

HOUSE BILL NO. 5108

October 10, 2023, Introduced by Reps. Morgan, Alexander, Martin, Hoskins, Miller, Martus, Cavitt, Markkanen, Wegela, Bierlein, Johnsen, Roth, Borton, Kunse, Brabec, Coffia, Rheingans, Neyer, Byrnes, Snyder, Prestin, Puri, Hoadley, Jaime Greene, Steele, Schmaltz, St. Germaine, Hood, Brixie, Aiyash and Whitsett and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 47301, 47302, 47303, 47305, 47307, 47308,
47309, 47310, 47311, 47312, 47313, 47314, 47315, 47316, 47317,
47319, 47320, 47321, 47322, 47323, 47324, 47326, 47328, 47329, and
48724 (MCL 324.47301, 324.47302, 324.47303, 324.47305, 324.47307,
324.47308, 324.47309, 324.47310, 324.47311, 324.47312, 324.47313,
324.47314, 324.47315, 324.47316, 324.47317, 324.47319, 324.47320,
324.47321, 324.47322, 324.47323, 324.47324, 324.47326, 324.47328,
324.47329, and 324.48724), sections 47301, 47302, 47305, 47307,

47308, 47310, 47312, 47313, 47314, 47316, 47317, 47319, 47320, 47321, 47322, 47323, 47324, 47326, 47328, 47329, and 48724 as added by 1995 PA 57, section 47303 as amended by 2004 PA 587, and sections 47309, 47311, and 47315 as amended by 2022 PA 34, and by adding sections 47304 and 47363; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

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

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

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

1 (c) "Commercial" means buying, offering for sale, selling,
2 bartering, giving, or furnishing to others any aquatic species or
3 parts of aquatic species, including roe, for anything of value.

4 (d) "Commercial fish species" means only those aquatic species
5 that are authorized for commercial harvest under this part.

6 (e) "Commercial net" means any of the following:

7 (i) A fyke net.

8 (ii) A gill net.

9 (iii) A hoop net.

10 (iv) An impoundment net.

11 (v) A pound net.

12 (vi) A purse seine net.

13 (vii) A seine net.

14 (viii) A trap net.

15 (ix) A trawl net.

16 (f) "Department" means the department of natural resources.

17 (g) "Director" means the director of the department of natural
18 resources.

19 (h) "Dressed fish" means a fish with the head and tail
20 attached but with the gills and the entire gut or viscera removed.

21 (i) "Fish" means any fish, fish parts, roe, or fish products.

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

24 (k) "Fyke net" and "hoop net" mean a long, bag-shaped
25 impoundment net held open by hoops or frames and having 1 or more
26 internal funnel-shaped throats that taper from the mouth of the net
27 toward the pot.

28 (l) "Gill net" means a vertical stationary wall of net in which
29 fish are caught by entanglement.

1 (m) "Great Lakes" means those portions of Lake Superior, Lake
2 Michigan, Lake Huron, and Lake Erie, including the bays of those
3 lakes, that fall within the boundaries of this state.

4 (n) "Great Lakes connecting waters" means those portions of
5 Lake St. Clair, the St. Clair River, the St. Marys River, and the
6 Detroit River that fall within the boundaries of this state.

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

15 (p) "Impoundment net" means a net designed to capture fish by
16 deflection and to retain them in a live condition until removed.

17 (q) "Licensed commercial fisher" means a person that has been
18 issued a commercial fishing license under section 47304.

19 (r) "Live car" or "live fish car" means a nonmotorized and
20 nonsteerable floating box or hold that is towed behind the licensed
21 commercial vessel for the exclusive purpose of holding or
22 transporting live fish.

23 (s) "Overall vessel length" means the minimum distance between
24 the extreme outside end of the bow and the stern rounded to the
25 nearest whole foot.

26 (t) "Person" means an individual, firm, company, partnership,
27 copartnership, association, or corporation.

28 (u) "Pound net" means a stationary impoundment net consisting
29 of a lead, heart, tunnels, and pot, supported by a series of stakes

1 or pilings, that traps fish inside a box-like net enclosure that is
2 open above the surface of the water.

3 (v) "Processed condition" means the physical form of the fish
4 and is referred to as dressed, round, fillet, dressed headed, or
5 roe.

6 (w) "Purchase" means to buy, acquire, or obtain or attempt to
7 buy, acquire, or obtain for exchange of value, goods, or services.

8 (x) "Purse seine net" means a mesh net with floats on both
9 edges that hangs down vertically in the water and is used to
10 encircle the fish and enclose those fish when the net's bottom edge
11 is pulled together.

12 (y) "Quota" means a yearly allocation to commercial fishing
13 licenses by the department for fish species listed under section
14 47310 by a limitation of pounds of fish authorized to be taken.

15 (z) "Record" includes any material on which information is
16 recorded or preserved, regardless of physical form, that relates to
17 the production, storage, transportation, purchase, sale, trade,
18 barter, or other acquisition or disposition of fish by a licensed
19 commercial fisher or wholesale fish dealer.

20 (aa) "Retail fish dealer" means a person or retail store,
21 locker plant, restaurant, hotel, tavern, meat market, grocery
22 store, or other establishment, or club, that sells fish to the
23 final consumer or sells fish for resale at no reduction in retail
24 price.

25 (bb) "Roe" means the eggs of any species of fish.

26 (cc) "Saginaw Bay" means the area south and west of a straight
27 line from Point Lookout in Arenac County to Sand Point in Huron
28 County and inclusive of an area north and east of Sand Point within
29 the following boundaries: commencing at the monument on the

1 westerly end of Sand Point (lat 43.54.58 long 083.24.19), thence
2 easterly to the section line between section 7, T17N, R10E and
3 section 12, T17N, R9E (lat 43.54.81 long 083.21.65); thence on a
4 line due north for 2 miles (lat 43.56.55 long 083.21.65); thence on
5 a line due west to a point due north of the monument on Sand Point
6 (lat 43.56.56 long 083.24.19); thence southerly to the point of
7 beginning.

8 (dd) "Seine net" means a mesh net with weights on 1 edge and
9 floats on the opposite edge that hangs vertically in the water and
10 is used to enclose fish when its ends are either pulled together or
11 drawn ashore.

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

14 (ff) "Take" and "taking" means to fish for by any method,
15 catch, kill, capture, trap, or harvest any aquatic species or to
16 attempt to engage in any such activity.

17 (gg) "Total allowable catch" means the cumulative annual catch
18 limit for waters of Lake Michigan, Lake Superior, Lake Huron, and
19 Lake Erie under the jurisdiction of this state for species listed
20 under section 47304 and as allocated by December 31 each year by
21 the department.

22 (hh) "Total fish length" means the straight line from the tip
23 of the snout to the utmost end of the tail with the mouth closed
24 and the caudal rays of the tail fin squeezed together.

25 (ii) "Trap net" means a stationary impoundment net consisting
26 of a lead, heart, tunnels, and pot, held in place by anchors and
27 floats, that traps fish inside a box-like net enclosure that is not
28 open above the surface of the water.

29 (jj) "Trawl net" means any net that is actively towed through

1 the water by a vessel in order to capture fish.

