



SENATE BILL No. 966

April 18, 1996, Introduced by Senators GEAKE, BENNETT, DUNASKISS, MC MANUS, GAST, BOUCHARD, DINGELL, DE BEAUSSAERT, KOIVISTO, CHERRY, HOFFMAN, YOUNG, NORTH, BERRYMAN, GOUGEON, SHUGARS, STEIL, EMMONS, CISKY, STILLE, CONROY, MILLER, PETERS, CARL, BYRUM and ROGERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend Act No. 451 of the Public Acts of 1994, entitled
"Natural resources and environmental protection act,"
as amended, being sections 324.101 to 324.90106 of the Michigan
Compiled Laws, by adding section 47301a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1994, as
2 amended, being sections 324.101 to 324.90106 of the Michigan
3 Compiled Laws, is amended by adding section 47301a to read as
4 follows:

5 SEC. 47301A. (1) A PERSON SHALL NOT OBSTRUCT OR INTERFERE
6 IN THE LAWFUL TAKING OF FISH BY A PERSON LICENSED UNDER THIS
7 PART.

8 (2) A PERSON VIOLATES THIS SECTION WHEN THE PERSON
9 INTENTIONALLY OR KNOWINGLY DOES ANY OF THE FOLLOWING:

1 (A) DRIVES OR DISTURBS FISH FOR THE PURPOSE OF DISRUPTING A
2 LAWFUL TAKING.

3 (B) BLOCKS, IMPEDES, OR HARASSES ANOTHER PERSON WHO IS
4 ENGAGED IN THE PROCESS OF LAWFULLY TAKING FISH.

5 (C) USES A NATURAL OR ARTIFICIAL VISUAL, AURAL, OLFACTORY,
6 GUSTATORY, OR PHYSICAL STIMULUS TO AFFECT ANIMAL BEHAVIOR IN
7 ORDER TO HINDER OR PREVENT THE LAWFUL TAKING OF FISH.

8 (D) ERECTS BARRIERS WITH THE INTENT TO DENY INGRESS OR
9 EGRESS TO WATERS WHERE THE LAWFUL TAKING OF FISH MAY OCCUR. THIS
10 SUBDIVISION DOES NOT APPLY TO A PERSON WHO ERECTS BARRIERS TO
11 PREVENT TRESPASSING ON HIS OR HER PROPERTY.

12 (E) INTENTIONALLY INTERJECTS HIMSELF OR HERSELF INTO THE
13 AREA WHERE NETS OR FISHING LINES ARE CAST BY A PERSON LAWFULLY
14 TAKING FISH.

15 (F) AFFECTS THE CONDITION OR PLACEMENT OF PERSONAL OR PUBLIC
16 PROPERTY INTENDED FOR USE IN THE LAWFUL TAKING OF FISH IN ORDER
17 TO IMPAIR THE USEFULNESS OF THE PROPERTY OR PREVENT THE USE OF
18 THE PROPERTY.

19 (G) ENTERS OR REMAINS UPON PRIVATE LANDS WITHOUT THE PERMIS-
20 SION OF THE OWNER OR THE OWNER'S AGENT, WITH INTENT TO VIOLATE
21 THIS SECTION.

22 (H) ENGAGES IN ANY OTHER ACT OR BEHAVIOR WITH INTENT TO VIO-
23 LATE THIS SECTION.

24 (3) UPON PETITION OF AN AGGRIEVED PERSON OR A PERSON WHO
25 REASONABLY MAY BE AGGRIEVED BY A VIOLATION OF THIS SECTION, A
26 COURT OF COMPETENT JURISDICTION, UPON A SHOWING THAT A PERSON WAS

1 ENGAGED IN AND THREATENS TO CONTINUE TO ENGAGE IN ILLEGAL CONDUCT
2 UNDER THIS SECTION, MAY ENJOIN THAT CONDUCT.

3 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
4 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR
5 A FINE OF NOT LESS THAN \$500.00 OR MORE THAN \$1,000.00, OR BOTH,
6 AND THE COSTS OF PROSECUTION. IN ADDITION, ANY PERMIT OR LICENSE
7 ISSUED BY THE DEPARTMENT AUTHORIZING THE PERSON TO TAKE ANIMALS
8 SHALL BE REVOKED.

9 (5) THIS SECTION DOES NOT APPLY TO A PEACE OFFICER WHILE THE
10 PEACE OFFICER PERFORMS HIS OR HER LAWFUL DUTIES.