, bow and arrow, or crossbow in the waters of this state.

(4) The department may issue an order to regulate the taking of fish with nets in the waters of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2008, Act 291, Imd. Eff. Oct. 6, 2008;—Am. 2012, Act 245, Imd. Eff. July 2, 2012;—Am. 2012, Act 471, Imd. Eff. Dec. 27, 2012.

Popular name: Act 451

Popular name: NREPA

324.48703a Sport fishing; regulation by commission; issuance of orders; providing copy of order to legislature; appropriation.

Sec. 48703a. (1) The legislature finds and declares that aquatic invasive species, including Asian carp, represent a significant threat to the state's fisheries, aquatic resources, outdoor recreation and tourism economies, and public safety.

(2) The commission has the exclusive authority to regulate sport fishing under this part. The commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the regulation of sport fishing under this part. The commission may take testimony from department personnel, independent experts, and others, and review scientific literature and data, among other sources, in support of the commission's duty to use principles of sound scientific management. The commission shall issue orders regarding the regulation of sport fishing under this part following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission shall provide a copy of the order to each of the following:

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

(3) For the fiscal year ending September 30, 2017, there is appropriated for the department the sum of $1,000,000.00 to implement management practices necessary for rapid response, prevention, control, or elimination of aquatic invasive species, including Asian carp. Any portion of the amount under this section that is not expended in the fiscal year ending September 30, 2017 shall not lapse to the general fund but shall be carried forward in a work project account that is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

History: Add. 2013, Act 21, Imd. Eff. May 8, 2013;—Am. 2014, Act 281, Eff. Mar. 31, 2015;—Am. 2015, Act 12, Eff. July 13, 2015;—Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016.

Compiler's note: Enacting section 1 of Act 281 of 2014 provides:

"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."

Enacting section 2 of Act 281 of 2014 provides:

"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, § 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.

Popular name: Act 451

Popular name: NREPA

324.48704 Gill net; cisco.

Sec. 48704. A person holding a resident fishing license may take cisco with 1 gill net, not exceeding 165 feet in length and having meshes not less than 2 inches or more than 4 inches extension measure, between November 15 and December 10 of each year in those inland lakes and under rules promulgated by the department.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48705 Reptiles, amphibians, mollusks, and crustaceans; manner and times of taking; fishing license for turtles or frogs; commercial reptile and amphibian license; fee.

Sec. 48705. (1) Reptiles, amphibians, mollusks, and crustaceans may only be taken in a manner and during those times prescribed by the department. Persons taking, trapping, catching, or fishing for turtles or frogs for their personal use shall have a valid fishing license issued pursuant part 435.

(2) A person shall not take, trap, catch, or fish for reptiles or amphibians for commercial purposes unless he or she purchases an annual commercial reptile and amphibian license for a fee of $150.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48706 Seines or nets; prohibited use near dams; definition.

Sec. 48706. Except as otherwise provided by law, a person shall not fish with any kind of seines or nets within a radius of 100 feet of or from any dam, frighten or hinder fish from the free passage up or down a fish chute or ladder, or place any obstruction or device in or across any race, stream, or river in this state in a manner that obstructs the free passage of fish up and down the race, stream, or river. For the purpose of this part, a dam is an artificial barrier or obstruction placed in a river or stream in this state which changes the natural elevation of the water level more than 2 feet.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48707 Lamprey control weir; prohibited waters for fishing.

Sec. 48707. A person shall not fish within a distance of 100 feet upstream or downstream from a lamprey control weir installed by the department or the United States fish and wildlife service and designated by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48708 Smelt nets; length; mesh; license fee; marking.

Sec. 48708. A person may use a net not more than 50 feet in length and having meshes not less than 1-1/4 inches or more than 1-3/4 inches to take smelt in waters along the shores of the Great Lakes and connecting waters of the Great Lakes, as designated by the department. The annual license fee for each net described in this section is $3.00. When a net described in this section is set, there shall be affixed to both ends of the net a buoy or staff marker that has affixed to it the name, address, and license number of the owner of the net.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48709 Dam or barrier; destruction or interference prohibited.

Sec. 48709. A person shall not destroy or attempt to destroy, or interfere with in any manner, any artificial dam or barrier placed in a trout stream under the direction of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48710 Applicability of part to gaff, landing net, person propagating fish, or to fish caught by device; requirements as to landing net.

Sec. 48710. (1) This part does not prohibit the use of a gaff, except on or along trout streams, or a landing net to assist in landing fish already caught by a lawful device. This part does not apply to a person engaged in the business of propagating fish under part 459 or to fish caught by a device for which a lawful permit or license is obtained from the department under this part.

(2) A person shall not use or possess a landing net more than 5-1/2 feet in circumference or with a handle

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exceeding 14 inches in length on a trout stream during the months of April, May, and June.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48711 Possession of fishing devices; prohibition; confiscation; exceptions; evidence; certain controls not affected.

Sec. 48711. A person shall not have in his or her possession any net, set lines, jack or other artificial light of any kind, dynamite, giant powder, or other explosive substance or combination of substances, hook and line, or any other contrivance or device to be used for the purpose of taking fish in violation of this part or any other act or part. Any such property, contrivance, or device found in the possession of a person or found in a boat, boathouse, or any other place on any of the waters of this state or along the shores of the waters of this state shall be confiscated and disposed of in the manner provided by law. A person shall not have a gaff in his or her possession on or along any trout stream in this state or use, except from June 1 to Labor Day, on any trout stream a single hook of any kind that is more than 3/8 inches between the point of the hook and the shank. This section does not prohibit the use or possession of minnow seines, minnow traps, or dip nets as provided in section 48730 or the use and possession of seines, nets, spears, or artificial lights for the use of which a lawful permit or license has been issued by the department. A person may have in his or her possession an artificial light of any kind for taking white bass. Commercial anglers who have licenses to take fish in the Great Lakes may have in their possession nets or hook lines for that purpose only. In prosecutions for the violations of this section, and in proceedings for the confiscation of the property described in this section, the possession of any such property, contrivance, or device or, when not found in possession of any person, the presence of any such property in a boat, boathouse, or any other place on the waters of this state or along the shores of the waters of this state is prima facie evidence that the property is owned, possessed, or used for the purpose of violating this part. The possession of any such property, contrivance, or device on the waters of this state that are closed to all fishing during the closed season on or along those waters is prima facie evidence that the property is owned, possessed, or used for the purpose of violating this part. This act or any other act does not apply to the department in its program in fisheries management or in the control of aquatic vegetation by individuals under permit issued by the department when, in the opinion of the department, that control is not inimical to the public interest.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48712 Fishing in propagating beds prohibited; exception.

Sec. 48712. A person shall not catch any fish or attempt to catch any fish in any manner in any lake, stream, or pond or portion of any lake, stream, or pond that is used by the state or federal government for the propagation of fish, except in the portion or portions of the lake, stream, or pond as may be designated by the department as open to fishing.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48713 Fishing to remove eggs prohibited.

Sec. 48713. A person shall not catch any game or nongame fish in any manner in any lake, stream, or pond or in the Great Lakes for the purpose of removing its eggs.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48714 Nonresident as commercial fishing guide; “commercial fishing guide” defined.

Sec. 48714. (1) A nonresident who resides in a state or country that does not allow residents of this state to act as commercial fishing guides within that state or country shall not act as a commercial fishing guide on the inland waters of this state.

(2) Notwithstanding subsection (1), a nonresident shall not act as a commercial fishing guide on the inland waters of Gogebic or Iron county.

(3) As used in this section, “commercial fishing guide” means a person who, for a fee or other consideration of value, regardless of whether the fee or consideration is paid directly or indirectly, is present

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and provides assistance to another person in pursuing, capturing, catching, killing, taking, or attempting to take fish.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART III
OPEN SEASONS

324.48715 Open seasons by classification of waters.

Sec. 48715. Except as otherwise provided by law, a person shall not take, catch, or kill or attempt to take, catch, or kill any species of fish in any of the following:

(a) A trout stream or any inland lake designated as a trout lake under this part except from the last Saturday in April through the second Sunday in September. However, the department may designate certain trout streams, or portions of trout streams in which nongame fish and game fish other than trout occur, as open to hook and line fishing at all seasons of the year for taking any species of fish on which the season is not closed.

(b) Lakes other than lakes designated as trout lakes shall be open to fishing throughout the year for taking any species of fish on which the season is not closed. The nontrout streams, the Great Lakes, and the connecting waters of the Great Lakes shall be open to fishing throughout the year for taking any species of fish on which the season is not closed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48716 Open seasons by species of fish.

Sec. 48716. A person shall not take, catch, or kill or attempt to take, catch, or kill any fish of the species named in this section in any of the waters over which this state has jurisdiction except during the following open seasons:

(a) Bluegills and sunfish, no closed season.

(b) Northern pike, pike-perch, and muskellunge from the last Saturday in April to March 15 in the inland waters. These fish may be taken at any time from lake Macatawa, Ottawa county; Muskegon lake and White lake, Muskegon county; Spring lake, Muskegon and Ottawa counties; Pentwater lake, Oceana county; Pere Marquette lake, Mason county; Manistee lake, Bar lake at Arcadia, and Portage lake, Manistee county; Betsie lake, Benzie county; lake Charlevoix and Round lake, Charlevoix county; the Muskegon river downstream from Rogers dam, Mecosta county; and Lake Erie and the connecting waters of the Great Lakes. In Lakes Superior, Michigan, and Huron, except Saginaw bay, these fish may be taken from May 21 to March 31. In Saginaw bay, these fish may be taken from April 11 to March 4. In that part of upper Lake Huron known as Whitney bay, Pike bay, Island harbor, Les Cheneaux channels, Potagannissing bay, and certain waters on the south side of Drummond island, all as described in sections 47345, 47346, 47348, and 47349, these fish may be taken from May 1 to March 31.

(c) Brook trout, brown trout, rainbow trout, lake trout, splake, and landlocked salmon from the last Saturday in April through the second Sunday in September in the inland waters. The department shall designate the waters in which, in addition to the season provided for in this subdivision, any species of trout and in addition other fish for which the season is open may be taken with hook and line only during additional open seasons that the department prescribes.

(d) All species of trout except lake trout from the first Saturday in April to November 30 in the Great Lakes and connecting waters not otherwise closed to their taking. There is no closed season on lake trout in these waters.

(e) Perch, saugers, white bass, rock bass, warmouth bass, crappies, catfish, bullheads, ciscoes, herring, whitefish, pilot fish or menominee whitefish, smelt, suckers, mullet, redhorse carp, buffalo, shad, garfish, dogfish, lawyers, and sheepshead may be taken at all seasons of the year in waters that are open to fishing.

(f) Sturgeon during January and February from inland waters; at any time from waters of the Great Lakes and connecting waters not otherwise closed to their taking.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2014, Act 145, Imd. Eff. June 3, 2014.

Popular name: Act 451

Popular name: NREPA

324.48717 Open season for trout.

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Sec. 48717. Notwithstanding any other provision in this part or any order of the department, the following provisions are applicable during the open season for trout in that portion of Duck Creek within Gogebic County, Watersmeet Township, beginning at the old railroad bridge SE-SE section 16, T44N-R39W downstream to the Middle Branch of the Ontonagon River at NW-NW Section 27, T45N-R39W:

(a) Only artificial lures may be used to take trout.

(b) Trout must be at least 10 inches in length.

(c) Not more than 5 trout may be taken per day.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48718 Establishment of closed season; spawning beds; notices; use of boat or floating device over spawning bed; opening waters out of season.

Sec. 48718. The department may establish a closed season on any spawning bed when it appears that spawning or guarding does not coincide with the time of the closed season provided by law. Notices defining the closed areas must be posted not less than 5 days before taking effect. For the purpose of this part, a spawning bed means any section of a lake, river, pond, or other body of water where fish are known to congregate for the purpose of spawning. A person shall not operate any boat, floating device, or other contrivance propelled by or using as motive power steam, gas, naphtha, oil, gasoline, or electricity upon any spawning bed posted as provided in this part. The department may open to fishing at any time, for any species, in any manner, any waters in which an excessive mortality of fish occurs or is threatened.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48719 Legal sizes of fish; mutilation.

Sec. 48719. (1) A person shall not take or possess any of the following:

(a) Brook trout, brown trout, rainbow trout, steelhead, lake trout, and splake of a length less than 7 inches when taken from the inland waters or 10 inches when taken from the Great Lakes and connecting waters.

(b) Black bass, largemouth or smallmouth, and landlocked salmon of a length less than 10 inches.

(c) Great northern pike, grass pike, or pickerel of a length less than 20 inches, except that in Cisco lake, Thousand Island lake, Big African lake, Lindsley lake, and Poor lake in the Cisco chain of lakes and the West Branch of the Presque Isle river, all in the Upper Peninsula, great northern pike shall not be of a length less than 14 inches, and the department may lower size limits in designated waters.

(d) Pike-perch or walleyed pike of a length less than 13 inches.

(e) Muskellunge of a length less than 30 inches.

(f) Sturgeon of a length less than 42 inches.

(2) A person shall not possess on any waters over which this state has jurisdiction any fish that is so mutilated that the identification or measurement of that fish is impossible.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48720 Open season for fishing in Crystal lake, Benzie county.

Sec. 48720. The department may designate Crystal lake in Benzie county as open to fishing whenever it appears that this action is not inimical to the public interest.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48721 Possession limits of fish.

Sec. 48721. (1) The department shall issue an order under part 411 establishing possession limits of fish consistent with this section. A person shall not possess more than the daily possession limit or aggregate daily possession limit, as applicable, of fish at the place where the fish were taken or in route from that place to either of the following:

(a) His or her automobile or other principal means of land transportation.

(b) His or her residence or temporary place of lodging.

(2) In addition to 1 day's possession limit of fish, a person may possess an additional 2 days' possession

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limit of fish that are processed by any of the following methods:

(a) Canning in a sealed container.

(b) Curing by smoking or drying.

(c) Freezing in a solid state.

(3) A person's processed fish aboard a vessel, on the water or at dockside, shall be considered to be in the person's possession for the purposes of subsection (2).

(4) A person shall not possess a fish illegally taken.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2010, Act 30, Eff. Apr. 1, 2011.

Popular name: Act 451

Popular name: NREPA

324.48722 Game fish; carried as open hand baggage; transportation.

Sec. 48722. A resident or nonresident who holds an unexpired fishing license issued in his or her name may carry as open hand baggage not more than 1 day's legal catch of fish. However, any person holding an unexpired fishing license may obtain only 1 permit from the department authorizing that person to ship 1 day's legal catch of any species of game fish or combination of species. The catch of 2 or more licensed anglers may be combined in a single package. However, the permit of each angler whose catch is combined in the package shall be attached to the package.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48723 Purchase, sale, transportation or possession of certain fish prohibited; exceptions.

Sec. 48723. A person shall not purchase, buy, or sell, attempt to purchase, buy, or sell, transport to any point outside of this state at any time, or possess during the periods in which the taking or catching of the fish is prohibited, any species of fish taken on a sport fishing license or any species of fish taken without a commercial fishing license. Any lawfully taken fish may be possessed for 60 days after the close of the respective open seasons. A person possessing a nonresident fishing license may take from this state a day's legal catch of fish in accordance with his or her license. This section does not apply to or conflict with the possession, sale, or transportation of fish taken legally under the commercial fishing laws and regulations of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48724 “Fish cleaning station” defined; license to purchase, sell, or exchange anything of value for raw or unprocessed salmon eggs; prohibited conduct; compliance with requirements; selling or buying chemically treated salmon eggs; violation; order; injunctive relief.

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

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

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

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

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

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

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

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

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

(b) The fish cleaning station shall be licensed in accordance with the food processing act of 1977, Act No. 328 of the Public Acts of 1978, being sections 289.801 to 289.810 of the Michigan Compiled Laws, and operated in compliance with the Michigan food law of 1968, Act No. 39 of the Public Acts of 1968, being sections 289.701 to 289.727 of the Michigan Compiled Laws, only when the salmon eggs or salmon, or both, are sold or given to another person for human consumption.

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

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

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

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48725 Grayling; taking or possession prohibited.

Sec. 48725. A person shall not at any time take, attempt to take, or possess any grayling taken from any of the waters over which this state has jurisdiction.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48726 Repealed. 2008, Act 291, Imd. Eff. Oct. 6, 2008.

Compiler's note: The repealed section pertained to adoption of orders relating to harvesting of salmon and trout.

324.48727 Snagging of fish illegal on and after October 26, 1993; management of fisheries on Pere Marquette river.

Sec. 48727. (1) On and after October 26, 1993, the snagging of fish is illegal in this state.

(2) The department shall manage fisheries on the Pere Marquette river at or above the site of the lamprey blocking weir.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART IV
MINNOWS

324.48728 Definitions.

Sec. 48728. As used in this part:

(a) “Commercial purposes” means offering for sale, selling, giving, or furnishing to others.

(b) “Crayfish” means any arthropod of the decapoda family.

(c) “Minnows” means chubs, shiners, suckers, when of a size ordinarily used for bait in hook and line fishing, dace, stonerollers, muddlers, and mudminnows.

(d) “Wigglers” means Mayfly nymphs or any other aquatic insect nymphs or larvae.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

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324.48729 Prohibited conduct.

Sec. 48729. A person shall not do any of the following:

(a) Take or possess minnows, wigglers, or crayfish for commercial purposes from any of the waters over which this state has jurisdiction; import minnows, wigglers, or crayfish for commercial purposes from outside of this state; or transport minnows, wigglers, or crayfish without having first procured a license as provided in section 48732. A license, except a license to fish in the waters of this state as provided in part 435, is not required of persons taking minnows, wigglers, or crayfish for their individual use for bait. A person shall not set or use minnow traps for the taking of minnows, wigglers, or crayfish for any purpose unless the name and address of the user is on the trap.

(b) Export out of this state any minnows, wigglers, or crayfish, dead or alive, taken either in or outside of this state unless that person holds a permit issued under this subdivision. The department, upon receipt of a payment of $25.00, may issue a permit, revocable by the department, under such regulations as the department prescribes, to any resident licensed as provided for in section 48732, enabling that person to transport outside of this state minnows, wigglers, or crayfish that were harvested from waters outside of Michigan's jurisdictional border and imported wholesale across that border. Minnows, wigglers, and crayfish taken from Michigan's jurisdictional waters may not be exported from this state. Imported wholesale minnows, wigglers, and crayfish shall be held separately from any minnows, wigglers, or crayfish taken from Michigan's jurisdictional waters. A person holding a permit as provided in this subdivision and transporting wholesale minnows, wigglers, or crayfish shall produce documentation that contains the origin of the shipment, registration or permit copies, documentation demonstrating the shipment's destination, and any other proof that may be required by the department, upon demand of the director or a law enforcement officer. A permit issued under this subdivision may be revoked by the department upon good cause and shall expire on December 31 following the date of issuance unless the license is revoked before that date.

(c) Use or attempt to use live goldfish or carp for bait in fishing.

(d) Offer for sale or use lamprey for bait in fishing.

(e) Take, possess, or transport minnows, wigglers, or crayfish for commercial purposes from any of the waters over which this state has jurisdiction unless the taker is a resident of this state and holds a permit or license as required by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2012, Act 337, Imd. Eff. Oct. 16, 2012.

Popular name: Act 451

Popular name: NREPA

324.48730 Powers of department.

Sec. 48730. (1) The department may designate the lakes and streams and parts of lakes and streams from which minnows, wigglers, and crayfish may be taken for commercial purposes and make rules, regulations, and restrictions for taking, possessing, and transporting minnows, wigglers, and crayfish.

(2) A person shall not take or attempt to take minnows, wigglers, or crayfish for commercial purposes from any waters of the state not designated by the department or violate any of the rules, regulations, or restrictions established pursuant to this section.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48731 Minnow seines; glass or wire traps; hand nets; hook and line; dip nets.

Sec. 48731. (1) Except as otherwise provided in this subsection, minnow seines of not more than 125 feet in length and 16 feet in width may be used in the Great Lakes and their connecting waterways and in the inland lakes, streams, and rivers of this state. Minnows may only be taken from trout streams during open season with glass or wire traps. Minnow seines shall not be used in trout streams at any time.

(2) Hand nets not exceeding 8 feet square without sides or walls, minnow traps not exceeding 2 feet in length, minnow seines not exceeding 12 feet in length and 4 feet in width, and hook and line may be used for taking minnows for personal use in any of the waters designated by the department, as provided in section 48730. However, a person shall not take minnows in trout streams with hand or dip nets.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART V

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324.48732 "Place of business" defined; limited retail minnow dealer's license; wholesale minnow dealer's license; minnow catcher's license; fees; prohibited imports; separate licenses; size of crew; identification cards; license application forms; display of placard and license number; display of license or identification card on demand; inspection of records and equipment; revocation or expiration of license.

Sec. 48732. (1) As used in this section, "place of business" means a single location designated in a license application.

(2) The department, upon receipt of a fee of $25.00, may issue a limited retail minnow dealer's license to entitle the licensee to operate 1 place of business and 1 motor vehicle and to buy, transport, and retail minnows, wigglers, and crayfish.

(3) The department, upon receipt of a fee of $100.00, may issue to a resident a wholesale minnow dealer's license to entitle the licensee to operate 1 place of business, to transport, using up to 3 motor vehicles, and to sell at wholesale to licensed minnow dealers minnows, wigglers, and crayfish.

(4) The department, upon receipt of a fee of $50.00, may issue to the holder of a limited retail minnow dealer's license or a wholesale minnow dealer's license a minnow catcher's license to permit the taking, collecting, transporting, and possessing of live or fresh minnows, wigglers, or crayfish to be used for commercial purposes in accordance with this part. Each minnow catcher's license entitles the licensee to operate up to 3 crews consisting of not more than 4 persons and 4 motor vehicles for the purpose of taking, collecting, and transporting live or fresh minnows, wigglers, or crayfish.

(5) The department, upon receipt of a fee of $500.00, may issue to a nonresident of the state a wholesale minnow dealer's license to entitle the licensee to operate 1 place of business, to transport, using up to 3 motor vehicles, and to sell at wholesale to licensed minnow dealers minnows, wigglers, and crayfish.

(6) Crayfish shall not be imported for commercial purposes from outside of this state without a special permit from the department. Minnows and wigglers not native to the waters of this state shall not be imported from outside of this state.

(7) The holder of a license issued pursuant to this section who possesses minnows, wigglers, or crayfish for commercial purposes at more than 1 place of business shall obtain a separate license for each place of business. The holder of a license issued pursuant to this section may use more than 3 crews not to exceed 4 crew members in taking, collecting, and transporting minnows, wigglers, and crayfish, or use additional motor vehicles in collecting and transporting minnows, wigglers, or crayfish, for a fee of $15.00 for each additional crew of not more than 4 persons and for each additional motor vehicle.

(8) With each minnow catcher's license issued under this section, the department shall issue 12 identification cards bearing the number of the license and the year for which the license is issued. Each member of a crew engaged in taking, collecting, and transporting minnows, wigglers, or crayfish for commercial purposes shall carry an identification card at all times while taking, collecting, or transporting minnows, wigglers, or crayfish. The department shall supply license application forms which shall state the name and address of the licensee and the lakes and streams and parts of lakes and streams from which minnows, wigglers, or crayfish may be taken. A person to whom a limited retail or wholesale minnow dealer's license has been issued under this part shall prominently display at the place of business designated in that license a placard to be furnished by the department which will contain the words "Licensed Minnow Dealer" and the license number and the year for which the license was issued. Any person to whom such a license has been issued under this section shall permanently display the license number in 4-inch block letters on each side of the tanks on the motor vehicle or on the front doors of the motor vehicle and on the back of the motor vehicle.

(9) Upon demand of a conservation officer or any other peace officer, a person found taking, collecting, possessing, or transporting any live or fresh minnows, wigglers, or crayfish for commercial purposes shall display a license or identification card provided for in this section. The records, seines, nets, minnow traps, transporting equipment, and other equipment of every kind utilized in the handling of minnows, wigglers, and crayfish and the tanks and ponds where minnows, wigglers, and crayfish are held shall be open to inspection at any reasonable time by a conservation officer or any other peace officer.

(10) All licenses issued pursuant to this section are revocable upon just cause and, if not revoked, expire on December 31 following the date of issuance. Any person whose license has been revoked shall not be issued a commercial minnow, wiggler, and crayfish license within a period of 1 year from the date of revocation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

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Popular name: NREPA

324.48733 Cisco, whitefish, suckers and carp season; designation of waters for use of spear and artificial light; purchase or sale; Higgins lake; season.

Sec. 48733. The department may designate the lakes or streams in this state from which cisco, whitefish, suckers, and carp may be taken by means of a spear and artificial light from October 15 to December 31 in the waters lying north of north line of town 16 north, and west of Saginaw bay and from November 1 to December 31 in the waters south of north line of town 16 north, and east of Saginaw bay including the thumb. However, whitefish or cisco taken as described in this section shall not be bought or sold, and in Higgins lake, Roscommon county, those fish shall not be taken by means of a spear and artificial light before November 1.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48734 Permit to remove noxious fish from waters; issuance.

Sec. 48734. The department may issue permits for the removal of dogfish, carp, garfish, sheepshead, and other noxious fish from all the waters over which this state has jurisdiction with seines, nets, spears, or in any other manner, and sell or authorize the sale of same for the purpose of paying the expense of the removal on terms that are in the best advantage of the state. However, the department shall be present at the time and place of the taking and removal of the fish and a representative of the department shall personally superintend the taking and removal. The department shall incorporate regulations and restrictions in the permits as the department considers advisable, and any person taking fish under such a permit shall conform to all the regulations and restrictions specified in the permit. A nonresident who operates under a permit issued under this section shall, in addition to the percentage paid to the state, be required to pay the nonresident license fee as provided for nonresidents under the commercial fishing laws of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48735 Permit to take fish for fish culture or scientific investigation; exception; permit to possess live game fish in ponds, pools, and aquariums; taking fish to obtain spawn or for protection from ecological damage or imbalance; taking fish not required to maintain fishery resources; supervision; sale or transfer of fish; importing or bringing fish or eggs from outside state; permit to plant spawn, fry, or fish in public waters; exhibiting permits; report.

Sec. 48735. (1) Subject to subsection (2), a person shall not take from any of the inland waters of this state any fish in any manner for the purpose of fish culture or scientific investigation without first obtaining a permit from the department, except that a person who is operating a private fish pond may take fish from his or her own pond for the purpose of propagation, scientific investigation, or sale under part 459.

