



# SENATE BILL No. 782

August 3, 1993, Introduced by Senators HOFFMAN, EHLERS, DINGELL and DUNASKISS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to regulate the taking, possession, transportation, size, and sale of certain fish, reptiles, amphibians, mollusks, and other aquatic animals in or by the waters of this state; to provide for the issuing of certain licenses and permits; to provide for the distribution of certain funds; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

## CHAPTER 1

Sec. 1. This act shall be known and may be cited as the "Michigan sports fishing law".

Sec. 2. For the purpose of this act, the words and phrases defined in this chapter have the meanings ascribed to them in sections 3 to 6.

1       Sec. 3. (1) "Amphibian" means any frog, toad, or salamander  
2 of the class amphibia.

3       (2) "Commercial purposes" means offering for sale or selling  
4 to any other person.

5       (3) "Commission" means the commission of natural resources.

6       (4) "Connecting waters of Lake Superior and Lake Huron"  
7 means the Straits of St. Mary extending from a line drawn from  
8 Birch Point Range front light to the most westerly point of Round  
9 Island, thence following the shore of Round Island to the most  
10 northerly point of Round Island, thence from that point to Point  
11 Aux Pins light, Ontario, to a line drawn east and west from the  
12 most southerly point of Little Lime Island.

13       (5) "Connecting waters of Lake Huron and Lake Erie" means  
14 all of the St. Clair river, Lake St. Clair, and the Detroit river  
15 extending from Fort Gratiot light in Lake Huron south to a line  
16 extending east and west from the Detroit river light.

17       (6) "Crayfish" means any arthropod of the family decapoda,  
18 commonly known as crayfish or crawfish.

19       Sec. 4. (1) "Department" means the department of natural  
20 resources.

21       (2) "Detroit river" means the waters of the Detroit river  
22 lying south of a line drawn east and west from the windmill point  
23 light where the Detroit river leaves Lake St. Clair to a line  
24 drawn east and west from the southerly tip of Celeron Island  
25 within the jurisdiction of this state.

26       (3) "Dip net" means a square net of twine attached to a  
27 frame and constructed to be without sides or walls and suspended

1 in such a manner that when the net is lifted, the bag formed is  
2 less than 4 feet deep.

3 (4) "Director" means the director of the department of natu-  
4 ral resources or his or her authorized representative.

5 (5) "Fish or fishing" means any attempt to take fish.

6 (6) "Game fish" means the following species of fish:

7 (a) Atlantic salmon, (*Salmo salar*).

8 (b) Black and white crappie, also known as calico bass and  
9 strawberry bass, (*Pomoxis nigro-maculatas* and *Pomoxis*  
10 *annularis*).

11 (c) Bluegill, (*Lepomis macrochirus*).

12 (d) Brook or speckled trout, (*Salvelinus fontinalis*).

13 (e) Brown trout, (*Salmo trutta*).

14 (f) Catfish, (*Ictalurus* sp.), and bullheads, (*ameiurus*  
15 sp.).

16 (g) Chinook salmon, (*Oncorhynchus tshawtyscha*).

17 (h) Cisco, (*Coregonus artedi*).

18 (i) Coho salmon, (*Oncorhynchus kisutch*).

19 (j) Grayling (*Thymallus*)

20 (k) Kokanee salmon, (*Oncorhynchus nerka*).

21 (l) Largemouth bass, (*Micropterus salmoides*).

22 (m) Mackinaw or lake trout, (*Salvelinus namaycush*).

23 (n) Muskellunge, (*Esox masquinongy*), and tiger muskellunge,  
24 (hybrid).

25 (o) Northern pike, (*Esox lucius*).

26 (p) Pink salmon, (*Oncorhynchus gorbuscha*).

- 1 (q) Pumpkinseed and other sunfish, (*Lepomis* sp.).  
2 (r) Rainbow and steelhead trout, (*Salmo gairdnerii*).  
3 (s) Rock bass, (*Ambloplites rupestris*).  
4 (t) Sauger, (*Stizostedion canadense*).  
5 (u) Smallmouth bass, (*Micropterus dolomieu*).  
6 (v) Splake, (lake trout-brook trout hybrid).  
7 (w) Sturgeon, (*Acipenser fulvescens*).  
8 (x) Walleye, (*Stizostedion vitreum*).  
9 (y) White bass, (*Roccus chrysops*).  
10 (z) Whitefish, (*Coregonus clupeaformis*).  
11 (aa) Yellow perch, (*Perca flavescens*).  
12 Sec. 5. (1) "Hand net" means a mesh bag of webbing or wire  
13 suspended from a circular, oval, or rectangular frame attached to  
14 a handle.  
15 (2) "Inland waters" means all the waters within the juris-  
16 diction of this state except Lakes Michigan, Superior, Huron, and  
17 Erie and their bays and connecting waters.  
18 (3) "Minnows" means chubs, shiners, suckers of a size ordi-  
19 narily used for bait in hook and line fishing, dace, stonerol-  
20 lers, muddlers, and mudminnows.  
21 (4) "Mollusk" means any clam, snail, freshwater mussel, or  
22 other mollusk of the class mollusca.  
23 (5) "Nongame fish" means all species of fish except game  
24 fish.  
25 (6) "Nontrout streams" means streams or portions of streams  
26 that are not trout streams.

