

**SUBSTITUTE FOR  
HOUSE BILL NO. 4568**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 47309, 47310, 47311, 47312, 47313, 47314,  
47315, 47316, and 47317 (MCL 324.47309, 324.47310, 324.47311,  
324.47312, 324.47313, 324.47314, 324.47315, 324.47316, and  
324.47317), as added by 1995 PA 57.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 47309. (1) A person licensed under this part shall not  
2 have abandoned, unattended, unreported lost, or unreported  
3 vandalized gear in the waters of the Great Lakes.

4           (2) A conservation officer or peace officer designated by the  
5 director shall seize all abandoned, unattended, unreported lost, or  
6 unreported vandalized gear and that gear is forfeited unless



1 reported under subsection (3).

2 (3) Licensed commercial fishers that determine that their gear  
3 has been vandalized or lost shall immediately notify the department  
4 in a manner set forth by the department. If the licensed commercial  
5 fisher has notified the department that gear has been vandalized or  
6 lost, upon its being located, the licensed commercial fisher has no  
7 more than 7 days to retrieve the gear before seizure.

8 (4) A licensed commercial fisher that is convicted of having  
9 abandoned, unattended, unreported lost, or unreported vandalized  
10 gear shall reimburse the state for the value of the dead fish found  
11 in that gear in accordance with and at levels established by this  
12 part. In addition, the department shall reduce the amount of gear  
13 that a licensed commercial fisher is allowed to use by the amount  
14 of abandoned, unattended, unreported lost, or unreported vandalized  
15 gear.

16 (5) A licensed commercial fisher that is convicted of having  
17 abandoned, unattended, unreported lost, or unreported vandalized  
18 gear shall reimburse the state for the cost incurred by the  
19 department for gear removal as determined by the court.

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

26 ~~(a) Gill nets with meshes of not less than 4-1/2 inches shall~~  
27 ~~be used for the taking of whitefish, lake trout, and yellow~~  
28 ~~pickerel. In Lake Erie, the nets shall have meshes not less than 4-~~  
29 ~~3/4 inches. The nets shall be set not nearer than 20 rods from the~~



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

~~11 (b) Gill nets with meshes of not less than 2-1/2 inches or  
12 more than 2-3/4 inches may be set in water of any depth, and gill  
13 nets with meshes of not less than 2-1/2 inches or more than 3  
14 inches may be set in waters not exceeding 100 feet in depth, for  
15 the purpose of taking herring, chubs, perch, and pilot fish,  
16 commonly called menominees, wherever and whenever they will not  
17 take to exceed 10% by weight of other fish, such percentage to be  
18 determined by the department, by inspection of the fish taken in  
19 the nets. All uninjured fish, except herring, chubs, perch, and  
20 pilot fish, shall be returned to the waters from which they were  
21 taken with as little injury as possible, by the persons lifting the  
22 nets; all sound, undersized, and dead fish found in the nets are  
23 the property of the state, and shall not be sold or disposed of,  
24 but shall be dressed and brought in and delivered immediately to  
25 the department at the fishing port of the person taking the fish.  
26 The sound, undersized, and dead fish shall be then disposed of by  
27 the department. If more than 10% of fish other than herring, chubs,  
28 perch, and pilot fish are taken, then all of the other fish shall  
29 be disposed of by the department. An angler may have in his or her~~



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

15 (c) Gill nets with meshes of not less than 2 1/4 inches or  
 16 more than 2-3/4 inches may be used to take blue back herring in the  
 17 waters of Lake Superior and Whitefish bay, and those waters of the  
 18 straits of Mackinac bounded on the Lake Huron end by a line drawn  
 19 from the southernmost tip of St. Martin point, Mackinac county, to  
 20 the westernmost tip of Lime Kiln point on Bois Blanc island, thence  
 21 in a southerly direction to the northernmost tip of Point Au Sable  
 22 in T 38 N, R 2 W, Cheboygan county, and bounded on the Lake  
 23 Michigan end by a line drawn from the southernmost tip of Seul  
 24 Croix point in Schoolcraft county in an easterly direction to the  
 25 Lansing shoal lighthouse, thence to the White shoal lighthouse,  
 26 thence in a southeasterly direction to the westernmost tip of  
 27 Waugoshance point in Emmet county, and Green bay of Lake Michigan,  
 28 as defined in section 47311, wherever they will not interfere with  
 29 or take whitefish or lake trout or any other fish protected under