2 (kk) "Type of fish" means the status of the fish and is
3 referred to as live, fresh, frozen, or smoked. Type, when
4 referencing roe, is described as unprocessed or processed.

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

12 (mm) "Undersized fish" means a fish of a smaller than legal
13 size as established by this act, by administrative rule, by order
14 of the director, or as set by specific license condition.

15 (nn) "Unfishable" means any commercial net, hook, or other
16 gear that has been rendered inoperable as prescribed by the
17 department.

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

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

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

29 (ii) A fish processor that processes fish for itself or someone

1 else, for sale or trade by the owner of the fish to someone other
2 than the final consumer.

3 (iii) A crew member of a licensed commercial fisher who sells
4 fish received as that individual's share of the catch, received as
5 payment for that individual's work, or who retains part or all of
6 the sale proceeds.

7 (qq) Wholesale fish dealer does not include:

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

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

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

1 ~~gear to be used by the applicant, the years of experience the~~
2 ~~applicant has had in commercial fishing, and the quantity and kinds~~
3 ~~of fish that the applicant has caught during the previous 5 years,~~
4 ~~and other facts that may assist the department in determining that~~
5 ~~the applicant is capable of engaging in commercial fishing in a~~
6 ~~proper and profitable manner and will comply with the laws~~
7 ~~applicable to commercial fishing.~~

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

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

13 ~~(b) Designate the areas in which the licensee is permitted to~~
14 ~~fish.~~

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

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

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

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

24 ~~(4) The department may suspend or revoke any license issued~~
25 ~~under this part if the licensee fails to fulfill or violates any of~~
26 ~~the conditions, terms, or restrictions of the license. The~~
27 ~~department shall afford the licensee a hearing in accordance with~~
28 ~~the administrative procedures act of 1969, Act No. 306 of the~~
29 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~

1 ~~Michigan Compiled Laws. Any person whose license has been suspended~~
2 ~~or revoked is not eligible to apply for or receive a license for~~
3 ~~the ensuing 2 calendar years following the suspension or~~
4 ~~revocation.~~

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

13 (1) All fish in the waters of the Great Lakes and the Great
14 Lakes connecting waters are the property of this state and the
15 department shall manage those fish utilizing sound scientific
16 management through data gathering and analysis. All commercially
17 taken fish in the waters of the Great Lakes must be taken,
18 transported, and sold only in accordance with this part. This part
19 does not apply to sport fishing regulated under part 487. A
20 licensed commercial fisher that is licensed on December 31, 2022
21 has the right for their license to be renewed every year by the
22 department if the licensed commercial fisher continues to meet the
23 qualifications set forth in this act regardless of the
24 determination of the number of licenses to be issued under this
25 act.

26 (2) In addition to the requirements of this part and rules
27 promulgated under this part, the license issued by the department
28 must contain provisions that do all of the following:

29 (a) Unless otherwise provided in this part, establish the

1 amount of fish to be taken by species and kind based on sound
2 scientific management through data gathering and analysis.

3 (b) Unless otherwise provided in this part, designate the
4 areas open to commercial fishing in which licensees are permitted
5 to fish.

6 (c) Unless otherwise provided in this part, specify the
7 methods, the amount and kind of gear the licensee shall use, and
8 the depths the licensee is allowed to fish, not to exceed 150 feet.

9 (d) The right for the department to inspect the licensee's
10 fishing operations in the waters, on board, or ashore.

11 (e) Allow the department to take fish or issue permits to
12 commercial licensees to take fish in any manner, in any of the
13 waters for the purpose of scientific investigation, sport and
14 commercial fisheries assessments, utilization, management, or fish
15 culture. If the department takes possession of the fish under this
16 subdivision, the fish must be weighed and the licensee must be paid
17 the current market value for the fish, plus the cost of
18 transportation, if any.

19 (3) In addition to license fees under section 47320, licensees
20 shall provide additional financial remuneration to the state for
21 fish taken for commercial purposes for species taken under section
22 47310(3)(e)(ii) of 5% of the price received by the licensee.

23 ~~Sec. 47303. The department shall provide financial~~
24 ~~remuneration to the state for fish taken for commercial purposes by~~
25 ~~collection from the licensee of not more than 5% of the price~~
26 ~~received by the licensee. Money received shall be credited to the~~
27 ~~game and fish protection account of the Michigan conservation and~~
28 ~~recreation legacy fund provided for in section 2010 to be used in~~
29 ~~the development and management of the fisheries resource.~~

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

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

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

9 (b) Wades or swims in a manner or at a location likely to
10 cause a significant alteration in the behavior of aquatic species
11 in order to hinder or prevent the lawful taking of an aquatic
12 species.

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

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

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

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

23 (g) Erects barriers to deny ingress or egress to waters where
24 the lawful taking of an aquatic species may occur. This subdivision
25 does not apply to a person who erects barriers to prevent
26 trespassing on that person's property.

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

1 (i) Affects the condition or placement of personal or public
2 property intended for use in the lawful taking of an aquatic
3 species in order to impair the usefulness of the property or
4 prevent the use of the property.

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

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

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

15 (4) A person who violates this section is guilty of a
16 misdemeanor punishable by imprisonment for not more than 93 days or
17 a fine of not less than \$500.00 or more than \$5,000.00, or both,
18 and the costs of prosecution. A person who violates this section a
19 second or subsequent time is guilty of a misdemeanor punishable by
20 imprisonment for not more than 1 year or a fine of not less than
21 \$1,000.00 or more than \$10,000.00, or both, and the costs of
22 prosecution. In addition to the penalties provided in this
23 subsection, any permit or license issued by the department
24 authorizing the person to take aquatic species must be revoked for
25 1 year. A prosecution under this section does not preclude
26 prosecution or other action under any other criminal or civil
27 statute.

28 (5) This section does not apply to a peace officer while the
29 peace officer performs the peace officer's lawful duties.

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

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

13 (3) To obtain a license under this part, a person shall submit
14 an application to the department on a form provided by the
15 department, accompanied by the fee required under this part. The
16 application must state the name and residence of the applicant, the
17 manner in which he or she proposes to fish, the name or number of
18 the vessel, the overall length of the vessel, the name of the ports
19 from which the vessel will operate, and the number and kind of net
20 or nets and hooks or other gear which he or she intends to use.

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

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

29 (a) Establish the amount of fish to be taken by species and

1 kind, in accordance with this act.

2 (b) Designate the management zones and units in which the
3 licensee is authorized to fish. A licensee may fish water open to
4 commercial fishing within the zone or zones specified on the
5 license.

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

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

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

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

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

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

22 (a) For a first offense during a license year, not more than
23 \$1,000.00.

24 (b) For a second offense during a license year, not more than
25 \$5,000.00.

26 (c) For a third offense during a license year, not more than
27 \$10,000.00.