(2) The department may issue permits to possess live game fish in public or private ponds, pools, or aquariums under rules and regulations as the department prescribes. This subsection is subject to subsection (5).

(3) The department may cause to be taken from the inland waters of this state any species of fish for the purpose of obtaining spawn for fish culture or scientific investigation or for the protection of the inland waters from ecological damage or imbalance. In addition, the department may cause to be taken from the inland waters of this state species of fish that are not required to maintain the fishery resources of the inland waters. All fish taken under this subsection shall be taken under the supervision of a deputy of the department appointed for that purpose and in accordance with the regulations of the department of agriculture, and the fish may be sold or transferred by the department.

(4) A person shall not import or bring any live game fish, including viable eggs of any game fish, from outside of this state except under a permit from the department or under part 459 and the rules promulgated in accordance with that part. A person shall not plant any spawn, fry, or fish of any kind in any of the public waters of this state or any other waters under the jurisdiction of this state without first obtaining a permit from the department that states the species, number, and approximate size or age of the spawn, fry, or fish to be planted and the name and location of the waters where the spawn, fry, or fish shall be planted. A permit is not required to plant spawn, fry, or fish furnished by the federal or state government. This subsection is subject to subsection (5).

(5) A permit under subsection (2) or (4) does not include a genetically engineered variant of a fish species

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identified in the permit unless the genetically engineered variant is specifically identified in the permit. A permit under subsection (2) or (4) may be limited to a genetically engineered fish.

(6) A permit under this section shall be exhibited upon the request of any law enforcement officer.

(7) The department shall annually report to the legislature all fish sold or transferred pursuant to this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2003, Act 270, Eff. Mar. 30, 2004.

Popular name: Act 451

Popular name: NREPA

324.48736 Removal of caddis fly larvae or other insect larvae from trout streams; prohibition; exception.

Sec. 48736. Except as provided in this section, a person shall not take or remove or attempt to take or remove any caddis fly larvae or other insect larvae or insects of any kind from any trout stream of this state. The department may designate trout streams or portions of trout streams from which caddis fly larvae or other insect larvae or insects may be taken for commercial purposes by persons licensed in accordance with section 48732. This section does not prohibit the taking of any caddis fly larvae or other insect larvae or insects from any trout stream of the state for personal use in fishing the stream from which taken.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48737 Sale of licenses and stamps; disposition of proceeds.

Sec. 48737. All money collected from the sale of licenses and stamps as provided in this part shall be paid over to the state treasurer by the department and held to the credit of the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010, and shall be used for the purposes necessary to the protection, propagation, and distribution of fish and game and as otherwise provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.48738 Violations as misdemeanors; violation as felony; penalties; suspension or revocation of permit or license; issuance or reinstatement.

Sec. 48738. (1) A person who violates this part or rules or orders issued to implement this part, if a penalty is not otherwise provided for that violation in this section, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

(2) A person convicted of using dynamite, nitroglycerin, any other explosive substance, lime, electricity, or poison for the purpose of taking or killing fish, convicted of using nets not authorized by law for taking game fish, or convicted of buying or selling game fish or any parts of game fish is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $250.00 or more than $1,000.00, or both.

(3) A person who takes or possesses sturgeon in violation of this part or rules or orders issued to implement this part is guilty of a misdemeanor and shall be punished by imprisonment for not less than 30 days or more than 180 days and a fine of not less than $500.00 or more than $2,000.00, or both, and the costs of prosecution.

(4) A person who knowingly violates section 48735(2) or (4) or a permit issued under section 48735(2) or (4) with respect to a genetically engineered variant of a fish species is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $250,000.00, or both. In addition, the person is liable for any damages to the natural resources resulting from the violation, including, but not limited to, costs incurred to prevent or minimize such damages.

(5) If a person is convicted of a violation of this part or rules or orders issued to implement this part and it is alleged in the complaint and proved or admitted at trial or ascertained by the court at the time of sentencing that the person has been previously convicted 3 or more times of a violation of this part within the 5 years immediately preceding the last violation of this part, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both, and the costs of prosecution. This subsection does not apply to the following violations:

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(a) Failing to possess or display a valid fishing license issued pursuant to part 435.

(b) Taking or possessing an overlimit of bluegill, sunfish, crappie, perch, or nongame fish.

(c) Taking or possessing not more than 5 undersized fish.

(d) Fishing with too many lines.

(e) Failing to attach the person's name and address to tip-ups or minnow traps.

(f) Fishing with lines not under immediate control.

(6) In addition to the penalties provided in this section, a fishing license issued to a person sentenced pursuant to subsection (2), (3), (4), or (5) shall be revoked, and the person shall not be issued a license during the remainder of the year in which convicted or during the next 3 succeeding license years.

(7) Subject to subsection (8), if any permit or license under this part is ordered to be suspended or revoked under section 41309 and if the department maintains a database of suspensions or revocations of permits or licenses under this part, the department shall not issue a permit or license under this part to the person for the period provided in the order.

(8) If a permit or license under this part is ordered to be suspended under section 41309, the suspension remains in effect until all of the following occur:

(a) The suspension period set forth in the court order has elapsed.

(b) The person pays the department a reinstatement fee of $125.00.

(9) Unless a person's permit or license is otherwise suspended, revoked, or denied, the permit or license is immediately reinstated on satisfaction of the requirements of subsection (8).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2014, Act 541, Eff. Apr. 15, 2015.

Popular name: Act 451

Popular name: NREPA

324.48739 Violation of part as misdemeanor; possession or sale of multipointed hook with weight permanently attached as misdemeanor; penalties.

Sec. 48739. (1) A person who snags fish in violation of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $250.00 or more than $500.00, or both, and costs of prosecution.

(2) A person who is convicted of a second violation of snagging fish in violation of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $500.00 or more than $1,000.00, or both, and costs of prosecution. In addition, the court shall suspend a sports fishing license issued to a person sentenced under this subsection for not less than 2 years and order that the person shall not secure a fishing license during that 2-year period.

(3) A person who is convicted of a third or subsequent violation of snagging fish in violation of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $1,000.00 or more than $2,000.00, or both, and costs of prosecution. In addition, the court shall suspend a sports fishing license issued to a person sentenced under this subsection for not less than 3 years and order that the person shall not secure a fishing license during that 3-year period.

(4) A person who possesses or sells in this state any multipointed hook with a weight permanently attached is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $100.00 or more than $300.00, or both, and costs of prosecution.

(5) A person who is convicted of a second violation of subsection (4) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $300.00 or more than $500.00, or both, and costs of prosecution.

(6) A person who is convicted of a third or subsequent violation of subsection (4) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $500.00 or more than $1,000.00, or both, and costs of prosecution.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48740 Additional penalties; forfeitures; probation; default; disposition of forfeitures.

Sec. 48740. (1) In addition to the penalties provided in this part, a person convicted of taking game fish during a closed season; taking or possessing game fish in excess of lawful limits; taking game fish or nongame fish by use of an unlawful device; or buying or selling game fish, nongame fish, or any parts of game or nongame fish taken by use of an unlawful device shall forfeit to the state for the fish unlawfully taken or possessed as follows:

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(a) For each game fish other than sturgeon, of an individual weight of 1 pound or more, $10.00 for each pound or fraction of a pound of fish illegally taken or possessed.

(b) For each game fish other than sturgeon, of an individual weight of less than 1 pound, $10.00 for each fish illegally taken or possessed.

(c) For sturgeon, $1,500.00 for each fish illegally taken or possessed.

(d) For each nongame fish, $5.00 for each pound or fraction of a pound of fish illegally taken or possessed.

(2) In every conviction for a violation described in subsection (1), the court before which the conviction is obtained shall order the defendant to forfeit to the state the sums provided in subsection (1). If 2 or more defendants are convicted of the illegal taking or possession of the fish, the forfeiture shall be declared against them jointly and severally.

(3) If a defendant fails to pay the sums forfeited for a violation of subsection (1), upon conviction, the court shall either impose a sentence of probation, and as a condition of sentence require the defendant to satisfy the forfeiture in the amount prescribed and fix the manner and time of payment, or make a written order permitting the defendant to pay the forfeited sums in installments at the times and in the amounts as the court determines the defendant is able to pay.

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

(5) All courts collecting forfeitures as provided in this section shall promptly remit the forfeiture to the county treasurer, who shall transmit it to the state treasurer to be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

PART 489
WHAISKA BAY

324.48901 Whaiska Bay; fishing devices prohibited.

Sec. 48901. A person shall not place or set any kind of net or set hook lines or take or attempt to take any kind of fish with a net or set hook lines, except minnow seines, as provided in section 47309, in the connecting waters between Lake Superior and Lake Huron, said waters known as the Whaiska Bay, and also including all waters lying southerly to a line drawn from the most southeasterly point of lot 1, section 32, township 47 north, range 2 west, state of Michigan, and extending easterly to the most westerly point of Round Island.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 491
RECIPROCAL AGREEMENTS WITH ADJOINING STATES

324.49101 Reciprocal agreements with adjoining states to cover taking of fish.

Sec. 49101. In order to provide uniform fishing regulations in any river or any of the Great Lakes forming a common boundary with an adjoining state and any inland lake or lakes bisected by a common boundary with an adjoining state, the department may enter into a reciprocal agreement with the authorized representatives of any adjoining state to establish the minimum size of fish that may be taken, the number that may be taken in any 1 day, the seasons when fish may be taken, and the methods by which fish may be taken from waters described in this section. Any such agreement shall clearly set forth the waters to be included and the period during which the agreement shall be in effect.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.49102 Fishing; reciprocal agreements; publication.

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Sec. 49102. Any order issued under this part supersedes all other laws and regulations governing fishing in the waters that in any way conflict. The regulations contained in any such order shall be included in the annual digest of fishing laws, rules, and regulations published and distributed annually by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.49103 Violation of regulations as misdemeanor; penalty.

Sec. 49103. A person who violates any regulation made under a reciprocal agreement entered into under this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00 and costs of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBCHAPTER 4
FORESTS

THE TIMBER INDUSTRY

PART 501
FOREST IMPROVEMENTS

SUBPART 1
GENERAL PROVISIONS

324.50101 Meanings of words and phrases.

Sec. 50101. As used in this part, the words and phrases defined in sections 50102 to 50105 have the meanings ascribed to them in those sections.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50102 Definitions; A to D.

Sec. 50102. (1) "Agency of this state" means a board, bureau, commission, department, or other division of the executive branch of government of this state.

(2) "Board" means the board of directors of the forest improvement district.

(3) "Bond" means a bond, note, or any other instrument issued to evidence indebtedness.

(4) "Cost-share payment" means a payment made by a forest improvement district pursuant to section 50145 to a member who owns or occupies forest land.

(5) "County with high unemployment" means a county with an annual unemployment rate, as reported by the Michigan employment security commission, higher than the mean annual unemployment rate of this state.

(6) "District" or "forest improvement district" means a governmental subdivision of the state established under section 50123.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50103 Definitions; F to P.

Sec. 50103. (1) "Fish and wildlife habitat improvements" means measures designed to protect, maintain, or enhance fish and wildlife habitats.

(2) "Follow-up work" means forest practices to promote the survival of seeds or seedlings planted or the protection or enhancement of other work previously undertaken under this part.

(3) "Forest improvement project" or "project" means each of the following:

(a) Production, processing, handling, storage, marketing, or transportation of forest resources, conducted in carrying out the purposes of this part, including sawmills, hardboard mills, power stations, warehouses, air and water pollution control equipment, and solid waste disposal facilities.

(b) Forest practice or follow-up work.

(c) Study, planning, or other work intended to improve forest lands or forest resources or to demonstrate

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means of improving forest lands or forest resources.

(4) "Forest land" means a tract of land or the timber rights in that land owned or occupied by a member, which land is at least 10% occupied by forest tree species with a growth potential of 50 cubic feet per acre per year and consists of 40 acres or more. Forest land includes land from which forest tree species have been removed and have not been restocked, but does not include land converted to uses other than the growing of forest tree species or land currently zoned for uses incompatible with forest practices.

(5) "Forest management plan" means a forest and land management plan submitted to a district pursuant to subpart 5.

(6) "Forest practice" includes, but is not limited to, the following:

(a) The preparation of management plans for forest land.

(b) The improvement of forest tree species.

(c) Reforestation.

(d) The harvesting of forest tree species.

(e) Road construction associated with the improvement or harvesting of forest tree species or reforestation.

(f) Use of chemicals or fertilizers for the purpose of growing or managing forest tree species.

(g) The management of slashings resulting from other forest practices.

(h) Any other actions intended to improve forest land or forest resources.

(7) "Forest resources" means those products, uses, and values associated with forest land, including recreation and aesthetics, fish, forage, soil, timber, watershed, wilderness, and wildlife.

(8) "Gross territorial boundary" means the jurisdictional limit of the area of the district within which landowners are eligible for membership in the district.

(9) "Proposed gross territorial boundary" means the proposed jurisdictional limit of the area of the district within which owners or occupiers of land are eligible for membership in the district.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50104 Definitions; H to P.

Sec. 50104. (1) "Harvest" means the point at which timber that has been cut, severed, or removed for purposes of sale or use is first measured in the ordinary course of business as determined by reference to common practice in the timber industry.

(2) "Land occupier" or "occupier of land" means a person who is in possession of forest land whether as a lessee or tenant, or otherwise.

(3) "Landowner" or "owner of land" means a person who holds an ownership interest in forest land and is a voluntary member in the district.

(4) "Member" means a person who is a voluntary participant in a district and who owns or occupies forest land within the gross territorial boundaries of a district.

(5) "Notice of a hearing" means notice as required by the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(6) "Project costs" means the sum total of all reasonable or necessary costs incurred for carrying out the acquisition, construction, or undertaking of a forest improvement project under this part. Project costs include the following costs: studies and surveys; plans, specifications, and architectural and engineering services; legal, marketing, or other special services; financing, acquisition, demolition, construction, equipment, and site development of new and rehabilitated buildings; rehabilitation, reconstruction, repair, or remodeling of existing buildings; interest and carrying charges during construction and before full earnings are achieved, and operating expenses before full earnings are achieved or for a period of 1 year after the completion of construction, whichever occurs first; and a reasonable reserve for payment of principal and interest on bonds of a district.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50105 Definitions; R to U.

Sec. 50105. (1) "Reforestation" means planting of tree seedlings, cuttings, or seed.

(2) "Small business entity" means a business enterprise with $500,000.00 or less average annual gross revenue during its last 3 tax years.

(3) "Stumpage value" of timber means values determined from log grade value tables adopted or used by the department.

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(4) “Timber” means wood growth, mature or immature, growing or dead, standing or down. Timber does not include any of the following:

(a) Christmas trees and associated greens.

(b) Material harvested from an individual's own land and used on that land for the construction of fences or buildings or for other personal use.

(c) Fuel wood harvested for use in individual homes.

(5) “Timber owner” means a person who holds an ownership interest in forest tree species on forest land. An ownership interest includes a license or other right to timber on state lands.

(6) “Timber volume agreement” means that portion of the difference between the allowable cut volume and a projected future need volume which can be committed to a person.

(7) “Unit of proper measurement” means a unit of measurement commonly used in the timber industry for measuring timber and harvested timber products.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50106 Purpose.

Sec. 50106. (1) The purpose of this part is to stimulate improved management and utilization of forest land and forest resources within this state as recommended by Jaakko Poyry and company, Helsinki, Finland, in Michigan's timber resource development project. Economic and community development opportunities based on the forest resource will be enhanced by ensuring adequate future high-quality timber supplies, increased employment opportunities, a diversified economy, and other economic benefits and the protection, maintenance, and enhancement of a productive and stable forest resource system for the public benefit of present and future generations.

(2) The primary purpose of this part is to demonstrate and improve the timber productivity of forest land within this state. Consistent with this purpose, the objective is to effect a utilization of waste material and determine the commercial feasibility of that waste material, as well as to improve all forest resources, such as fish and wildlife habitat and soil resources, so that the overall effect is to improve the total forest resource system.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50107 Liberal construction.

Sec. 50107. This part, being necessary to secure the public health, safety, welfare, and convenience of the citizens of the state, shall be liberally construed to effect the public policy and purposes declared in this subpart.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART 2
FOREST RESTORATION PILOT PROJECT

324.50108 Forest restoration pilot project; purpose; sources of funding; allocation of funds.

Sec. 50108. (1) The department may fund a forest restoration pilot project or any other district created under this part to implement this part. The forest restoration pilot project may consist of the establishment and funding of the forest improvement district formed under this part.

(2) The department may fund the pilot project or any other district created pursuant to this part from funds appropriated annually by the legislature and from the following sources:

(a) General fund of the state.

(b) Grants from the federal government.

(c) Grants or gifts from private persons.

(d) Any other permissible source.

(3) When allocating available funds among proposed pilot projects, the department shall consider those projects that in its judgment will produce the greatest public benefit, giving consideration to all of the following factors:

(a) The need to demonstrate the potential commercial benefits of forest practices that can be recognized by

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the establishment of a forest improvement district.

(b) The need to demonstrate the potential benefits to long-term production, maintenance, and enhancement of the total forest resource system.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50109 Expenses.

Sec. 50109. A district board of directors shall determine the annual expenses of the district and shall submit an itemized list of the expenses to the department. The department shall include those expenses in its annual budget request to the legislature.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50110 Repealed. 2013, Act 45, Imd. Eff. June 6, 2013.

Compiler's note: The repealed section pertained to definitions.

Popular name: Act 451

Popular name: NREPA

324.50111 Western Upper Peninsula forest improvement district; establishment; petition; selection of lands by committee; employment of forester; activation of working forests; factors in determining and allocating funds.

Sec. 50111. (1) A forest restoration pilot project organized as a forest improvement district with a gross territorial boundary encompassing the western 6 counties of the Upper Peninsula of this state with its headquarters and industrial site in or near the village of Baraga shall be established as a governmental subdivision of the state when a petition signed by 25 or more landowners of a total combined acreage of more than 55,000 acres within the gross territorial boundary is filed with the department. The name of the district shall be the “western Upper Peninsula forest improvement district”. The petition shall set forth those requirements prescribed by section 50124(1)(a), (b), and (e). The district forester of the department may sign the petition and include in the petition forest lands under the jurisdiction of the department to establish 1 working forest within each district. In the western Upper Peninsula pilot project district, at least 25% of the lands shall be composed of nonindustrial private timber owners of at least 40-acre tracts and not more than 640-acre tracts. Not more than 15,000 acres in each district may be owned by 1 timber owner. One timber owner shall not have a majority ownership in more than 1 working forest in a district. One timber owner of more than 7,500 acres shall not vote for a director from more than 1 working forest.

(2) The pilot project district shall give preference to land well stocked predominantly with hardwood trees and may include other broadleaf trees having approximately 6 inches or more diameter breast height and having above average future market values to expedite marketability from the restructuring of the land.

(3) The selection of land composing each working forest in the pilot project district shall be made from the written applications received from the timber owners on application forms prescribed by a committee composed of 7 members, 3 of whom shall be the 3 directors of forest restoration, inc., and 4 of whom shall be members of the public appointed by these 3 directors. Not less than 4 members of the committee shall be graduate foresters who have had at least 5 years' experience supervising logging operations. The committee shall select the land and may employ a full-time forester.

(4) When the selection of land is made and the working forests identified, the committee shall establish a sequence for the activation of the working forests in the pilot project district when, and as, a substantial use for or marketing of waste wood becomes available, if more than 4 working forests are identified. When the working forests are to be activated, the forest management plans of the members shall be approved, and the members of each activated working forest then shall elect a director of the district.

(5) The department or any other state agency shall remit to the western Upper Peninsula forest improvement district funds appropriated for such purposes by the legislature.

(6) The funds otherwise appropriated for the western Upper Peninsula forest improvement district shall be determined and allocated to produce the greatest public benefit based on the following factors:

(a) The potential economic benefits of forest practices which can be recognized by the establishment of the western Upper Peninsula forest improvement district.

(b) The potential benefits to long-term production, maintenance, and enhancement of the total forest

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resource system.

(c) The potential benefits from a large-volume use of waste wood as a primary fuel for electric generating plants or as raw material for processing and manufacturing plants.

(d) The potential increased employment produced by the adoption of forest practices.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50112 Repealed. 2013, Act 45, Imd. Eff. June 6, 2013.

Compiler's note: The repealed section pertained to the board of directors of western Upper Peninsula forest improvement district.

Popular name: Act 451

Popular name: NREPA

324.50113 Report.

Sec. 50113. During the years of operation of the western Upper Peninsula forest improvement district, a detailed report of the operation and impact of the district shall be submitted by the board of the district to the departments and the legislature for an analysis and evaluation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50114 Notices; contents; certification.

Sec. 50114. Within 30 days after receipt of the certificate from the secretary of state pursuant to section 50127, the western Upper Peninsula forest improvement district board shall record a notice pursuant to this part setting forth the names and addresses of the member landowners and the legal description of each member's forest lands in the office of the register of deeds for each county in which the land is situated. When forest lands are added or withdrawn, a like notice shall be recorded within 30 days thereafter, and copies of all notices shall be served upon the appropriate local taxing authorities. The notices shall be certified under oath.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50115 Mandate for public benefit; standards for conduct of forest practices.

Sec. 50115. For the public benefit, the board shall mandate the continuous growing, improvement, and harvesting of forest trees to protect and maintain the forest soil, air, water resources, wildlife, and aquatic habitat within the district. The board of the western Upper Peninsula forest improvement district shall establish minimum standards for the conduct of forest practices on forest land within the district. These standards shall do all of the following:

(a) Provide for the improvement and harvesting of forest trees in a manner that will increase the productivity of the forest land, reduce soil and debris entering streams, and protect wildlife and fish habitat.

(b) Provide for road construction that will ensure the maintenance of forest productivity and water quality during construction and maintenance.

(c) Provide for reforestation that will maintain the growing and harvesting of desirable forest tree species by describing the conditions under which reforestation will be required, specifying the minimum and maximum number of trees per acre and the maximum period of time allowed after harvesting for reforestation, and requiring stabilization of soils that have become exposed as a result of harvesting. An acreage exemption from reforestation may be established, except that, on the land exempted, within 1 year after harvesting, some form of vegetative cover shall be required sufficient to provide continuing soil productivity and stabilization.

(d) Provide for management of slashings resulting from the harvesting, management, or improvement of forest tree species so as to protect reproduction and residual stands, to reduce the risk from fire, insects, and disease, to optimize the conditions for future regeneration of forest trees, and to maintain water quality and fish and wildlife habitat.

(e) Coordinate the notification requirement of this subpart and all other submission requirements imposed upon members so as to minimize the requirements for submission of information.

(f) Require having specific forest fire fighting equipment readily available.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

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Popular name: Act 451

Popular name: NREPA

324.50116 Changes in forest management plan; approval; appeal; determination; service of changes on members; effective date of changes.

Sec. 50116. (1) A member who has submitted and obtained approval of the member's forest management plan and desires to effect a change in the plan shall set forth the proposed change in writing and obtain the written approval of the supervisory forester of the working forest in which the member's lands are located.

(2) If the supervisory forester does not grant the approval, the member may appeal the denial to the forestry director, if any, or to the board, and the forestry director's and the board's determination shall be final.

(3) Changes in forestry management plans determined by the board shall be set forth in writing and served upon the members and shall take effect 30 days after the service is made.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50117 Security for repayment of bonds.

Sec. 50117. The security for the repayment of bonds issued by the district may be a pledge or mortgage on all lands owned by the district and all of the district's installations, buildings, and equipment, tools, furniture, fixtures, or other personal property owned by the district.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50118 Approved reserve fund; establishment; purpose; payments into fund; resolution as to use of money; limitations.

Sec. 50118. (1) The western Upper Peninsula forest improvement district shall establish 1 or more special debt service reserve funds to secure its bonds, referred to in this part as approved reserve funds. The district shall pay into an approved reserve fund the money appropriated and made available by the state for the purpose of the fund. The money held in an approved reserve fund and the income on that money shall be used as required by the resolution authorizing the issuance of bonds and creating the fund for their repayment.

(2) An approved reserve fund requirement in the resolution of the board authorizing the bonds with respect to which the fund is established shall not exceed the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the bonds secured in whole or in part by the fund. The district shall not issue bonds secured in whole or in part by an approved reserve fund if, upon the issuance of the bonds, the amount in the fund would be less than the requirement for the fund, unless the district at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds to be issued, or from other sources, an amount which, together with the amount then in the fund, is not less than the approved reserve fund requirement for the fund.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50119 Applicability of part.

Sec. 50119. Except where expressly modified by this subpart, this part applies to the western Upper Peninsula forest restoration pilot project.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART 3
DEPARTMENT POWERS

324.50120 Duties of department generally; applicability of provisions to western Upper Peninsula forest improvement district.

Sec. 50120. (1) The department shall do all of the following:

(a) Provide the technical assistance of the department to the board of directors of a forest improvement district and to agencies of the state and persons with respect to the development of forest practices guidelines,

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the development and implementation of forest management plans, and other matters as to which the department has special expertise.

(b) Secure the cooperation and assistance of the United States or an agency of the United States, and an agency of this state, or any combination of federal and state agencies, in the work of a district, and formulate policies and procedures as necessary to facilitate the extension of aid from an agency of the United States or an agency of this state to the district.

(c) Keep the board of each forest improvement district informed of the activities and experience of all other districts organized under this part and facilitate an interchange of advice, experience, and cooperation between them.

(d) Pay all the expenses for the serving of notice, the conduct of hearings, and elections held during the district formation procedures pursuant to subpart 4. The department shall make all determinations as to eligibility of persons to vote. A determination made by the department is final without a right of appeal. A referendum or election shall be conducted by a district except for the first board of directors election. The department shall supervise the conduct of any referendum or election required by this part. A referendum or election shall be conducted in a manner so as to preserve the purity of the ballot and to prevent fraud and corruption.

(e) Oversee the issuance of bonds by a district under this part and, if the department determines that the forest improvement project to be funded from the proceeds of the bonds is economically feasible and desirable, that the terms and conditions of the bond issuance, including the required reserve fund level, as specified in the resolution authorizing the issuance of bonds, are appropriate and acceptable, and that the bond issuance promotes the policy and purposes declared in this part and should be approved and supported by the department, then the department shall officially approve the bond issuance and designate the reserve fund established in connection with the bond issuance as an approved reserve fund.