1 ~~the laws of this state.~~

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

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

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

26 ~~(g) Pound nets having meshes not exceeding 3-1/2 inches in the~~  
27 ~~lifting pot or crib and in the tunnel inside the pot or crib, and~~  
28 ~~having meshes not less than 3-1/2 inches in that part of the tunnel~~  
29 ~~outside of the pot or crib and in the heart and lead, may be used~~



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

17 ~~(h) Trap nets having meshes not less than 4-1/2 inches in the~~  
18 ~~lifting pot, crib, or pocket and in the heart and tunnel and having~~  
19 ~~meshes not less than 5 inches in the lead shall be used for taking~~  
20 ~~whitefish and lake trout. In such trap nets, meshes not more than~~  
21 ~~3-1/2 inches may be used in the tunnel inside the pot, in either~~  
22 ~~the front, back, or 1 side of the pot for a distance not exceeding~~  
23 ~~5 feet from the bottom of the net and in that portion of the bottom~~  
24 ~~of the net connected thereto for a distance not exceeding 5 feet,~~  
25 ~~and in the connecting ends for a depth and width not exceeding 5~~  
26 ~~feet, for the purpose of shoaling fish. These trap nets shall not~~  
27 ~~be used in any of the waters under the jurisdiction of this state~~  
28 ~~except in Lakes Huron and Erie and then only in such a manner that~~  
29 ~~no trap net or any part of the webbing of the net is set in water~~



1 ~~of a depth greater than 80 feet. Trap nets having meshes as~~  
2 ~~described in this subsection and with no part of the lifting pot or~~  
3 ~~crib over 15 feet in depth may be used to take whitefish and lake~~  
4 ~~trout in Lakes Superior and Michigan in water of a depth not~~  
5 ~~greater than 80 feet.~~

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

24 ~~(j) Any pound net or trap net with meshes in the lifting pot~~  
25 ~~or crib between 3-1/2 and 4-1/2 inches, or any lifting pot or crib~~  
26 ~~of such nets with meshes between 3-1/2 and 4-1/2 inches, is illegal~~  
27 ~~and shall be seized and confiscated when found in use. Hoop nets,~~  
28 ~~fyke nets, drop nets, and gobbler nets are considered under this~~  
29 ~~part to be trap nets.~~



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

12       ~~(l) The measurement of the mesh of all nets and seines as~~  
13       ~~prescribed in this section shall be by extension measure. The size~~  
14       ~~of the mesh of all nets or netting used in fishing as provided by~~  
15       ~~this part shall be determined by extension measure, and the~~  
16       ~~measurement shall be made of meshes irrespective of where the net~~  
17       ~~or netting is found, whether in the water, on boat, on reel, on~~  
18       ~~dock, or in any other place on land. Extension measure means the~~  
19       ~~distance between the extreme angles of any single mesh, and the~~  
20       ~~measurements shall be taken between and inside the knots. All~~  
21       ~~measurements of the mesh in gill nets or gill netting shall be made~~  
22       ~~with a flexible steel gauge constructed and used as prescribed in~~  
23       ~~this section. All measurements of the mesh of gill nets or gill~~  
24       ~~netting shall be made by inserting in the mesh parallel with the~~  
25       ~~selvage a gauge made of spring steel free from rust, of a length~~  
26       ~~equal to the number of inches prescribed in this section for the~~  
27       ~~mesh measured. The ends of the gauge shall be free of sharp edges~~  
28       ~~or burrs. The gauge shall not be graduated, and any necessary~~  
29       ~~markings shall be placed near the ends of the gauge. The length of~~





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



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

~~15 (m) Gill nets having meshes not less than 8 inches may be used  
 16 for taking carp in Wildfowl bay in Huron county.~~

17 Sec. 47310. (1) **The following fish species are authorized for  
 18 commercial take and may be taken from the waters of the Great Lakes  
 19 open to commercial fishing:**

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

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

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

23 (d) Rainbow smelt (*Osmerus mordax*).