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

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

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

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

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

14 Sec. 47305. For the purpose of carrying out this ~~section and~~
15 ~~sections 47302 and 47303,~~ **part,** the department may promulgate rules
16 as may be necessary. **The department may issue emergency orders**
17 **prohibiting or reducing the taking of fish for scientific or**
18 **commercial purposes based on a scientific determination that an**
19 **emergency exists within the Great Lakes. An emergency order shall**
20 **not be in effect for more than 6 months unless extended by a**
21 **concurrent resolution adopted by a record roll call vote by a**
22 **majority of the members elected to and serving in each house of the**
23 **legislature.**

24 Sec. 47307. ~~A person shall not set any net, set hook lines, or~~
25 ~~other device for the purpose of taking or catching fish within 160~~
26 ~~rods on either side of the thread of the stream at the mouth of any~~
27 ~~river or outlet of an inland lake emptying into Lakes Superior,~~
28 ~~Michigan, Huron, or Erie, commonly known as the Great Lakes, or the~~
29 ~~bays of the Great Lakes, navigable for vessels drawing 10 feet or~~

1 ~~more, leaving an open channel of 1 mile in width for the free~~
2 ~~passage of fish, extending at right angles from the shoreline as~~
3 ~~near as may be, 2 miles from shore. However, within the next 1/2~~
4 ~~mile on either side of any such rivers or outlets of inland lakes,~~
5 ~~nets, set hook lines, or other devices shall not be used for the~~
6 ~~purpose of taking fish that will extend a greater distance than 1~~
7 ~~mile from shore. The purpose of the limitations in this section is~~
8 ~~to leave an open channel of 1 mile in width 1 mile out, and 2 miles~~
9 ~~in width for the second mile out, for the free passage of fish. No~~
10 ~~net or other device for taking fish shall be set or used within 40~~
11 ~~rods on either side of the thread of the stream at the mouth of any~~
12 ~~other river or the outlet of any other inland lake leaving an open~~
13 ~~channel of 80 rods in width for the free passage of fish, extending~~
14 ~~at right angles with the shoreline as near as may be 2 miles out~~
15 ~~from shore. For the purpose of this section, the shore commences at~~
16 ~~the average low-water mark. If the location of the open channel or~~
17 ~~the average low water mark is in dispute, this location shall be~~
18 ~~determined by the department. Except as provided in sections 47311~~
19 ~~and 47313, a person may at all times catch any kind of fish in all~~
20 ~~of the waters named in this part, and from the docks, harbors of~~
21 ~~refuge, or breakwaters, with a hook and line except largemouth~~
22 ~~black bass, smallmouth black bass, bluegills, sunfish, brook or~~
23 ~~speckled trout, rainbow and steelhead trout, brown and Loch Leven~~
24 ~~trout, northern pike, pike perch, perch, or muskellunge, which~~
25 ~~shall only be taken or possessed in the manner and at the time~~
26 ~~specified by the laws of this state protecting those fish. A person~~
27 ~~may also spear carp, suckers, mullet, redhorse, sheepshead, lake~~
28 ~~trout, herring, smelt, perch, pike perch, northern pike,~~
29 ~~muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee~~

1 ~~white fish, catfish, dogfish, and garpike through the ice in the~~
2 ~~connecting waters as defined in this part.~~

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

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

9 (3) Commercial fishing gear must be specifically authorized by
10 license condition for legal use by any licensed commercial fisher,
11 and each licensed commercial fisher shall conduct its commercial
12 fishing operation only with the type and amount of gear specified
13 on the license. Any gear not specifically listed by license
14 condition possessed on board any commercial vessel or in the waters
15 or on the ice of the Great Lakes is prohibited.

16 (4) The department may by rule prohibit the use of certain
17 gear in the waters of this state authorized for commercial fishing.

18 Sec. 47308. ~~Except as otherwise provided by law, a person may~~
19 ~~use in the waters of Lakes Michigan, Superior, Huron, and Erie, and~~
20 ~~the bays of those lakes, within the jurisdiction of this state, set~~
21 ~~hook lines or spears for the purpose of taking fish; and for the~~
22 ~~purpose of securing bait for use in baiting said hook lines, a~~
23 ~~person may use gill nets as provided in section 47309. However, a~~
24 ~~person shall not market or possess for the purpose of marketing any~~
25 ~~fish taken in bait nets. All unused bait, fresh or old, shall be~~
26 ~~taken ashore.~~ A person shall not set or use a net or set hook line
27 in any of the waters mentioned in this part without marking its
28 location in accordance with the specifications laid out under the
29 uniform waterway marking system set forth in R 281.1101 to R

1 281.1114 of the Michigan Administrative Code. If any net or set
2 hook line is set under the ice, its location must be marked by a
3 stake extending not less than 4 feet above the ice at each end of
4 the net or set hook line, and the license number, in legible
5 figures, must be attached to each stake or to the ends of the net
6 or set hook line. A person setting a set hook line in any waters of
7 this state shall provide GPS coordinates of all gear to the
8 department. This information must be updated every time gear is
9 lifted or moved.

10 Sec. 47309. (1) A person shall not possess on any boat
11 licensed under this part or use in the waters of Lakes Michigan,
12 Superior, Huron, and Erie, and the bays of those lakes, within the
13 jurisdiction of this state, any pound or trap net, gill net, seine,
14 or any fixed, set, or movable net of any kind or description, the
15 meshes of which are different than the following:

16 (a) Gill nets with meshes of not less than 4-1/2 inches shall
17 be used for the taking of whitefish, lake trout, and yellow
18 pickerel. In Lake Erie, the nets shall have meshes not less than 4-
19 3/4 inches. The nets shall be set not nearer than 20 rods from the
20 shore of the mainland fronting Lake Superior and its bays. The nets
21 shall be set not nearer than 20 rods from the shore of the mainland
22 fronting Lake Michigan southerly from Seven Mile Point, Emmet
23 County, during the months of March, April, and May. There shall be
24 no nets, except gill nets, of any kind with mesh larger than 2-3/4
25 inches set in the waters of Lake Superior within a radius of 50
26 miles of the village of Houghton, Michigan, during the period
27 between October 10 and November 4, except by permit from the
28 department for the taking of spawn from trout for the fish
29 hatcheries.

1 (b) Gill nets with meshes of not less than 2-1/2 inches or
2 more than 2-3/4 inches may be set in water of any depth, and gill
3 nets with meshes of not less than 2-1/2 inches or more than 3
4 inches may be set in waters not exceeding 100 feet in depth, for
5 the purpose of taking herring, chubs, perch, and pilot fish,
6 commonly called menominees, wherever and whenever they will not
7 take to exceed 10% by weight of other fish, such percentage to be
8 determined by the department, by inspection of the fish taken in
9 the nets. All uninjured fish, except herring, chubs, perch, and
10 pilot fish, shall be returned to the waters from which they were
11 taken with as little injury as possible, by the persons lifting the
12 nets; all sound, undersized, and dead fish found in the nets are
13 the property of the state, and shall not be sold or disposed of,
14 but shall be dressed and brought in and delivered immediately to
15 the department at the fishing port of the person taking the fish.
16 The sound, undersized, and dead fish shall be then disposed of by
17 the department. If more than 10% of fish other than herring, chubs,
18 perch, and pilot fish are taken, then all of the other fish shall
19 be disposed of by the department. An angler may have in his or her
20 possession, not to exceed in quantity the percentage allowed of
21 lake trout, whitefish, yellow pickerel, perch, or suckers, of a
22 weight or length less than established by this part, which are
23 caught in 2-1/2 inch to 2-3/4 inch or 2-1/2 inch to 3 inch mesh
24 gill nets, as provided for in this subsection, but the same may be
25 shipped and disposed of only under the direction of the department.
26 All undersized fish taken over under this section shall be disposed
27 of by the department to state, county, or charitable institutions.
28 Parties handling the fish shall be paid not more than 3 cents per
29 pound for boxing, packing, and icing the fish. The department shall

1 remove or cause to be removed any of the nets if, from the
2 inspection provided in this section, the department determines that
3 the nets are taking more fish of species other than herring, chubs,
4 perch, and pilot fish than allowed by this section.