(f) Receive the certification submitted by a district pursuant to section 50158 concerning the amounts necessary to restore approved reserve funds to amounts equal to their reserve fund requirements, review that certification and the financial affairs of the district to determine the accuracy of the amounts required, and certify, before April 2 of each year, to the governor and the budget director the amount, if any, necessary to restore an approved reserve fund to an amount equal to the approved reserve fund requirement of the fund. The governor and the budget director shall include in the annual budget the amount certified by the department.

(g) Disseminate information throughout the state concerning the activities and programs of the forest improvement districts and encourage the formation of these districts in areas where their organization is desirable.

(h) Monitor financings by districts under this part and determine, for recommendation to the legislature, what additional steps, which may include a recommendation to the legislature for the issuance of faith and credit bonds for a vote of the people, may be necessary in order to accomplish the policies and purposes declared in this part.

(2) Subsection (1)(c), (d), (e), (g), and (h) do not apply to the western Upper Peninsula forest improvement district until 5 years after the district is established and activated.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50121 Rules, guidelines, and publications.

Sec. 50121. The department shall promulgate rules, adopt guidelines, and issue publications under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, as may be necessary to implement and administer this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50122 Primary consideration in promulgating rules and disposing of timber and other products; timber volume agreement; forest improvement program.

Sec. 50122. (1) The department, in promulgating its rules and in disposing of the timber and other products from state forest land, shall give primary consideration to the purposes for the creation of a forest improvement district.

(2) In order to accomplish the purposes of this part, the department may enter into a timber volume agreement with a district, or with a person specified by a district, which commits a portion of the timber from

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state land within a district to the use of that district or person.

(3) A forest improvement program is created. The program may be financed by annual appropriations made by the legislature. The program shall be used solely for the purpose of grants to districts for the purposes of this part and shall be administered by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART 4

FOREST IMPROVEMENT DISTRICT

324.50123 Establishment authorized; powers generally.

Sec. 50123. A forest improvement district may be established pursuant to this part, and when established has the powers conferred by this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50124 Petitions.

Sec. 50124. (1) A district may be established by filing a petition, signed by 10 or more owners of forest land who control a total combined acreage of not less than 50,000 acres lying within the limits of the gross territorial boundary proposed to be organized into a district, with the department asking that a district be organized in the territory described in the petition. The petition shall state all of the following:

(a) The proposed name of the district.

(b) A legal description of the forest land proposed to be organized as the district, including the proposed gross territorial boundary of the district.

(c) A tentative implementation schedule for the forest practices functions and services the district will perform.

(d) An analysis that demonstrates the economic and administrative feasibility of a district within the defined boundaries.

(e) A request that the boundaries for the district be established.

(2) If more than 1 petition is filed covering parts of the same territory, the department shall determine which of the districts shall encompass that territory.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50125 Creation of district; hearing; notice; determination; defining boundaries of district; actual notice.

Sec. 50125. (1) Within 30 days after a petition has been filed, the department shall give notice of a proposed hearing upon the question of the desirability, necessity, and feasibility of the creation of the district, upon the question of the appropriate boundaries to be assigned to the district, and upon all other relevant issues.

(2) If it appears at the hearing that it may be desirable to include territory outside of the area within which notice of the hearing was given, the hearing shall be adjourned and notice of the further hearing shall be given to forest owners or occupiers of land throughout the entire area considered for inclusion in the district, and a further hearing held. The gross territorial boundary of a district shall not include an area included within the gross territorial boundary of another district.

(3) If the department concludes after a 30-day grace period following the hearing, upon the facts presented and upon other relevant information available, that need for a district exists, it shall make and record that determination, and shall define, by metes and bounds or by plat maps, the forest land of the district. The gross territorial boundary of the district shall be defined by metes and bounds or by plat maps.

(4) In making its determination and in defining the boundaries of a district, the department shall consider the forest tree species in the proposed district, the condition of the forest land, the prevailing forest practices, the benefits forests may receive from being included within the district, the relation of the proposed area to other districts already organized or proposed for organization, and other physical, geographical, and economic factors considered relevant.

(5) In making a determination as to district boundaries, if the department determines that the forest

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improvement projects will impact upon the property value of nonparticipating landowners, the department shall provide actual notice of hearings as provided for in this section.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50126 Operation of district; feasibility.

Sec. 50126. (1) If the department makes and records a determination that the need for a district exists and defines its boundaries, the department shall then consider the question of whether the operation of a district within those boundaries is administratively and economically feasible.

(2) If the department determines that the operation of a district is feasible, it shall record that determination and shall proceed with the organization of that district.

(3) If the department determines the operation of a district is not feasible, it shall record the reasons for its determination and deny the petition. After 6 months have expired from the date of the denial of a petition by the department, subsequent petitions covering the same or substantially the same territory may be filed and a new hearing and determination made.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50127 Board of directors; appointment and qualifications of directors; presentation and contents of application; certification statement; examination and recordation of application and statement; issuance and contents of certification.

Sec. 50127. (1) If the operation of a district is determined to be feasible, the department shall appoint 2 directors who, with the 3 directors elected as provided in sections 50131 and 50132, constitute the first board of directors of the district. The directors appointed shall be persons who are by training and experience qualified to perform the functions which are required of them by this part.

(2) The board shall present the secretary of state with an application that states all of the following:

(a) That a petition for the creation of a district was filed with the department pursuant to this part; that the proceedings specified in this part were taken pursuant to the petition; and that the application is being filed in order to complete the organization of the district and that they are the directors.

(b) The name and official residence of each of the directors, together with a certification evidencing their right to office.

(c) The term of office of each of the directors.

(d) The proposed name of the district.

(e) The location of the principal office of the district.

(f) The date the district is to come into existence under this part. The application shall be subscribed and sworn to by each of the directors before an officer authorized by the laws of the state to take and certify oaths.

(3) The application shall be accompanied by a statement by the department that certifies all of the following:

(a) That a petition was filed, notice given, and a hearing held as required.

(b) That the department determined there is a need for a district to function in the proposed territory and defined its boundaries.

(c) That the department subsequently determined that the operation of the proposed district is administratively and economically feasible.

(4) The secretary of state shall examine the application and statement and shall receive and record them in an appropriate book of record and shall issue a certificate to the board specifying the date of creation and the gross territorial boundary of the district.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50128 District as governmental subdivision and public body corporate and politic.

Sec. 50128. The district shall constitute a governmental subdivision of the state and a public body corporate and politic on the date specified in the directors' application or on the date the application and statement are filed and recorded, whichever is later.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

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Popular name: Act 451

Popular name: NREPA

324.50129 Petition for discontinuance; filing; form; notice.

Sec. 50129. A petition for discontinuance of membership in, for deletion of member forest land within, and for including additional territory within an existing district shall be filed with the board. The board shall prescribe the form for the petition. The board annually shall notify the department of any changes in membership or land ownership status changes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50130 Petitions for change of boundary line; filing; contents; hearing; determination; application for certificate evidencing change of boundary; statement; effect of filing; issuance and contents of certificate.

Sec. 50130. (1) Petitions signed by a majority of the members of each of the boards of adjoining districts may be filed with the department asking that the boundary line between the districts be changed. These petitions shall identify the existing boundary line between the districts and the proposed new gross territorial boundary.

(2) Within 30 days after a petition has been filed, the department shall hold a public hearing upon the question of the proposed boundary change. All members of the affected districts, and all other interested persons, may attend the hearing and be heard.

(3) After the hearing, the department shall determine, upon the facts presented at the hearing and upon other relevant information, whether the operation of the districts within the proposed new gross territorial boundaries would be administratively and economically feasible. If the department determines the operation of the districts within the proposed new boundaries will be feasible, it shall record that determination and notify the boards of the districts of its determination.

(4) The boards of the affected districts shall present an application to the secretary of state, signed by them, for a certificate evidencing the change of boundary. The application shall be accompanied by a statement of the department certifying that the boundary between the districts has been changed pursuant to the procedures prescribed and identifying the new gross territorial boundary lines. When the application and statement are filed, the change of boundary is effective and the date of filing shall be identified on the certificate which the secretary of state shall issue to the boards of the affected districts.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50131 Board of directors as governing body of district; officers; election and appointment of directors; terms; eligibility to vote; vacancy; annual meeting; fiscal year; quorum; concurrence of majority for determination; expenses; delegation of powers and duties; recall petition; notice; recall election; cessation of term; furnishing commission with documents and other information; surety bonds; records; audit; representatives of local legislative body.

Sec. 50131. (1) The governing body of a district shall be the board of directors which shall consist of 5 persons. The board may elect a chairperson and other officers which it considers necessary or convenient for implementing this part. The term of office of a director shall be 3 years except for the first board. The board of directors of the western Upper Peninsula forest improvement district shall be determined pursuant to subpart 2.

(2) The first board shall consist of 3 directors elected as provided in section 50132 and the 2 directors appointed by the department. The directors shall take office on the date specified by the secretary of state as the beginning of a district's existence or as soon as appointed, whichever is later. The term of office of the director first appointed shall be 1 year, the second director shall be appointed for 2 years, and the directors first elected at the time of the referendum shall serve as follows: the director receiving the highest number of votes shall serve for 3 years, the director receiving the next highest number of votes shall serve for 2 years, and the director receiving the next highest number of votes shall serve for 1 year. Thereafter, as the terms of the directors of the first board expire, the department shall appoint a director to the board if the state land encompassed by the district's gross territorial boundary is greater than 5% of the forest land which comprises the district and a timber volume agreement has been made. The other positions on the board shall be filled by

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elections at the annual meeting of the members of a district. If the state land encompassed by a district's gross territorial boundary is 5% or less of the forest land which comprises the district, all of the positions on the board shall be filled by those elections.

(3) All members who own forest land within a district, except for state lands, shall be eligible to vote for 1 or more candidates for the board, according to the amount of forest land owned within the district pursuant to the following schedule:

(a) An owner of less than 100 acres may cast 3 votes.

(b) An owner of at least 100 acres but less than 500 acres may cast 4 votes.

(c) An owner of at least 500 acres but less than 1,000 acres may cast 5 votes.

(d) An owner of at least 1,000 acres but less than 5,000 acres may cast 6 votes.

(e) An owner of at least 5,000 acres but less than 10,000 acres may cast 7 votes.

(f) An owner of at least 10,000 acres but less than 20,000 acres may cast 8 votes.

(g) An owner of at least 20,000 acres but less than 50,000 acres may cast 9 votes.

(h) An owner of 50,000 acres or more may cast 10 votes.

(4) A vacancy shall be filled by appointment by the board and a director appointed shall serve until the next annual meeting when a director shall be elected to finish the unexpired term. The annual meeting shall be held within 30 days after the close of the fiscal year of a district. The fiscal year of a district shall be the same as the fiscal year of this state.

(5) A majority of the directors constitutes a quorum, and the concurrence of a majority of the directors in any matter within their power shall be required for the board's determination. A quorum shall consist of 3 members of the board at least 2 of whom shall be elected members. A director shall not receive compensation for services rendered, but is entitled to expenses, including traveling expenses, necessarily incurred in the discharge of duties performed as a director. The directors may delegate to their chairperson, to 1 or more directors, or to 1 or more agents or employees, power and duties as they consider proper.

(6) A petition may be filed with the department for an election to recall 1 or more directors if the petition is signed by members within a district whose forest land comprises 20% or more of the forest land within the district. Within 30 days after a petition has been filed, the board shall give notice in the manner provided by the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws, of the holding of a recall election. The recall election shall be held within 45 days after the filing of a petition. All members who own forest land within the boundaries of a district, except for state land, are eligible to vote in the recall election pursuant to the schedule in subsection (3). A 2/3 majority of the votes cast is required to recall a director. The term of a director who is recalled shall cease on the date the results of the election are published by the department.

(7) A board shall furnish the department with copies of ordinances, rules, regulations, orders, contracts, forms, and other documents it adopts or employs, and with other information concerning its activities as the department requires in the performance of its duties under this part.

(8) A board shall require the execution of surety bonds for each employee or officer who is entrusted with funds or property; shall provide for the keeping of a full and accurate record of each proceeding and each resolution, regulation, or order issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.

(9) The board shall invite the legislative body of each local unit of government or county located within, partially within, or near the territory comprising a district to designate a representative to advise and consult with the board on all questions which may affect the property or other interests of that local unit of government or county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50132 Nominating petition; filing; signatures; notice; eligibility to vote.

Sec. 50132. (1) A candidate for the first board of directors shall file nominating petitions with the department at or before the hearing on the need for a district. A candidate shall be a member of the proposed district. A nominating petition shall not be accepted by the department unless it is subscribed by 6 or more members of a proposed district. A member may sign more than 1 nominating petition. The department shall give notice of the initial election of 3 directors. Notice shall be posted at the business office of each governmental unit in the proposed district, published in each newspaper of record distributed in the proposed district, mailed to each individual elected governmental official within the proposed district and mailed to any individual requesting written notification of the initial election. The 3 candidates who receive the largest number of the votes cast shall be the elected directors for a district.

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(2) All members within a district are eligible to vote for 1 or more candidates for the first board of directors, according to the amount of forest land owned within a proposed district, pursuant to the schedule in section 50131(3).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50133 Consolidation into single district; petition; notice; hearing; determination; order; board of consolidated district; certificate of organization; powers and duties; property, agreements, and obligations of consolidated district.

Sec. 50133. (1) Two or more districts may petition the department for consolidation into a single district. The department shall not act on the petition unless it is signed by a majority of the board of each of the districts involved. Within 30 days after receipt of a petition, the department shall give notice of a hearing on the proposed consolidation. Notice shall be given to all members in the area proposed to be included in the consolidated district.

(2) Based on the facts presented at the hearing and other relevant facts, the department shall determine if consolidation is desirable. If the department determines that consolidation is desirable, it shall issue an order which states that the districts are to be consolidated on a date specified, the name of the consolidated district, and its gross territorial boundaries.

(3) The board of the consolidated district shall consist of the chairperson of the board of each of those districts consolidated, who shall serve for a term of 2 years, and 3 other members appointed by the department, who shall serve for a term of 1 year. Thereafter, directors shall be elected or appointed as provided in section 50131.

(4) Upon receipt of the order of consolidation, the secretary of state shall issue a certificate of proper organization to the directors of the consolidated district. The consolidated district shall have the same powers and duties as other districts organized under this part.

(5) The assets, liabilities, records, documents, writings, or other property of the districts consolidated shall become the property of the consolidated district. All agreements made by, and obligations of the districts consolidated shall be binding upon and enforceable by the consolidated district.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50134 Discontinuance of district; petition; public hearings; notice of referendum; eligibility to vote; publishing results of referendum; determination; certificate of determination; payment of debt and disposition of property; application for discontinuance; issuance and recordation of certificate of dissolution; contracts, bonds, or other obligations; limitation on petition for discontinuance.

Sec. 50134. (1) The members within a district, whose total lands compose 25% or more of the private forest land which comprise the district, may file a petition with the department requesting that the district be discontinued. The petition shall identify the provisions to be taken for the payment of outstanding debt and the disposition of district property.

(2) The department may conduct public hearings to assist it in its consideration of the petition. Within 60 days after a petition has been filed, the board shall give notice for the holding of a referendum upon the issue of the discontinuance of a district. All members of the district shall be eligible to vote in the referendum pursuant to the schedule in section 50131(3).

(3) The board shall publish the results of the referendum. If a majority of the votes cast are in favor of discontinuing a district, the department shall determine that the district will be discontinued. Even if a majority of the votes cast are not in favor of discontinuing a district, the department may determine that the district not continue in existence. If the department determines that the district shall continue, it shall record that determination and deny the petition. If the department determines that a district shall be discontinued, it shall record its determination and certify its decision to the board of the district. In making its determination, the department shall consider the economic and administrative feasibility of the continuation of a district, the extent of outstanding debt of the district, the attitudes of the members within the district, the number of members eligible to vote in the referendum who voted, the proportion of the votes cast in favor of the discontinuance of the district to the total number of votes cast, and other economic and social factors which may be relevant to the determination.

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(4) Upon receipt from the department of a certification of a determination that a district shall be discontinued, the board shall proceed to terminate the affairs of the district. The board shall provide for the payment of all outstanding debt and for the disposition of district property to the state. The board shall thereafter file an application with the secretary of state for the discontinuance of the district. The application shall identify the action taken to provide for the payment of all outstanding debt and for the disposition of district property. The secretary of state shall issue a certificate of dissolution to the board of the district which specifies the effective date of discontinuance and shall record the certificate in the appropriate book of record.

(5) Each contract, bond, or other obligation to which a district is a party shall remain in force and effect for the period provided in the contract, bond, or other indebtedness. If a district is discontinued, the department shall be substituted for the district as a party to each contract entered into by the district, except the department is not responsible for any coupon or bond issued by a district under this part. The department is entitled to all benefits and subject to all responsibilities under each contract for which it is substituted as a party and has the same right to perform, to require performance, to sue and be sued, and to modify or terminate the contract by mutual consent or otherwise, as the board of a district would have had.

(6) The department shall not entertain a petition for the discontinuance of a district, or make determination pursuant to a petition under this section, more often than once every 2 years.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50135 Additional powers of district.

Sec. 50135. In addition to those powers granted elsewhere in this part, a district has all of the following powers, which are subject to federal and state environmental laws:

(a) To obtain real property for purposes of industrial site development within the gross territorial boundary of a district, a municipality located within the gross territorial boundary may take private property under the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, for the purpose of transfer to the district and may transfer the property to the district for use in an industrial site. The taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public. For the purposes of this section, “industrial site development” means the location of industrial plant facilities for production, processing, handling, storage, marketing, manufacturing, or directly related transportation facilities of forest resources. Each district shall have only 1 industrial site not to exceed 150 acres.

(b) To act as the marketing agent for the members or an association of the members within a district after obtaining their consent, in order to facilitate cooperation among the members to increase their bargaining power, including the power to make commitments of private timber in a manner, volume, and for periods prescribed by the board.

(c) To conduct business operations with the powers provided in section 261 of the business corporation act, Act No. 284 of the Public Acts of 1972, being section 450.1261 of the Michigan Compiled Laws.

(d) To conduct and publish the results of surveys, investigations, and support research by research institutions relating to the need and nature of forest practices within a district.

(e) To develop comprehensive management plans for forest practices within the district which specify the procedures, performances, and resources necessary or desirable for the effectuation of the plans. If the state land encompassed by a district's gross territorial boundary is greater than 5% of the total forest land area, the department and the district administrators shall cooperate in the development of comprehensive management plans. The plans shall be published so as to bring them to the attention of the members within a district.

(f) To conduct projects to demonstrate the means and methods of forest practices within a district on forest land owned or controlled by the state or an agency of the state, with the cooperation of the agency administering and having jurisdiction, and on any other forest land within a district upon obtaining the consent of the owner or the necessary rights or interest in the land.

(g) To carry out and to assist members in carrying out forest practices within a district.

(h) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, property, real or personal, or rights or interests in real or personal property; to maintain, administer, and improve property acquired; to receive income from the property and to expend that income in implementing this part; and to sell, lease, or otherwise dispose of its property or interests.

(i) To make available to members within a district, on terms the board shall prescribe, foresters, forest managers, forest practice and harvesting machinery and equipment, seeds, and seedlings and other material, equipment, or personnel, as will be of assistance in carrying out forest practices.

(j) To construct, improve, operate, and maintain sawmills, hardboard mills, and other structures or facilities

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as may be necessary or convenient to carry out this part, and to cooperate with owners of existing structures and facilities.

(k) To assume by purchase, lease, or otherwise, and to administer, a forest improvement project undertaken within the boundaries of a district by the United States or an agency of the United States, or an agency of the state; to manage, as agent of the United States or an agency of the United States, or an agency of the state, a forest improvement project within its boundaries; to act as agent for the United States, or an agency of the United States, or for an agency of the state, in connection with the acquisition of real or personal property for, or in the construction, operation, or administration of, a forest improvement project within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or an agency of the United States, from an agency of the state, or from any other source, and to use or expend that money or those services, materials, or other contributions in carrying on its operations subject to policies and procedures as adopted by the department; and to accept money, gifts, and donations from any source.

(*l*) To cooperate with industrial and trade development agencies in efforts to promote the expansion of industrial and manufacturing activities utilizing wood products.

(m) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless discontinued as provided in this part; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; and to promulgate rules consistent with this part and the rules of the department in order to carry into effect the policy and purposes of this part.

(n) To extend benefits to members as considered desirable by the board and to require contributions in money, services, materials, or otherwise of members of forest land as a condition of extending benefits under this part.

(o) To defray all or part of the project costs of a forest improvement project, borrow money, and issue bonds as provided in this part. A bond or coupon issued under this part shall not be a general obligation of, or constitute a debt of the state or a political subdivision of the state, other than the issuing district.

(p) To enter into lease, lease-purchase, installment sale, loan, or other agreements with a person to provide for the acquisition, construction, equipping, improving, or financing of a forest improvement project.

(q) To mortgage any of the following in favor of the holders of the bonds issued in conjunction with a project:

(*i*) The project.

(*ii*) The industrial site of the district.

(*iii*) Any building, equipment, or other personal property situated on the site.

(*iv*) District owned forest land.

(*v*) Member owned forest land, with the member's consent.

(r) To sell and convey any district owned property, including without limitation the sale and conveyance of the industrial site and its facilities subject to a mortgage, for a price and at a time the board determines. A sale or conveyance shall not be made in a manner as to impair the rights or interests of the holders of bonds.

(s) To employ a district manager, foresters, architects, attorneys, accountants, construction and financial experts, and other employees and agents as are necessary to implement this part.

(t) To receive and accept from a public or private agency loans or grants for or in aid of a project or portion of a project undertaken, and receive and accept a loan, grant, aid, or contribution from any source of money, property, labor, or any other thing of value, to be held, used, and applied only for the purposes for which the loan, grant, aid, or contribution is made.

(u) To issue bonds for purposes of funding a forest improvement district or forest practices.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50136 Repealed. 2013, Act 45, Imd. Eff. June 6, 2013.

Compiler's note: The repealed section pertained to cooperation between state agency and district board.

Popular name: Act 451

Popular name: NREPA

324.50137 Expenses of district; sources of payment; allocation of funds.

Sec. 50137. (1) The expenses of a district may be paid from 1 or more of the following:

(a) An appropriation by the legislature.

(b) The revenues of the district's facilities and operations.

(c) The proceeds of the service fees authorized by this part.

(d) The proceeds of sales of state timber within the district except for the redemption of the bonds in case

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of default.

(e) Federal grants or from gifts or grants from private persons.

(f) The proceeds from the sale of the bonds of the district.

(g) Any other funds available to the district.

(2) When allocating available funds among proposed districts, the department shall consider the proposed district or districts which in its judgment will produce the greatest public benefit, giving consideration to all of the following factors:

(a) The need for and potential commercial benefits of forest improvement if the district is formed within the proposed gross territorial boundaries.

(b) The need for and potential benefits to long-term production, maintenance, and enhancement of the total forest resource system.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50138 Cooperative exercise of powers.

Sec. 50138. The boards of any 2 or more districts may cooperate in the exercise of powers conferred in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50139 Report.

Sec. 50139. During the years of operation of a district, a detailed report of the operation and impact of the district shall be submitted by the board of the district to the departments and the legislature for analysis and evaluation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART 5
FOREST PRACTICES

324.50140 Conduct of forest practices; minimum standards.

Sec. 50140. For the public benefit, the board shall mandate the continuous growing, improvement, and harvesting of forest tree species so as to protect and maintain the forest soil, air, water resources, wildlife, and aquatic habitat within a district. The board of a district shall establish minimum standards for the conduct of forest practices on forest land within a district. These standards shall do all of the following:

(a) Provide for the improvement and harvesting of forest tree species in a manner that will increase the productivity of the forest land, reduce soil and debris entering streams, and protect wildlife and fish habitat.

(b) Provide for road construction that will ensure the maintenance of forest productivity, water quality, and fish and wildlife habitat during construction and maintenance.

(c) Provide for reforestation that will maintain the growing and harvesting of desirable forest tree species by describing the conditions under which reforestation will be required, specifying the minimum and maximum number of trees per acre and the maximum period of time allowed after harvesting for reforestation, and requiring stabilization of soils which have become exposed as a result of harvesting. An acreage exemption from reforestation may be established, except that on the land exempted, within 1 year after harvesting, some form of vegetative cover shall be required sufficient to provide continuing soil productivity and stabilization.

(d) Provide for management of slashings resulting from the harvesting, management, or improvement of forest tree species so as to protect reproduction and residual stands, to reduce the risk from fire, insects, and disease, to optimize the conditions for future regeneration of forest tree species, and to maintain air and water quality and fish and wildlife habitat.

(e) Coordinate the notification requirement of this subpart, the application requirement of section 50148, and all other submission requirements imposed upon members so as to minimize the requirements for submission of information.

(f) Provide for public uses of member forest land within the district, consistent with the purposes of this part.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50141 Notification of compliance with forest practice rules; forest management plan; forms; contents of notification; notice of change in information; validity of notification.

Sec. 50141. (1) A member shall notify the district of compliance with the forest practice rules by submitting a forest management plan on forms prescribed and provided by the board. The notification shall include the name and address of the member, the legal description of the area in which the forest management plan is to be implemented, the specific forest practices to be conducted during the plan, and other information the board considers necessary.

(2) The member shall notify the board of each subsequent change in the information provided in the notification within 30 days after the change.

(3) The notification shall be valid for not more than 5 years after the date of original notification.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50142 Violation of district forest practice rule; notice; order; hearing.

Sec. 50142. (1) If the board determines that a district forest practice rule was violated, it shall notify the member of the violation within 10 days after its determination. The notice shall specify the nature of the violation charged and identify the damage or unsatisfactory condition that has occurred as a result of the violation.

(2) When a notice of violation is served, the board:

(a) Shall issue and serve an order directing that further violations cease.

(b) May issue and serve an order directing the member to make reasonable efforts to repair the damage or correct the unsatisfactory condition.

(3) If the member requests a hearing within 10 days after the issuance of an order affecting the member's forest land, the board shall hold a hearing on its order within 30 days after the receipt of the request.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50143 Noncompliance with order directing repair of damage or correction of unsatisfactory condition; estimate of cost; notice of estimate; review; determination of expenditure; appearance of member; itemized certified statement of expenditures; expenditures as lien; certification and filing of notice of lien; legal action; error or mistake in notice of lien; termination of lien.