24 (e) Species of the family Catostomidae, including quillback  
 25 (*Carpionodes cyprinus*), white sucker (*Catostomus commersonii*),  
 26 longnose sucker (*Catostomus catostomus*), northern hogsucker  
 27 (*Hypentelium nigricans*), silver redhorse (*Moxostoma anisurum*),  
 28 black redhorse (*Moxostoma duquesnei*), golden redhorse (*Moxostoma*  
 29 *erythrurum*), shorthead redhorse (*Moxostoma macrolepidotum*), greater



1 redhorse (*Moxostoma valenciennesi*), bigmouth buffalo (*Ictiobus*  
2 *cyprinellus*), and black buffalo (*Ictiobus niger*).

3 (f) Freshwater drum (*Aplodinotus grunniens*).

4 (g) Burbot (*Lota lota*).

5 (h) Gizzard shad (*Dorosoma cepedianum*).

6 (i) Common carp (*Cyprinus carpio*).

7 (j) Catfishes of the family Ictaluridae, including black  
8 bullhead (*Ameiurus melas*), yellow bullhead (*Ameiurus natalis*),  
9 brown bullhead (*Ameiurus nebulosus*), channel catfish (*Ictalurus*  
10 *punctatus*), and flathead catfish (*Pylodictis olivaris*).

11 (k) White perch (*Morone americana*).

12 (l) White bass (*Morone chrysops*).

13 (m) Rock bass (*Ambloplites rupestris*).

14 (2) The director may designate additional species for  
15 commercial take, except that game fish may not be designated for  
16 commercial take.

17 (3) The director may establish the kind and amount of fish,  
18 referred to as harvest quotas, that may be taken from areas of the  
19 Great Lakes open to commercial fishing. The department shall  
20 specify harvest quotas by license condition at the time the license  
21 is issued. The licensee shall keep track of its harvest and  
22 immediately cease fishing upon reaching its assigned harvest quota.  
23 Exceeding a harvest quota established by the director, whether  
24 intentional or not, is a violation of this part.

25 (4) Except for game fish, the director may establish a bycatch  
26 allowance for species that are not specifically designated for  
27 commercial harvest or are otherwise closed in various waters of the  
28 state. A person that exceeds the bycatch allowance is subject to  
29 the following:



1 (a) A person that exceeds any bycatch allowance by 5 round  
2 pounds or less over the established limit is subject to a civil  
3 infraction punishable by a fine of at least \$100.00 for the first  
4 offense and at least \$200.00 for a second offense in a license  
5 year. The entire bycatch for that species on the day that the  
6 violation occurred is subject to confiscation by the department.

7 (b) A person that exceeds any bycatch allowance by over 5  
8 round pounds over the established limit, or any person that exceeds  
9 the bycatch allowance for a third or subsequent time within a  
10 license year, is guilty of a misdemeanor punishable as provided in  
11 this part. The entire bycatch for that species on the day that the  
12 violation occurred is subject to confiscation by the department.  
13 Additionally, the license of any person found guilty under this  
14 subdivision must be suspended for 30 days, and this suspension must  
15 be served between April 15 and October 31 within 1 year after  
16 conviction. Any person whose license has been suspended shall not  
17 have any gear in the water during that suspension whether that gear  
18 has been rendered unfishable or not.

19 (5) The director may establish closed seasons for any  
20 commercial fish species. In every case, the season must open and  
21 close at 12 noon on the dates established by the director. All  
22 harvested fish must be landed at port by no later than 2 p.m. on  
23 the date the season closes.

24 (6) All live fish on which the season is closed or is not  
25 authorized for harvest must be returned to the water at once with  
26 as little injury as possible by the person taking the fish. Any  
27 dead fish, on which the season is closed or is not authorized for  
28 harvest, must be returned to the water at once by the person or  
29 persons taking the fish or disposed of in accordance with any



1 specific instructions provided by the director.

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

5 (8) A person shall not sell, offer for sale, or possess fish  
6 taken under a commercial fishing license issued under this part  
7 unless the fish is listed in subsection (1), is designated pursuant  
8 to subsection (2), or is a bycatch allowance established pursuant  
9 to subsection (4). Any fish the possession of which is prohibited  
10 under this subsection, whether dead or alive, must at once be  
11 returned to the waters from which it was taken by the person or  
12 persons taking the fish with as little injury as possible or be  
13 disposed of in compliance with any specific instructions provided  
14 by the director.