5 (c) Gill nets with meshes of not less than 2-1/4 inches or
6 more than 2-3/4 inches may be used to take blue back herring in the
7 waters of Lake Superior and Whitefish Bay, and those waters of the
8 Straits of Mackinac bounded on the Lake Huron end by a line drawn
9 from the southernmost tip of St. Martin Point, Mackinac County, to
10 the westernmost tip of Lime Kiln Point on Bois Blanc Island, thence
11 in a southerly direction to the northernmost tip of Point Au Sable
12 in T 38 N, R 2 W, Cheboygan County, and bounded on the Lake
13 Michigan end by a line drawn from the southernmost tip of Seul
14 Choix Point in Schoolcraft County in an easterly direction to the
15 Lansing Shoal Lighthouse, thence to the White Shoal Lighthouse,
16 thence in a southeasterly direction to the westernmost tip of
17 Waugoshance Point in Emmet County, and Green Bay of Lake Michigan,
18 as defined in section 47311, wherever they will not interfere with
19 or take whitefish or lake trout or any other fish protected under
20 the laws of this state.

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

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

28 (f) Pound nets having meshes not less than 4-1/2 inches in the
29 lifting pot, crib, or pocket and in the heart and tunnel, and

1 having meshes not less than 5 inches in the lead, shall be used for
2 taking whitefish and lake trout. In the pound nets, meshes not more
3 than 3-1/2 inches may be used in 1 side of the pot or in the back,
4 being that part of the pot opposite the tunnel entrance. In fishing
5 with the pound nets, or any other pound nets permitted by this
6 part, the crib or pot and hearts and lead shall extend to or above
7 the surface of the water; the crib or pot and hearts shall be
8 entirely open at the top, the sides or walls of the pot or crib and
9 of the hearts shall be held vertically as near as possible and
10 shall have 5 or more stakes driven into the earth at the bottom of
11 the lake to hold the net in place. A pound net permitted under this
12 part or any part of the webbing of the net shall not be set in
13 water of a depth greater than 80 feet. Pound nets fished through
14 the ice may be held in place by fastening them to the ice without
15 the use of stakes.

16 (g) Pound nets having meshes not exceeding 3-1/2 inches in the
17 lifting pot or crib and in the tunnel inside the pot or crib, and
18 having meshes not less than 3-1/2 inches in that part of the tunnel
19 outside of the pot or crib and in the heart and lead, may be used
20 for taking all legal fish except whitefish and lake trout. Saginaw
21 Bay shall be considered rough fish grounds, and other similar bays
22 may be designated by the department as rough fish grounds if the
23 catch of whitefish and lake trout taken in pound nets and trap nets
24 during the last 2 preceding years averaged less than 12% of the
25 total catch, on which grounds all legal fish caught in pound nets
26 and trap nets having meshes not exceeding 3-1/2 inches in the
27 lifting pot or crib may be taken and all lake trout and whitefish
28 taken in such nets set in all other waters shall be returned
29 uninjured to the waters. The department may issue permits to allow

1 the use of pound nets having meshes less than 3-1/2 inches in that
 2 part of the tunnel outside of the pot or crib and in the heart and
 3 lead for the taking of smelt and alewife for commercial purposes,
 4 under rules and regulations as the department may prescribe, which
 5 may include the waters in which the nets may be fished and the
 6 period of time during which they may be used.

7 (h) Trap nets having meshes not less than 4-1/2 inches in the
 8 lifting pot, crib, or pocket and in the heart and tunnel and having
 9 meshes not less than 5 inches in the lead shall be used for taking
 10 whitefish and lake trout. In such trap nets, meshes not more than
 11 3-1/2 inches may be used in the tunnel inside the pot, in either
 12 the front, back, or 1 side of the pot for a distance not exceeding
 13 5 feet from the bottom of the net and in that portion of the bottom
 14 of the net connected thereto for a distance not exceeding 5 feet,
 15 and in the connecting ends for a depth and width not exceeding 5
 16 feet. ~~, for the purpose of shoaling fish. These trap nets shall not
 17 be used in any of the waters under the jurisdiction of this state
 18 except in Lakes Huron and Erie and then only in such a manner that
 19 no~~ **A** trap net or any part of the webbing of the net ~~is~~ **shall not be**
 20 set in water of a depth greater than 150 feet. ~~Trap nets having
 21 meshes as described in this subsection and with no part of the
 22 lifting pot or crib over 15 feet in depth may be used to take
 23 whitefish and lake trout in Lakes Superior and Michigan in water of
 24 a depth not greater than 150 feet.~~

25 (i) Trap nets having meshes not exceeding 3-1/2 inches in the
 26 lifting pot or crib and in the tunnel inside the pot or crib and
 27 having meshes not less than 3-1/2 inches in that part of the tunnel
 28 outside of the pot or crib and in the heart and lead may be used
 29 for taking all legal fish except whitefish and lake trout. ~~The~~

1 ~~depth of no part of the lifting pot or crib shall be greater than~~
2 ~~15 feet. No such~~ **A** ~~trap nets and no~~ **net or any** part of the webbing
3 of the net shall **not** be set in water of a depth greater than 50
4 ~~feet in Lakes Michigan and Superior, or in water of a depth greater~~
5 ~~than 150 feet. in Lakes Huron and Erie.~~ The department may issue
6 permits to allow the use of trap nets having meshes less than 3-1/2
7 inches in that part of the tunnel outside the pot or crib and in
8 the heart and lead for the taking of smelt and alewife for
9 commercial purposes, under rules and regulations as the department
10 may prescribe, which may include the waters in which such nets may
11 be fished and the period of time during which they may be used.
12 Trap nets having a lifting pot or crib not exceeding 4 feet in
13 depth may have webbing less than 3-1/2 inches in the 2 sides of
14 inner heart.

15 (j) Any pound net or trap net with meshes in the lifting pot
16 or crib between 3-1/2 and 4-1/2 inches, or any lifting pot or crib
17 of such nets with meshes between 3-1/2 and 4-1/2 inches, is illegal
18 and shall be seized and confiscated when found in use. Hoop nets,
19 fyke nets, drop nets, and gobbler nets are considered under this
20 part to be trap nets.

21 (k) Seines having wings with meshes of not less than 4 inches,
22 and the pocket or bag, the bag of which shall be not more than 1/4
23 the length of the seine, having meshes of not less than 2-1/4
24 inches, may be used to take carp, yellow pickerel, perch, herring,
25 and other rough fish if they do not interfere with or take
26 whitefish or lake trout. All seines in use or set along the shores
27 of the waters listed in section 47301, when unattended, shall have
28 a metal tag securely attached to the seine bearing the commercial
29 fishing license number of the owner or user of the seine. Minnow

1 seines not to exceed 80 feet in length and 8 feet in width may be
2 used in the Great Lakes and connecting waters.

