

**SUBSTITUTE FOR
HOUSE BILL NO. 4569**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 47318, 47320, 47321, 47322, 47323, 47324,
47325, 47326, 47327, 47328, 47329, and 48724 (MCL 324.47318,
324.47320, 324.47321, 324.47322, 324.47323, 324.47324, 324.47325,
324.47326, 324.47327, 324.47328, 324.47329, and 324.48724), as
added by 1995 PA 57; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 47318. (1) **A licensed commercial fisher taking fish in**
2 **any of the waters mentioned in this part shall keep, and submit to**
3 **the department, a daily commercial catch record of each day's**
4 **catch, including the number of pounds of each kind of fish taken,**
5 **possessed, released, or returned, the locality fished, the kind and**



1 amount of fishing gear employed, the length of time each unit of
2 gear was fished between lifts, the kind and amount of roe taken,
3 the purchaser of the fish, the estimated average price received for
4 the fish, and any other reasonable and pertinent data as the
5 director may require in following the biologic and economic trends
6 of the fisheries. The licensed commercial fisher shall report the
7 data required under this subsection to the department according to
8 the schedule established under subsection (3). The records of
9 individual prices received for fish are exempt from disclosure
10 under the freedom of information act, 1976 PA 442, MCL 15.231 to
11 15.246, and must not be disclosed by the department.

12 (2) A licensed commercial fisher shall complete, and submit to
13 the department, an annual inventory record of all freshwater fish
14 and roe in possession or under ownership or control of the licensed
15 commercial fisher, including those fish and roe in cold storage
16 facilities, as of a date specified by the department.

17 (3) The director shall establish the format and schedule for
18 submission to the department of the commercial catch records and
19 annual inventory record under subsections (1) and (2).

20 (4) A person shall submit that person's commercial catch
21 record or annual inventory record electronically. A person who
22 fails to timely submit a complete record required under this
23 section is responsible for a state civil infraction and shall be
24 ordered to pay a civil fine as follows:

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

26 (b) For the second and all subsequent offenses during a
27 license year, \$200.00.

28 (5) The license of any person that fails to submit 2 or more
29 records required under this section, and that has been cited by the



1 department for each offense, may be suspended by the department
 2 until the delinquent records are submitted to the department. The
 3 department shall send notification of the suspension to the
 4 licensee. The department shall deny a new license or a renewal of a
 5 license to a person that fails to submit the report or reports as
 6 described in this section until this part has been complied with.

7 (6) A person shall not falsify any information contained in
 8 the required commercial catch records or annual inventory record
 9 described in this section.

10 ~~Any package or car of fish in transit opened by the~~
 11 ~~department, if found to be a lawful shipment under this part, shall~~
 12 ~~be repacked in as good a condition as possible. A package or car of~~
 13 ~~fish legally shipped shall not be detained in transit by or for~~
 14 ~~inspection.~~

15 Sec. 47320. The department shall not issue a commercial
 16 fishing license under section 47304 until the applicant pays the
 17 following annual fee:

18 (a) For a commercial fishing license without a listed vessel,
 19 the following:

- 20 (i) In 2019 through 2020, \$200.00.
- 21 (ii) In 2021 through 2030, \$250.00.
- 22 (iii) In 2031 through 2040, \$300.00.
- 23 (iv) In 2041 and each year thereafter, \$350.00.

24 (b) For a commercial fishing license that includes 1 or more
 25 listed vessels, the following:

- 26 (i) In 2019 through 2020, \$1,400.00.
- 27 (ii) In 2021 through 2030, \$1,500.00.
- 28 (iii) In 2031 through 2040, \$1,600.00.
- 29 (iv) In 2041 and each year thereafter, \$1,700.00.



1 ~~A person engaged in lifting pound nets, trap nets, or seines~~
 2 ~~in the waters of this state shall not take from the waters of this~~
 3 ~~state any undersized fish, and all undersized fish found in the~~
 4 ~~nets fished in those waters shall be returned to the waters with as~~
 5 ~~little injury as possible by the person or persons lifting the net~~
 6 ~~or nets. For the purpose of this part, undersized fish are fish of~~
 7 ~~a smaller size than established by this part.~~

8 **Sec. 47321. Upon the payment of the fee provided for in**
 9 **section 47320, the department shall issue to a person a printed or**
 10 **written license signed by the department setting forth the date the**
 11 **license was issued, to whom the license was issued, the date that**
 12 **the license will expire, the name, number, and the kind of vessel,**
 13 **and the number of and kind of nets for which the license was**
 14 **issued. The department, upon application and the payment of a fee**
 15 **of \$25.00, may amend a license previously issued for the current**
 16 **fishing year to do any of the following:**