1       (7) "Open season" means the time during which fish may be  
2 legally taken or killed, and includes both the first and last day  
3 of the season.

4       Sec. 6. (1) "Person" means an individual, sole proprietor,  
5 partnership, association, corporation, or other legal entity.

6       (2) "Reptile" means any turtle, snake, or lizard of the  
7 class reptilia.

8 (3) "Take" means to capture, possess, catch, kill, or  
9 attempt to capture, possess, catch, or kill.

10 (4) "Trout stream" means any stream or portion of any stream  
11 that under normal circumstances contains a significant population  
12 of any species of trout or salmon as determined by the director.

13           (5) "Trout lake" means a lake designated by the director, in  
14 which trout are normally the predominating species of game fish  
15 found in that lake.

16 (6) "Wigglers" means mayfly nymphs or other aquatic insect  
17 nymphs or larvae.

## 18 CHAPTER 2

19       Sec. 10. All fish, reptiles, amphibians, mollusk, or other  
20 aquatic animals found in or by any of the waters of this state  
21 are the property of this state, and except as otherwise provided  
22 by law may only be taken at the times and in the manner provided  
23 in this act.

24       Sec. 11. (1) Except as otherwise provided in this section,  
25 a person shall not take fish from the waters of this state with a  
26 spear, grab hook, hook board, snag hook, gaff hook, or a set or  
27 night line, a net, firearm, explosive substance, chemical, or

1 combination of substances that have a tendency to kill or stupefy  
2 fish, or by any other method or device other than 2 lines, 2 pad-  
3 dles, or 2 tip-ups, either held in the hand or under immediate  
4 control to which no more than a total of 4 hooks may be  
5 attached. Hooks may be single, double, or treble pointed. All  
6 hooks must be baited or attached to an artificial lure. All  
7 hooks attached to an artificial lure are counted as 1 hook. Fish  
8 taken by hook and line may be retained only if caught by taking a  
9 bait or lure in the mouth. All fish not hooked in the mouth must  
10 be immediately returned to the water, unless otherwise exempted  
11 by statute, commission order, or rule. The director may desig-  
12 nate waters where a treble hook and an artificial bait or lure  
13 having more than 1 single pointed hook shall not be used.

14       (2) Tip-ups and paddles shall clearly bear the user's name  
15 and address.

16       (3) Suckers, carp, whitefish, ciscoes, catfish, bullheads,  
17 bowfin, and gar may be taken with a spear, including spearing  
18 while submerged using rubber, spring-propelled, or compressed gas  
19 propelled spears under control by an attached line less than 20  
20 feet long, bow and arrow, dip nets not over 9 feet square, or  
21 hand held dip nets. The director may designate which of the spe-  
22 cies listed in this subsection may be taken and the methods that  
23 may be used, including the use of artificial lights, and the  
24 waters where these fish may be taken and the season when these  
25 fish may be taken.

1       (4) The director may designate areas in the Great Lakes  
2 where game fish may be taken by submerged divers using hand or  
3 propelled spears.

4       (5) The director may designate waters where a person may  
5 spear carp, suckers, freshwater drum, smelt, northern pike, mus-  
6 kellunge, whitefish, ciscoes, Menominee, perch, catfish, bull-  
7 heads, bowfin, and gar through the ice during the months of  
8 January and February and sturgeon during February.

9       (6) A hand net may be used from March 1 to May 31 for taking  
10 smelt. The director may designate the waters where the fish may  
11 be taken, and the time within the dates when the fish may be  
12 taken.