3 (l) The measurement of the mesh of all nets and seines as
4 prescribed in this section shall be by extension measure. The size
5 of the mesh of all nets or netting used in fishing as provided by
6 this part shall be determined by extension measure, and the
7 measurement shall be made of meshes irrespective of where the net
8 or netting is found, whether in the water, on boat, on reel, on
9 dock, or in any other place on land. Extension measure means the
10 distance between the extreme angles of any single mesh, and the
11 measurements shall be taken between and inside the knots. All
12 measurements of the mesh in gill nets or gill netting shall be made
13 with a flexible steel gauge constructed and used as prescribed in
14 this section. All measurements of the mesh of gill nets or gill
15 netting shall be made by inserting in the mesh parallel with the
16 selvage a gauge made of spring steel free from rust, of a length
17 equal to the number of inches prescribed in this section for the
18 mesh measured. The ends of the gauge shall be free of sharp edges
19 or burrs. The gauge shall not be graduated, and any necessary
20 markings shall be placed near the ends of the gauge. The length of
21 the gauge measured parallel with the long edge shall not at any
22 point exceed or be less than the prescribed length by more than
23 $2/1000$ of an inch. Its width at any point shall not exceed $9/16$ of
24 an inch or be less than $7/16$ of an inch. Its thickness shall be
25 such that when it is set vertically on a solid anvil with its upper
26 end loaded with a dead weight between $7-1/2$ and $8-1/2$ ounces, the
27 gauge shall deflect at its middle $1/10$ of its length. The meshes to
28 be gauged shall be at least 3 meshes removed from the selvage or
29 side lines and shall not be stretched or manipulated in any way

1 prior to or after the insertion of the gauge, and the same mesh
2 shall not be gauged more than once. In gauging a mesh, the flexible
3 gauge shall be held only by the ends and bent between thumb and
4 forefinger, the bent rule shall then be inserted in the mesh
5 parallel with the selvage and with the collapsed mesh, and finger
6 pressure shall be released immediately, not gradually. If the gauge
7 does not straighten out completely under its own tension within 2
8 seconds after its release in the mesh without slipping a knot or
9 breaking the twine, the mesh is unlawful, and if the majority of 10
10 or more meshes selected at random by the enforcement officer from
11 any part or parts of the gill net or from the entire gill net or
12 from any gill netting being gauged are found to be unlawful, the
13 gill net or gill netting if found in use or in or upon any licensed
14 commercial fishing boat shall be seized and confiscated. If found
15 in possession but not in use, any such gill net or gill netting
16 shall be sealed by the enforcement officer with a suitable seal
17 provided by the department and, when once sealed and for so long as
18 the seal remains intact on the net or netting, may be possessed by
19 the owner until disposed of or destroyed by the owner as provided
20 in this section. The gill net or gill netting shall not be disposed
21 of or destroyed except under direction of a conservation officer
22 and, until that time, shall be available for inspection by the
23 department or any conservation officer. Any person who, without
24 authority from the department, breaks or destroys a seal attached
25 to a gill net or gill netting, or any person who refuses or
26 neglects to produce for inspection any sealed gill net or gill
27 netting, or who disposes of or destroys a sealed gill net or gill
28 netting except under the direction of a conservation officer, is
29 guilty of a misdemeanor and upon conviction is subject to the

1 penalty provided for in section 47327. A person shall not use any
2 gill net of a greater measurement than 11 feet in depth in any of
3 the waters of the Great Lakes and the bays of the Great Lakes. In
4 Lake Erie, a gill net shall not be over 36 meshes deep.

5 (m) Gill nets having meshes not less than 8 inches may be used
6 for taking carp in Wildfowl Bay in Huron County.

7 (2) A person licensed under this part shall not have
8 abandoned, unattended, unreported lost, or unreported vandalized
9 gear in the waters of the Great Lakes.

10 (3) A peace officer shall seize all abandoned, unattended,
11 unreported lost, or unreported vandalized gear and that gear is
12 forfeited unless reported under subsection (4).

13 (4) Licensed commercial fishers that determine that their gear
14 has been vandalized or lost shall immediately notify the
15 department. If the licensed commercial fisher has notified the
16 department that gear has been vandalized or lost, upon it being
17 located, the licensed commercial fisher has no more than 14 days
18 after that notification to retrieve the gear before seizure.

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

24 (6) A licensed commercial fisher that is convicted of having
25 abandoned, unattended, unreported lost, or unreported vandalized
26 gear shall reimburse this state for the cost incurred by the
27 department for gear removal as determined by the court.

28 Sec. 47310. ~~(1) Except as provided in subsections (2) and (3),~~
29 ~~within the jurisdiction of this state the holder of a license or~~

1 ~~permit issued under this part shall not take, catch, or attempt to~~
2 ~~take or catch any fish with a gill net, pound net, or trap net in~~
3 ~~Lake Erie and the connecting waters of Lake Erie and Lake Huron, or~~
4 ~~in the portions of Lake Michigan and Lake Huron located south of a~~
5 ~~line extending due east and west of the forty-fifth parallel of~~
6 ~~latitude, or in the rivers and streams which connect with any of~~
7 ~~the bodies of water described in this subsection from April 15 to~~
8 ~~September 15.~~

9 ~~(2) Subsection (1) does not apply to a license or permit~~
10 ~~holder who prior to September 15, 1984 holds a license or permit~~
11 ~~issued under this part to take, catch, or attempt to take or catch~~
12 ~~any fish with a gill net, pound net, or trap net in those waters~~
13 ~~described in subsection (1). Fishing licenses described in this~~
14 ~~subsection are not transferable without the permission of the~~
15 ~~department.~~

16 ~~(3) The department may issue a license or permit that~~
17 ~~authorizes the holder of the license or permit to take, catch, or~~
18 ~~attempt to take or catch coregonus, commonly known as chubs, with a~~
19 ~~gill net, pound net, or trap net as follows:~~