17 **(a) Permit the transfer of a license to a larger or a smaller**
 18 **boat or to any boat, tug, or launch while the licensed vessel is**
 19 **disabled and undergoing repairs. A vessel may not be listed on more**
 20 **than 1 license at the same time.**

21 **(b) In case of sale, transfer the license to the new owner or**
 22 **owners.**

23 **(c) In case of the loss by fire, collision, or otherwise of a**
 24 **vessel for which a license has been issued, transfer the license to**
 25 **any similar vessel to which the licensee may acquire title.**

26 **(d) Change the landing port listed on the license.**

27 ~~A person shall not take or catch with any kind of a net or~~
 28 ~~other device used in commercial fishing in any of the waters~~
 29 ~~mentioned in this part, any of the following:~~



- 1 ~~(a) Largemouth black bass, *Huro salmoides*.~~
 2 ~~(b) Smallmouth black bass, *Micropterus dolomieu*.~~
 3 ~~(c) White crappie, also known as strawberry bass, *Pomoxis*~~
 4 ~~annularis.~~
 5 ~~(d) Bluegill, *Lepomis macrochirus*.~~
 6 ~~(e) Common sunfish, *Lepomis gibbosus*.~~
 7 ~~(f) Brook or speckled trout, *Salvelinus fontinalis*.~~
 8 ~~(g) Rainbow and steelhead trout, *Salmo gairdnerii*.~~
 9 ~~(h) Brown and Loch Leven trout, *Salmo trutta*.~~
 10 ~~(i) Muskellunge, *Esox masquinongy*.~~

11 ~~(2) In addition to the prohibition in subsection (1), a person~~
 12 ~~shall not sell or offer for sale or possess at any time any of the~~
 13 ~~fish listed in subsection (1) unless otherwise provided by law. Any~~
 14 ~~such fish, whether dead or alive, shall at once be returned to the~~
 15 ~~waters from which taken by the person or persons taking the fish.~~

16 **Sec. 47322. The department shall keep a record of all**
 17 **commercial fisher and wholesale fish dealer license applications**
 18 **and licenses. On the first day of each month, the department shall**
 19 **pay to the state treasurer all money received by the department**
 20 **under this part, and the treasury shall credit the money to the**
 21 **game and fish protection trust fund created in part 437.**

22 ~~A person shall not set or use nets, set hook lines, or any~~
 23 ~~other continuous device in any of the waters mentioned in this part~~
 24 ~~without marking its location by buoys and identifying the nets or~~
 25 ~~other devices by showing the license number in plain figures upon~~
 26 ~~the bowls of the buoys of the person using the nets, set lines, or~~
 27 ~~other devices; the license number to be attached to all gill net~~
 28 ~~buoys; to the stakes at the heart or pot of pound nets; to the~~
 29 ~~lifting buoy of trap nets, where the heart and pot are set below~~



~~1 the surface of the water; to a buoy at the point of heart or pot of
2 fyke nets where the cover of the hearts or pots comes to the
3 surface of the water. However, when any of the nets, set hook
4 lines, or other devices are set under the ice, their location shall
5 be marked by a stake extending not less than 4 feet above the ice
6 at each end of the net or nets, set hook lines, or other continuous
7 device and the license number, in legible figures, shall be
8 attached to each stake or to the ends of the net or nets, set hook
9 line, or other device.~~

10 Sec. 47323. (1) A person shall not engage in business as a
11 wholesale fish dealer in this state unless the person has been
12 issued an annual wholesale fish dealer license by the department.
13 To obtain a wholesale fish dealer license, a person shall submit an
14 application to the department in a format provided by the
15 department. The application must be accompanied by the following
16 fee based on the license year:

- 17 (a) In 2019 through 2020, \$100.00.
- 18 (b) In 2021 through 2030, \$110.00.
- 19 (c) In 2031 through 2040, \$130.00.
- 20 (d) In 2041 and each year thereafter, \$150.00.

21 (2) A wholesale fish dealer license expires at the end of the
22 calendar year for which it is issued.

23 (3) A wholesale fish dealer shall not, at any time, sell,
24 purchase, or barter, or have in his or her possession or under his
25 or her control for the purpose of sale or barter, any illegal fish.

26 (4) A wholesale fish dealer shall require identification from
27 each seller of fish. A wholesale fish dealer shall purchase fish
28 only from a state or tribally licensed commercial fisher or other
29 legal source of fish.