Sec. 50143. (1) If an order directs the repair of damage or correction of an unsatisfactory condition and if the member fails to comply, the board shall estimate the cost to repair the damage or the unsatisfactory condition and shall notify the member in writing of the amount of the estimate. Upon written agreement with the member to pay the cost, the district may have the damage repaired or the unsatisfactory condition corrected.

(2) If the member does not agree to pay the cost within 30 days after being notified, the board shall review the matter and determine whether the district shall repair the damage or correct the unsatisfactory condition, and shall approve the amount to be expended. The expenditure approved may include reasonable administrative costs directly associated with repairing the damage or correcting the unsatisfactory condition. The member shall be afforded the opportunity to appear before the board to present the facts pertaining to the alleged violation and the proposed expenditure.

(3) The board shall keep a complete account of expenditures incurred in repairing damage or correcting an unsatisfactory condition. Not more than 90 days after the completion of the work, the board shall prepare an itemized statement and deliver a copy to the member. An itemized certified statement of the expenditures incurred by the district shall be accepted as prima facie evidence of the expenditures in a proceeding authorized by this subpart.

(4) Upon the initiation of the forest practice work, the expenditures of a district shall become a lien upon a member's forest land located within the district. A written notice of the lien, containing a statement of the demand, an itemization of expenditures incurred, the date incurred and where incurred, and the names of the parties against whom the lien is attached, shall be certified under oath by the district and filed in the office of

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the register of deeds in each county where the real and personal property of the member is located, if considered necessary to recover the expenditures incurred by the district. This written notice shall be filed within 6 months but not sooner than 30 days after the date of delivery of the itemized statement referred to in subsection (3). The prosecuting attorney of a county in which a lien is filed shall bring legal action on behalf of a district to recover the debt. An error or mistake in the notice of lien of the description of real or personal property does not affect the validity of the lien, if the real or personal property can be identified by the description.

(5) A lien provided for in this section shall terminate 5 years after the date of filing of the notice of the lien unless legal action is instituted before that time.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50144 Conversion of forest land to other use; procedures and criteria.

Sec. 50144. This subpart does not prevent forest land from being converted to any other use. A board shall establish the procedures and criteria for excluding land being converted or to be converted from the requirements of this subpart. The procedures and criteria shall conform with zoning ordinances and land use plans of any other political subdivision within which forest land of a district is located.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART 6
COST-SHARING AND LOANS FOR FOREST PRACTICES

324.50145 Agreements to share cost of forest practices; schedule of cost share percentages.

Sec. 50145. (1) A district may enter into agreements to share the cost of implementing forest practices on member forest land within the district. A district may pay not more than 90% of the lesser of either of the following:

(a) The member's actual cost per acre to accomplish the work.

(b) The prevailing per acre cost for the forest practice as determined by the board.

(2) The board shall prepare a schedule of cost share percentages applicable to forest practices undertaken under this section. The schedule shall set forth the percentage amount which the member shall contribute for various categories of forest practices. The department shall provide technical assistance to a board in the preparation of a schedule. A member's cost share contributions may be made in the form of material, services, or equipment as well as funds.

(3) The scheduled percentage contribution for members owning less than 500 acres may be less than for members owning 500 acres or more. The schedule may also provide for a reduced percentage contribution by a member if 1 or more of the following apply:

(a) The forest practices would provide relatively more employment opportunities than other proposed practices.

(b) The forest practices would increase recreational opportunities for the public.

(c) Forest land conservation measures or fish or wildlife habitat improvements are included in the project.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50146 Loans to members; purpose; term; interest; security; recordation of mortgage or deed of trust; repayment before maturity date; damage as grounds for release of obligation.

Sec. 50146. (1) A district may make loans to a member for 1 or more of the following reasons:

(a) To cover all or part of the member's cost share contribution required under section 50145.

(b) To cover all or a part of the cost of forest practices, up to 100% of the lesser of either of the following:

(*i*) The actual cost per acre to accomplish the work.

(*ii*) The prevailing cost per acre.

(2) A loan made under this section may be made for a term of not more than 20 years and shall bear interest at the average annual rate being earned by the state on money deposited in the investment account of the general fund of this state. A loan shall be secured by a mortgage or deed of trust upon the parcel of land or

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the timber rights on the parcel of land upon which the forest practices were conducted. The board shall record the mortgage or deed of trust in the office of the register of deeds in each county in which the real property subject to the loan is located.

(3) An interest penalty shall not be charged to a member who repays a loan made under this section before its maturity date.

(4) The board may release a member's obligation to repay all or part of the principal and interest due under loans made under this section if the board finds that the parcel of land or the timber rights on the parcel of land securing the loan and upon which the forest practices were conducted have been substantially damaged by fire, flood, insects, disease, or other natural causes and the damage was not caused by the negligence or willful act of the member.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50147 Annual incentive payments to members; purpose; application of income from sale of timber; term; interest; limitation; security; recordation of mortgage or deed of trust; effect of voluntary withdrawal of member; damage as grounds for release of obligation.

Sec. 50147. (1) A district may make annual incentive payments to members to cover forest practice costs only, but not to cover ad valorem property taxes or the member's share of commercial forest act taxes levied pursuant to part 511. This payment is made in anticipation of future timber receipts, and the total principal and interest obligation shall not exceed 90% of the future expected market value of the timber as estimated in the management plan. Income received from the sale of timber covered by this agreement between the district and a member shall be applied to the outstanding obligation.

(2) An annual incentive payment made under this section may be made for a term of not more than 40 years and shall bear interest at the average annual rate being earned by the state on money deposited in the investment account of the general fund of this state. An annual payment shall not exceed $50,000.00 to any 1 member. A payment shall be secured by a mortgage or deed of trust upon the parcel of land or timber, or both, upon which the payment was based. The board shall record the mortgage or deed of trust in the office of the register of deeds in each county in which the real property subject to the loan is located.

(3) A voluntary withdrawal of a member within a district will require full repayment of the obligation plus interest at the current commercial rate.

(4) The board may release a member's obligation to repay all or part of the principal and interest due under payments made under this section if the board finds that the parcel of land or the timber rights on the parcel of land securing the payment and upon which the forest practices were conducted have been substantially damaged by fire, flood, insects, disease, or other natural causes and the damage was not caused by the negligence or willful act of the member.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50148 Cost-share payments, loans, or annual incentive payments; eligibility; conditions; guidelines.

Sec. 50148. (1) The following conditions shall be met for a member to be eligible for cost-share payments, a loan, or an annual incentive payment:

(a) The member shall make application for financial assistance for forest practices to each federal program specified by the board. The board shall not make any determination as to whether and how much assistance a member will receive until the application is approved or disapproved by the governmental agency administering the federal program.

(b) The member shall submit an application for financial assistance in a form prescribed by the board.

(c) Before receiving assistance under this subpart, the member shall agree not to develop the land for a use incompatible with timber production within 10 years after the receipt of a cost-sharing payment agreement pursuant to section 50145, the making of a loan under section 50146, or the receipt of an annual incentive payment under section 50147. A district shall record the agreement in the office of the register of deeds in each county in which the forest land is located. Once recorded, the contract shall be binding upon each person to whom the parcel of land is sold, assigned, devised, or otherwise transferred by agreement or operation of law.

(d) The member shall submit a forest management plan for approval by the board. This plan shall also

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fulfill the notification requirements of subpart 5. If the proposed forest practices include preparation of a management plan, the plan need not be completed at the time of application. Assistance under this subpart for other forest practices on forest land within the same ownership shall not be made until the management plan has been approved.

(2) The board shall prepare guidelines specifying the factors to be considered and information which should be included in management plans submitted pursuant to this subpart and subpart 5.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50149 Applications for financial assistance; selection of programs; factors; preferences; criteria for evaluation and approval.

Sec. 50149. (1) When allocating available funds among applicants for assistance pursuant to this subpart, the board shall select those programs of forest practices which in its judgment produce the greatest public benefit, giving consideration to the following factors:

(a) The need for and potential commercial benefits if the practices are undertaken.

(b) The financial resources of the applicant.

(c) The need for and potential benefits to long-term production, maintenance, and enhancement of the total forest resource system.

(2) The board shall give preference to applications covering forest land that has been substantially damaged by fire, flood, insects, disease, or other natural causes within 36 months before submission of an application under this subpart.

(3) The board shall also give preference to applications with respect to which 1 or more of the following factors is present:

(a) The forest management plan involves reforesting forest land with a more commercially valuable forest tree species than it previously produced.

(b) The forest management plan would provide relatively more employment opportunities than other proposed plans.

(c) The forest land is located in a county with high unemployment.

(d) A small business entity will carry out the proposed plan.

(e) The forest management plan or other actions of the member would increase recreational opportunities for the public.

(4) The board shall establish the criteria for evaluation and approval of applications for financial assistance.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50150 Cost-share payments, loans, or annual incentive payments; federal payments or other assistance; limitation.

Sec. 50150. Cost-share payments, loans, or annual incentive payments under this subpart may be made for forest practices that are also the subject of payments or other assistance provided under federal law. Payments or loans may be made to satisfy member cost shares or to repay loans received under federal programs. Combined state and federal payments and loans, and required member cost-share contributions, shall not together exceed the amount of the actual cost or the prevailing cost per acre of the forest practices as determined by the board, whichever is less.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50151 Cost-share payments, loans, or annual incentive payments; refund; interest; payments as lien on forest land; filing lien; legal action.

Sec. 50151. (1) All cost-share payments, loans, or annual incentive payments advanced to a member under this subpart shall be refunded to the district if either of the following applies:

(a) The member files an application for rezoning pursuant to local zoning laws permitting use of the land in a manner incompatible with timber production within 10 years after the date an agreement covering the land was signed under section 50148.

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(b) The board finds that a member has not complied with the forest management plan required under section 50148.

(2) The refund shall bear interest from the date of occurrence of an activity described in subsection (1) until repayment, at the average annual rate being earned by the state on money deposited in the investment account of the general fund of this state.

(3) If the member fails to refund the payments or loans within 30 days after written demand by the district, the amount of the payments, together with interest due, shall become a lien upon the forest land upon which the forest practices were conducted as of the date of the event specified in subsection (1). The board shall file the lien in the office of the register of deeds in each county in which the forest land is located. The district may request the prosecuting attorney of a county in which a lien is filed to bring legal action on behalf of the district to recover the debt.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50152 Severance and service fees generally.

Sec. 50152. In order to provide a source of funds for the cost-share payments, loans, annual incentive payments, and other services authorized to be offered to members within a district, a district may charge a severance fee pursuant to the procedure described in section 50153 and collect fees for services provided to those members. The fees shall be deposited in a district forest management fund to be established by the board.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50153 Schedule of fees for services; establishment; uniform severance fee.

Sec. 50153. (1) The board may establish a schedule of fees for the services provided directly to members within a district.

(2) After a referendum in which a majority of the members in a district approve the charging of a severance fee, the district may charge the fee, if a member harvests timber from forest land in the district. The issue of the charging of a severance fee may be placed before the members at the time of the formation of a district. The severance fee shall be uniform throughout a district and shall not exceed 10% of the stumpage value of the timber harvested.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50154 Severance and service fees; collection and disposition; responsibility for payment of severance fee; stumpage values and units of measurement; remittance; reports; records.

Sec. 50154. (1) The board shall develop the necessary administrative procedures to collect the fees and shall deposit the revenue collected in the district forest management fund.

(2) The person responsible for payment of the severance fee is the timber owner before harvest. The department shall provide technical assistance to a district to develop appropriate methods of establishing stumpage values and units of proper measurement.

(3) The fees shall be remitted to a district, by check or money order, with reports as may be required by the board.

(4) The timber owner, for a period of 3 years, shall maintain and make available to the board the records the board may require to verify proper reporting and payment of the severance fee and service fees due a district.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50155 Collection of fees; enforcement.

Sec. 50155. The board shall enforce collection of the fees pursuant to the procedure contained in section 50143.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

SUBPART 7
BOND ISSUANCE PROVISIONS

324.50156 Resolution authorizing bonds; provisions.

Sec. 50156. A resolution authorizing bonds to be issued under the power granted in section 50135 may contain provisions, which shall be part of the contract with the holders of the bonds, as to:

(a) The use and disposition of the payments received under the agreement, including the creation and maintenance of reserves.

(b) The issuance of other or additional bonds of equal standing with bonds of a district already issued.

(c) The insurance to be carried on the forest improvement project and the use and disposition of insurance money.

(d) The terms and conditions upon which the holder of the bonds, or a portion of the bonds, or a trustee of the bonds, shall be entitled to the appointment of a receiver by a court which has jurisdiction in those proceedings, who may enter and take possession of the forest improvement project and lease and maintain it, prescribe rentals, and collect, receive, and apply all income and revenues thereafter arising in the same manner and to the same extent as a district may do under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50157 Resolution authorizing bonds; principal, interest, payment, and security; full faith and credit; trustees.

Sec. 50157. (1) The bonds shall be payable and secured as set forth in the resolution authorizing the issuance. The resolution may provide that the principal of and interest on any bonds issued shall be payable and secured by 1 or more of the following:

(a) The net revenues derived from a forest improvement project.

(b) Amounts derived from the disposition of projects and other property mortgaged or otherwise pledged as security for payment of the bonds.

(c) Gifts or grants by any person.

(d) Federal funds.

(e) Loan repayments.

(f) An assignment of a percentage of gross revenues received by the district.

(g) Any other source approved by the board.

(2) District debt may also be secured by the full faith and credit of the district but shall not be general obligations of the state of Michigan. The resolution may also provide for the appointment of 1 or more trustees for bondholders. A trustee may be a person domiciled or located within or outside the state and may be given appropriate powers.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50158 Special debt service reserve fund; creation; purpose; sources and use of money; transfer of income or interest; limitation on approved reserve fund requirement; limitation on issuance of bonds.

Sec. 50158. (1) A district, with the approval of the department, may create and establish 1 or more special debt service reserve funds, to secure its bonds, referred to in this part as approved reserve funds. A district shall pay into an approved reserve fund the money appropriated and made available by the state for the purpose of the fund; proceeds of the sale of bonds, to the extent provided in the resolution of the district authorizing the issuance of bonds; and other money made available for the purpose of a fund from any other source. The money held in an approved reserve fund shall be used as required by the resolution authorizing the issuance of bonds and creating the fund. Income or interest earned by, or increment to an approved reserve fund due to the investment of money in the fund may be transferred by a district to other funds or accounts of the district to the extent the transfer does not reduce the amount of an approved reserve fund below the required level for a fund, as specified in the bond authorizing resolution.

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(2) An approved reserve fund requirement in the resolution of the board authorizing the bonds with respect to which the fund is established, shall not exceed the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the bonds secured in whole or part by the fund. A district shall not issue bonds secured in whole or in part by an approved reserve fund if, upon the issuance of the bonds, the amount in the fund would be less than the requirement for the fund, unless the district at the time of issuance of the bonds, deposits in the fund from the proceeds of the bonds to be issued, or from other sources, an amount which, together with the amount then in the fund, shall be not less than the approved reserve fund requirement for the fund.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50159 Statement of liability on face of bond.

Sec. 50159. The state shall not be liable on bonds of a district, and the bonds shall not be a debt of the state. The bonds shall contain on their face a statement to that effect.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50160 Applicability of part and resolution; enforcement of duties; recital in bond as evidence of validity; publication and effective date of resolution.

Sec. 50160. (1) This part, and the resolution authorizing the issuance of bonds under this part shall remain applicable until the principal and interest on bonds issued by a district have been fully paid or provided for. The duties of a district and its board under this part and the resolution authorizing the issuance of bonds under this part shall be enforceable by a bondholder by mandamus or other appropriate action in a court of competent jurisdiction.

(2) The resolution authorizing the issuance of bonds shall provide that the bonds shall contain a recital that they are issued under this part, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

(3) A resolution authorizing the issuance of bonds under this part is not effective until publication at least once in a newspaper of general circulation within the area comprised by a district or, if such a newspaper does not exist, within the nearest city or county having a newspaper of general circulation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50161 Refunding bonds.

Sec. 50161. A district may issue its bonds to refund in whole or part, at any time, bonds previously issued by the district under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50162 Adoption of bonds by resolution of majority of board; bonds subject to revised municipal finance act.

Sec. 50162. The bonds of a district shall be authorized by resolution adopted by a majority of the board. The bonds are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2002, Act 222, Imd. Eff. Apr. 29, 2002.

Popular name: Act 451

Popular name: NREPA

324.50163 Pledge and lien of pledge valid and binding; recordation not required.

Sec. 50163. A pledge made by a district shall be valid and binding from the time the pledge is made. The money or property pledged and thereafter received by a district is immediately subject to the lien of the pledge without physical delivery or a further act. The lien of a pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against a district, irrespective of whether the parties have notice of the claim. Neither the resolution nor any other instrument by which a pledge is created

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need be recorded.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50164 Liability on bonds.

Sec. 50164. Neither the members of the board of a district nor a person executing the bonds is personally liable on the bonds or subject to personal liability or accountability by reason of the board's issuance or the person's execution of the bonds.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50165 Pledge and agreement of state not to impair rights and remedies of bondholders; bonds as negotiable instruments; bonds as securities; investment in bonds.

Sec. 50165. (1) The state pledges and agrees with the holders of bonds issued under this part that the state will not limit or alter the rights vested in a district to fulfill the terms of agreements made with the holders of bonds or in any way impair the rights and remedies of the holders until the bonds, together with the interest on the bonds, with interest on any unpaid installments of interest and all costs and expenses in connection with an action or proceeding by or on behalf of the holders, are fully met and discharged. A district shall include this pledge and agreement of the state in each agreement with the holders of the bonds.

(2) The bonds authorized to be issued by this part are negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, Act No. 174 of the Public Acts of 1962, being sections 440.1101 to 440.11102 of the Michigan Compiled Laws, subject only to the provisions of the bonds for registration.

(3) The bonds of a district are securities in which each public officer or body of the state and each political subdivision of the state; each insurance company and association and any other person carrying on an insurance business; each bank, trust company, savings bank and savings association, savings and loan association, or investment company; each administrator, guardian, executor, trustee, or other fiduciary; and any other person who is authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, which are either owned or controlled by the person or other entity.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50166 Exemption from taxation.

Sec. 50166. The state covenants with the purchasers and all subsequent holders and transferees of bonds issued under this part, in consideration of the acceptance of and payment for the bonds, that the bonds issued under this part and the income from those bonds and all its fees, charges, gifts, grants, revenues, receipts, and other money received or to be received, pledged to pay or secure the payment of the bonds at all times are exempt from state or local income taxation provided by the laws of the state, except for estate, inheritance, and gift taxes and taxes on transfers.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 503
STATE FOREST PRODUCTS INDUSTRY DEVELOPMENT COUNCIL

324.50301 Duties of departments of agriculture and rural development and natural resources.

Sec. 50301. The departments of agriculture and rural development and natural resources shall jointly do all of the following:

(a) Advise the legislature and the governor on forest management and development and other matters relevant to the development of the forest products industry in this state.

(b) Develop a forestry development plan to improve the state's business climate for forestry, assure a stable timber supply, and coordinate public and private forestry activities.

(c) Identify the needs of the forest products industry.

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(d) Promote and encourage the expansion of the forest products industry in this state.

(e) Promote and encourage the retention and expansion of existing forest products companies in this state and attract new forest products companies to locate in this state.

(f) Perform other functions the departments consider necessary for the development of the forest products industry in this state.

(g) Promote and encourage the use of this state's value-added forest products in Michigan, in other states, and internationally.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2013, Act 47, Imd. Eff. June 6, 2013.

Popular name: Act 451

Popular name: NREPA

324.50302 Annual report.

Sec. 50302. The departments of agriculture and rural development and natural resources, jointly, shall annually report to the governor and the legislature on their activities to promote the development of the forest products industry in this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2013, Act 47, Imd. Eff. June 6, 2013.

Popular name: Act 451

Popular name: NREPA

PART 505
MICHIGAN FOREST FINANCE AUTHORITY

324.50501 Purpose of part.

Sec. 50501. The purpose of this part and of the authority created by this part is to preserve existing jobs, create new jobs, and alleviate and prevent unemployment through the retention, promotion, and development of forestry and forest industries and to protect the health and vigor of forest resources by doing all of the following:

(a) Funding practices prescribed and approved by the department that intensify management of certain highly productive portions of this state's forest system.

(b) Implementing a system of forest management that is investment-oriented, economically efficient, and environmentally sound.

(c) Implementing a system of forest management that is consistent with principles of sustainable forestry and with part 525.

(d) Promoting a stable and continuing supply of timber for future economic expansion.

(e) Providing dependable funding of scheduled forest management operations.

(f) Promoting effective investment of revenues from timber sales for high future returns.

(g) Facilitating timely performance of forest management operations.

(h) Earning additional revenues for forest management from timber sales.

(i) Improving existing timber stands and establishing new stands of trees.

(j) Providing for reforestation, forest protection, and timber stand improvement.

(k) Providing an additional funding source for the purposes described in this section from indebtedness secured with revenues generated from future sale of timber harvested from state tax reverted lands, from lands in the state forest system from which revenues derived from the sale of timber were previously deposited in the forest management fund created in former 1945 PA 268, and from other lands as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 124, Imd. Eff. May 28, 2004.

Popular name: Act 451

Popular name: NREPA

324.50502 Definitions.

Sec. 50502. As used in this part:

(a) “Authority” means the Michigan forest finance authority created in section 50503.

(b) “Board” means the board of directors of the Michigan forest finance authority, except where the context clearly requires a different definition.

(c) “Bonds” means bonds of the authority issued as provided in this part.

(d) “Notes” means notes of the authority issued as provided in this part, including commercial paper.

(e) “State forester” means an employee of the department who has a 4-year degree in forest management from an accredited college or university and experience in forest management and who is designated as the

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state forester by the director.

(f) "Sustainable forestry" means that term as it is defined in section 52501.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 124, Imd. Eff. May 28, 2004.

Popular name: Act 451

Popular name: NREPA

324.50503 Michigan forest finance authority; creation; exercise of powers, duties, and functions; handling of funds.

Sec. 50503. The Michigan forest finance authority is created as a body corporate within the department of natural resources and shall be administered under the supervision of the department but shall exercise its prescribed statutory power, duties, and functions independently of the department. The budgeting, procurement, and related functions of the authority shall be performed under the direction and supervision of the department. Funds of the authority shall be handled in the same manner and subject to the same provisions of law applicable to state funds or in a manner specified in a resolution of the authority authorizing the issuance of bonds and notes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Compiler's note: For transfer of powers and duties of Michigan forest finance authority from department of natural resources to department of natural resources and environment, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of Michigan forest finance authority, and of its board of directors, relating to borrowing money and issuing bonds or notes, to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

For transfer of certain other powers and duties of Michigan forest finance authority to department of natural resources, see E.R.O. No. 2010-2, compiled at MCL 12.194.

For transfer of Michigan forest finance authority from department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

Popular name: Act 451

Popular name: NREPA

324.50504 Board of directors; appointment; terms; oath; vacancy; persons subject to MCL 15.321 to 15.330; discharge of duties; policies and procedures; conducting business at public meetings; notice; quorum; actions of board; representative as voting member; chairperson.

Sec. 50504. (1) The authority shall be governed by a board of directors consisting of the director, the state treasurer, the director of the department of labor and economic growth, and 6 residents of the state, appointed by the governor with the advice and consent of the senate as follows:

(a) One individual shall represent the forest products industry within the state.

(b) One individual shall be a commercial logging contractor.

(c) One individual shall be an owner of nonindustrial, private forestland.

(d) One individual shall be from the wood products manufacturing industry.

(e) One individual shall represent hunters, anglers, and other outdoor recreation interests.

(f) One individual from a college or university in the state with knowledge and expertise in forest management.

(2) The 6 resident directors appointed under subsection (1)(a) to (f) shall serve terms of 3 years. In appointing the initial 6 resident members of the board, the governor shall designate 2 to serve for 3 years, 2 to serve for 2 years, and 2 to serve for 1 year.

(3) Upon appointment to the board under subsection (1), and upon the taking and filing of the constitutional oath of office, a member of the board shall enter the office and exercise the duties of the office.

(4) Regardless of the cause of a vacancy on the board, the governor shall fill a vacancy in the office of a member of the board by appointment with the advice and consent of the senate. A vacancy shall be filled for the balance of the unexpired term of the office. A member of the board shall hold office until a successor has been appointed and has qualified.

(5) Members of the board and officers and employees of the authority are subject to 1968 PA 317, MCL 15.321 to 15.330. A member of the board or an officer, employee, or agent of the authority shall discharge the duties of his or her position in a nonpartisan manner, with good faith, and with that degree of diligence, care, and skill that an ordinarily prudent person would exercise under similar circumstances in a like position. In discharging his or her duties, a member of the board or an officer, employee, or agent of the authority, when acting in good faith, may rely upon the opinion of counsel for the authority, upon the report of an independent appraiser selected with reasonable care by the board, or upon financial statements of the authority represented to the member of the board, officer, employee, or agent to be correct by the officer of the authority having charge of its books or account, or stated in a written report by the auditor general or a certified public

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accountant or the firm of the accountants fairly to reflect the financial condition of the authority.

(6) The board shall organize and make its own policies and procedures. The board shall conduct all business at public meetings held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of each meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Five members of the board constitute a quorum for the transaction of business. An action of the board requires a concurring vote by 5 members of the board. A state officer who is a member of the board may designate a representative from his or her department to serve instead of that state officer as a voting member of the board for 1 or more meetings. The state treasurer shall serve as chairperson of the board.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 124, Imd. Eff. May 28, 2004.

Compiler's note: For transfer of powers and duties of Michigan forest finance authority, and of its board of directors, relating to borrowing money and issuing bonds or notes, to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

For transfer of certain other powers and duties of Michigan forest finance authority to department of natural resources, see E.R.O. No. 2010-2, compiled at MCL 12.194.

For transfer of position of director of department of natural resources and environment as member of board of directors of Michigan forest finance authority to director of department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

Popular name: Act 451

Popular name: NREPA

324.50505 Election of chairperson and vice-chairperson; state forester as executive director; qualifications, duties, and compensation of employees; delegation of powers or duties; rights and interests of authority; annual report; audits; records.

Sec. 50505. (1) The authority shall elect a chairperson and a vice-chairperson from among its members. The state forester shall serve as the executive director of the authority. The authority may employ legal and technical experts and other officers, agents, or employees, permanent or temporary, paid from the funds of the authority. The authority shall determine the qualifications, duties, and compensation of those it employs, but an employee shall not be paid a higher salary than the director. The authority may delegate to 1 or more members, officers, agents, or employees any powers or duties it considers proper.