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

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

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

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

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

- 1 (b) Round whitefish (*Prosopium cylindraceum*).
- 2 (c) Bloater chubs (*Coregonus hoyi*).
- 3 (d) Cisco (*Coregonus artedi*).
- 4 (e) Rainbow smelt (*Osmerus mordax*).
- 5 (f) Species of the family Catostomidae, including quillback
- 6 (*Carpionotus cyprinus*), white sucker (*Catostomus commersonii*),
- 7 longnose sucker (*Catostomus commersonii*), northern hogsucker
- 8 (*Hypentelium nigricans*), silver redhorse (*Moxostoma anisurum*),
- 9 black redhorse (*Moxostoma duquesnei*), golden redhorse (*Moxostoma*
- 10 *erythrum*), shorthead redhorse (*Moxostoma macrolepidotum*), greater
- 11 redhorse (*Moxostoma valenciennesi*), bigmouth buffalo (*Ictiobus*
- 12 *cyprinellus*), and black buffalo (*Ictiobus niger*).
- 13 (g) Freshwater drum (*Aplodinotus grunniens*).
- 14 (h) Burbot (*Lota lota*).
- 15 (i) Gizzard shad (*Dorosoma cepedianum*).
- 16 (j) Common carp (*Cyprinus carpio*).
- 17 (k) Catfishes of the family Ictaluridae, including black
- 18 bullhead (*Ameiurus melas*), yellow bullhead (*Ameiurus natalis*),
- 19 brown bullhead (*Ameiurus nebulosus*), channel catfish (*Ictalurus*
- 20 *punctatus*), and flathead catfish (*Pylodictis olivaris*).
- 21 (l) White perch (*Morone americana*).
- 22 (m) White bass (*Morone chrysops*).
- 23 (n) Black crappie (*Pomoxis nigromaculatus*) and white crappie
- 24 (*Pomoxis annularis*).
- 25 (o) Rock bass (*Ambloplites rupestris*).
- 26 (p) Yellow perch (*Perca flavescens*).
- 27 (q) Lake trout (*Salvelinus namaycush*).
- 28 (r) Small mouth bass (*Micropterus dolomieu*).
- 29 (s) Sunfish (*Lepomis*).

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

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

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

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

12 (a) By October 1, request that each licensed commercial fisher
13 provide input to the department for whitefish quota amounts for the
14 following year.

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

17 (c) Send notification of each licensed commercial fisher's
18 proposed whitefish quota to the chairs of the house and senate
19 natural resources committees and the governor.

20 (d) Send notification to the senators and representatives who
21 represent a district in which there are ports where licensed
22 commercial fishers operate of the quota of each licensed commercial
23 fisher that operates in that district.

24 (e) By December 31, 2023 and each year thereafter, establish a
25 total allowable harvest for lake trout, walleye, and perch within
26 the waters of the Great Lakes that are under the jurisdiction of
27 this state and appropriate the total allowable harvest for each
28 species in the following manner:

29 (i) 75% as game fish, eligible to be harvested by sport

1 licensed fishers.

2 (ii) 25% commercial fish, eligible to be harvested by state
3 licensed commercial fishers.

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

6 (4) All seasons must open and close at 12 noon on the dates
7 established by the department. All harvested fish must be landed at
8 a port by no later than 2 p.m. on the date the season closes.

9 (5) All live fish on which the season is closed or is not
10 authorized for harvest must be returned to the water at once with
11 as little injury as possible by the person taking the fish. Any
12 dead fish, on which the season is closed or is not authorized for
13 harvest, must be returned to the water at once by the person or
14 persons taking the fish or disposed of in accordance with any
15 specific instructions provided by the director.

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

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

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

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

29 (a) Lake trout, in Lake Huron and Lake Michigan from October 1

1 to December 10; in Lake Superior from October 5 to November 4.

2 (b) Whitefish, in Lake Huron, Lake Michigan, and Lake Superior
3 from November 1 to November 30.

4 (c) Pike-perch (yellow pickerel), northern pike, from April 1
5 to May 20. In Saginaw Bay, as defined in section 47339, a person
6 shall not take pike-perch from March 5 to April 10. A person may
7 spear pike-perch through the ice during the closed season in Lake
8 Huron and the connecting waters of the Great Lakes for
9 noncommercial use only.

10 (d) Perch, from April 15 to May 20. In the waters of Lake
11 Michigan only, a person may take perch from April 25 to June 1. In
12 Saginaw Bay, perch of legal size may be taken at any time. A person
13 may take perch with hook and line at any time.

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

16 (f) Suckers, from April 15 to May 20. In Saginaw Bay, suckers
17 may be taken at any time. A person may take suckers with hook and
18 line at any time.

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

22 (2) In the waters of Green Bay of Lake Michigan within the
23 jurisdiction of this state, which for the purpose of this part are
24 those waters lying inside a line drawn from the most southerly part
25 of Point Detour to the most easterly points of Sumner and Poverty
26 Islands, thence due south to the Michigan-Wisconsin boundary line,
27 thence along the boundary line to the shore, a person shall not
28 from April 15 to May 20 set, place, or use any gill net having
29 meshes less than 4-1/2 inches. The department may issue permits

1 under such rules and regulations as prescribed by the department to
2 allow the use of gill nets having meshes not less than 2-1/4 inches
3 or more than 2-3/4 inches for taking herring from the waters of
4 Green Bay from April 15 to May 20, if the nets will not interfere
5 with or take any other species of fish. The closed seasons
6 established by this section do not apply to Lake Erie and the lower
7 Detroit River, where nets shall not be set and fish of any kind
8 shall not be taken with nets from January 1 to March 10. A person
9 may take carp with seines at any time from these waters.

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

12 (4) All live fish on which the season is closed shall be
13 liberated and returned to the water with as little injury as
14 possible, and any sound, dead fish, on which the season is closed,
15 shall be dressed, brought ashore, and delivered immediately to the
16 department at the department's fishing port, which fish shall be
17 disposed of in the same manner as provided for the disposition of
18 undersized fish in section 47309.

19 (5) A person shall not set nets or hooks for the taking of
20 lake trout or whitefish before the first day of the open season for
21 taking the fish, and the license of any person shall be immediately
22 revoked upon conviction of unlawfully setting nets before the first
23 day of the open season as provided in this part, and revocation
24 shall prohibit the use of boat and gear by that person during the
25 balance of the year for which a license was issued. A person
26 engaged in the taking of fish for commercial purposes from May 15
27 to September 15 under this part shall carry sufficient ice and
28 properly chill the fish at the time and place of their removal from
29 the waters.

1 (6) A licensee that retains more than 5 undersized fish at any
2 given time on board a vessel, truck, or fish storage facility is
3 responsible for a state civil infraction and must be ordered to pay
4 a civil fine as follows:

5 (a) For a first violation during a license year, \$250.00 per
6 fish.

7 (b) For a second violation during a license year, \$500.00 per
8 fish.

9 (c) For a third violation during a license year, \$1,000.00 per
10 fish.

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

18 (8) A person shall not take, sell, or offer for sale any
19 illegal fish.

20 (9) Imported fish species, if of a size, weight, or species
21 prohibited by the laws of the state, country, or tribal authority
22 within those states or countries where the fish were caught, or
23 species prohibited as a transgenic or nonnative organism by part
24 413, may not be possessed, transported, offered for sale, or sold
25 in this state.