13       (7) A dip net shall not be erected or fished within 100 feet  
14 of a dam. The name and address of the person using the dip net  
15 equipment, including frame, boom, supporting members, and tempo-  
16 rary buildings, shall be plainly marked on the dip net equipment,  
17 or securely fastened to the dip net equipment by a plate or tag.  
18 Dip net equipment and a temporary building erected and used pur-  
19 suant to this subsection located on public land or the land of  
20 another shall be removed prior to June 10 of each year unless  
21 maintained with proper permission of the landowner. This subsec-  
22 tion does not authorize the erection or fishing of a dip net on  
23 the land or premises of another without permission from the  
24 landowner.

25       (8) The director may issue a permit allowing the permit  
26 holder to use a hoop net between the dates of December 1 and  
27 March 1 in any river or stream or portion of any river or stream

1 designated by the director for the taking of burbot (Lota lota).

2 Each net shall clearly display the user's name and address.

3 Sec. 15. A person shall not:

4 (a) Fish within any waters of this state that are posted as  
5 closed by the director.

6 (b) Frighten or hinder fish from the free passage up or down  
7 a fish chute or ladder.

8 (c) Place any obstruction or device in or across any race,  
9 stream, or river in this state in such a manner as to obstruct  
10 the free passage of fish.

11 (d) Fish within a distance of 100 feet up or down stream  
12 from a lamprey control weir installed by the department or the  
13 United States fish and wildlife service that is posted by the  
14 director as a restricted area.

15 (e) Destroy, attempt to destroy, or interfere with in any  
16 manner, any artificial dam or barrier placed in any water of this  
17 state under the direction of the director.

18 Sec. 16. (1) This chapter shall not be construed to pro-  
19 hibit the use or possession of the following:

20 (a) A gaff, except on or along trout streams and lakes or as  
21 provided in section 17.

22 (b) A landing net to assist in landing fish already caught  
23 by a lawful device.

24 (c) A device for which a lawful permit or license is  
25 obtained from the director.

26 (2) A person shall not use or possess a landing net more  
27 than 5 1/2 feet in circumference or with a handle exceeding 14

3        Sec. 17. (1) A person shall not use a gaff, or a single  
4 pointed hook that is more than 1/2 inches between the point of  
5 the hook and the shank, or a double or treble pointed hook  
6 exceeding 3/8 inch between point and shank, before May 15 or  
7 after August 31 on or along any trout stream.

8       (2) A person shall not apply chemicals to any waters of this  
9 state for control of nuisance fish without first obtaining a  
10 permit from the director.

11        Sec. 18.    Except in a dwelling or outbuilding or as other-  
12 wise provided by law, the possession of a spear on the waters of  
13 this state or within 100 feet of the waters of this state during  
14 the closed season for taking fish with a spear, is unlawful.

15        Sec. 19. A person shall not have in his or her possession a  
16 fish illegally taken.

17        Sec. 20. This act shall not apply to the fisheries manage-  
18 ment program of the department.

## 19

20       Sec. 25. (1) Except as otherwise provided by law, a person  
21 shall not take any species of fish in any trout stream or trout  
22 lake designated by the director, except during the open season  
23 for taking trout. The director may designate certain waters to  
24 be open throughout the year for fishing for trout and other spe-  
25 cies of game or nongame fish for which the season is not closed.

26

1 methods as he or she prescribes may be used in fishing. In  
2 addition, the director may prescribe the size and number of fish  
3 that may be taken from a trout stream.

4 (3) The director may designate certain trout lakes in which  
5 certain species of fish are not desired, and it shall be unlawful  
6 to use live fish of any kind for bait in those lakes. The direc-  
7 tor may establish special seasons, size, and creel limits and  
8 specify the manner of taking fish from designated trout lakes.

9 (4) All waters except those that are designated by the  
10 director as trout streams or trout lakes are open to fishing  
11 throughout the year for taking any species of fish for which the  
12 season is not closed.

13 Sec. 26. (1) The commission may establish open seasons for  
14 game fish.

15 (2) The commission may set limits on the number of game fish  
16 that may be lawfully taken.

17 Sec. 27. The director may:

18 (a) Establish a closed season by posting notice at any  
19 spawning area or along any spawning migration route where game  
20 fish or nongame fish concentrate. A notice shall define the con-  
21 ditions of closure at the site and shall be posted not less than  
22 3 days prior to the effective date of the closed season.

23 (b) Open to fishing at any time, for any species, in any  
24 manner, any waters in which an excessive mortality of fish occurs  
25 or is threatened or where unusually large congregations of fish  
26 will be wasted if not harvested.

1 (c) Prohibit the operation of boats or other molestation of  
2 spawning areas.

3 (d) Establish special seasons, size, and fish limits and  
4 specify the manner in which fish may be taken.