15 (9) A licensed commercial fisher or any member of the crew or  
16 any other person shall not have in possession any game fish or any  
17 sport angling equipment when aboard a licensed commercial vessel.

18 (10) During the period from 2020 to 2025 and at least once  
19 every 10 years after 2025, the department shall conduct a bycatch  
20 study on at least 3 separate active commercial Great Lakes  
21 fisheries. The department shall use information from the study to  
22 manage commercial fishing quotas, gear, grounds, and other license  
23 conditions as needed.

24 ~~(1) Except as provided in subsections (2) and (3), within the~~  
25 ~~jurisdiction of this state the holder of a license or permit issued~~  
26 ~~under this part shall not take, catch, or attempt to take or catch~~  
27 ~~any fish with a gill net, pound net, or trap net in Lake Erie and~~  
28 ~~the connecting waters of Lake Erie and Lake Huron, or in the~~  
29 ~~portions of Lake Michigan and Lake Huron located south of a line~~



1 ~~extending due east and west of the forty fifth parallel of~~  
 2 ~~latitude, or in the rivers and streams which connect with any of~~  
 3 ~~the bodies of water described in this subsection from April 15 to~~  
 4 ~~September 15.~~

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

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

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

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

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

22 **Sec. 47311. (1) The director may establish minimum length and**  
 23 **weight requirements for all commercial fish species listed in**  
 24 **section 47310(1) taken under a commercial fishing license issued**  
 25 **under this part. A person shall not take, sell, possess, transport,**  
 26 **or offer for sale at any time any fish species of a size or weight**  
 27 **prohibited by the director. The director may establish an allowable**  
 28 **possession limit for certain undersized commercial fish species.**  
 29 **Any undersized commercial fish species allowed to be possessed**



1 under this subsection must be for personal use only and must not be  
2 sold or bartered. A person that retains more than twice the amount  
3 of the allowable possession limit for undersized commercial fish  
4 species under this subsection is guilty of a misdemeanor punishable  
5 as provided in section 47327. A person that retains more than the  
6 allowable possession limit for an undersized commercial fish  
7 species but less than twice the allowable possession limit is  
8 responsible for a state civil infraction and shall be ordered to  
9 pay a civil fine as follows:

10 (a) For a first offense of the license year, not less than  
11 \$200.00.

12 (b) For a second offense of the license year, not less than  
13 \$300.00.

14 (c) For a third and any subsequent offense during the license  
15 year, not less than \$400.00.

16 (2) A person shall not possess on any vessel, or on any other  
17 conveyance used to reach the nets from shore, any meat grinders or  
18 similar devices by the use of which the identification of the  
19 species of fish or the measurement of the individual fish is  
20 impossible. A person shall not possess on any vessel or the ice,  
21 and shall not bring ashore, any fish that is so mutilated that  
22 identification and measurement are impossible.

23 (3) A person shall not sell, possess, or offer for sale any  
24 illegal fish.

25 (4) Any measurements of minimum length or weight established  
26 by the director apply and are enforced without any allowance made  
27 for the shrinkage of the fish under any conditions.

28 (5) Imported fish species, if of a size, weight, or species  
29 prohibited by the laws of the state, country, or tribal authority



1 within those states or countries where caught, or species  
 2 prohibited as a transgenic or nonnative organism by part 413, may  
 3 not be possessed, transported, offered for sale, or sold in this  
 4 state.

5 ~~(1) A person shall not take from any of the waters listed in~~  
 6 ~~section 47301 any of the following:~~

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

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

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

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

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

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

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

29 ~~(2) In the waters of Green bay of Lake Michigan within the~~





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

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

19 ~~(4) All live fish on which the season is closed shall be~~  
20 ~~liberated and returned to the water with as little injury as~~  
21 ~~possible, and any sound, dead fish, on which the season is closed,~~  
22 ~~shall be dressed, brought ashore, and delivered immediately to the~~  
23 ~~department at the department's fishing port, which fish shall be~~  
24 ~~disposed of in the same manner as provided for the disposition of~~  
25 ~~undersized fish in section 47309.~~