26 Sec. 47312. ~~The department may authorize the taking of trout,~~
27 ~~whitefish, and yellow pickerel for the purpose of fish culture at~~
28 ~~any time during the open or closed seasons provided in this part,~~
29 ~~when it is determined by test nets set under the direction of the~~

~~1 department that at least 20% of the fish taken are females and at
2 least 40% of these females are ripe and ready to spawn. However,
3 when all spawn needed for state and federal hatcheries has been
4 secured, the department may close all commercial fishing during the
5 remainder of the closed season. The department may close all
6 commercial fishing during the closed season on those grounds that
7 are so located as to prevent proper handling of spawn or where it
8 appears that little or no spawn is being taken.~~

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

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

~~17 Sec. 47313. All persons engaged in fishing for whitefish,
18 trout, yellow pickerel, or perch in the waters named in this part
19 shall from the beginning of the spawning season for these fish,
20 such time to be determined by test under the direction of the
21 department, until the beginning of the closed season provided by
22 section 47311 and before and after the closed season, strip all
23 ripe fish, both male and female, save all of the spawn, properly
24 impregnate it, and deliver it to the department at its fishing
25 port, and all such persons shall have a sufficient number of people
26 on each boat and all the equipment needed properly to save, handle,
27 impregnate, and deliver such spawn. The saving, handling,
28 impregnating, and delivering of spawn shall be done under the
29 direction of the department and in accordance with such regulations~~

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

23 ~~Sec. 47314. The department shall deliver to designated~~
24 ~~representatives of the United States bureau of fisheries and to the~~
25 ~~state fish hatcheries as much of this spawn as may be desired by~~
26 ~~the bureau and state hatcheries for propagation and planting in the~~
27 ~~waters of the lakes within the jurisdiction of this state, and the~~
28 ~~remainder of the spawn shall be properly impregnated and planted~~
29 ~~upon the spawning beds from which it was taken. The persons so~~

1 ~~fishing shall plant upon the spawning beds the fry hatched from~~
2 ~~such proportion of the spawn as may have been taken from the fish~~
3 ~~caught by the persons when directed to do so by the department. A~~
4 ~~person refusing or failing to comply with this section is guilty of~~
5 ~~a violation of this part.~~

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

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

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

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

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

28 (b) Shipments to individual destinations consigned by a single
29 wholesaler, transported in a vehicle registered to that wholesaler

1 for same-day delivery within this state and within 100 miles of the
2 wholesaler's business, if each container, package, or box is marked
3 with the name of the consignee.

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

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

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

28 (6) The entire contents of a container, package, or box that
29 contains any fish that is illegal under this part is subject to

1 seizure.

2 (7) The entire catch of a licensed commercial fisher that
3 contains any fish that is illegal to take by that licensed
4 commercial fisher under this part is subject to seizure.

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

23 ~~Sec. 47316. A person shall not ship or transport within this~~
24 ~~state any fish in packages or containers without plainly and~~
25 ~~correctly marking each package or container with the name of the~~
26 ~~consignor and the kinds of fish contained in the package. A~~
27 ~~railroad company, boat line, express company, motor truck company,~~
28 ~~aerial freight or express company, or other transportation company~~
29 ~~or common carrier, or any agent of any such company, or the owner~~

1 ~~of any boat, airplane, car, truck or other vehicle operated~~
 2 ~~privately or as a common carrier, or the agent or representative of~~
 3 ~~such owners, shall not accept for shipment or transport any package~~
 4 ~~or container of fish unless it is properly marked as prescribed in~~
 5 ~~this section. The presence in any package or container of 10% by~~
 6 ~~weight of any fish that is illegal to ship shall make the entire~~
 7 ~~contents of the package or container subject to seizure as an~~
 8 ~~illegal shipment.~~ **If the department opens any package or shipment of**
 9 **fish in transit and finds that package or shipment to be a lawful**
 10 **package or shipment under this part, the department shall repack**
 11 **that package or shipment in as good a condition as possible and**
 12 **release it without further detainment.**

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

25 ~~Sec. 47319. (1) A person shall not market, possess, transport,~~
 26 ~~or offer for sale at any time in this state, whether caught within~~
 27 ~~or outside of this state, any of the following:~~

- 28 ~~(a) Whitefish, of a length less than 17 inches.~~
 29 ~~(b) Lake trout, of a weight less than 1-1/2 pounds in the~~

1 round, and 1-1/4 pounds when dressed.

2 (c) Ciscowet trout, of a weight less than 1-1/2 pounds in the
3 round.

4 (d) Perch, of a length less than 8-1/2 inches in the round and
5 filleted perch of a weight less than 1-3/4 ounces; perch with heads
6 and tails off of a length less than 5-1/2 inches.

7 (e) Suckers, of a length less than 14 inches.

8 ~~(f) Northern pike, of a length less than 20 inches.~~

9 **(f)** ~~(g)~~ Catfish, of a length less than 17 inches. Catfish of
10 not less than 15 inches in length may be taken from the waters of
11 Lake Erie.

12 **(g)** ~~(h) Pike-perch (yellow pickerel),~~ **Walleye** of a length less
13 than 15-1/2 inches in the round and filleted ~~pike-perch (yellow~~
14 ~~pickerel)~~ **walleye** of a weight less than 9 ounces. ~~Pike-perch~~
15 ~~(yellow pickerel)~~ **Walleye** not less than 13 inches in length may be
16 taken from Lake Erie. ~~Pike-perch (yellow pickerel)~~ **Walleye** not less
17 than 13 inches in length taken from the waters of Lake Erie may be
18 sold or offered for sale at a dock or docks along Lake Erie. ~~Any~~
19 ~~such pike-perch (yellow pickerel)~~ **Walleye** of a length less than 15-
20 1/2 inches shall not be otherwise offered for sale, bartered, or
21 sold within the limits of the state.

22 **(h)** ~~(i)~~ Blue pike, of a length less than 11 inches.

23 **(i)** ~~(j)~~ White bass, of a length less than 9 inches.

24 ~~(k) Sturgeon, of a length less than 42 inches.~~

25 **(j)** ~~(l)~~ Black crappie, of a length less than 7 inches.

26 (2) Imported commercial fish species and game fish if of a
27 size or weight or species not prohibited by the laws of the state
28 or country where caught may be possessed, transported, offered for
29 sale, and marketed in this state, if either of the following

1 conditions are met:

2 (a) The fish are processed outside the state and sold to
3 consumers in the same package as imported, and each package is
4 labeled as a product of the state or country where the fish were
5 caught.

6 (b) A chain of satisfactory evidence of importation is
7 maintained through to the retailer who sells to the consumer, in a
8 manner prescribed by the department.

9 (3) The measurement of the length of a fish within the meaning
10 of this part shall be taken in a straight line from the tip of the
11 snout to the utmost end of the tail fin. For the purpose of this
12 part, a "fish in the round" is a fish that is entirely intact as it
13 was taken out of the water with no part removed by dressing. A
14 "dressed fish" is a fish with the head attached but with the gills
15 and the entire gut or viscera (stomach, liver, intestine, gonads)
16 removed. A "filleted fish" is a fish with the entire head, gut or
17 viscera, gills, bones, scales, and all fins removed. The
18 measurements of length and weight as prescribed in this part apply
19 without any allowance made for the shrinkage of the fish. A person
20 shall not possess on any boat, or on any other conveyance used to
21 reach the nets from shore, any meat grinders or similar devices by
22 the use of which the identification of the species or measurement
23 of the individual fish is impossible. A person shall not bring
24 ashore any fish that is so mutilated that identification and
25 measurement is impossible. A person shall not market, possess, or
26 offer for sale any fish illegally taken from the waters defined by
27 this part.

28 Sec. 47320. ~~(1) A person engaged in lifting pound nets, trap~~
29 ~~nets, or seines in the waters of this state shall not take from the~~

1 ~~waters of this state any undersized fish, and all undersized fish~~
2 ~~found in the nets fished in those waters shall be returned to the~~
3 ~~waters with as little injury as possible by the person or persons~~
4 ~~lifting the net or nets. For the purpose of this part, undersized~~
5 ~~fish are fish of a smaller size than established by this part.~~**If a**
6 **person submits an application under section 47304, the department**
7 **shall issue the license provided for in this part on payment by the**
8 **applicant of the following fees:**

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

11 (i) In 2024 through 2030, \$250.00.