5 Sec. 28. (1) The commission shall establish size limits on  
6 the following species of game fish:

7 (a) Trout and salmon.

8 (b) Largemouth and smallmouth bass.

9 (c) Northern pike.

10 (d) Walleye and sauger.

11 (e) Muskellunge.

12 (f) Sturgeon.

13 (2) The commission may establish size limits on any game  
14 fish.

15 (3) A person shall not have in his or her possession on the  
16 waters of this state a fish that is so mutilated that the identi-  
17 fication or measurement of that fish is impractical.

18 Sec. 29. A person shall not take or possess more than the  
19 number of fish authorized by the commission. However, a person  
20 may possess fish legally taken pursuant to this act that are  
21 frozen, canned, smoked, pickled, or otherwise processed and  
22 preserved.

23 Sec. 30. A person shall not purchase, buy, or sell, or  
24 attempt to purchase, buy, or sell fish or parts of any fish taken  
25 under this act.

1       Sec. 31. (1) As used in this section, "fish cleaning  
2 station" means an operation or location used to clean salmon for  
3 sport fishers.

4       (2) Except as provided in subsection (3)(c), a person shall  
5 not purchase, sell, or otherwise exchange anything of value for  
6 raw or unprocessed salmon eggs unless the person is licensed pur-  
7 suant to section 26a of the commercial fishing law of 1929, Act  
8 No. 84 of the Public Acts of 1929, being section 308.26a of the  
9 Michigan Compiled Laws, and the sale, purchase, or exchange of  
10 the raw or unprocessed salmon eggs is made with another person  
11 who is also licensed pursuant to section 26a of Act No. 84 of the  
12 Public Acts of 1929.

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

15       (a) Accept raw or unprocessed salmon eggs except from whole  
16 salmon, known as salmon in the round, or eggs salvaged from  
17 salmon cleaned at the station.

18       (b) Operate a fish cleaning station that sells raw or unpro-  
19 cessed salmon eggs without a current and valid permit issued by  
20 the director.

21       (c) Buy, barter, or otherwise exchange anything of value for  
22 raw or unprocessed salmon eggs. This subdivision does not pro-  
23 hibit the operator of a fish cleaning station or his or her  
24 agents from exchanging the service of cleaning salmon in exchange  
25 for the eggs in the salmon's carcasses or from charging a fee for  
26 cleaning salmon.

1 (d) Buy or sell salmon carcasses taken under a fishing  
2 license issued under the hunting and fishing license act, Act  
3 No. 86 of the Public Acts of 1980, being sections 316.101 to  
4 316.902 of the Michigan Compiled Laws.

5 (4) A person issued a permit to operate a fish cleaning sta-  
6 tion shall comply with all of the following requirements:

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

10 (b) The fish cleaning station shall be licensed in accord-  
11 ance with Act No. 328 of the Public Acts of 1978, being sections  
12 289.801 to 289.810 of the Michigan Compiled Laws and operated in  
13 compliance with the Michigan food law of 1968, Act No. 39 of the  
14 Public Acts of 1968, being sections 289.701 to 289.727 of the  
15 Michigan Compiled Laws.

16 (c) Disposal of offal and unwanted salmon carcasses shall be  
17 in a manner approved by the local health department.

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

22 (e) As a condition of a permit, a permit holder whose fish  
23 cleaning station is located on state owned land shall provide  
24 free access to the fish cleaning station facilities to fishers  
25 who wish to use the facilities to clean their own salmon catch.

1       (5) This section does not prohibit the selling or buying of  
2 chemically treated salmon eggs in the form of spawn sacks or  
3 spawn bags.

4       (6) If the director finds that a person is in violation of a  
5 permit issued under this section or this section, the director  
6 may issue an order requiring the person to comply. In addition  
7 to the penalties provided for in this act, the director, the  
8 attorney general, or a person may seek injunctive relief for a  
9 violation of a permit issued under this section or for a viola-  
10 tion of this section.

11       Sec. 32. This chapter shall not be construed to prohibit  
12 the propagation, transportation, or sale of game fish under  
13 authority of Act No. 196 of the Public Acts of 1957, being sec-  
14 tions 308.111 to 308.119 of the Michigan Compiled Laws.