(2) The authority shall contract with the department for the purpose of maintaining and improving the rights and interests of the authority.

(3) The authority shall annually file a written report on its activities of the last year with the legislature. This report shall be submitted not later than 270 days following the end of the fiscal year. This report shall specify the amount and source of revenues received, the status of investments made, and a description of the forest management practices undertaken by the department with proceeds of bonds sold under this part.

(4) The accounts of the authority shall be subject to annual audits by the state auditor general or a certified public accountant appointed by the auditor general. Records shall be maintained according to generally accepted auditing principles.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Compiler's note: For abolishment of position of executive director of Michigan forest finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

Popular name: Act 451

Popular name: NREPA

324.50506 Powers of board.

Sec. 50506. Except as otherwise provided in this part, the board may do all things necessary or convenient to implement the purposes, objectives, and provisions of this part, and the purposes, objectives, and powers delegated to the board by other laws or executive orders, including, but not limited to, all of the following:

(a) Adopt an official seal and bylaws for the regulation of its affairs and alter the seal or bylaws at its pleasure.

(b) Sue and be sued in its own name and plead and be impleaded.

(c) Borrow money and issue negotiable revenue bonds and notes pursuant to this part.

(d) Enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers.

(e) With the prior consent of the department, solicit and accept gifts, grants, loans, and other aid from any person, or the federal, state, or local government or any agency of the federal, state, or local government, or participate in any other way in a federal, state, or local government program.

(f) Acquire standing timber, timber cutting rights, and the state's interest in contracts granting cutting rights, on state tax reverted lands, on lands in the state forest system from which revenues derived from the

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sale of timber were previously deposited in the forest management fund created in former 1945 PA 268, and on other lands as provided by law, to be used for any of the purposes provided in this part subject to the restrictions of section 50509. However, the state shall not convey to the authority fee title to any state forest lands.

(g) Procure insurance against loss in connection with the property, assets, or activities of the authority.

(h) Invest money of the authority, at the board's discretion, in instruments, obligations, securities, or property determined proper by the board, and name and use depositories for its money.

(i) Contract for goods and services and engage personnel as necessary and engage the services of private consultants, managers, legal counsel, and auditors for rendering professional financial assistance and advice payable out of any money of the authority, subject to the restrictions of section 50507.

(j) Indemnify and procure insurance indemnifying members of the board from personal loss or accountability from liability asserted by a person on bonds or notes of the authority, or from any personal liability or accountability by reason of the issuance of the bonds or notes, or by reason of any other action taken or the failure to act by the authority.

(k) Do all other things necessary or convenient to achieve the objectives and purposes of the authority, this part, rules promulgated under this part, or other laws that relate to the purposes and responsibilities of the authority.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 124, Imd. Eff. May 28, 2004.

Popular name: Act 451

Popular name: NREPA

324.50507 Financing forest management operations and practices; guidelines, rules, and objectives; application of funds; interim procedure; annual list of activities and practices; projection of probable default; contracts for cutting and sale of timber; forest development fund; audit; transfer of funds to first responder presumed coverage fund.

Sec. 50507. (1) The authority shall finance only forest management operations and practices consistent with part 525 that follow the guidelines, rules, and objectives prescribed and approved by the department as these guidelines, rules, and objectives are amended by the department.

(2) Funds managed by the authority shall be applied in a manner consistent with part 525 and the land management planning policies of the department on lands that have been identified for forest management practices. In the absence of an approved state forest management plan covering a candidate area, an interim procedure, as adopted by the department, shall be used to ensure that all forest values have been considered in selecting sites for investment with funds of the authority. The department shall annually submit a list of activities and practices allocated from the funds generated under this part for the board's review and determination of consistency with this part.

(3) The executive director of the authority shall notify the department if the authority projects a probable default on any bonds or notes issued by the authority. Within 1 year of receipt of the notification, or within less than 1 year, if the notification indicates a shorter time period is necessary to avoid a default, the department shall identify and convey to the authority sufficient timber on tax reverted lands to enable the authority to avoid the projected default and to provide for timely payment of principal of and interest on the authority's bonds or notes. The authority may only issue contracts for the cutting and sale of timber that has been conveyed to the authority under this section to avoid a default on any bonds or notes issued by the authority. The determination of the board as to the need to cut and sell timber is conclusive. Contracts for the cutting and sale of timber shall be consistent with part 525 and with the guidelines, rules, and objectives prescribed by the department.

(4) The authority shall establish a fund designated as the "forest development fund". Any money on hand or received in the future from bond proceeds and from contracts for the cutting and sale of timber on tax reverted lands shall be deposited in the forest development fund. In addition, this fund may receive revenues from any other source. Except as otherwise provided in subsection (6), the authority shall use money in the forest development fund for 1 or more of the following:

(a) To provide for the payment of principal of and interest on any bonds or notes issued by the authority.

(b) For reforestation, forest protection, and timber stand improvement.

(c) To obtain and maintain certification of sustainable forestry standards in the state forest under section 52505.

(d) For any other purposes authorized by this part.

(5) The auditor general shall audit the expenditures of the forest development fund at least once every 3 years.

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(6) For fiscal year 2015-2016 only, $3,000,000.00 from the forest development fund is transferred to the first responder presumed coverage fund created under section 405 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.405.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 124, Imd. Eff. May 28, 2004;—Am. 2016, Act 248, Eff. Sept. 22, 2016.

Popular name: Act 451

Popular name: NREPA

324.50508 Department as agent for authority; conveyance of state's interest in contracts granting timber cutting rights; deposit of money received; conveyance of title to timber.

Sec. 50508. (1) Except as provided in section 50507(3), the department shall act as the agent for the authority in contracting for the cutting and sale of timber or other forest management operations and practices undertaken by the authority.

(2) The state's interest in all existing and future contracts granting timber cutting rights on state tax reverted lands are conveyed to the authority to be used for any of the purposes of this part subject to the restrictions of this part. The money received by the state from existing or future contracts for the cutting and sale of timber on state tax reverted lands, on lands in the state forest system from which revenues derived from the sale of timber were previously deposited in the forest management fund created in former 1945 PA 268, and on other lands as provided by law shall be deposited in the forest development fund and utilized as provided in section 50507(4).

(3) In order to provide for additional security for indebtedness of the authority, the department may convey to the authority title to timber on all or any portion of tax reverted lands, on lands in the state forest system from which revenues derived from the sale of timber were previously deposited in the forest management fund created in former 1945 PA 268, and on other lands as provided by law. The form of conveyance shall be approved by the attorney general and by resolution of the state administrative board. If the authority receives title to any timber, it may release and reconvey timber on state tax reverted lands, on lands in the state forest system from which revenues derived from the sale of timber were previously deposited in the forest management fund created in former 1945 PA 268, and on other lands as provided by law if requested by the department, and the reconveyance from the authority to the department will not cause the authority to default on any obligation or covenant contained in any resolution of the authority authorizing issuance of bonds or notes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 124, Imd. Eff. May 28, 2004.

Popular name: Act 451

Popular name: NREPA

324.50509 Bonds and notes generally; expenses; expenditures.

Sec. 50509. (1) The authority may authorize and issue its bonds or notes payable solely from the revenues or funds available to the authority. Bonds and notes of the authority are not a debt or liability of the state and do not create or constitute any indebtedness, liability, or obligations of the state or constitute a pledge of the faith and credit of the state. All authority bonds and notes shall be payable solely from revenues or funds pledged or available for their payment as authorized in this part. Each bond and note shall contain on its face a statement to the effect that the authority is obligated to pay the principal of and the interest on the bond or note only from revenues or funds of the authority pledged for the payment of principal and interest and that the state is not obligated to pay that principal or interest and that neither the faith and credit nor the taxing power of the state is pledged to the payment of the principal of or the interest on the bond or note.

(2) All expenses incurred in carrying out this part shall be payable solely from revenues or funds provided or to be provided under this part. This part does not authorize the authority to incur any indebtedness or liability on behalf of or payable by the state.

(3) Any revenues or funds available to the authority that are not necessary to pay principal of or interest on any outstanding bonds or notes of the authority or which are not required to be deposited in a fund created to secure the bonds or notes of the authority or required to provide for the funding of any other matters required by a resolution authorizing the issuance of bonds or notes of the authority shall be expended to fund forest management programs in a manner prescribed by the department. Any money derived from the proceeds of bonds or notes shall be expended by the authority in the manner prescribed in the part and the resolution authorizing such indebtedness.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

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Popular name: NREPA

324.50510 Bonds or notes; purposes; payment; requirements; signature of board member or office of authority; sale of bonds or notes; applicability of other laws; interest rate agreement.

Sec. 50510. (1) The authority may issue from time to time bonds or notes in principal amounts the authority considers necessary to provide funds for any purpose, including, but not limited to, all of the following:

(a) The payment, funding, or refunding of the principal of, interest on, or redemption premiums on bonds or notes issued by the authority whether the bonds or notes or interest to be funded or refunded have or have not become due.

(b) The establishment or increase of reserves to secure or to pay authority bonds or notes or interest on those bonds or notes.

(c) The payment of interest on the bonds or notes for a period as the authority determines.

(d) The payment of all other costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(2) The bonds or notes of the authority shall not be a general obligation of the authority but shall be payable solely from the revenues or funds, or both, pledged to the payment of the principal of and interest on the bonds or notes as provided in the resolution authorizing the bond or note.

(3) The bonds or notes of the authority:

(a) Shall be authorized by resolution of the authority.

(b) Shall bear the date or dates of issuance.

(c) May be issued as either tax-exempt bonds or notes or taxable bonds or notes for federal income tax purposes.

(d) Shall be serial bonds, term bonds, or term and serial bonds.

(e) Shall mature at such time or times not exceeding 30 years from the date of issuance.

(f) May provide for sinking fund payments.

(g) May provide for redemption at the option of the authority for any reason or reasons.

(h) May provide for redemption at the option of the bondholder for any reason or reasons.

(i) Shall bear interest at a fixed or variable rate or rates of interest per annum or at no interest.

(j) Shall be registered bonds, coupon bonds, or both.

(k) May contain a conversion feature.

(*l*) May be transferable.

(m) Shall be in the form, denomination or denominations, and with the other provisions and terms as is determined necessary or beneficial by the authority.

(4) If a member of the board or any officer of the authority whose signature or facsimile of his or her signature appears on the note, bond, or coupon ceases to be a member or officer before the delivery of that note or bond, the signature shall continue to be valid and sufficient for all purposes, as if the member or officer had remained in office until the delivery.

(5) Bonds or notes of the authority may be sold at a public or private sale at the time or times, at the price or prices, and at a discount as the authority determines. Bonds and notes of the authority are not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. The bond or note of the authority is not required to be filed under the uniform securities act, 1964 PA 265, MCL 451.501 to 451.818, or the uniform securities act (2002), 2008 PA 551, MCL 451.2101 to 451.2703.

(6) The issuance of bonds and notes under this section is subject to the agency financing reporting act, 2002 PA 470, MCL 129.171 to 129.177.

(7) For the purpose of more effectively managing its debt service, the authority may enter into an interest rate exchange or swap, hedge, or similar agreement with respect to its bonds or notes on the terms and payable from the sources and with the security, if any, as determined by a resolution of the authority.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2002, Act 387, Imd. Eff. May 30, 2002;—Am. 2009, Act 98, Imd. Eff. Sept. 24, 2009.

Popular name: Act 451

Popular name: NREPA

324.50511 Refunding bonds or notes.

Sec. 50511. (1) The authority may provide for the issuance of bonds or notes in the amounts the authority considers necessary for the purpose of refunding bonds or notes of the authority then outstanding, including the payment of any redemption premium and interest accrued or to accrue to the earliest or subsequent date of

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redemption, purchase, or maturity of these bonds or notes. The proceeds of bonds or notes issued for the purpose of refunding outstanding bonds or notes may be applied by the authority to the purchase or retirement at maturity or redemption of outstanding bonds or notes either on the earliest or subsequent redemption date, and pending such applications, may be placed in escrow to be applied to the purchase or retirement at maturity or redemption on the date or dates determined by the authority. Pending such application and subject to agreements with noteholders or bondholders, the escrowed proceeds may be invested and reinvested in the manner the authority determines, maturing at the date or times as appropriate to assure the prompt payment of the principal, interest, and redemption premium, if any, on the outstanding bonds or notes to be refunded. After the terms of the escrow have been fully satisfied and carried out, the balance of the proceeds and interest, income, and profits, if any, earned or realized on the investment of the proceeds shall be returned to the authority for use by the authority in any lawful manner.

(2) In the resolution authorizing bonds or notes to refund bonds or notes, the authority may provide that the bonds or notes to be refunded shall be considered paid when there has been deposited in escrow, money or investment obligations that would provide payments of principal and interest adequate to pay the principal and interest on the bonds to be refunded, as that principal and interest becomes due whether by maturity or prior redemption and that, upon the deposit of the money or investment obligations, the obligations of the authority to the holders of the bonds or notes to be refunded shall be terminated except as to the rights to the money or investment obligations deposited in trust.

(3) The authority shall not have outstanding at any time bonds or notes in an aggregate principal amount exceeding $20,000,000.00 excluding bonds or notes issued to refund outstanding bonds or notes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50512 Security to assure timely payment of bond or note.

Sec. 50512. (1) The authority may authorize and approve an insurance contract, an agreement for a line of credit, a letter of credit, a commitment to purchase notes or bonds, an agreement to remarket bonds or notes, and any other transaction to provide security to assure timely payment of a bond or note.

(2) The authority may authorize payment from the proceeds of the notes or bonds, or other funds available, of the cost of issuance including, but not limited to, fees for placement, charges for insurance, letters of credit, lines of credit, remarketing agreements, reimbursement agreements, or purchase or sales agreements or commitments, or agreements to provide security to assure timely payment of notes or bonds.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50513 Bonds or notes; authority of board member, executive director, or other officer of authority.

Sec. 50513. Within limitations that shall be contained in the issuance or authorization resolution of the authority, the authority may authorize a member of the board, the executive director, or other officer of the authority to do 1 or more of the following:

(a) Sell and deliver, and receive payment for notes or bonds.

(b) Refund notes or bonds by the delivery of new notes or bonds whether or not the notes or bonds to be refunded have matured or are subject to redemption.

(c) Deliver notes or bonds, partly to refund notes or bonds and partly for any other authorized purpose.

(d) Buy notes or bonds so issued and resell those notes or bonds.

(e) Approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights at the option of the authority or the holder, the place of delivery and payment, and other matters and procedures necessary to complete the transactions authorized.

(f) Direct the investment of any and all funds of the authority.

(g) Approve the terms of a contract, including, but not limited to, a contract for the sale or cutting of timber, and execute and deliver the contract subject to the restrictions of this part.

(h) Approve terms of any insurance contract, agreement for a line of credit, a letter of credit, a commitment to purchase notes or bonds, an agreement to remarket bonds or notes, an agreement to manage payment, revenue, or interest rate exposure, or any other transaction to provide security to assure timely payment of a bond or note.

(i) Perform any power, duty, function, or responsibility of the authority.

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History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50514 Resolution authorizing bonds or notes; provisions.

Sec. 50514. A resolution authorizing bonds or notes may provide for all of the following that shall be part of the contract with the holders of the bonds or notes:

(a) A pledge to any payment or purpose all or any part of authority revenues or assets to which its right then exists or may later come to exist, and of money derived from the revenues or assets, and of the proceeds of bonds or notes or of an issue of bonds or notes, subject to any existing agreements with bondholders or noteholders. The authority shall not mortgage or grant a security interest in or otherwise pledge its ownership rights in standing timber. This subdivision does not prohibit the authority from pledging any revenues derived from the sale of timber or any contracts for the cutting of timber.

(b) A pledge of a loan, grant, or contribution from the federal or state government.

(c) The establishment and setting aside of reserves or sinking funds and the regulation and disposition of reserves or sinking funds subject to this part.

(d) Authority for and limitations on the issuance of additional bonds or notes for the purposes provided for in the resolution and the terms upon which additional notes or bonds may be issued and secured.

(e) The procedure, if any, by which the terms of a contract with noteholders or bondholders may be amended or abrogated, the number of noteholders or bondholders who are required to consent to the amendment or abrogation, and the manner in which the consent may be given.

(f) A contract with the bondholders as to the custody, collection, securing, investment, and payment of any money of the authority. Money of the authority and deposits of money may be secured in the manner determined by the authority. Banks and trust companies may give security for such deposits.

(g) Vest in a trustee, or a secured party, such property, income, revenues, receipts, rights, remedies, powers, and duties in trust or otherwise as the authority determines necessary or appropriate to adequately secure and protect noteholders and bondholders or to limit or abrogate the right of the holders of bonds or notes of the authority to appoint a trustee under this part or to limit the rights, powers, and duties of the trustee.

(h) Provide to a trustee or the noteholders or bondholders remedies that may be exercised if the authority fails or refuses to comply with this part or defaults in an agreement made with the holders of an issue of bonds or notes, which may include any of the following:

(*i*) By mandamus or other suit, action, or proceeding at law or in equity, to enforce the rights of the bondholders or noteholders, and require the authority to carry out any other agreements with the holders of those notes or bonds and to perform the authority's duties under this part.

(*ii*) Bring suit upon the notes or bonds.

(*iii*) By action or suit, require the authority to account as if it were the trustee of an express trust for the holders of the notes or bonds.

(*iv*) By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the holders of the notes or bonds.

(*v*) Declare the notes or bonds due and payable and, if all defaults shall be made good, then, as permitted by such resolution, annul that declaration and its consequences.

(i) Any other matters of like or different character that in any way affect the security of protection of the bonds or notes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50515 Pledge.

Sec. 50515. A pledge made by the authority shall be valid and binding from the time the pledge is made. The money or property pledged and then received by the authority immediately is subject to the lien of the pledge without a physical delivery or further act. The lien of a pledge is valid and binding as against parties having claims of any kind in tort, contract, or otherwise against the authority, and is valid and binding as against the transfers of the money or property pledged, irrespective of whether parties have notice. Neither the resolution, the trust agreement, nor any other instrument by which a pledge is created need be recorded in order to establish and perfect a lien or security interest in the property so pledged.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

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Popular name: NREPA

324.50516 Personal liability on bonds or notes.

Sec. 50516. Neither the members of the authority nor any person executing bonds or notes issued under this part or any person executing any agreement on behalf of the authority is liable personally on the bonds or notes by reason of their issuance.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50517 Purchasing, holding, canceling, or reselling bonds or notes.

Sec. 50517. The authority may purchase bonds or notes of the authority out of funds or money of the authority available for that purpose. The authority may hold, cancel, or resell authority bonds or notes subject to or in accordance with an agreement with holders of authority bonds or notes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50518 Rights and remedies.

Sec. 50518. The state pledges to and agrees with the holders of bonds or notes issued under this part that the state shall not limit or restrict the rights vested in the authority by this part to fulfill the terms of an agreement made with the holders of authority bonds or notes, or in any way impair the rights or remedies of the holders of the bonds or notes of the authority until the bonds and notes, together with interest on the bonds or notes and interest on any unpaid installments of interest, and all costs and expenses in connection with an action or proceedings by or on behalf of those holders are fully met, paid, and discharged.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50519 Bonds or notes as legal investments; security.

Sec. 50519. Notwithstanding any restriction contained in any other law, the state and a public officer, local unit of government, or agency of the state or a local unit of government; a bank, trust company, savings bank and institution, savings and loan association, investment company, or other person carrying on a banking business; an insurance company, insurance association, or other person carrying on an insurance business; or an executor, administrator, guardian, trustee, or other fiduciary may legally invest funds belonging to them or within their control in bonds or notes issued under this part, and authority bonds or notes shall be authorized security for public deposits.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50520 Property and income of authority; exemption from taxes and special assessments; bonds or notes exempt from taxation.

Sec. 50520. Property of the authority is public property devoted to an essential public and governmental function and purpose. Income of the authority is considered to be for a public purpose. The property of the authority and its income and operation are exempt from all taxes and special assessments of the state or a political subdivision of the state. Bonds or notes issued by the authority, and the interest on and income from those bonds and notes, are exempt from all taxation of the state or a political subdivision of the state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50521 Liberal construction; broad interpretation.

Sec. 50521. This part shall be construed liberally to effectuate the legislative intent and the purposes as complete and independent authority for the performance of each and every act and thing authorized by this part, and all powers granted shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

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Popular name: Act 451

Popular name: NREPA

324.50522 Rules.

Sec. 50522. The authority may promulgate rules as necessary to implement this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 507
FOREST MANAGEMENT DEMONSTRATION PROGRAM

324.50701 Conveyance by department of leasehold interest in state-owned property to certain counties; designation of forest lands to be leased; maximum term of leasehold interest; renewal; recreational use of property during leasehold.

Sec. 50701. (1) In a county in which more than 50% of the land is owned by the state and in which the county annual average unemployment rate exceeds the state annual average unemployment rate, as determined by the Michigan employment security commission, due to reductions in staff at a state facility located in the county, the department is authorized to convey a leasehold interest, without monetary consideration, to the county in not more than 1% of the state owned property located in the county and under the control of the department. The county forestry committee created pursuant to section 50703, in cooperation with the department, shall designate the specific sections of property to be leased. The property designated pursuant to this subsection shall not include forest lands located in state parks or lands useful for forest preserves, game areas, and recreational purposes, including wilderness areas, quiet areas, or other special use areas. The property designated pursuant to this subsection shall consist of forest lands previously designated by the department for timber production and suitable for use in the forest management demonstration program established pursuant to this part.

(2) The term of a leasehold interest authorized by this part shall not exceed 15 years, but the leasehold interest shall be renewable for an additional 15 years if the primary objectives of the forest management demonstration program established pursuant to this part are met, as determined by the department.

(3) During the term of the leasehold interest authorized by this part, the leased property shall be open to the public for hunting, fishing, and other recreational uses as considered appropriate by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50702 Use of leased property; purposes; use and disposition of proceeds; implementation of forest management demonstration program.

Sec. 50702. (1) The property leased pursuant to this part shall be used by the county only for the following purposes:

(a) To establish a forest management demonstration program to produce forest products for the purpose of economic development in the county.

(b) To make forest land available to the local school districts for educational purposes.

(2) The proceeds from the forest management demonstration program shall be used exclusively for economic development in the county and, if the county has established an economic development corporation under the economic development corporations act, Act No. 338 of the Public Acts of 1974, being sections 125.1601 to 125.1636 of the Michigan Compiled Laws, shall be deposited in the fund of the county established pursuant to section 27 of Act No. 338 of the Public Acts of 1974, being section 125.1627 of the Michigan Compiled Laws. If the county economic development corporation is dissolved, the proceeds from the forest management demonstration program shall be transferred to and deposited in the general fund of the county. If the county has not established an economic development corporation, the proceeds from the forest management demonstration project shall be deposited in the general fund of the county. The forest management demonstration program shall be implemented by the county forestry committee created pursuant to section 50703. In implementing the forest management demonstration program, the county forestry committee shall cooperate with the department in all matters pertaining to forest management.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

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324.50703 County forestry committee; creation; appointment, qualifications, and terms of members; approval of committee actions; vacancy.

Sec. 50703. A county forestry committee is created for purposes of this part and shall consist of 5 members who shall be appointed by the county board of commissioners. Two members of the county forestry committee shall be foresters registered under article 21 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2101 to 339.2108 of the Michigan Compiled Laws, 1 member shall be a member of the county economic development corporation, 1 member shall be a member of the county board of commissioners, and 1 member shall be a resident of the county who is not a county official or employee. If the county has not established an economic development corporation under the economic development corporations act, Act No. 338 of the Public Acts of 1974, being sections 125.1601 to 125.1636 of the Michigan Compiled Laws, 2 members shall be residents of the county who are not county officials or employees. The members of the county forestry committee shall be appointed for a term of 4 years, except that of the first appointments, 2 shall be for a term of 4 years, 1 shall be for a term of 3 years, 1 shall be for a term of 2 years, and 1 shall be for a term of 1 year. All actions of the county forestry committee shall be approved by the county board of commissioners. A vacancy on the county forestry committee shall be filled by the county board of commissioners for the remainder of the unexpired term.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50704 Instrument conveying leasehold interest; approval by attorney general.

Sec. 50704. An instrument conveying a leasehold interest in real property authorized by this part shall be approved by the attorney general.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50705 Conveyance to provide for use of property; termination of lease.

Sec. 50705. The conveyance authorized by this part shall provide that the property be used exclusively for the purposes set forth in section 50702(1), and that termination of either or both of those purposes or the use of the property for any other purpose constitutes grounds for termination of the lease.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50706 Submission of forest management plan; approval.

Sec. 50706. Within 30 days after the execution of a lease authorized by this part, the county forestry committee shall submit to the department for approval a forest management plan prepared by a forester registered under article 21 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2101 to 339.2108 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.50707 Conveyance of leasehold.

Sec. 50707. A leasehold interest authorized by this part shall be conveyed by the department by October 8, 1982.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

TAX INCENTIVES

PART 511
COMMERCIAL FORESTS

324.51101 Definitions.

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Sec. 51101. As used in this part:

(a) "Ad valorem general property tax" means taxes levied under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(b) "Commercial forest" or "commercial forestland" means forestland that is determined to be a commercial forest under section 51103.

(c) "Declassify" or "declassification" means the removal of the commercial forest designation pursuant to section 51116.

(d) "Forestland" means a tract of land that may include nonproductive land that is intermixed with productive land that is an integral part of a managed forest and that meets all the following:

(*i*) Does not have material natural resources other than those resources suitable for forest growth or the potential for forest growth.

(*ii*) Is not used for agricultural, mineral extraction except as provided in section 51113, grazing, industrial, developed recreational, residential, resort, commercial, or developmental purposes.

(*iii*) The owner agrees to develop, maintain, and actively manage the land as a commercial forest through planting, natural reproduction, or other silvicultural practices.

(e) "Forest management plan" means a written plan prepared and signed by a registered forester or a natural resources professional that prescribes measures to optimize production, utilization, and regeneration of forest resources. The forest management plan shall include schedules and timetables for the various silvicultural practices used on commercial forestlands, including, but not limited to, timber harvesting and regeneration.

(f) "Fund" means the commercial forest fund created under section 51112.

(g) "Natural resources professional" means a person who is acknowledged by the department as having the education, knowledge, experience, and skills to identify, schedule, and implement appropriate forest management practices needed to achieve the purposes of this part on land subject to or to be subject to this part.