1 (5) A wholesale fish dealer shall keep and submit to the
2 department records of all fish purchased, possessed, acquired, or
3 obtained including by trade and barter and of disposition for fish
4 received as required by the department. The records of prices paid
5 for fish purchased and sold by a licensed wholesale fish dealer are
6 exempt from disclosure under the freedom of information act, 1976
7 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the
8 department.

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

14 (7) The director shall establish the format and schedule for
15 submission to the department of the wholesale records and annual
16 inventory records under subsections (5) and (6), as well as the
17 specific information they are to contain.

18 (8) A wholesale fish dealer that fails to timely submit a
19 complete record required under this section is responsible for a
20 state civil infraction and subject to the following fines:

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

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

24 (9) The license of any person that fails to submit 2 or more
25 records required under this section, and that has been cited by the
26 department for each offense, may be suspended by the department
27 until the delinquent reports are submitted to the department. The
28 department shall send notification of the suspension to the
29 licensee. The department shall deny a new license or renewal of a



1 license to a person that fails to submit the report or reports as
2 described in this section until the person is in compliance with
3 this part.

4 (10) A person shall not falsify any information contained in
5 the wholesale records or the annual inventory record required under
6 this section.

7 (11) The department shall not issue a wholesale fish dealer's
8 license to a business that would occupy the same business location
9 as that of a wholesale fish dealer whose license is suspended.

10 (12) A wholesale fish dealer or employee of a wholesale fish
11 dealer shall not possess, control, store, transport, or cause to be
12 transported any freshwater fish for which there is no record or for
13 which there is no inventory as required.

14 (13) A wholesale fish dealer shall retain all records and
15 inventories required under this part or a rule promulgated or order
16 issued under this part for a period of 6 years from the date that
17 the record or inventory was created.

18 (14) A wholesale fish dealer shall not transport or cause to
19 be transported any fish unless the transporting vehicle is clearly
20 marked on each side of the vehicle with the correct business name
21 of the wholesale fish dealer or transporting company, displayed in
22 letters of at least 1 inch in height.

23 (15) A conservation officer or other peace officer designated
24 by the director may inspect fish stored or in the possession of a
25 wholesale fish dealer; records and reports of a wholesale fish
26 dealer; and buildings, structures, vehicles, boats, equipment, and
27 materials related to a wholesale fish dealer's business.

28 (16) Upon request of a conservation officer or other peace
29 officer designated by the director, a wholesale fish dealer shall



1 produce for inspection and copying all records relating to the
2 purchase, acquisition, sale, trade, barter, storage, or disposition
3 of fish that are kept at the wholesale fish dealer's place of
4 business or at a residence, dwelling, or location other than the
5 wholesale fish dealer's business.

6 (17) A conservation officer or other peace officer designated
7 by the director is authorized during any time when business is
8 being conducted on the premises to do any of the following:

9 (a) Enter any of the following:

10 (i) A building or structure where fish are stored, processed,
11 packed, or held by a wholesale fish dealer.

12 (ii) A building or structure where a wholesale fish dealer's
13 records are kept.

14 (iii) A building or structure where vehicles, vessels, or
15 equipment or materials used in a wholesale fish dealer's business
16 are located.

17 (iv) A building or structure where activities related to a
18 wholesale fish dealer's business are conducted.

19 (v) A vehicle or vessel used to transport or hold fish.

20 (b) Inspect fish stored or in the possession of a wholesale
21 fish dealer, inspect or copy records or reports of a wholesale fish
22 dealer, and inspect buildings, structures, vehicles, vessels,
23 equipment, and materials related to a wholesale fish dealer's
24 business.

25 (18) A wholesale fish dealer, operator of a vehicle or vessel
26 for a wholesale fish dealer, or employee or person acting on behalf
27 of a wholesale fish dealer shall not prohibit entry or prohibit an
28 inspection to be conducted as authorized under this section, or
29 refuse to produce records as required under this section, unless a



1 court restrains or enjoins the entry, inspection, or production.

2 (19) If a person is convicted of violating subsection (15) or
 3 (17), the court shall order that the person's license be revoked,
 4 and the person is not eligible to apply for or receive another such
 5 license for 1 year after the conviction.

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

13 Sec. 47324. A retail fish dealer shall retain from the time of
 14 acquisition of freshwater fish or roe, a bill of sale or invoice,
 15 indicating the quantity and species of the fish or roe and the name
 16 and address of the consignor. A retail fish dealer shall make the
 17 fish, roe, and records available for inspection by a conservation
 18 officer or other peace officer designated by the director at any
 19 reasonable time. A retail fish dealer shall maintain records for a
 20 period of 1 year after the fish or roe is disposed of by sale or
 21 otherwise.