26 ~~(5) A person shall not set nets or hooks for the taking of~~  
27 ~~lake trout or whitefish before the first day of the open season for~~  
28 ~~taking the fish, and the license of any person shall be immediately~~  
29 ~~revoked upon conviction of unlawfully setting nets before the first~~



~~1 day of the open season as provided in this part, and revocation  
2 shall prohibit the use of boat and gear by that person during the  
3 balance of the year for which a license was issued. A person  
4 engaged in the taking of fish for commercial purposes from May 15  
5 to September 15 under this part shall carry sufficient ice and  
6 properly chill the fish at the time and place of their removal from  
7 the waters.~~

8       Sec. 47312. (1) **At the time of landing, a person on a licensed  
9 commercial vessel shall not possess fish roe that weighs more than  
10 15% of the simultaneously landed dressed carcasses of fish of the  
11 species from which the roe was taken.**

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

~~16       The department may authorize the taking of trout, whitefish,  
17 and yellow pickerel for the purpose of fish culture at any time  
18 during the open or closed seasons provided in this part, when it is  
19 determined by test nets set under the direction of the department  
20 that at least 20% of the fish taken are females and at least 40% of  
21 these females are ripe and ready to spawn. However, when all spawn  
22 needed for state and federal hatcheries has been secured, the  
23 department may close all commercial fishing during the remainder of  
24 the closed season. The department may close all commercial fishing  
25 during the closed season on those grounds that are so located as to  
26 prevent proper handling of spawn or where it appears that little or  
27 no spawn is being taken.~~

28       Sec. 47313. **Except as otherwise provided in section 47311, a  
29 person licensed and engaged in lifting commercial set hook lines or**



1 nets in the open waters of this state shall not take from the open  
2 waters of this state any undersized fish. All undersized fish found  
3 on commercially licensed set hooks or in nets must immediately be  
4 returned to the water with as little injury as possible by the  
5 person lifting the set hook lines or nets.

6 ~~All persons engaged in fishing for whitefish, trout, yellow  
7 pickerel, or perch in the waters named in this part shall from the  
8 beginning of the spawning season for these fish, such time to be  
9 determined by test under the direction of the department, until the  
10 beginning of the closed season provided by section 47311 and before  
11 and after the closed season, strip all ripe fish, both male and  
12 female, save all of the spawn, properly impregnate it, and deliver  
13 it to the department at its fishing port, and all such persons  
14 shall have a sufficient number of people on each boat and all the  
15 equipment needed properly to save, handle, impregnate, and deliver  
16 such spawn. The saving, handling, impregnating, and delivering of  
17 spawn shall be done under the direction of the department and in  
18 accordance with such regulations and under such supervision as  
19 prescribed by the department. However, the department shall not  
20 discriminate against any person engaged in fishing during the  
21 closed or open season, having on each boat a sufficient number of  
22 people and all the equipment needed properly to save, handle,  
23 impregnate, and deliver such spawn at any port or fishing ground  
24 when it has been determined that fish are ripe for spawning. This  
25 determination shall be made by setting test nets on each fishing  
26 ground where spawn will be taken. A person engaged in commercial  
27 fishing that fails to properly save, handle, impregnate, and  
28 deliver such spawn during any period when spawn are ripe is guilty  
29 of a violation of this part. A person shall not take from the~~



1 ~~waters of the Great Lakes any lake or Mackinaw trout during the~~  
2 ~~closed season established by this part for those fish, except by~~  
3 ~~the use of gill nets, trap nets, and pound nets after tests have~~  
4 ~~been made and the percentage of ripe fish secured as provided for~~  
5 ~~in section 47312.~~