(h) "Owner" means a person who holds title to the surface estate of forestland subject to this part. However, if land is purchased on a land contract, the owner includes the person who holds the land contract vendee's interest and does not include the person who holds the land contract vendor's interest.

(i) "Personal use" means use for any noncommercial purpose.

(j) "Registered forester" means a person registered under article 21 of the occupational code, 1980 PA 299, MCL 339.2101 to 339.2108.

(k) "Silvicultural practices" means the management and manipulation of forest vegetation for the protection, growth, and enhancement of forest products.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 383, Imd. Eff. Sept. 27, 2006.

Popular name: Act 451

Popular name: NREPA

324.51102 Commercial forest; scope and authority of department; rules.

Sec. 51102. The department shall establish and maintain commercial forests and may promulgate and enforce rules as necessary to accomplish the purpose of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2013, Act 48, Imd. Eff. June 6, 2013.

Popular name: Act 451

Popular name: NREPA

324.51103 Commercial forest; application for classification; "contiguous" defined; requirements for eligibility; application form; postmark or delivery date; providing certain information and fee to department; brochure; notification; certification that forest management plan prepared and in effect; violation; exemption from disclosure.

Sec. 51103. (1) The owner of at least 40 contiguous acres or a survey unit consisting of 1/4 of 1/4 of a section of forestland located within this state may apply to the department to have that forestland classified as a commercial forest under this part. For purposes of this subsection, "contiguous" means land that touches at any point. Even if portions of commercial forestland are contiguous only at a point, the privilege of hunting and fishing as provided in section 51113 shall not be denied for any portion of the land. The existence of a public or private road, a railroad, or a utility right-of-way that separates any part of the land does not make the land noncontiguous.

(2) To be eligible for classification as a commercial forest, forestland shall be capable of all of the following:

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(a) Producing not less than 20 cubic feet per acre per year of forest growth upon maturity.

(b) Producing tree species that have economic or commercial value.

(c) Producing a commercial stand of timber within a reasonable period of time.

(3) An application for classification as commercial forest shall be submitted on a form prescribed by the department. The application shall be postmarked or delivered not later than April 1 to be eligible for classification as commercial forest for the following tax year. In addition to any information that the department may reasonably require by rule, the applicant shall provide all of the following to the department:

(a) A nonrefundable application fee in the amount of $1.00 per acre or fraction of an acre, but not less than $200.00 and not more than $1,000.00. The department shall remit the application fee to the state treasurer for deposit into the fund.

(b) A legal description and the amount of acreage considered for classification as a commercial forest.

(c) A statement certifying that a forest management plan covering the forestland has been prepared and is in effect.

(d) A statement certifying that the owner of the forestland owns the timber rights to the timber standing on the forestland.

(4) The department shall prepare and distribute to any person desiring to apply for classification of forestland as commercial forest under this part a brochure that lists and explains, in simple, nontechnical terms, all of the following:

(a) The application, hearing, determination, declassification, and prosecution process.

(b) The requirements of the forest management plan.

(5) Not later than 3 months after the effective date of the 2013 amendatory act that amended this section, the department shall notify each county and township and all owners of forestland that is classified as commercial forest under this part, who are on record with the department, of the amendments to this part that were enacted in 2013.

(6) After an owner certifies to the department that a forest management plan has been prepared and is in effect, a violation of that forest management plan is a violation of this part.

(7) A forest management plan that has been submitted to the department or the local tax collecting unit is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 383, Imd. Eff. Sept. 27, 2006;—Am. 2013, Act 48, Imd. Eff. June 6, 2013.

Popular name: Act 451

Popular name: NREPA

324.51104 Forestland; evaluation; hearing; notice; conduct; approval; record.

Sec. 51104. (1) Upon receipt of the application, the forest management plan certification, the timber rights certification, and the application fee described in section 51103, the department shall evaluate the forestland offered and fix a date for a public hearing upon the eligibility of the forestland for determination as a commercial forest. The hearing shall be held in the county where the land is located not later than November 1 following receipt of the application. Applications offering lands in the same county may be heard on the same day and at the same place. The department shall publish a notice of hearing and a list of the legal descriptions of lands being considered for determination as commercial forests in a newspaper of general circulation in the county in which the land is located. The notice of hearing shall be published at least 20 days before the date of the hearing. At the time of publication, the department shall provide a copy of the notice of hearing and a list of descriptions of land in each township to be considered for determination as a commercial forest to each township supervisor in whose township the lands are located. Any person who wishes may testify as to eligibility for determination as a commercial forest of any of the described lands. The hearing shall be conducted by the department.

(2) After the hearing, if the department determines that the applicant and forestland meet the requirements of this part and determines that all valid taxes assessed against that forestland have been paid, the department shall approve the application. Upon approval of the application, the department shall immediately record a listing certificate in the register of deeds office in the county in which the land is located with the department approval endorsed on the listing certificate and forward a copy of the listing certificate to the applicant and to the township supervisor of the township in which the land is located.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51105 Commercial forests not subject to ad valorem general property tax; specific tax;

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removal from land descriptions list; separate roll; collection; return and sale for nonpayment of taxes; valuation prohibited; lands not considered in connection with equalization distribution of sums collected; distribution; commercial forestland located in renaissance zone.

Sec. 51105. (1) Commercial forests are not subject to the ad valorem general property tax after the date the township supervisor is notified by the department that the land is a commercial forest, except taxes as previously levied. Except as otherwise provided in part 512 and as provided in subsection (5), commercial forests are subject to an annual specific tax as follows:

(a) Until December 31, 2006, $1.10 per acre.

(b) Beginning January 1, 2007 through December 31, 2011, $1.20 per acre.

(c) Beginning January 1, 2012 and every 5 years after that date, the amount of the annual specific tax under this section shall be increased by 5 cents per acre.

(2) The supervisor of the township shall remove from the list of land descriptions assessed and taxed under the ad valorem general property tax the land descriptions certified to him or her by the department as being commercial forests and shall enter those land descriptions on a roll separate from lands assessed and taxed by the ad valorem general property tax and shall spread against these commercial forests the specific tax provided by this section.

(3) The township treasurer shall collect the specific tax at the same time and in the same manner as ad valorem general property taxes are collected and this tax is subject to the same collection charges levied for the collection of ad valorem property taxes. Commercial forests are subject to return and sale for nonpayment of taxes in the same manner, at the same time, and under the same penalties as lands returned and sold for nonpayment of taxes levied under the ad valorem general property tax laws. A valuation shall not be determined for descriptions listed as commercial forests and these lands shall not be considered by the county board of commissioners or by the state board of equalization in connection with county or state equalization for ad valorem property taxation purposes.

(4) Except as provided in section 51109(2), all sums collected pursuant to this section shall be distributed by the township treasurer in the same proportions to the various funds as the ad valorem general property tax is allocated in the township.

(5) Commercial forestland located in a renaissance zone under the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, is exempt from the annual specific tax levied under this section to the extent and for the duration provided pursuant to that act.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 451, Imd. Eff. Dec. 19, 1996;—Am. 2006, Act 382, Imd. Eff. Sept. 27, 2006.

Popular name: Act 451

Popular name: NREPA

324.51106 Acreage as commercial forestlands; certifying to state treasurer; payment to county treasurer; distribution of remaining funds; payment in full required.

Sec. 51106. (1) On December 1 of each year, the department shall certify to the state treasurer the number of acres that are commercial forestlands in each county and the state treasurer shall transmit to the treasurer of each county in which these commercial forests are located a warrant on the state treasurer for an amount equal to the following for commercial forest in the county:

(a) Until December 31, 2011, $1.20 per acre.

(b) Beginning January 1, 2012 and every 5 years after that date, the amount of the annual payment under this section shall be increased by 5 cents per acre.

(2) From the payments received under subsection (1), the county treasurer of each county shall distribute an amount equal to 25 cents per acre for each acre of commercial forest in the county in the same proportions between the various funds as the ad valorem general property tax is distributed by the township treasurers in each township. Except as provided by section 51109(2), the county treasurer of each county shall distribute the remainder of the funds received under this section in the same manner and in the same proportion as ad valorem taxes collected under the ad valorem general property tax.

(3) This state shall make payment in full to each county under this section.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 382, Imd. Eff. Sept. 27, 2006;—Am. 2012, Act 604, Imd. Eff. Jan. 9, 2013.

Popular name: Act 451

Popular name: NREPA

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324.51107 Repealed. 2006, Act 383, Imd. Eff. Sept. 27, 2006

Compiler's note: The repealed section pertained to adjustment of annual specific tax and state payment computed by using state equalized value per acre of timber cutover lands.

Popular name: Act 451

Popular name: NREPA

324.51108 Withdrawal of forestland as commercial forest; application; fee; penalty; calculation; publication on website; withdrawal not subject to penalty; granting application without payment of fee or penalty; forestland acquired by federally recognized Indian tribe; disposition; distribution; notice to applicant, township assessor, and register of deeds; filing list of withdrawn lands; interdepartmental cooperation; definitions.

Sec. 51108. (1) An owner of a commercial forest may withdraw his or her forestland, in whole or in part, from the classification as commercial forest under this part upon application to the department and payment of the withdrawal application fee and penalty, as provided in this section.

(2) Except as otherwise provided by this section, upon application to the department to withdraw forestland from the classification as commercial forest under this part, the applicant shall forward to the department a withdrawal application fee in the amount of $1.00 per acre with a minimum withdrawal application fee of $200.00 per application and a maximum withdrawal application fee of $1,000.00 per application.

(3) Except as otherwise provided in this section, an application to withdraw forestland from the classification as commercial forest under this part shall be granted upon the payment of a penalty to the treasurer of the township in which the forestland is located. The withdrawal penalty shall be calculated in the following manner:

(a) Multiply the number of acres of forestland withdrawn from the classification as commercial forest under this part by 1 of the following:

(*i*) For 2007, 1/2 of the valuation per acre for the county in which the forestland is located.

(*ii*) Beginning in 2008, and for each subsequent year, the number described in subparagraph (*i*) adjusted annually by the inflation rate for each year after 2007.

(b) Multiply the product of the calculation in subdivision (a) by the average millage rate levied by all townships, excluding villages, in the county in which the forestland is located.

(c) Multiply the product of the calculation in subdivision (b) by the number of years, to a maximum of 7 years, in which the forestland withdrawn from the classification as commercial forest under this part has been classified as commercial forest under this part.

(d) Multiply the product of the calculation in subdivision (c) by the following:

(*i*) 0.2, if the forestland is located in Luce County.

(*ii*) 0.3, if the forestland is located in Grand Traverse, Manistee, Ottawa, or Wexford County.

(*iii*) 0.4, if the forestland is located in Charlevoix, Chippewa, Emmet, Gladwin, Leelanau, Midland, Oscoda, or Tuscola County.

(*iv*) 0.5, if the forestland is located in Cheboygan, Delta, Mackinac, Oceana, Otsego, or Schoolcraft County.

(*v*) 0.6, if the forestland is located in Alcona, Alger, Allegan, Alpena, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Clare, Clinton, Crawford, Dickinson, Eaton, Genesee, Gogebic, Gratiot, Hillsdale, Houghton, Huron, Ingham, Ionia, Iosco, Iron, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lapeer, Lenawee, Livingston, Macomb, Marquette, Mecosta, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Ogemaw, Osceola, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Van Buren, Washtenaw, or Wayne County.

(*vi*) 0.7, if the forestland is located in Antrim, Baraga, Mason, or Menominee County.

(*vii*) 0.8, if the forestland is located in Keweenaw, Lake, Missaukee, or Ontonagon County.

(4) The department shall publish all of the following on its website:

(a) The calculation described in subsection (3)(a)(*i*) for each county.

(b) The adjusted value and the inflation rate described in subsection (3)(a)(*ii*) for each county.

(c) The average millage rate described in subsection (3)(b) for each county.

(5) Until September 1, 2021, the owner of forestland located within a township and classified as commercial forest under this part not later than September 1, 2016 may withdraw not more than 160 acres of that forestland without a withdrawal penalty, subject to the following:

(a) The owner of the former commercial forestland must have continuously owned that former commercial forestland since not later than September 1, 2016.

(b) The former commercial forestland shall be made subject to the transitional qualified forest property

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specific tax act, as transitional qualified forest property under that act, as a result of all of the following:

(*i*) The owner of the forestland withdraws his or her forestland from the classification as commercial forest under this part as provided in this section.

(*ii*) The former commercial forestland is exempt from the collection of general ad valorem property taxes under section 7vv of the general property tax act, 1893 PA 206, MCL 211.7vv.

(*iii*) The owner of the former commercial forestland submits, and obtains approval of, an application for a determination that the forestland is transitional qualified forest property under the transitional qualified forest property specific tax act. The owner shall submit to the department a copy of the executed transitional qualified forest property affidavit by November 1 of the year in which the land is withdrawn from this part.

(c) Any of the owner's remaining forestland within that township that previously qualified as commercial forest under this part must continue to qualify as commercial forest under this part or, subject to the penalty provided under subsection (3), must be withdrawn under this part.

(6) An application to withdraw forestland from the classification as commercial forest under this part that meets 1 or more of the following requirements shall be granted without payment of the withdrawal application fee or penalty under this section:

(a) Forestland that has been donated to a public body for public use prior to withdrawal.

(b) Forestland that has been exchanged for property belonging to a public body if the property received is classified as a commercial forest as determined by the department.

(c) Forestland that has been condemned for public use.

(7) An application to withdraw forestland from the classification as commercial forest under this part that meets all of the following requirements shall be granted without payment of the withdrawal application fee or penalty under this section:

(a) Evidence is submitted to the department that the land met the legal requirements to be exempt from ad valorem property tax on tax day for the tax year in which the list application was submitted and approved and that the land would have met the legal requirements to be exempt from ad valorem property tax on tax day for each year that the land was classified as commercial forest under this part, if the land had not been classified as commercial forest under this part. As used in this subdivision, "tax day" means that term as provided in section 2 of the general property tax act, 1893 PA 206, MCL 211.2.

(b) The application is submitted to the department by the same landowner that owned the land on tax day for the tax year in which the application was submitted and that submitted the application for determination under section 51103.

(c) The landowner reimburses the state treasurer for the specific tax that was paid by the state treasurer to the county treasurer, as provided in section 51106(1), for each tax year the land was classified as commercial forest under this part.

(8) The department may withdraw forestland from the classification as commercial forest under this part if the forestland has been acquired by a federally recognized Indian tribe and the associated property taxes are subsequently preempted under federal law. A withdrawal under this subsection is not subject to the withdrawal application fee or penalty under this section.

(9) The department shall remit the withdrawal application fee paid pursuant to subsection (2) to the state treasurer for deposit into the fund. The penalty received by the township treasurer under subsection (3) shall be distributed by the township treasurer in the same proportions to the various funds as the ad valorem general property tax is allocated in the township, except as provided by section 51109(2).

(10) If an application to withdraw forestland from classification as commercial forest under this part is granted, the department shall immediately notify the applicant, the assessor of the township, and the register of deeds of the county in which the lands are located of the action and shall file with those officials a list of the lands withdrawn.

(11) Not later than 30 days after the effective date of the amendatory act that added this sentence, the department of natural resources and the department of agriculture and rural development shall establish in writing a basis of interdepartmental cooperation when an owner of forestland seeks to withdraw that forestland from the classification as commercial forest without penalty under subsection (5).

(12) As used in this section:

(a) "Inflation rate" means the lesser of 1.05 or the inflation rate as defined in section 34d of the general property tax act, 1893 PA 206, MCL 211.34d.

(b) "Valuation" means the market value as determined by the state tax commission.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 382, Imd. Eff. Sept. 27, 2006;—Am. 2008, Act 299, Imd. Eff. Oct. 8, 2008;—Am. 2012, Act 248, Imd. Eff. July 2, 2012;—Am. 2013, Act 48, Imd. Eff. June 6, 2013;—Am. 2014, Act 146, Imd. Eff. June 4, 2014;—Am. 2016, Act 262, Imd. Eff. June 28, 2016.

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Popular name: Act 451

Popular name: NREPA

324.51109 Determining proportion for disbursement of revenues and attribution of revenues; number of mills levied for local school operating purposes; distribution of revenues; "revenues" defined.

Sec. 51109. (1) For revenues disbursed after June 30, 1994, to determine the proportion for the disbursement of revenues under this part and for attribution of revenues under subsection (2)(b) for revenues collected under this part, the number of mills levied for local school district operating purposes to be used in the calculation shall equal the number of mills for local school district operating purposes levied in 1993 minus the number of mills levied under the state education tax act, Act No. 331 of the Public Acts of 1993, being sections 211.901 to 211.906 of the Michigan Compiled Laws, for the year for which the disbursement is calculated.

(2) Except as provided in subdivision (b), for revenues disbursed after June 30, 1994, the revenues collected under this part shall be distributed as follows:

(a) In the case of intermediate school districts receiving state aid under sections 56, 62, and 81 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being sections 388.1656 , 388.1662, and 388.1681 of the Michigan Compiled Laws, all or a portion of the amount that would otherwise be disbursed to these intermediate school districts from the following revenue sources, as determined under a formula prescribed by the department of management and budget on the basis of the tax rate utilized to compute the amount of state aid for the intermediate school district, shall be paid instead to the state treasury to the credit of the state school aid fund established by section 11 of article IX of the state constitution of 1963:

(*i*) Revenues from that portion of the levy of a specific tax over 15 cents per acre pursuant to section 51105.

(*ii*) Revenues from that portion of state payments in excess of 25 cents per acre which are made pursuant to section 51106.

(*iii*) Revenues from remitted withdrawal penalties and fees imposed pursuant to section 51108.

(*iv*) Revenues from declassification penalties and fees pursuant to section 51116 .

(*v*) Revenues from remitted stumpage or yield tax collections made under former Act No. 94 of the Public Acts of 1925.

(b) For revenues disbursed after June 30, 1994, the amount that would otherwise be disbursed to a local school district for school operating purposes shall be paid instead to the state treasury and credited to the state school aid fund established by section 11 of article IX of the state constitution of 1963.

(3) Except as provided in subsection (2)(a), as used in this section "revenues" means all of the following:

(a) The specific tax levied pursuant to section 51105.

(b) State payments made pursuant to section 51106.

(c) Withdrawal penalties and fees imposed pursuant to section 51108.

(d) Declassification penalties and fees pursuant to section 51116.

(e) Revenue from remitted stumpage or yield tax collections made under former Act No. 94 of the Public Acts of 1925.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.51110 Cutting, harvesting, or removing forest products prohibited; exceptions.

Sec. 51110. (1) Except as provided in subsection (2), a person shall not cut, harvest, or remove forest products from a commercial forest.

(2) The owner of a commercial forest is entitled to cut or remove merchantable forest products on his or her commercial forest without withdrawing it or affecting its status as a commercial forest and without payment of a fee or penalty if the owner complies with all of the following:

(a) After an owner certifies to the department that a forest management plan has been prepared and is in effect under section 51103 and cuts, harvests, or removes forest products in compliance with his or her forest management plan.

(b) All other requirements of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

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324.51111 Report to department.

Sec. 51111. The owner shall report to the department prior to the cutting, harvesting, or removal of forest products from the commercial forest.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51112 Commercial forest fund.

Sec. 51112. (1) The commercial forest fund is created within the state treasury.

(2) The state treasurer shall deposit the money collected from the following sources into the fund:

(a) The application fee and forest management plan fee pursuant to section 51103.

(b) The withdrawal application fee pursuant to section 51108.

(c) The fee described in section 51116(1)(a).

(d) An amount equal to 10 cents for each acre of land enrolled under this part as certified by the department, to be appropriated each fiscal year from the general fund.

(e) Any restitution ordered by a court payable to this state for a violation of this part.

(3) In addition to the revenues described in subsection (2), the state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(4) Money in the fund appropriated from the general fund shall remain in the fund at the close of the fiscal year and shall not lapse to the general fund.

(5) The department shall expend the money from the fund, upon appropriation, for enforcement, administration, and monitoring of compliance with part 512 and this part and rules promulgated under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 383, Imd. Eff. Sept. 27, 2006.

Popular name: Act 451

Popular name: NREPA

324.51113 Prohibited use of forestland by owner; exception; denying or inhibiting access for public hunting or fishing; exploration for minerals; removal of commercial mineral deposits, sand and gravel, and oil and gas; exploration for wind energy development.

Sec. 51113. (1) Except as provided in this section, the owner of forestland that is classified as commercial forest shall not use that land in a manner that is prejudicial to its development as a commercial forest, use the land for agricultural, mineral extraction except as provided in this section, wind energy development except as provided in this section, grazing, industrial, developed recreational, residential, resort, commercial, or developmental purposes, or deny the general public the privilege of hunting and fishing on commercial forestland unless the land is closed to hunting or fishing, or both, by order of the department or by an act of the legislature. If the department determines that the owner of commercial forestland has taken an action that has the effect of denying or inhibiting access to the commercial forestland for public hunting and fishing, except as specifically provided in this part, the department may require withdrawal of the forestland as commercial forest under this part unless the owner corrects that action and allows access to the commercial forestland for public hunting and fishing. If there is not access to a parcel of commercial forestland and the lack of access is not the consequence of an action taken by the owner of commercial forestland, the forestland may remain as commercial forestland if all of the following apply:

(a) There is not a transfer of title for the parcel of commercial forestland, other than as a part of a larger sale of 10,000 or more acres.

(b) The landowner has not taken an action following acquisition of the commercial forestland that has the effect of denying or inhibiting access to the commercial forestland to the public for hunting and fishing.

(c) The commercial forestland is otherwise in compliance with this part.

(2) Exploration for minerals shall be permitted on forestland that is classified as commercial forest under this part. Except as provided in subsections (3) and (4), before the removal of any commercial mineral deposits, the owner shall withdraw the portion of the commercial forestland directly affected by the removal pursuant to section 51108. The withdrawal of commercial forestland due to mineral removal as provided in this section and section 51108 does not require the remaining portion of the commercial forestland to be withdrawn due to insufficient acreage of the remaining commercial forestland.

(3) Upon application to and approval by the department, sand and gravel may be removed from the commercial forestland without affecting the land's classification as a commercial forest. The department shall

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approve an application to remove sand and gravel deposits only if the removal site is not greater than 5 acres, excluding access to the removal site, and the sand and gravel are to be utilized by 1 or more of the following:

(a) The owner of a commercial forestland for personal use if the owner of the commercial forestland is also the owner of the sand and gravel deposits.

(b) The owner of the sand and gravel deposits for his or her personal use or for sale to the owner of the commercial forestland for personal use, if the owner of the commercial forestland is not also the owner of the sand and gravel deposits.

(c) For sale to this state, a local unit of government, a federal government agency, or a county road commission, for governmental use, or a contractor or other agent undertaking construction, maintenance, or a project for 1 of these governmental entities.

(4) Upon application to and approval by the department, deposits of oil and gas may be removed from the commercial forestland without affecting the land's classification as a commercial forest.

(5) The exploration for wind energy development is permitted on forestland classified as commercial forest under this part pursuant to this subsection. Upon application to and approval by the department, meteorological towers may be erected and wind energy exploration or development leases, easements, or license agreements may be entered into without affecting the land's classification as commercial forest. A landowner may be paid compensation for these leases, easements, and license agreements. Before any wind turbines are erected for the purpose of generating electricity for commercial purposes, the owner shall withdraw the portion of the commercial forest directly affected as follows:

(a) The actual physical footprint of each wind turbine, associated buildings, and adjacent areas that will be permanently removed from forest production shall be removed from the classification as commercial forest.

(b) Forestland under a wind energy development lease, easement, or license agreement where forest production will continue may continue to be classified as commercial forest.

(c) Forestland containing road and utility rights-of-way may continue to be classified as commercial forest.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 383, Imd. Eff. Sept. 27, 2006;—Am. 2013, Act 48, Imd. Eff. June 6, 2013.

Popular name: Act 451

Popular name: NREPA

324.51114 Applications, statements, and reports under oath; forms.

Sec. 51114. All applications, statements, reports, and information required by the department in the administration of this part shall be on forms prescribed by the department and shall be under oath.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51115 Transfer of title; effect; withdrawal; document; notification.

Sec. 51115. (1) The transfer of title of forestland classified as commercial forest under this part does not affect that forestland's classification as a commercial forest if the forestland continues to meet all of the eligibility requirements under this part. If the purchaser desires to withdraw his or her forestland from the classification as commercial forest under this part, the purchaser shall withdraw that forestland pursuant to section 51108. If the forestland's eligibility to be classified as commercial forest is affected by the transfer of title, the department shall determine which forestlands may remain classified as commercial forest under this part and which forestlands must be withdrawn or declassified.

(2) A document that transfers any interest in commercial forestlands shall state on the face of the document that "this property is subject to part 511, the commercial forest part of the natural resources and environmental protection act". Failure to comply with this subsection does not affect the classification of the land as commercial forestland.

(3) Not later than 30 days after the county equalization office receives notice of a transfer of title or the transfer of any interest in a land contract concerning the commercial forestland, the county equalization office shall notify the department in writing of the transfer or ownership change.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2013, Act 48, Imd. Eff. June 6, 2013.

Popular name: Act 451

Popular name: NREPA

324.51116 Removal of designation; declassification; notice; recording; fee.

Sec. 51116. If, after providing notice and an opportunity for a hearing, the department determines that a commercial forest was used in violation of this part, that the owner failed to pay the specific tax pursuant to

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section 51105, that the owner failed to report to the department pursuant to section 51111, that minerals were removed in violation of section 51113, or, after an owner certifies to the department that a forest management plan has been prepared and is in effect, that the owner failed to plant, harvest, or remove forest products in compliance with the owner's forest management plan, then the department shall remove the commercial forest designation for the commercial forest, serve a notice of declassification of the lands upon the owner, and record a copy of the declassification in the office of the register of deeds of the county in which the lands are located. Upon declassification, the land is subject to the ad valorem general property tax. Within 30 days after the service of the declassification notice on the owner, the owner shall pay both of the following:

(a) A fee equal to the withdrawal application fee described in section 51108 to the department for deposit into the fund.

(b) An amount equal to the penalty described in section 51108 to the township treasurer of the township in which the land is located to be distributed, except as provided in section 51109(2), in the same proportions to the various funds as the ad valorem general property tax is allocated in the township.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 382, Imd. Eff. Sept. 27, 2006.

Popular name: Act 451

Popular name: NREPA

324.51118 Applicability of changes in part; withdrawal; fees.

Sec. 51118. (1) Except as provided in this section, changes in the terms, fees, taxes, or other provisions of this part apply to all forestlands that are commercial forests when the changes take effect.