22 ~~The department may take, for fish cultural purposes only, fish~~
 23 ~~taken by any person fishing in the waters of this state, and when~~
 24 ~~so taken the fish shall be weighed and shall be paid for. The price~~
 25 ~~shall be based on the Chicago, Detroit, and New York markets, or at~~
 26 ~~such other price as may be agreed upon by the person or persons~~
 27 ~~taking the fish and the department, plus the cost of~~
 28 ~~transportation, if any.~~

29 Sec. 47325. The taking of minnows and other small fish for



1 bait with nets not otherwise prohibited by law is not a violation
2 of this part. As used in this section, "minnows" means that term as
3 defined in section 48728.

4 ~~Every person taking fish for the market in any of the waters~~
5 ~~mentioned in this part shall keep an accurate report of each day's~~
6 ~~catch upon forms furnished by the department of the number of~~
7 ~~pounds of each kind of fish taken, of the locality fished, of the~~
8 ~~kind and amount of fishing gear employed, of the length of time~~
9 ~~(number of nights) each unit of gear employed fished without being~~
10 ~~lifted, of the kind and amount of spawn taken, of the kind and~~
11 ~~amount of caviar taken, and of such other data as the biologists~~
12 ~~may require in following the trend of the fisheries, and shall each~~
13 ~~month report, under oath when requested, the above data to the~~
14 ~~department. Any person whose report for the last preceding month is~~
15 ~~not received by the department at its office in Lansing, Michigan,~~
16 ~~on or before the fifteenth day of the month following, is~~
17 ~~delinquent, and notice to that effect shall be mailed to the~~
18 ~~delinquent person by the department. Failure to submit a report~~
19 ~~within 30 days after the close of the month for which a report is~~
20 ~~required shall be considered as intent to violate this section. The~~
21 ~~license of any person who fails to submit reports for 2 or more~~
22 ~~months, and who has been duly notified by the department each~~
23 ~~following month as provided in this section, may be suspended by~~
24 ~~the department until such time as the delinquent reports are~~
25 ~~submitted to the department. The boat and nets for which a license~~
26 ~~is suspended shall not be used for commercial fishing by any person~~
27 ~~until the suspension has been lifted and the license restored.~~
28 ~~However, any person who fails to make the report or reports as~~
29 ~~described in this section shall be denied a new license or a~~



~~1 renewal of his or her license until this part has been complied
2 with. Any person engaged in fishing operations shall submit a
3 monthly form to the department regardless of whether fishing was
4 discontinued for 1 or more months, noting the facts.~~

**5 Sec. 47326. This part does not authorize the taking, selling,
6 or transporting of fish, the use of illegal nets, or the setting of
7 nets at a place or places or at times otherwise prohibited by law.**

~~8 Every person licensed to take fish under this part, at the
9 close of the 24-hour period immediately following the close of the
10 respective open seasons provided for by this part, shall report to
11 the department, on forms provided by the department, the kinds of
12 fish and number or weight of fish possessed at the close of the 24-
13 hour period. Any subsequent shipment or sale, or both, of such fish
14 shall be reported immediately to the department, on forms furnished
15 by the department, showing the amount and kinds of fish shipped or
16 sold, the date of the shipment or sale, and the name and address of
17 the person or persons to whom the fish were shipped or sold. All
18 fish in possession upon which the season is closed shall be made
19 available for inspection at any reasonable time upon the demand of
20 the department. A person shall not possess or ship, transport, or
21 sell any fish upon which the season is closed and which have not
22 been reported as provided in this section.~~

**23 Sec. 47327. The department may issue orders or promulgate
24 rules to implement this part.**

~~25 Any person who violates sections 47301 to 47325, upon
26 conviction for the first offense shall be punished by imprisonment
27 for not more than 30 days, or a fine of not less than \$25.00 or
28 more than \$100.00 and costs of prosecution, or both. For the second
29 or a subsequent offense, charged as a second or subsequent offense~~



1 ~~in the complaint, the person shall be punished by imprisonment for~~
2 ~~not less than 30 days or more than 90 days, or a fine of not less~~
3 ~~than \$50.00 or more than \$100.00 and costs of prosecution, or both.~~
4 ~~If a fine with costs is imposed under this part, the court shall~~
5 ~~sentence the offender to be confined in the county jail until the~~
6 ~~fine and costs are paid, but for a period not exceeding the maximum~~
7 ~~penalty for the offense.~~

8 Sec. 47328. (1) A violation of a license or permit issued
9 under this part or a rule promulgated or order issued under this
10 part is considered a violation of this part.