6       Sec. 47314. (1) Except as otherwise provided in subsection  
7 (2), a person may not ship, accept for shipment, transport, or  
8 cause to be transported any container, package, or box containing  
9 any fish, without each container, package, or box being plainly and  
10 correctly marked with the name of the consignor, the name of the  
11 consignee, and the kinds and amount by weight of fish contained in  
12 the 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. This 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 port 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 state  
21 or tribal licensed fisher's port of landing within this state to  
22 that wholesaler's facility. A wholesale fish dealer must fill out a  
23 bill of lading or an invoice indicating the number of containers,  
24 packages, or boxes being transported for each species of fish. The  
25 bill of lading or invoice must accompany the fish and be available  
26 for inspection and comparison to the cargo being transported by any  
27 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 ~~The department shall deliver to designated representatives of~~  
6 ~~the United States bureau of fisheries and to the state fish~~  
7 ~~hatcheries as much of this spawn as may be desired by the bureau~~  
8 ~~and state hatcheries for propagation and planting in the waters of~~  
9 ~~the lakes within the jurisdiction of this state, and the remainder~~  
10 ~~of the spawn shall be properly impregnated and planted upon the~~  
11 ~~spawning beds from which it was taken. The persons so fishing shall~~  
12 ~~plant upon the spawning beds the fry hatched from such proportion~~  
13 ~~of the spawn as may have been taken from the fish caught by the~~  
14 ~~persons when directed to do so by the department. A person refusing~~  
15 ~~or failing to comply with this section is guilty of a violation of~~  
16 ~~this part.~~

17 Sec. 47315. A package or shipment of illegal fish offered to  
18 any common carrier as described in section 47314 is considered to  
19 be in the possession of the consignor until delivered to the  
20 consignee. However, if any common carrier as described in section  
21 47314 is not able or refuses or neglects to show from whom the  
22 consignment of any shipment of fish was received, the shipment is  
23 considered to be in the possession of the common carrier having the  
24 shipment in transit, and that common carrier may be proceeded  
25 against the same as the original owner.

26 ~~The department may take fish in any manner, in any of the~~  
27 ~~waters mentioned in this part, at any and all seasons of the year,~~  
28 ~~for the purpose of fish culture and scientific investigation; may~~  
29 ~~have and hold ripe and unripe fish in order to take spawn from the~~



1 ~~fish; may sell all of those ripe and unripe fish; and may devote~~  
 2 ~~the proceeds of the sales exclusively toward defraying the expenses~~  
 3 ~~incurred in taking the fish and fertilizing and planting the spawn~~  
 4 ~~from the fish.~~

5       **Sec. 47316. If the department opens any package or shipment of**  
 6 **fish in transit and finds that package or shipment to be a lawful**  
 7 **package or shipment under this part, the department shall repack**  
 8 **that package or shipment in as good a condition as possible and**  
 9 **release it without further detainment.**

10       ~~A person shall not ship or transport within this state any~~  
 11 ~~fish in packages or containers without plainly and correctly~~  
 12 ~~marking each package or container with the name of the consignor~~  
 13 ~~and the kinds of fish contained in the package. A railroad company,~~  
 14 ~~boat line, express company, motor truck company, aerial freight or~~  
 15 ~~express company, or other transportation company or common carrier,~~  
 16 ~~or any agent of any such company, or the owner of any boat,~~  
 17 ~~airplane, car, truck or other vehicle operated privately or as a~~  
 18 ~~common carrier, or the agent or representative of such owners,~~  
 19 ~~shall not accept for shipment or transport any package or container~~  
 20 ~~of fish unless it is properly marked as prescribed in this section.~~  
 21 ~~The presence in any package or container of 10% by weight of any~~  
 22 ~~fish that is illegal to ship shall make the entire contents of the~~  
 23 ~~package or container subject to seizure as an illegal shipment.~~

24       **Sec. 47317. A licensed commercial fisher taking fish in any of**  
 25 **the waters described in this part shall bring those fish to some**  
 26 **port or place in this state where they may be inspected before**  
 27 **shipping.**

28       ~~The possession of any package or shipment of illegal fish~~  
 29 ~~offered to any common carrier as described in section 47316 shall~~



1 ~~be construed to be and shall remain in the consignor until~~  
2 ~~delivered to the consignee. However, if any common carrier as~~  
3 ~~described in section 47316 is not able or refuses or neglects to~~  
4 ~~show from whom the consignment of any shipment of fish was~~  
5 ~~received, the shipment shall be considered to be in possession of~~  
6 ~~the common carrier having the shipment in transit, and they may be~~  
7 ~~proceeded against the same as the original owner.~~

8       Enacting section 1. This amendatory act does not take effect  
9 unless all of the following bills of the 100th Legislature are  
10 enacted into law:

11           (a) House Bill No. 4567.

12           (b) House Bill No. 4568.