15                                   CHAPTER 4

16       Sec. 35. A person shall not:

17       (a) Take or have in possession minnows, wigglers, or cray-  
18 fish for commercial purposes from any of the waters of this  
19 state, or import minnows, wigglers, or crayfish for commercial  
20 purposes from outside of the state, or transport minnows, wig-  
21 glers, or crayfish without having first procured a license as  
22 provided in this chapter. A license, other than a license to  
23 fish in the waters of this state as provided for in the hunting  
24 and fishing license act, Act No. 86 of the Public Acts of 1980,  
25 being sections 316.101 to 316.902 of the Michigan Compiled Laws,  
26 shall not be required of persons taking minnows, wigglers, or  
27 crayfish for their individual use for bait. A person shall not

1 set or use minnow traps for the taking of minnows, wigglers, or  
2 crayfish for personal use or commercial purposes unless the name  
3 and address of the user is on the trap.

4 (b) Transport outside of this state any minnows, wigglers,  
5 or crayfish, dead or alive, taken either in or outside this  
6 state. The director may, upon the payment of \$25.00, issue a  
7 permit, revocable by the director, upon just cause to any resi-  
8 dent licensed as provided for in section 38 enabling that person  
9 to transport outside this state minnows, wigglers, or crayfish  
10 preserved in liquid and bottled for fish bait. The director is  
11 authorized to limit to 15 days or less of any 1 year the taking  
12 of minnows by a licensed person for preserving for fish bait  
13 purposes. A person holding a permit as provided in this subdivi-  
14 sion shall allow the director to inspect his or her books and  
15 records at any reasonable time. A permit issued pursuant to this  
16 subdivision may be revoked by the director upon good cause and  
17 shall expire on December 31 following the date of issue unless  
18 the permit is revoked prior to that date.

19 (c) Use or attempt to use live goldfish or carp for bait in  
20 fishing.

21 (d) Offer for sale or use lamprey for bait in fishing.

22 (e) Take, possess, or transport minnows, wigglers, or cray-  
23 fish for commercial purposes from any of the waters over which  
24 this state has jurisdiction unless the taker is a resident of  
25 this state and holds a permit or license required by law.

26 Sec. 36. (1) The director is authorized to do all of the  
27 following:

1 (a) Designate the waters of this state from which minnows,  
2 wigglers, or crayfish may be taken for commercial purposes or  
3 noncommercial purposes, or both.

4 (b) Make rules, regulations, and restrictions for taking,  
5 possessing, and transporting minnows, wigglers, and crayfish.

6 (c) Require catch reports regarding the taking of minnows,  
7 wigglers, and crayfish for commercial purposes.

8 (2) A person shall not take minnows, wigglers, or crayfish  
9 for commercial purposes except from waters of the state desig-  
10 nated by the director.

11 (3) A person shall not violate any rule or restriction  
12 established pursuant to this section.

13 Sec. 37. (1) Minnow seines that do not exceed 125 feet in  
14 length and 16 feet in width may be used in the Great Lakes and  
15 their connecting waters, inland lakes, and streams and rivers of  
16 this state, except trout streams, for taking minnows for commer-  
17 cial purposes.

18 (2) Hand thrown nets that do not exceed 8 feet in diameter  
19 without sides or walls, minnow traps that do not exceed 24 inches  
20 in length, minnow seines that do not exceed 12 feet in length and  
21 4 feet in width, and hook and line may be used for taking minnows  
22 for personal use in any of the waters designated by the director  
23 in accordance with section 36. However, a person shall not use a  
24 hand or dip net or minnow seine in trout streams for the purpose  
25 of taking minnows.

26 Sec. 38. (1) As used in this section, "place of business"  
27 means a single location designated in a license application.

1       (2) The director may, upon the payment of \$25.00, issue a  
2 retail minnow dealer's license to entitle the licensee to operate  
3 1 place of business and 1 motor vehicle, and to buy, transport,  
4 and retail minnows, wigglers, and crayfish.

5       (3) The director may, upon the payment of \$100.00, issue to  
6 a resident a wholesale minnow dealer's license to operate 1 place  
7 of business and to transport, using up to 3 motor vehicles, and  
8 to sell at wholesale, to licensed minnow dealers, minnows, wig-  
9 glers, and crayfish.

10       (4) The director may, upon the payment of \$50.00, issue to  
11 the holder of a retail or a wholesale minnow dealer's license a  
12 minnow catcher's license to permit the taking, collecting, trans-  
13 porting, and possessing of live or fresh minnows, wigglers, or  
14 crayfish to be used for commercial purposes in accordance with  
15 this act. Each minnow catcher's license shall entitle the  
16 licensee to operate up to 3 crews consisting of not more than 4  
17 persons and 4 motor vehicles for the purpose of taking, collect-  
18 ing, and transporting live or fresh minnows, wigglers, or  
19 crayfish.