(2) An owner, without penalty or payment of the withdrawal application fee pursuant to section 51108, may withdraw commercial forestland from the operation of this part if any change in the terms, fees, taxes, or other provisions of this part materially increases the burden on the owner. However, if an owner elects to withdraw his or her commercial forestlands under this subsection, the owner shall pay a fee for each acre withdrawn equal to the product of the current average ad valorem property tax per acre on timber cutover real property within the township in which the commercial forestland is located, as determined by the township assessor, multiplied by 5. If the township in which the commercial forestland is located does not contain any real property classified as timber cutover real property under the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws, then 1 of the following applies:

(a) If there is timber cutover real property located within the county in which the commercial forestland is located, the per acre average of the ad valorem property tax for all timber cutover real property located in the county in which the commercial forestland is located shall be used in calculating the penalty under this subsection.

(b) If there is no timber cutover real property located within the county in which the commercial forestland is located, the per acre average of the ad valorem property tax for all timber cutover real property in townships contiguous to the county in which the commercial forestland is located shall be used in calculating the penalty under this subsection.

(3) The fee described in subsection (2) shall not exceed $100,000.00. The owner shall pay the fee described in subsection (2) before withdrawal.

(4) The owner may not withdraw commercial forestland under this section unless he or she makes application to do so within 1 year after the changes take effect. If an owner elects to withdraw commercial forestlands under this section, he or she shall withdraw all the commercial forestlands owned by him or her at the time of withdrawal.

(5) If an application to withdraw commercial forestlands under subsection (2) is initiated by an owner or by the department before changes in terms, fees, taxes, or other provisions of this part or former Act No. 94 of the Public Acts of 1925 become effective, the owner shall pay the stumpage fees, other fees, taxes, and penalties, if any, in the same manner and at the same rates as were in effect when the application was filed.

(6) The department shall remit the fees paid pursuant to this section to the township treasurer. Except as provided in section 51109(2), all fees remitted to the township treasurer under this section shall be distributed by the township treasurer in the same proportions to the various funds as the ad valorem general property tax is allocated in the township.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51119 Representatives of department; right of entry on commercial forestlands; access

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to books and papers.

Sec. 51119. A duly authorized representative of the department may at any time go upon commercial forestlands to ascertain the validity of any report made pursuant to this part or otherwise determine compliance with this part. The duly authorized representative of the department may examine or cause to be examined any books, papers, records, or memorandum bearing upon the amounts of timber products cut from the commercial forestland or the owner's forest management plan.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51120 Violation of part; penalty.

Sec. 51120. (1) Except as provided in subsection (2), a person who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

(2) A person who harvests, cuts, or removes forest products having a value of more than $2,500.00 in violation of this part is guilty of a felony punishable by imprisonment for not more than 3 years or a fine of not more than $10,000.00, or both.

(3) Upon conviction for a violation of this part, the court may declassify all or a portion of the commercial forest pursuant to section 51116.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 512
SUSTAINABLE FOREST CONSERVATION EASEMENT TAX INCENTIVES

324.51201 Owner of commercial forestland subject to sustainable forest conservation easement; specific tax; application for sustainable forest conservation easement tax incentives; form; information; cutting or removing forest products; violation; penalty; definitions.

Sec. 51201. (1) Notwithstanding section 51105, an owner of commercial forestland that is subject to a sustainable forest conservation easement is subject to an annual specific tax equal to the annual specific tax levied under section 51105 less 15 cents per acre. The specific tax described in this section shall be administered, collected, and distributed in the same manner as the specific tax levied in section 51105.

(2) An application for sustainable forest conservation easement tax incentives described in this part shall be submitted on a form prescribed by the department. The application shall be postmarked or delivered to the department not later than April 1 to be eligible for approval for the following tax year. In addition to any information that the department may reasonably require by rule, the applicant shall provide all of the following to the department:

(a) A nonrefundable application fee in the amount of $2.00 per acre or fraction of an acre, but not less than $200.00 and not more than $1,000.00. The department shall remit the application fee to the state treasurer for deposit into the commercial forest fund under section 51112.

(b) A copy of the conservation easement covering the forestland.

(3) The owner of commercial forestlands subject to a sustainable forest conservation easement is entitled to cut or remove forest products on his or her commercial forestlands if the owner complies with part 511 and the requirements of the sustainable forest conservation easement.

(4) If commercial forestland subject to a sustainable forest conservation easement is used in violation of this part or the sustainable forest conservation easement, the owner in addition to any other penalties provided by law shall pay a penalty, per acre, for each year in which the violation occurs equal to the difference between the specific tax paid under this part and the specific tax that would otherwise be paid under part 511. The specific tax collected under this part shall be paid to the township treasurer in which the commercial forestland is located. The penalty shall be distributed by the township treasurer in the same manner as the specific tax is distributed.

(5) As used in this part:

(a) "Commercial forestland" means commercial forestland that is enrolled under part 511.

(b) "Department" means the department of natural resources.

(c) "Forestland" means that term as defined in part 511.

(d) "Sustainable forest conservation easement" means a conservation easement described in section 2140

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on commercial forestland that is approved by the department and meets all of the following:

(*i*) Is an easement granted in perpetuity to this state, a political subdivision of this state, or a charitable organization described in section 501(c)(3) of the internal revenue code, 26 USC 501, that also meets the requirements of section 170(h)(3) of the internal revenue code, 26 USC 170.

(*ii*) Covers commercial forestland of 40 or more acres in size.

(*iii*) Provides that the forestland subject to the conservation easement or the manager of the forestland subject to the conservation easement is and continues to be certified under a sustainable forestry certification program that uses independent third party auditors and that is recognized by the department.

(*iv*) Provides that the forestland subject to the conservation easement provides for the nonmotorized recreational use of the forestland by members of the public.

History: Add. 2006, Act 381, Imd. Eff. Sept. 27, 2006.

Popular name: Act 451

Popular name: NREPA

PART 513
PRIVATE FORESTRY

324.51301 Definitions.

Sec. 51301. As used in this part:

(a) "Conservation district" means that term as it is defined in section 9301.

(b) "Demonstration project" means a forest improvement project designed to illustrate the implementation and impact of alternate forest practices.

(c) "Commission" means the commission of agriculture and rural development.

(d) "Department" means the department of agriculture and rural development.

(e) "Director" means the director of the department or his or her designee.

(f) "Follow-up work" means forest practices to promote the survival of seeds or seedlings or the protection or enhancement of other work previously undertaken under this part.

(g) "Forest improvement project" means any of the following:

(*i*) Production, processing, handling, storage, marketing, or transportation of forest resources, including sawmills, hardboard mills, power stations, warehouses, air and water pollution control equipment, and solid waste disposal facilities.

(*ii*) Forest practice or follow-up work.

(*iii*) Study, planning, or other work intended to improve forestlands or forest resources or to demonstrate means of improving forestlands or forest resources.

(h) "Forest management plan" means that term as it is defined in section 7jj of the general property tax act, 1893 PA 206, MCL 211.7jj[1].

(i) "Forest practice" means that term as it is defined in section 7jj of the general property tax act, 1893 PA 206, MCL 211.7jj[1].

(j) "Forest resources" means those products, uses, and values associated with forestland, including recreation and aesthetics, fish, forage, soil, timber, watershed, wilderness, and wildlife.

(k) "Forestland" means a tract of land that may include nonproductive land that is intermixed with productive land that is an integral part of a managed forest and the owner of which agrees to develop, maintain, and actively manage the land as a private forest through planting, natural reproduction, or other silvicultural practices. Forestland includes land from which forest tree species have been removed and have not been restocked, but does not include land converted to uses other than the growing of forest tree species or land currently zoned for uses incompatible with forest practices.

(*l*) "Fund" means the private forestland enhancement fund created in section 51305.

(m) "Harvest" means that term as it is defined in section 7jj of the general property tax act, 1893 PA 206, MCL 211.7jj[1].

(n) "Landowner" means a person who holds an ownership interest in nonindustrial private forestland.

(o) "Nonindustrial private forestland" means a privately owned tract of land consisting of 20 or more acres, or the timber rights in the land if the timber rights have been severed, that has the productive capacity to grow on average not less than 20 cubic feet per acre per year and that meets either of the following conditions:

(*i*) For a tract of land that contains less than 40 acres, at least 80% of the land is occupied by forest tree species.

(*ii*) For a tract of land that contains 40 or more acres, at least 50% of the land is occupied by forest tree species.

(p) "Qualified forester" means that term as it is defined in section 7jj of the general property tax act, 1893

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PA 206, MCL 211.7jj[1].

(q) "Technical assistance" means direct on-site assistance provided to individuals.

(r) "Timber" means wood growth, mature or immature, growing or dead, standing or down. Timber does not include any of the following:

(*i*) Christmas trees and associated greens.

(*ii*) Material harvested from an individual's own land and used on that land for the construction of fences or buildings or for other personal use.

(s) "Timber owner" means a person who holds an ownership interest in species of forest trees on forestland. An ownership interest includes a license or other right to harvest timber on state lands.

History: Add. 2013, Act 45, Imd. Eff. June 6, 2013.

Compiler's note: Former MCL 324.51301, which pertained to designation of tract of land as private forest reservation, was repealed by Act 378 of 2006, Eff. Sept. 1, 2007.

Popular name: Act 451

Popular name: NREPA

324.51302 Management and utilization of private forestland and private forest resources; purpose and intent of part.

Sec. 51302. (1) This part is intended to stimulate improved management and utilization of private forestland and private forest resources within this state. Economic and community development opportunities based on the private forest resource will be enhanced by ensuring adequate future high-quality timber supplies, increased employment opportunities, a diversified economy, and other economic benefits and the conservation, maintenance, and enhancement of a productive and stable forest resource system for the public benefit of present and future generations.

(2) The primary purpose of this part is to assist private landowners in understanding the value of forest resources and the potential threats to forest resources and to provide management guidance.

(3) The department may enter into cooperative agreements with the federal agencies that have been given authority by act of congress for the management of forestlands to assist landowners in management of their nonindustrial private forestlands.

History: Add. 2013, Act 45, Imd. Eff. June 6, 2013.

Compiler's note: Former MCL 324.51302, which pertained to number of trees planted on acre of land as subject to part, was repealed by Act 378 of 2006, Eff. Sept. 1, 2007.

Popular name: Act 451

Popular name: NREPA

324.51303 Repealed. 2006, Act 378, Eff. Sept. 1, 2007.

Compiler's note: The repealed section pertained to number of forest trees planted on tract of private forest reservation to assure spacing of 6 feet by 6 feet.

Popular name: Act 451

Popular name: NREPA

324.51304 Repealed. 2006, Act 378, Eff. Sept. 1, 2007.

Compiler's note: The repealed section pertained to receipt of benefit if landowner permits cattle, horses, hogs, or goats to pasture upon private forest reservation.

Popular name: Act 451

Popular name: NREPA

324.51305 Private forestland enhancement fund.

Sec. 51305. (1) The private forestland enhancement fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund, including general fund/general purpose appropriations, gifts, grants, and bequests. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) Direct assistance.

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(b) Indirect assistance.

(c) Administrative costs.

(6) The department shall establish criteria and procedures for approving proposed expenditures from the fund.

(7) The department of treasury shall, before November 1 of each year, notify the department of the balance in the fund at the close of the preceding fiscal year.

(8) As used in this section:

(a) "Administrative costs" includes, but is not limited to, costs incurred in administering the qualified forest program developed in section 7jj of the general property tax act, 1893 PA 206, MCL 211.7jj[1].

(b) "Direct assistance" includes, but is not limited to, programs that will provide for any of the following:

(*i*) Programs devoted to nonindustrial private forestland to encourage the judicious management of forestlands to maximize economic and ecological value.

(*ii*) Incentive and cost-share programs to assist landowners.

(*iii*) Programs that enhance investment of private and federal funds in sustainable forest management.

(*iv*) Other programs established pursuant to this part.

(c) "Indirect assistance" includes, but is not limited to, programs that will provide for any of the following:

(*i*) Public education and demonstration programs on sustainable management of private forestland for increasing value for wildlife habitat or timber management, or both.

(*ii*) Educational programs.

(*iii*) Technical assistance programs.

(*iv*) The promotion of on-site evaluation systems and management practices.

History: Add. 2013, Act 45, Imd. Eff. June 6, 2013.

Compiler's note: Former MCL 324.51305, which pertained to stocking forest trees under rules of department, was repealed by Act 378 of 2006, Eff. Sept. 1, 2007.

Popular name: Act 451

Popular name: NREPA

324.51306 List of qualified foresters; preparation; maintenance; registration; removal; publication on department's website.

Sec. 51306. (1) The department shall prepare and maintain a list of qualified foresters in the state.

(2) An individual who wishes to be included on the list of qualified foresters shall submit a registration to the department on a form prepared by the department. The registration form shall include all of the following:

(a) The category of qualified forester for which the individual meets the necessary requirements.

(b) The continuing education required for the individual to maintain his or her status as a qualified forester, including the date on which the continuing education is required to be completed.

(c) A place for an individual to certify with his or her signature that he or she meets the requirements of a qualified forester and is current with any continuing education that is required.

(d) A place to designate whether the individual is submitting a new registration or a renewal of registration.

(3) An individual may update his or her registration at any time by submitting a renewal of registration.

(4) An individual who no longer meets the requirements to be considered a qualified forester shall notify the department in writing, and the department shall remove the individual from the list of qualified foresters.

(5) The department shall publish the list of qualified foresters on the department's website.

History: Add. 2013, Act 45, Imd. Eff. June 6, 2013.

Compiler's note: Former MCL 324.51306, which pertained to complete restocking of private forest reservation with forest trees, was repealed by Act 378 of 2006, Eff. Sept. 1, 2007.

Popular name: Act 451

Popular name: NREPA

324.51307 Repealed. 2006, Act 378, Eff. Sept. 1, 2007.

Compiler's note: The repealed section pertained to varieties of forest trees.

Popular name: Act 451

Popular name: NREPA

324.51308 Repealed. 2006, Act 378, Eff. Sept. 1, 2007.

Compiler's note: The repealed section pertained to record of private forest reservations to be kept by county treasurer.

Popular name: Act 451

Popular name: NREPA

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324.51309 Repealed. 2006, Act 378, Eff. Sept. 1, 2007.

Compiler's note: The repealed section pertained to record of private forest reservations to be kept by township supervisor or assessor.

Popular name: Act 451

Popular name: NREPA

324.51310 Repealed. 2006, Act 378, Eff. Sept. 1, 2007.

Compiler's note: The repealed section pertained to form of application and contract to be filed with county treasurer and form of notice by the treasurer to supervisor or assessing officer.

Popular name: Act 451

Popular name: NREPA

324.51311 Repealed. 2006, Act 378, Eff. Sept. 1, 2007.

Compiler's note: The repealed section pertained to examination of private forest reservations by supervisor or assessor when real estate is assessed for taxation.

Popular name: Act 451

Popular name: NREPA

324.51312 Repealed. 2006, Act 378, Eff. Sept. 1, 2007.

Compiler's note: The repealed section pertained to taxes levied and fees collected after 1993.

Popular name: Act 451

Popular name: NREPA

FOREST FIRES

PART 515
PREVENTION AND SUPPRESSION OF FOREST FIRES

324.51501 Definitions.

Sec. 51501. As used in this part:

(a) "Certified prescribed burn manager" means an individual who has successfully completed the certification program of the department under section 51513 and possesses a valid certification number.

(b) "Department" means the department of natural resources.

(c) "Domestic purposes" refers to burning that is any of the following:

(*i*) A fire within the curtilage of a dwelling where the material being burned has been properly placed in a debris burner constructed of metal or masonry, with metal covering device with openings no larger than 3/4 of an inch.

(*ii*) A campfire.

(*iii*) Any fire within a building.

(d) "Extinguished", in reference to prescribed burning, means that there is no longer any spreading flame.

(e) "Forest land", subject to subdivision (f), means any of the following:

(*i*) Timber land, potential timber-producing land, or cutover or burned timber land.

(*ii*) Wetland.

(*iii*) Prairie or other land dominated by grasses or forbes.

(f) "Forest land" does not include land devoted to agriculture.

(g) "Flammable material" means any substance that will burn, including, but not limited to, refuse, debris, waste forest material, brush, stumps, logs, rubbish, fallen timber, grass, stubble, leaves, fallow land, slash, crops, or crop residue.

(h) "Prescribed burn" or "prescribed burning" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels.

(i) "Prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

(j) "Wetland" means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 529, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

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324.51502 Department of natural resources; authority; appointment of assistants.

Sec. 51502. The department shall have charge of the prevention and suppression of forest fires and shall appoint assistants as needed to implement this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51503 Burning permits; conditions.

Sec. 51503. (1) At any time the ground is not snow-covered, a person shall not burn any flammable material on or adjacent to forest land, except for domestic purposes, without a permit from the department.

(2) The department shall set the times of day and, consistent with this part, the conditions under which burning for other than domestic purposes on or adjacent to forest land is permitted.

(3) Any person doing any burning on or adjacent to forest land for other than domestic purposes, prior to such burning operations, and at all times while the burning continues, shall take such action in and around the area in which the burning is done so as to prevent the spread of fire as may be required by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51503b Prescribed burning; liability; requirements.

Sec. 51503b. (1) Prescribed burning does not constitute a public or private nuisance when conducted in compliance with this part, part 55, and rules promulgated to implement this part or part 55.

(2) Subject to subsections (3) and (4), a property owner or his or her agent conducting prescribed burning is not liable for damage or injury caused by the fire or resulting smoke.

(3) Subsections (1) and (2) apply to a prescribed burn only if all of the following requirements are met:

(a) The landowner or his or her designee has specifically consented to the prescribed burn.

(b) The requirements of section 51503 are met.

(c) There are adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire.

(d) A certified prescribed burn manager is present on site with a copy of the prescription, from ignition of the prescribed burn to its completion.

(e) The damage or injury does not result from the fire escaping the boundary of the area authorized in the permit under section 51503.

(f) The property owner or his or her agent is not grossly negligent.

(4) Subsection (2) does not affect liability for injury to or death of a person engaged in the prescribed burning.

History: Add. 2004, Act 529, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

324.51504 Acts prohibited.

Sec. 51504. A person shall not do any of the following:

(a) Dispose of a lighted match, cigarette, cigar, ashes or other flaming or glowing substances, or any other substance or thing that is likely to ignite a forest, brush, grass, or woods fire; or throw or drop from a moving vehicle any such object or substance.

(b) Set fire to, or cause or procure the setting on fire of, any flammable material on or adjacent to forest land without taking reasonable precautions both before and while lighting the fire and at all times after the lighting of the fire to prevent the escape of the fire; or leave the fire before it is extinguished.

(c) Set a backfire or cause a backfire to be set, except under the direct supervision of an established fire control agency or unless it can be established that the setting of the backfire is necessary for the purpose of saving life or valuable property.

(d) Destroy, break down, mutilate, or remove any fire control sign or poster erected by an established fire control agency in the administration of its lawful duties and authorities.

(e) Use or operate on or adjacent to forest land, a welding torch, tar pot, or other device that may cause a fire, without clearing flammable material surrounding the operation or without taking other reasonable precautions necessary to ensure against the starting and spreading of fire.

(f) Operate or cause to be operated any engine, other machinery, or powered vehicle not equipped with

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spark arresters or other suitable devices to prevent the escape of fire or sparks.

(g) Discharge or cause to be discharged a gun firing incendiary or tracer bullets or tracer charge onto or across any forest land.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51505 Refuse disposal facilities; devices; conditions; rules.

Sec. 51505. Any person maintaining or operating a refuse disposal facility shall provide devices and conditions that will promote the safe operation and guard against the escape of fire. The department may promulgate rules for the implementation of this section. This part does not give the department the authority to allow burning of garbage at refuse disposal facilities contrary to part 115.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51506 Violation of part causing forest or grass fires; liability.

Sec. 51506. (1) Except as provided in section 51503b, a person who, in violating this part, causes a forest or grass fire is liable for all damages resulting from that fire, including the cost of any governmental unit fighting the fire.

(2) Except as provided in section 51503b, this part does not affect any other right of action for damages.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 529, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

324.51507 Extreme fire hazard conditions; proclamation by governor as to use of fire; prohibited acts.

Sec. 51507. (1) Whenever the governor finds that conditions of extreme fire hazard exist and that it is necessary in the public interest and for the preservation of the public peace, health, and safety, he or she may forbid, by proclamation, the use of fire by any person entering forest lands or lands adjacent to forest lands in parts of the state as he or she considers the public interest requires. The proclamation shall be in full force and effect 24 hours after notice is given by the governor.

(2) During periods described in subsection (1), and in such areas as the governor proclaims, a person shall not do any of the following:

(a) Build a campfire of any nature, except within containers at authorized campgrounds or places of habitation.

(b) Smoke a pipe, cigarette, or cigar, except at places of habitation, authorized improved campgrounds, or in any automobile or truck.

(c) Burn or cause to be burned any flammable material unless he or she first obtains a permit, in writing, to do so as provided in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

****** 324.51508 THIS SECTION IS REPEALED BY ACT 210 OF 2015 EFFECTIVE MARCH 14, 2016 ******

324.51508 Emergency assistance; persons subject to call; compensation; refusal; penalty.

Sec. 51508. The department may call to its assistance in emergencies any able-bodied male person who has reached his eighteenth birthday who, unless the person is an inmate of a state or county correctional institution, shall be paid for his services in accordance with the minimum wage law of this state and if the person refuses to assist without reasonable justification, he is guilty of a misdemeanor.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51509 Fire suppression expenses; liability; determination; collection of claim; actions.

Sec. 51509. (1) Except as provided in section 51503b, a person who sets fire on any land and negligently

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allows the fire to escape and become a forest or grass fire is liable for all expenses incurred by the state in the suppression of the fire.

(2) The department shall certify, in writing, to the person the claim of the state under subsection (1) and shall list the items of expense incurred in the suppression of the fire. The claim shall be paid within 60 days and, if not paid within that time, the department may bring suit against the person in a court of competent jurisdiction in the county of the residence of the defendant or of any defendant if there is more than 1, for the collection of the claim at any time within 2 years after the fire. If the amount of the claim is cognizable by a circuit court, the department may file the suit in the circuit court of Ingham county, or in the circuit court of the county of the residence of the defendant or any defendant if there is more than 1.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 529, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

324.51510 Prohibited acts; exception.

Sec. 51510. (1) A person shall not do any of the following:

(a) Willfully, maliciously, or wantonly set fire or cause or procure to be set on fire any forest land, lands adjacent to forest land, or flammable material on such forest land.

(b) Willfully, maliciously, or wantonly set, throw, or place any device, instrument, paraphernalia, or substance in or adjacent to any forest land with intent to set fire to the land or which in the natural course of events would result in fire being set to the forest land.

(2) This section does not apply to a prescribed burn conducted in compliance with section 51503b.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 529, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

324.51511 Department of natural resources officer, employee, or agent; right of entry.

Sec. 51511. Any duly authorized officer, employee, or agent of the department, in the performance of his or her duty, may enter upon or enter into any premises on or in which he or she has reasonable cause to believe a violation of this part is occurring. For purposes of this section, premises shall not include buildings or dwellings.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51512 Violation of part or rule; penalty.

Sec. 51512. Any person who violates this part or any rule promulgated under this part is guilty of a misdemeanor. Any person convicted of violating section 51510 is guilty of a felony and upon conviction shall be imprisoned for not more than 10 years or fined not more than $10,000.00, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51513 Administration of part; rules; investigations; surveys; construction of part as to other law enforcement agencies and local ordinances and regulations.

Sec. 51513. (1) The department shall administer this part and shall promulgate rules necessary to implement this part. The department shall adopt rules governing prescribed burning and for certifying and decertifying prescribed burn managers based on their past experience, training, certification by another state, and record of compliance with section 51503b. The department shall submit the proposed rules for public hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, within 6 months after the effective date of the 2004 amendatory act that amended this section.

(2) The department may make, conduct, or participate in investigations and surveys designed to establish the cause of or responsibility for a particular forest fire or forest fire conditions generally.

(3) This part does not limit or otherwise impair the jurisdiction or powers of any other department, agency, or officer of this state to investigate, apprehend, and prosecute violators of this part. This part does not preempt local ordinances or local regulations that are as restrictive or more restrictive than this part, except to the extent the ordinances or regulations conflict with the exemption from liability for, or otherwise apply to either of the following:

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(a) Prescribed burns conducted in compliance with section 51503b.

(b) Prescribed burns conducted by a federal agency or state agency on land that the agency is authorized to manage.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 529, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

324.51514 Forest fire control; interstate and federal assistance agreements authorized; employee training considered as work within state.

Sec. 51514. The department may enter into agreements with other states and the federal government to provide assistance and to accept assistance in the control of forest fires, including the training of personnel. Any employee of the department assigned to fire control duties or training programs outside this state shall be considered the same as working inside this state for purposes of compensation and any other employee benefits.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 517
PREVENTION OF FOREST FIRES

324.51701 Legislation, rules, or policies creating conditions promoting, fostering, or leading to forest fires.

Sec. 51701. The state or a department, bureau, board, commission, or other agency of the state or a political subdivision of the state shall not enact, adopt, promulgate, enforce, or practice any law, rule, policy, or concept that creates or tends to create a condition that promotes, fosters, or leads or may tend to promote, foster, or lead to the beginning or spreading of a forest fire that could jeopardize the public trust in the forests of the state or any private land contiguous to the forests of the state, except as may be required for the protection of the public health, safety, and welfare, or as prescribed for forest management or wildlife management programs under the authority of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51702 Inconsistent acts or rules repealed.

Sec. 51702. To the extent authorized by law, all acts and parts of acts or rules promulgated pursuant to acts or parts that are inconsistent with this part are repealed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 519
SLASH DISPOSAL

324.51901 Forest cutting, slash, and debris; disposal methods, specifications, and elimination; approval by department.

Sec. 51901. Any person who cuts any forest growth within any public road or highway, or on land bordering on any public road or highway in this state, shall dispose of all cutting, slash, and debris resulting from the cutting, and dead stubs and windfalls from the area cut over so that inflammable material does not constitute a fire hazard within the limits of the road or highway or within 50 feet of the edge of the cleared portion of the limits of the road or highway. The method of disposal, the disposal specifications, and the elimination of fire hazards shall be approved by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51902 Forest cutting, slash, and debris; public utilities; responsibility for disposal.