12 (ii) In 2031 through 2040, \$300.00.

13 (iii) In 2041 and each year thereafter, \$350.00.

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

16 (i) In 2024 through 2030, \$1,500.00.

17 (ii) In 2031 through 2040, \$1,600.00.

18 (iii) In 2041 and each year thereafter, \$1,700.00.

19 (c) In addition to the license fees under subdivision (a), a
20 licensee shall pay additional license fees as calculated under
21 section 47302(4) for species harvested under section 47310(3)(e)(ii)
22 and reported under section 47318. The department shall provide
23 invoices monthly to a licensee, payable within 30 days. A licensee
24 that does not pay the invoices is subject to the following:

25 (i) For an invoice not paid within 30 days of the invoice being
26 issued, a civil fine equal to 1% of the total of the invoice.

27 (ii) For an invoice not paid within 60 days of the invoice
28 being issued, a civil fine equal to 3% of the total of the invoice.

29 (iii) For an invoice not paid within 90 days of the invoice

1 being issued, a civil fine equal to 10% of the total of the
2 invoice. In addition, the department may suspend the license of any
3 licensee that has not paid an invoice as provided under this
4 subparagraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 18 (a) In 2024 through 2030, \$110.00.
19 (b) In 2031 through 2040, \$130.00.
20 (c) In 2041 and each year thereafter, \$150.00.

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

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

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

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

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

13 (6) All records under this section must be complete and
14 submitted on time. A wholesale fish dealer that submits records
15 that are incomplete or delinquent is responsible for a state civil
16 infraction and subject to the following civil fines:

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

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

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

29 (8) A person shall not falsify any information contained in

1 the wholesale records or the annual inventory record required under
2 this section.

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

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

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

16 (12) A conservation officer or other peace officer designated
17 by the director may inspect fish stored or in the possession of a
18 wholesale fish dealer, records of a wholesale fish dealer, and
19 buildings, structures, vehicles, boats, equipment, and materials
20 related to a wholesale fish dealer's business.

21 (13) Upon request of a conservation officer or other peace
22 officer designated by the director, a wholesale fish dealer shall
23 produce all records relating to the purchase, acquisition, sale,
24 trade, barter, storage, or disposition of fish that are kept at the
25 wholesale fish dealer's place of business or at a residence,
26 dwelling, or location other than the wholesale fish dealer's
27 business for inspection and copying.

28 (14) A conservation officer or other peace officer designated
29 by the director is authorized during any time when business is

1 being conducted on the wholesale fish dealer's premises to do any
2 of the following:

3 (a) Enter any of the following:

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

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

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

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

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

13 (b) Inspect fish stored or in the possession of a wholesale
14 fish dealer, inspect or copy records of a wholesale fish dealer,
15 and inspect buildings, structures, vehicles, vessels, equipment,
16 and materials related to a wholesale fish dealer's business.

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

23 (16) A court shall order that a person convicted of violating
24 subsection (13), (14), or (15) have its license automatically
25 suspended for 1 year. The department shall not issue or renew that
26 license for a period of 1 year following that conviction.

27 (17) A violation of any statute, administrative rule, or
28 fisheries order pertaining to wholesale fish dealers is a violation
29 of this part. In addition to applicable fines or restitution, or

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

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

27 Sec. 47326. ~~Every person licensed to take fish under this~~
28 ~~part, at the close of the 24-hour period immediately following the~~
29 ~~close of the respective open seasons provided for by this part,~~

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

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

1 ~~engaged in taking fish with set lines in lake St. Clair as provided~~
2 ~~in section 47302.~~

3 (1) In addition to the penalties provided in this part, a
4 licensed commercial fisher or agent operating under a commercial
5 fishing license that is convicted of the illegal taking or selling
6 of fish under this part shall reimburse this state for the value of
7 the fish as follows:

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

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

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

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

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

29 (4) A default in the payment of forfeiture or an installment

1 of the forfeiture may be collected by any means authorized for the
2 enforcement of a judgment under chapter 60 of the revised
3 judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

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

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

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

26 (1) The department shall permanently revoke the license of any
27 person convicted of 5 designated offenses in any combination in a
28 continuous 5-year period and that person is prohibited from
29 purchasing a stake in any additional commercial fishing or

1 wholesale license issued under this part for a period of 5 years.

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

4 (a) Taking, selling, or offering for sale prohibited fish
5 species.

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

7 (c) Fishing in or taking fish from waters closed to commercial
8 fishing.

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

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

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

15 (a) R 299.1071 to R 299.1079.

16 (b) R 299.702 to R 299.705.

17 (c) R 299.721 to R 299.724.

18 (d) R 299.731.

19 (e) R 299.751.

20 (f) R 299.761.

21 (g) R 299.771.

22 (h) R 299.781.

23 (i) R 299.782.

24 (j) R 299.791.

25 (k) R 299.801.

26 (l) R 299.813.

27 (m) R 299.815.

28 (n) R 299.817.

29 (o) R 299.822.

1 Sec. 48724. (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 raw
6 or unprocessed salmon eggs unless the person is licensed ~~pursuant~~
7 ~~to~~**under** section ~~47333~~**47323** and the sale, purchase, or exchange of
8 the raw or unprocessed salmon eggs is made with another person who
9 is also licensed ~~pursuant to~~**under** section ~~47333~~**47323**.

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

12 (a) Accept raw or unprocessed salmon eggs except from whole
13 salmon, known as salmon in the round, or eggs salvaged from salmon
14 cleaned at the station.

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

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

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

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

28 (a) Raw or unprocessed salmon eggs may only be collected and
29 stored at the location of the fish cleaning station specified in

1 the permit.

2 (b) The fish cleaning station ~~shall~~**must** be licensed in
3 accordance with the ~~food processing act of 1977, Act No. 328 of the~~
4 ~~Public Acts of 1978, being sections 289.801 to 289.810 of the~~
5 ~~Michigan Compiled Laws,~~**food law, 2000 PA 92, MCL 289.1101 to**
6 **289.8111**, and operated in compliance with the ~~Michigan food law of~~
7 ~~1968, Act No. 39 of the Public Acts of 1968, being sections 289.701~~
8 ~~to 289.727 of the Michigan Compiled Laws,~~**food law, 2000 PA 92, MCL**
9 **289.1101 to 289.8111**, only when the salmon eggs or salmon, or both,
10 are sold or given to another person for human consumption.

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

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

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

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

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

1 injunctive relief for a violation of this section or a permit
2 issued under this section.

3 Enacting section 1. Sections 46102, 47301a, 47330 to 47332,
4 47334, 47901 to 47905, and 48901 of the natural resources and
5 environmental protection act, 1994 PA 451, MCL 324.46101,
6 324.46102, 324.47301a, 324.47319, 324.47330 to 324.47332, 324.47334
7 to 324.47362, 324.47901 to 324.47905, and 324.48901, are repealed.