20       (5) The director may, upon payment of \$500.00, issue to a  
21 nonresident of this state a wholesale minnow dealer's license to  
22 transport, using up to 3 motor vehicles, and to wholesale min-  
23 nows, wigglers, and crayfish.

24       (6) Crayfish may not be imported for commercial purposes  
25 from outside the state without a special permit from the  
26 director. Minnows and wigglers not native to Michigan waters may  
27 not be imported from outside the state.

1       Sec. 39. (1) A person licensed under section 38 may possess  
2 minnows, wigglers, or crayfish for commercial purposes at more  
3 than 1 place of business by obtaining a separate license for each  
4 additional place of business. A licensee desiring to use more  
5 than 3 crews in taking, collecting, or transporting minnows, wig-  
6 glers, and crayfish, or to use more motor vehicles in collecting  
7 or transporting minnows, wigglers, or crayfish than are autho-  
8 rized in this chapter, may utilize additional crews of not more  
9 than 4 individuals for a fee of \$25.00 and 4 additional motor  
10 vehicles for a fee of \$25.00 for each additional motor vehicle.

11       (2) There shall be issued with each minnow catcher's license  
12 12 identification cards bearing the number of the license and the  
13 year for which the license was issued. Each member of a crew  
14 engaged in taking, collecting, and transporting minnows, wig-  
15 glers, or crayfish for commercial purposes shall carry an identi-  
16 fication card while so engaged. The director shall supply  
17 license application forms that state the name and address of the  
18 licensee and the lakes and streams and the parts of the lakes and  
19 streams from which minnows, wigglers, or crayfish may be taken.  
20 A person to whom a retail or wholesale minnow dealers license has  
21 been issued shall prominently display at the place of business  
22 designated in the license a placard to be furnished by the direc-  
23 tor that contains the following words, "Licensed Minnow Dealer",  
24 and the number of the license and the year for which the license  
25 was issued. A person to whom a license has been issued under  
26 this act shall permanently display the license number in 4-inch  
27 block letters on the sides of and on the back of the motor

1 vehicle at all times when minnows, wigglers, or crayfish are  
2 being transported.

3 (3) On demand of the director, a conservation officer, or  
4 any other peace officer, a person found taking, collecting, pos-  
5 sessing, transporting, buying, or selling live or fresh minnows,  
6 wigglers, or crayfish for commercial purposes shall display the  
7 license or identification card provided for in this section. The  
8 records, seines, nets, minnow traps, transporting and other  
9 equipment of every kind utilized in the handling of minnows, wig-  
10 glers, or crayfish, and the tanks and ponds where minnows, wig-  
11 glers, or crayfish are held shall be open to inspection by the  
12 director, a conservation officer, or any other peace officer at  
13 any reasonable time.

14 (4) A commercial minnow, wiggler, and crayfish license may  
15 be revoked for violating a provision of this chapter and, if not  
16 sooner revoked, shall expire on December 31 following the date of  
17 issue. A person whose license has been revoked shall not be  
18 issued a commercial minnow, wiggler, and crayfish license for 1  
19 year from the date of revocation.

## 20 CHAPTER 5

21 Sec. 40. (1) A person taking turtles or frogs for his or  
22 her personal consumption shall have a valid fishing license  
23 issued pursuant to the hunting and fishing license act, Act  
24 No. 86 of the Public Acts of 1980, being sections 316.101 to  
25 316.902 of the Michigan Compiled Laws.

26 (2) A person shall not take reptiles, amphibians, or  
27 mollusks for commercial purposes unless he or she is a resident

1 of this state and purchases an annual commercial reptile and  
2 amphibian license for a fee of \$50.00.

3 (3) The director is authorized to do all of the following:

4 (a) Designate the waters of this state from which reptiles,  
5 amphibians, and mollusks may be taken for commercial or noncom-  
6 mercial purposes, or both.

7 (b) Determine under what conditions reptiles, amphibians, or  
8 mollusks may be taken for commercial purposes.

9 (c) Make rules and restrictions for taking, possessing, and  
10 transporting reptiles, amphibians, or mollusks.

11 (d) Require catch reports regarding the taking of reptiles,  
12 amphibians, and mollusks.

13 Sec. 41. In order to improve fish stock or prevent environ-  
14 mental or ecological harm, the director may issue permits for the  
15 removal of surplus coho, chinook, and pink salmon, or any other  
16 game or nongame fish from the waters over which this state has  
17 jurisdiction with seines, nets, spears, weirs, or in any other  
18 manner, and may sell or authorize the sale of fish taken pursuant  
19 to this section on such terms as shall be to the best advantage  
20 of the state. The director may incorporate restrictions in per-  
21 mits issued pursuant to this section as he or she may consider  
22 advisable. A person taking fish under a permit shall comply with  
23 all the restrictions specified in the permit.