Sec. 51902. All cuttings of forest growth, slash, and debris resulting from the construction and

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maintenance of any railroad, that is a common carrier, telephone, telegraph, power, oil and gas line, or other public utility shall be disposed of by the person either directly or indirectly responsible for creating the cuttings, slash, and debris, in a manner approved by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51903 Forest cutting, slash, and debris; time for disposal; burning permit required.

Sec. 51903. All cuttings of forest growth, slash, and debris referred to in sections 51901 and 51902 shall be disposed of within 30 days after cutting the same in the manner prescribed by the department. The disposal shall not be injurious to or endanger public or private property. Any burning of cuttings of forest growth, slash, and debris shall be done only under permit and at a time when forest and grass lands are not endangered by the fire.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51904 Forest cutting, slash, and debris; noncompliance; disposal by department; statement of expenditures; reimbursement; neglect or refusal to pay amount; action; money collected; disposition.

Sec. 51904. If cuttings of forest growth, slash, and debris are not disposed of as provided under section 51903, the department shall notify, by registered mail, the person responsible for the cuttings of the requirements imposed for the removal or elimination of fire hazards. If the responsible party or parties fail to comply with the provisions in the notification, the department may remove or eliminate the fire hazards, and the department is not liable in any action or trespass for that action. The department shall pay for the disposal or elimination of fire hazards resulting from cuttings of forest growth, slash, and debris from the forest fire control appropriation, and the department shall keep an accurate account of the expenditures incurred by it in implementing this part. The department shall present a full and complete statement of its expenditures, verified by oath, requiring the person to pay to the state the amount set forth. If the offender refuses or neglects to pay that amount within 30 days after the notice and demand, the department may bring suit against the person in a court of competent jurisdiction in the county where the forest growth cuttings, slash, and debris were not disposed of as required by the department, or in the county of the residence of the defendant or of any defendant if there is more than 1. All money collected as result of action under this section shall be paid to the state treasurer and credited to the forest fire control appropriation from which the expenditures were made.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51905 Violation of part; penalty; civil liability.

Sec. 51905. Any person who violates this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. If through the violation of this part any damage or injury is suffered by the owner of any property, the person who is guilty of the violation is liable in an action for damages to be recovered in an action of trespass on the case for the benefit of the owner who suffered the damage.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.51906 Rules, regulations, and specifications.

Sec. 51906. All rules, regulations, and specifications prescribed under this part shall be prescribed in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

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PART 525
SUSTAINABLE FORESTRY ON STATE FORESTLANDS

324.52501 Definitions.

Sec. 52501. As used in this part:

(a) "Breast height" means 4.5 feet from highest ground at the base of the tree.

(b) "Certification" means a process where an independent third party organization assesses and evaluates forest management practices according to the standards of a certification program resulting in an issuance of a certificate of compliance or conformity.

(c) "Certification program" means a program that develops specific standards that measure whether forest management practices are consistent with principles of sustainable forestry.

(d) "Conservation" means the wise use of natural resources.

(e) "Diameter class specifications" means a classification of trees based on the diameter at breast height.

(f) "Plan" means the forestry development, conservation, and recreation management plan for state forests as provided for in section 52503.

(g) "Reforestation" means adequate stocking of forestland is assured by natural seeding, sprouting, suckering, or by planting seeds or seedlings.

(h) "Residual basal area" means the sum of the cross-sectional area of trees 4 inches or greater in diameter measured at breast height left standing within a stand after a harvest.

(i) "State forest" means state land owned or controlled by the department that is designated as state forest by the director.

(j) "Sustainable forestry" means forestry practices that are designed to meet present and future needs by employing a land stewardship ethic that integrates the reforestation, managing, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and visual qualities.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 125, Imd. Eff. May 28, 2004.

Popular name: Act 451

Popular name: NREPA

324.52502 Management of state forest; manner; duties of department.

Sec. 52502. The department shall manage the state forest in a manner that is consistent with principles of sustainable forestry and in doing so shall do all of the following:

(a) Manage forests with consideration of its economic, social, and environmental values by doing all of the following:

(*i*) Broaden the implementation of sustainable forestry by employing an array of economically, environmentally, and socially sound practices in the conservation of forests, using the best scientific information available.

(*ii*) Promote the efficient utilization of forest resources.

(*iii*) Broaden the practice of sustainable forestry by cooperating with forestland owners, wood producers, and consulting foresters.

(*iv*) Plan and manage plantations in accordance with sustainable forestry principles and in a manner that complements the management of and promotes the restoration and conservation of natural forests.

(b) Conserve and protect forestland by doing all of the following:

(*i*) Ensure long-term forest productivity and conservation of forest resources through prompt reforestation, soil conservation, afforestation, and other measures.

(*ii*) Protect the water quality in streams, lakes, and other waterbodies in a manner consistent with the department's best management practices for water quality.

(*iii*) Manage the quality and distribution of wildlife habitats and contribute to the conservation of biological diversity by developing and implementing stand and landscape-level measures that promote habitat diversity and the conservation of forest plants and animals including aquatic flora and fauna and unique ecosystems.

(*iv*) Protect forests from wildfire, pests, diseases, and other damaging agents.

(*v*) Manage areas of ecologic, geologic, cultural, or historic significance in a manner that recognizes their special qualities.

(*vi*) Manage activities in high conservation value forests by maintaining or enhancing the attributes that define such forests.

(c) Communicate to the public by doing all of the following:

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(*i*) Publicly report the department's progress in fulfilling its commitment to sustainable forestry.

(*ii*) Provide opportunities for persons to participate in the commitment to sustainable forestry.

(*iii*) Prepare, implement, and keep current a management plan that clearly states the long-term objectives of management and the means of achieving those objectives.

(d) Monitor forest management by promoting continual improvement in the practice of sustainable forestry and monitoring, measuring, and reporting performance in achieving the commitment to sustainable forestry.

(e) Consider the local community surrounding state forestland by doing both of the following:

(*i*) Require that forest management plans and operations comply with applicable federal and state laws.

(*ii*) Require that forest management operations maintain or enhance the long-term social and economic well-being of forest workers and local communities.

History: Add. 2004, Act 125, Imd. Eff. May 28, 2004.

Popular name: Act 451

Popular name: NREPA

324.52503 Forestry development, conservation, and recreation management plan.

Sec. 52503. (1) The department shall adopt a forestry development, conservation, and recreation management plan for state owned lands owned or controlled by the department. Parks and recreation areas, state game areas, and other wildlife areas on these lands shall be managed according to their primary purpose. The department may update the plan as the department considers necessary or appropriate. The plan and any plan updates shall be consistent with section 52502 and shall be designed to assure a stable, long-term, sustainable timber supply from the state forest as a whole.

(2) The plan and any plan updates shall include all of the following:

(a) An identification of the interests of local communities, outdoor recreation interests, the tourism industry, and the forest products industry.

(b) An identification of the annual capability of the state forest and management goals based on that level of productivity.

(c) Methods to promote and encourage the use of the state forest for outdoor recreation, tourism, and the forest products industry.

(d) A landscape management plan for the state forest incorporating biodiversity conservation goals, indicators, and measures.

(e) Standards for sustainable forestry consistent with section 52502.

(f) An identification of environmentally sensitive areas.

(g) An identification of the need for forest treatments to maintain and sustain healthy, vigorous forest vegetation and quality habitat for wildlife and environmentally sensitive species.

History: Add. 2004, Act 125, Imd. Eff. May 28, 2004.

Popular name: Act 451

Popular name: NREPA

324.52504 Harvest and sale of timber; deposit of proceeds into forest development fund; report.

Sec. 52504. (1) The department shall harvest timber from the state forest and other state owned lands owned or controlled by the department in compliance with the plan and any plan updates.

(2) Unless otherwise dedicated by law, proceeds from the sale of timber from the state forest and other state owned lands owned or controlled by the department shall be forwarded to the state treasurer for deposit into the forest development fund established pursuant to section 50507.

(3) Not later than December 31 of each year, the department shall submit a report, to the standing committees of the senate and house of representatives with jurisdiction over forestry issues, that includes all of the following:

(a) The total number of acres in the state forest that have been identified by the department as having site conditions that restrain timber sales.

(b) The site conditions applicable to acreage identified under subdivision (a).

(c) The total number of acres identified under subdivision (a) in the previous year's report that are not identified under subdivision (a) in the current report and have been made available for timber sale.

(d) The locations where the acres identified under subdivision (a) and acres as identified under subdivision (c) are located.

(e) A statement of what the department intends to do to remove the particular site conditions identified under subdivision (b).

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History: Add. 2004, Act 125, Imd. Eff. May 28, 2004;—Am. 2006, Act 500, Imd. Eff. Dec. 29, 2006.

Popular name: Act 451

Popular name: NREPA

324.52505 Third-party certification that forestry standards satisfied; report.

Sec. 52505. (1) The department shall seek and maintain third-party certification that the management of the state forest and other state owned lands owned or controlled by the department satisfies the sustainable forestry standards of at least 1 credible nonprofit, nongovernmental certification program and this part.

(2) Beginning January 1, 2006, the department shall ensure that the state forest is certified as provided for in subsection (1).

(3) Beginning the effective date of the amendatory act that added this section, the department shall commence a review and study to determine the appropriateness of certifying parks and recreation areas, state game areas, and other wildlife areas on state owned lands owned or controlled by the department. Not later than 1 year after the effective date of the amendatory act that added this section, the department shall report and recommend to the legislature the appropriateness and feasibility of certifying those lands.

History: Add. 2004, Act 125, Imd. Eff. May 28, 2004.

Popular name: Act 451

Popular name: NREPA

324.52506 Report.

Sec. 52506. By January 1 of each year, the department shall prepare and submit to the commission of natural resources, the standing committees of the senate and the house of representatives with primary jurisdiction over forestry issues, and the senate and house appropriations committees a report that details the following from the previous state fiscal year:

(a) The number of harvestable acres in the state forest as determined by the certification program under section 52506.

(b) The number of acres of the state forest that were harvested and the number of cords of wood that were harvested from the state forest.

(c) The number of acres of state owned lands owned or controlled by the department other than state forestlands that were harvested and the number of cords of wood that were harvested from those lands.

(d) Efforts by the department to promote recreational opportunities in the state forest.

(e) Information on the public's utilization of the recreational opportunities offered by the state forest.

(f) Efforts by the department to promote wildlife habitat in the state forest.

(g) The status of the plan and whether the department recommends any changes in the plan.

(h) Status of certification efforts required in section 52505 and, beginning in 2006, a definitive statement of whether the department is maintaining certification of the entire state forest.

(i) A description of any activities that have been undertaken on forest pilot project areas described in section 52511.

History: Add. 2004, Act 125, Imd. Eff. May 28, 2004.

Compiler's note: In subdivison (a), the reference to “the certification program under section 52506” evidently should read “the certification program under section 52505.”

Popular name: Act 451

Popular name: NREPA

324.52511 Repealed. 2004, Act 123, Eff. Dec. 31, 2011.

Compiler's note: The repealed section pertained to establishment and design of forest pilot project areas and contracts for management of each area.

Popular name: Act 451

Popular name: NREPA

PART 527
MUNICIPAL FORESTS

324.52701 Definitions.

Sec. 52701. As used in this part:

(a) “Forestry commission” means a forestry commission appointed by a municipality pursuant to this part.

(b) “Legislative body” means any board of supervisors, township board, city or village legislative body, or school district board.

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(c) “Municipality” means a county, township, city, village, or school district.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52702 Municipality; right to acquire and use lands for forestry.

Sec. 52702. Any municipality may acquire by purchase, gift, or devise, or may provide land already in its possession, and use the land for a forestry or recreational purpose, or both, either within or outside of the territorial limits of the municipality, and may carry on forestry or recreational activities, or both, on the land. However, the use of the land for forestry is the highest priority objective of the land and use of the land for recreational activities shall not interfere with its use for forestry. Any municipality may also receive and expend or hold in trust gifts of money or personalty for a forestry or recreational purpose, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2012, Act 488, Imd. Eff. Dec. 28, 2012.

Popular name: Act 451

Popular name: NREPA

324.52703 Municipal forestry commission; members; appointment; terms; vacancies.

Sec. 52703. The legislative body of any municipality desiring to proceed under this part may appoint a forestry commission for the municipality to consist of 3 members, only 1 of whom shall be a member of the legislative body making the appointment. The members of a forestry commission shall hold office for a term of 4 years and until their successors are appointed and have qualified, except that when first appointed 1 shall be appointed for a term of 4 years, 1 for a term of 3 years, and 1 for a term of 2 years. Any vacancy shall be filled by appointment by the legislative body at any regular session.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52704 Forestry commission; powers and duties.

Sec. 52704. A forestry commission shall supervise and manage all land of the municipality devoted to forestry and provide labor on forest land by foresters and others as may be necessary for the proper care and maintenance of the land as a forest producing area, to make reasonable rules and regulations concerning the land, and to expend money as may be appropriated or received for this purpose.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52705 Forestry commission; report; contents; filing.

Sec. 52705. Every forestry commission shall annually at a time to be designated by the legislative body make a report to the legislative body showing the activities of the forestry commission and embracing a detailed statement of its receipts and expenditures during the preceding year. The forestry commission shall also file a copy of the report with the board of supervisors if it is not a county commission and a copy with the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52706 Authority to sell state lands to municipalities for forestry; reversion; relinquishing reversionary interest; re-acquisition; definitions; use of term "this section."

Sec. 52706. (1) The department, the department of treasury, or a state officer having charge of state land, may sell homestead, tax, swamp, or primary school land to a public agency for a forestry or recreational purpose, or both, at a price set by the department, the department of treasury, or the state officer. However, the amount of land sold shall not exceed the amount that may be necessary for the public agency, and any land that is sold shall be suitable for and used for a forestry or recreational purpose, or both, unless conveyed as provided in this section. Land sold to a public agency under this section or section 6 of former 1931 PA 217 shall be used only for a forestry or recreational purpose, or both, if the land is prime land. When the prime land is no longer used for a forestry or recreational purpose, or both, the land shall revert to this state.

(2) Except as provided in subsection (6), the department shall relinquish a reversionary interest in

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municipal forestland, conveyed to a public agency under this section or section 6 of former 1931 PA 217 before October 12, 2004, within 90 days after the department receives, on a form prescribed by the department, a written request for relinquishment from the public agency that owns the municipal forestland subject to the reversionary interest. The department shall relinquish its reversionary interest by an instrument approved by the department of attorney general and recorded by the department with the register of deeds of the county where the municipal forestland is located. The instrument shall include provisions implementing subsections (3) through (8). The department may charge the public agency an amount equal to the charge for recording the release.

(3) A public agency to which a reversionary interest was relinquished under subsection (2) shall not convey the municipal forestland formerly subject to the reversionary interest unless the conveyance is approved by the department.

(4) Subject to subsection (5), a public agency to which a reversionary interest was relinquished under subsection (2) and any public agency that is a successor in interest shall not convey the municipal forestland formerly subject to the reversionary interest, or any part thereof, unless the conveyance is to a public agency for $1.00 or to a public agency or any other person for fair market value. If the conveyance is to a public agency for $1.00, the deed shall recite "MCL 324.52706 requires an accounting and specifies how proceeds are to be distributed when the property is subsequently conveyed for fair market value.". If the conveyance is to a public agency or any other person for fair market value, the public agency conveying the property shall have an accounting taken, shall retain 50% of the proceeds, and shall submit the remaining 50% of the proceeds to the department of treasury for deposit as follows:

(a) The first $18,000,000.00 in total proceeds from all such conveyances shall be deposited in the general fund.

(b) Any proceeds in excess of $18,000,000.00 shall be deposited in the fire protection fund created in section 732a of the Michigan vehicle code, 1949 PA 300, MCL 257.732a.

(5) Once the municipal forestland or part thereof formerly subject to a reversionary interest is conveyed for fair market value and an accounting is taken and the proceeds are distributed as provided under subsection (4), subsection (4) does not apply to subsequent conveyances of that municipal forestland or part thereof, respectively.

(6) Subsection (2) does not apply to prime land.

(7) A public agency to which a reversionary interest is relinquished under subsection (2) shall not convey the municipal forestland formerly subject to the reversionary interest to a third person unless the public agency has conducted a public hearing on the proposed conveyance. The public agency may conduct a second public hearing on the proposed conveyance if the public agency determines that a second public hearing may be necessary. Notice of a public hearing under this subsection shall be published at least twice in a newspaper of general circulation in the county or counties where the municipal forestland is located, not more than 28 or less than 7 days before the hearing. The notice shall describe where the municipal forestland is located, specify the approximate size of the municipal forestland, describe its current use, and identify the person to whom the municipal forestland is proposed to be sold, if known. The public agency shall provide a copy of the notice to the director of the department not less than 7 days before the hearing.

(8) The requirements of subsection (7) do not relieve the public agency of any notice, hearing, or other requirements imposed by any other law.

(9) If municipal forestland was conveyed to a public agency under this section or section 6 of former 1931 PA 217 and the municipal forestland is subsequently conveyed by the public agency to the department, then, for purposes of subparts 13 and 14 of part 21, the municipal forestland shall not be considered to have been reacquired by the department on or after January 1, 1933 for natural resource purposes unless the municipal forestland was originally acquired by the department on or after January 1, 1933 for natural resource purposes.

(10) As used in this section:

(a) "Basal area" means the sum of the cross-sectional area of trees 4 inches or greater in diameter measured at 4.5 feet from the highest ground at the base of each tree.

(b) "Municipal forestland" means homestead, tax, swamp, or primary school land sold to a public agency under this section or section 6 of former 1931 PA 217 for a forestry or recreational purpose, or both.

(c) "Prime land" means municipal forestland that meets 1 or more of the following requirements:

(*i*) Is within a boundary of a program administered by the department.

(*ii*) Provides access to a public body of water.

(*iii*) Is not less than 121 acres in size and, at any time during the preceding 10 years, had a basal area of not less than 90 square feet per acre.

(d) "Public agency" means a school district, public educational institution, governmental unit of this state

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or agency of this state, or a municipality.

(e) "Recreational purpose" includes any motorized or nonmotorized recreational activity.

(11) The use in this section of the phrase "this section or section 6 of former 1931 PA 217" does not imply that the term "this section" as used elsewhere in this act does not include the relevant section as it existed in former law codified in this act.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2002, Act 356, Imd. Eff. May 23, 2002;—Am. 2004, Act 377, Imd. Eff. Oct. 12, 2004;—Am. 2006, Act 179, Imd. Eff. June 6, 2006;—Am. 2012, Act 488, Imd. Eff. Dec. 28, 2012.

Popular name: Act 451

Popular name: NREPA

324.52707 Forestry commissions and department of natural resources; cooperation.

Sec. 52707. A forestry commission and the department shall cooperate with each other in all matters pertaining to the establishment and maintenance of public forests. The department may inspect municipal forests as often as it considers necessary.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52708 Municipality; appropriation for forestry; limitation.

Sec. 52708. The legislative body of any county, city, or village or the electors of any township or school district in which a forestry commission has been appointed may appropriate money to be used by the forestry commission to carry out the purposes of this part. However, if the legislative body desires to spend an amount in excess of 1/10 mill per dollar assessed valuation or in excess of $5,000.00, or both, in any 1 year for the purposes of this part, the sum shall not be appropriated unless the electors of the county, city, or village agree to the expenditure at any general or special election by a 3/5 vote.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52709 Forestry funds; accounting.

Sec. 52709. A separate account of all revenue and expense of all funds appropriated or invested, or both, to the forestry commission shall be kept by the financial officer of the municipality and the funds may be expended upon the warrant of 2 members of the forestry commission.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52710 Special forestry fund; creation; payments in lieu of property taxes.

Sec. 52710. Any income from forest land shall be paid into the general fund of the municipality and may be set up in a special forestry fund by the municipality. A forestry commission and the townships and school districts in which its municipal forest lies by agreement shall determine a formula under which the forestry commission shall make payments to the townships and school districts in lieu of general property taxes which would otherwise be levied against the land and forests comprising the municipal forest.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 529

CHRISTMAS TREES, BOUGHS, PLANTS, AND OTHER TREES

324.52901 Removal of certain plants; “plant” defined; bill of sale or other evidence of title required.

Sec. 52901. (1) A person shall not cut, remove, or transport, without having in possession a bill of sale from the owner or other evidence of title on a form prescribed by and available from the department or the department of agriculture or the federal agency that has jurisdiction, any of the following:

(a) Christmas trees.

(b) Evergreen boughs.

(c) Any other trees, shrubs, or vines.

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(d) Trailing arbutus..... Epigaea.
(e) Bird's foot violet..... Viola pedata.
(f) Climbing bittersweet..... Celastrus scandens.
(g) Club mosses..... Lycopodiaceae.
(h) Flowering dogwood..... Cornus florida.
(i) All Michigan holly..... Ilex sp. and nemopanthus sp.
(j) North American lotus..... Nelumbo sp.
(k) Pipsissewa..... Chimaphila umbellata.
(*l*) All native orchids..... Orchidaceae.
(m) Trilliums..... Trillium sp.
(n) Gentians..... Eustoma sp.
(o) Parts of any plant listed in this subsection.

(2) As used in this part, "plant" means a tree, bough, shrub, vine, or other native plant, or a part of a tree, bough, shrub, vine, or other native plant, listed in subsection (1).

(3) A person shall produce a bill of sale for a plant listed in subsection (1) or other evidence of title upon demand of a law enforcement officer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52902 Transportation of plants.

Sec. 52902. A person shall not transport within this state any plant in either of the following circumstances:

(a) If the plant has been removed from property owned by the person, unless he or she has in possession a current tax receipt or deed with respect to the property or a copy of the receipt or deed.

(b) If the plant has been removed from property not owned by the person, unless either of the following has been met:

(*i*) Each plant bears a tag placed on the plant by and identifying the person and his or her address and stating from whom the plant was acquired.

(*ii*) The person has in his or her possession a bill of sale or other evidence of title acquisition in a form prescribed by and available from the department or the department of agriculture or the federal agency that has jurisdiction. The person shall display the bill of sale or other evidence of title upon demand of a law enforcement officer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52903 Sale of plants; bill of sale or other evidence of title required; records of transactions.

Sec. 52903. A person shall not sell or offer for sale any plant without having in his or her possession the evidence of title prescribed by section 52902 or without furnishing the purchaser with a bill of sale or other evidence of title acquisition in a form prescribed by the department or the department of agriculture or the federal agency that has jurisdiction. Vendors shall maintain and keep records of their transactions for the period of time that the department or the department of agriculture or the federal agency that has jurisdiction prescribes by rule or regulation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52904 Trees, shrubs, vines or plants; shipment; evidence of title.

Sec. 52904. A common carrier shall not accept for shipment any of the trees, boughs, shrubs, vines, or plants listed in section 52901 unless the consignor whose name and address is recorded at the time of consignment exhibits the evidence of title prescribed by section 52902.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52905 Law enforcement officers; inspection; impoundment of plants or equipment;

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failure to exhibit bill of sale or other evidence of title.

Sec. 52905. A law enforcement officer having probable cause to believe that this part is being violated, including authorized employees of the department of agriculture or the department, may make inspections to determine whether this part has been violated, including the right to stop any vehicle that is transporting a plant at any time, to inspect and make copies of bills of sale or other evidence of title prescribed by the department or the department of agriculture or the federal agency that has jurisdiction, to arrest persons found to have any plants in possession in violation of this part and to impound any plants or equipment used to remove or transport the plants. Pursuant to court order, any plants or equipment impounded pursuant to this section shall be permanently seized and disposed of as required under sections 1603 and 1604. Failure to exhibit a bill of sale or other evidence of title prescribed by the department or the department of agriculture or the federal agency that has jurisdiction is prima facie evidence that a bill of sale or other evidence of title does not exist.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52906 Construction of part.

Sec. 52906. Nothing in this part shall be construed to interfere with the insect pest and plant disease act, Act No. 189 of the Public Acts of 1931, being sections 286.201 to 286.226 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52907 Enforcement of part; rules.

Sec. 52907. The director of agriculture and the department, in cooperation with law enforcement agencies, shall enforce this part. The director of agriculture, after consultation with the department, shall promulgate rules as he or she considers necessary for the enforcement of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.52908 Violation of part; penalties; determination of total value; prior convictions; prohibition; additional penalties.

Sec. 52908. (1) A person who violates this part is guilty of a crime as follows:

(a) If the damages are less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or 3 times the aggregate value of the property involved, whichever is greater, or both imprisonment and a fine.

(b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the property involved, whichever is greater, or both imprisonment and a fine:

(*i*) The value of the property involved is $200.00 or more but less than $1,000.00.

(*ii*) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this part.

(c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the property involved, whichever is greater, or both imprisonment and a fine:

(*i*) The value of the property involved is $1,000.00 or more but less than $20,000.00.

(*ii*) The person violates subdivision (b)(*i*) and has 1 or more prior convictions for violating or attempting to violate this part. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(*ii*).

(d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the property involved, whichever is greater, or both imprisonment and a fine:

(*i*) The property involved has a value of $20,000.00 or more.

(*ii*) The person violates subdivision (c)(*i*) and has 2 or more prior convictions for committing or attempting to commit an offense under this part. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(*ii*).

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(2) The values of property damaged in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of property damaged.

(3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(4) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

(5) A person who forges a bill of sale or other evidence of title prescribed by the department or the department of agriculture or the federal agency that has jurisdiction is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both.

(6) In addition to the penalties provided for in this section, a person who violates this part by illegally removing or cutting a plant is liable in a civil action filed by the state or the property owner for up to 3 times the fair market value of the damage caused by the unlawful act or $100.00, whichever is greater, and for court costs and attorney fees. Damages collected under this subsection shall be paid to the owner of the lands from which the plants were illegally removed or, if removed from state owned lands, to the state treasurer, who shall credit the deposit to the fund that was used to purchase the land on which the violation occurred.

(7) A person who violates this part by not having in his or her possession a current tax receipt or deed with respect to property, or a copy of the receipt or deed, indicating that the person owned the land from which the plants were taken shall not be prosecuted under this part for that violation if he or she subsequently produces a current tax receipt or deed showing that person's ownership of the property from which the plants were taken.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 155, Eff. Jan. 1, 2002.

Popular name: Act 451

Popular name: NREPA

324.52909 Christmas trees; transportation during December.

Sec. 52909. This part does not apply to the sale of or the transportation by any 1 person of not more than 2 Christmas trees between November 30 and December 31 of the same year.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

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