24 Sec. 42. (1) A person shall not take from any of the waters  
25 of this state any fish in any manner for the purpose of fish cul-  
26 ture or scientific investigation, without first obtaining a  
27 permit from the director, except that persons who are operating a

1 private fish pond may take fish from their own ponds for the  
2 purpose of propagation, scientific investigation, or sale pursu-  
3 ant to Act No. 196 of the Public Acts of 1957, being sections  
4 308.111 to 308.119 of the Michigan Compiled Laws. The director  
5 may issue permits to possess live game fish in public or private  
6 ponds, pools, and aquariums under such rules as the commission  
7 may prescribe. Species of fish that are taken legally may be  
8 retained alive during the open season for that species in aquari-  
9 ums without a permit. The director may authorize the taking from  
10 the waters of this state any species of fish for the purpose of  
11 obtaining spawn for fish culture or scientific investigation or  
12 for the protection of the inland waters from ecological damage or  
13 imbalance. In addition, the director may cause to be taken from  
14 the inland waters of this state species of fish that are not  
15 required to maintain the fishery resources of the inland waters.

16 (2) A person shall not import or bring any live game fish or  
17 viable eggs of any game fish from outside the state except under  
18 the authority of a permit from the director or under the author-  
19 ity of Act No. 196 of the Public Acts of 1957, and the rules  
20 promulgated pursuant to that act. The director may declare cer-  
21 tain exotic, diseased, or environmentally dangerous species to be  
22 unlawful for importation or to possess without a permit issued by  
23 the director.

24 (3) A person shall not plant any spawn, fry, or fish of any  
25 kind in any of the waters of this state without obtaining a  
26 permit from the director. A permit issued pursuant to this  
27 subsection shall state the species, number, and the approximate

1 size or age of the spawn, fry, or fish to be planted and the name  
2 and location of the waters where the spawn, fry, or fish shall be  
3 planted. A permit shall not be required to plant spawn, fry, or  
4 fish furnished by the federal or state government.

5 (4) All permits issued pursuant to this section shall be  
6 displayed upon the request of any conservation officer or peace  
7 officer.

8 Sec. 43. Except as provided in this act, it shall be unlaw-  
9 ful for a person to take or remove or attempt to take or remove  
10 any caddis fly larvae, other insect larvae, or insects of any  
11 kind from any trout stream. The director may designate trout  
12 streams or portions of certain trout streams from which caddis  
13 fly larvae, other insect larvae, or insects may be taken for com-  
14 mercial purposes by persons licensed in accordance with  
15 section 38.

16 Sec. 44. Except in waters designated by the director, a  
17 person shall not take any fish in any manner from the waters of  
18 this state that are used by the state or federal government for  
19 the collection of wild broodstock, for culture or propagation of  
20 fish, or for fish harvest.

21 Sec. 45. A person shall not take any game or nongame fish  
22 in any manner in any inland waters or in the Great Lakes for the  
23 purpose of removing its eggs.

24 Sec. 46. All money collected from the sale of licenses and  
25 permits issued pursuant to this act shall be transmitted to the  
26 state treasurer by the director and credited to the game and fish  
27 protection fund, created in section 601 of the hunting and

1 fishing license act, Act No. 86 of the Public Acts of 1980, being  
2 section 316.601 of the Michigan Compiled Laws.

3 CHAPTER 6

4 Sec. 47. (1) A person who violates this act or rules, com-  
5 mission orders, or orders of the director issued to implement  
6 this act, if a penalty is not provided for that violation in this  
7 section, is guilty of a misdemeanor, punishable by imprisonment  
8 for not more than 90 days, or a fine of not more than \$500.00, or  
9 both.

10 (2) A person convicted of using dynamite, nitroglycerin,  
11 lime, electricity, any other explosive substance, or poison for  
12 the purpose of taking or killing fish, or a person convicted of  
13 using nets not authorized by law for taking game fish, or buying  
14 or selling game fish or any parts of game fish is guilty of a  
15 misdemeanor punishable by imprisonment for not more than 90 days,  
16 or a fine of not less than \$250.00 or more than \$1,000.00, or  
17 both.

18 (3) If a person is convicted of a violation of this act or  
19 rules, commission orders, or orders of the director issued to  
20 implement this act and it is alleged in the complaint and proved  
21 or admitted at trial or ascertained by the court at the time of  
22 sentencing that the person had been previously convicted 3 or  
23 more times of a violation of this act within the 5 years immedi-  
24 ately preceding the last violation of this act, the person is  
25 guilty of a misdemeanor, punishable by imprisonment for not more  
26 than 90 days, or a fine of not more than \$1,000.00, or both, and

1 is required to pay the costs of prosecution. This subsection  
2 shall not apply to the following violations:

3 (a) Failing to possess or display a valid fishing license or  
4 trout and salmon stamp issued pursuant to the hunting and fishing  
5 license act, Act No. 86 of the Public Acts of 1980, being sec-  
6 tions 316.101 to 316.902 of the Michigan Compiled Laws.

7 (b) Taking or possessing an overlimit of bluegill, sunfish,  
8 crappie, perch, and nongame fish.

9 (c) Taking or possessing not more than 5 undersized fish.

10 (d) Fishing with more fishing lines than allowed by law.

11 (e) Failing to attach name and address to tip-ups or minnow  
12 traps.

13 (f) Fishing with lines not under immediate control.

14 (4) In addition to the penalties provided in this section, a  
15 fishing license issued to a person sentenced pursuant to subsec-  
16 tions (2) and (3) shall be revoked and the person shall not be  
17 issued a license during the remainder of the year in which con-  
18 victed nor during the next 3 succeeding license years.

19 Sec. 48. (1) In addition to the penalties provided in this  
20 act for violating this act, a person convicted of taking game  
21 fish during a closed season, or taking or possessing game fish in  
22 excess of lawful limits, or buying or selling, or taking game  
23 fish, nongame fish, or any parts of game or nongame fish by use  
24 of an unlawful device shall forfeit to the state for the fish so  
25 taken or possessed in violation of this act as follows:

1 (a) For each game fish, of an individual weight of 1 pound  
2 or more, \$10.00 for each pound or fraction of a pound of fish  
3 illegally taken or possessed.

4 (b) For each game fish, of an individual weight of less than  
5 1 pound, \$10.00 for each fish illegally taken or possessed.

6 (c) For each nongame fish, \$5.00 for each pound or fraction  
7 of a pound of fish illegally taken or possessed.

8 (2) If a person is convicted of a violation of subsection  
9 (1), the court before whom the conviction is obtained shall order  
10 the defendant to forfeit to the state the sums provided in sub-  
11 section (1). If 2 or more defendants are convicted of the ille-  
12 gal taking or the illegal possession of the same fish, the for-  
13 feiture shall be declared against them jointly and severally.

14 (3) If a defendant fails to pay the sums forfeited for a  
15 violation of subsection (1), upon conviction, the court shall  
16 either impose a sentence of probation and as a condition of sen-  
17 tence, require the defendant to satisfy the forfeiture in the  
18 amount prescribed and fix the manner and time of payment, or make  
19 a written order permitting the defendant to pay the forfeited  
20 sums in installments at such times and in such amounts as, in the  
21 opinion of the court, the defendant is able to pay.

22 (4) A default in the payment of forfeiture or any install-  
23 ment of the forfeiture may be collected by any means authorized  
24 for the enforcement of a judgment under chapter 60 of the revised  
25 judicature act of 1961, Act No. 236 of the Public Acts of 1961,  
26 as amended, being sections 600.6001 to 600.6097 of the Michigan  
27 Compiled Laws.

(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 fund.

Sec. 49. The following acts and parts of acts are repealed:

(a) Act No. 165 of the Public Acts of 1929:

	<u>CHAPTER</u>	<u>SECTION NUMBERS</u>	<u>MICHIGAN COMPILED LAWS SECTIONS</u>
	I	1 to 10	301.1 to 301.10
	II	1 to 5b	302.1 to 302.5c
	III	1 to 10	303.1 to 303.10
	IV	1 to 4	304.1 to 304.4
	V	6 to 13	305.6 to 305.13
	VI	2 to 3	306.2 to 306.3

(b) Public Acts:

	<u>YEAR OF ACT</u>	<u>PUBLIC ACT NUMBER</u>	<u>MICHIGAN COMPILED LAWS SECTIONS</u>
	1891	121	307.41 to 307.42
	1915	261	307.51 to 307.61
	1923	14	307.71 to 307.72
	1925	194	307.171 to 307.172
	1931	57	307.161
	1933	156	307.101 to 307.106
	1939	4	307.151
	1956	175	307.251 to 307.253