11 (2) A person that violates this part, any license or permit
12 issued under this part, or any administrative rule or fisheries
13 order issued under the authority of this part is guilty of a
14 misdemeanor punishable by imprisonment for not more than 90 days or
15 a fine of not less than \$500.00 or more than \$5,000.00, or both,
16 and may be ordered to pay the costs of prosecution.

17 (3) If a person licensed under this part is convicted of 3
18 separate misdemeanor violations of this part that occurred in a
19 365-day period starting with the date of the first offense and
20 ending with the date of the third offense, the court shall order
21 that the person's license under which the third conviction occurred
22 to be revoked, commencing 30 days after the third conviction, and
23 the person is not eligible to apply for or receive another such
24 license for 1 year after the commencement of revocation.

25 (4) If a person licensed under this part is convicted of 3
26 designated offenses in a 5-year period, the court shall order that
27 the person's license be suspended for 1 year, or revoked if the
28 remaining term of the license is 1 year or less, commencing 30 days
29 after the third conviction, and the person is not eligible to apply



1 for or receive another such license for 1 year after the
2 commencement of suspension or revocation.

3 (5) A person whose license is suspended or revoked under this
4 section shall not use any commercially licensed vessel, net, or
5 other gear listed on the license. Additionally, a person whose
6 wholesale fish dealer's license is suspended or revoked under this
7 section shall not buy, sell, or process any fish originating within
8 or outside of this state at the physical location listed on the
9 suspended or revoked license. A license suspended under this
10 section may not be sold or transferred to a third party while under
11 suspension. The place of the wholesale business, including the
12 physical store and the processing facility of a person whose
13 wholesale fish dealer's license has been suspended or revoked, may
14 not be run or operated under any other wholesale license during the
15 period of suspension or the remaining term of the revoked license.
16 The vessels, nets, or other gear listed on a commercial fishing
17 license under revocation may not be transferred onto or used by any
18 other commercial fishing license during the period of suspension or
19 the remaining term of the revoked license. The department shall
20 permanently revoke a person's license if that person engages in or
21 attempts to engage in any commercial or wholesale fishing
22 activities under the revoked license during the 365-day period of
23 revocation. If multiple licenses are owned by a person, the
24 suspension or revocation of 1 license does not result in the
25 suspension or revocation of all licenses that are owned. However,
26 any person who has a license currently in revocation is prohibited
27 from purchasing an interest in any additional commercial fishing
28 license issued under this part for the duration of the revocation.

29 (6) The department shall revoke the license of any person



1 convicted of 5 designated offenses in any combination in a
 2 continuous 7-year period and that person is prohibited from
 3 purchasing an interest in any additional commercial fishing or
 4 wholesale fish dealer license issued under this part for 7 years.

5 ~~A person shall not use any kind of a boat, tug, or launch,~~
 6 ~~except when used in hook and line fishing, or any kind of net or~~
 7 ~~nets, set hook lines, or commercial trolling rigs for the purpose~~
 8 ~~of taking, catching, killing, or transporting fish in any of the~~
 9 ~~waters bordering on this state, regardless of whether for~~
 10 ~~commercial purposes or for personal use, without first having~~
 11 ~~applied for and been issued a license for that activity, in~~
 12 ~~accordance with this part. A license, except as otherwise provided~~
 13 ~~by law, is not required of persons engaged in sport trolling in~~
 14 ~~these waters, except that the owners of boats operated with either~~
 15 ~~an inboard or outboard motor and offered for hire in sport trolling~~
 16 ~~for lake trout shall obtain a license for each boat. A license,~~
 17 ~~except as otherwise provided by law, is not required of persons~~
 18 ~~engaged in taking fish with set lines in lake St. Clair as provided~~
 19 ~~in section 47302.~~

20 Sec. 47329. (1) In addition to the penalties provided in this
 21 part, a licensed commercial fisher or agent operating under a
 22 commercial fishing license that is convicted of the illegal taking,
 23 possessing, or selling of fish under this part shall reimburse the
 24 state for the value of the fish as follows:

25 (a) For each game fish, other than lake sturgeon, of an
 26 individual weight of 1 pound or more, \$10.00 for each pound or
 27 fraction of a pound of fish illegally taken or possessed.

28 (b) For each game fish, other than lake sturgeon, of an
 29 individual weight of less than 1 pound, \$10.00 for each fish



1 illegally taken or possessed.

2 (c) For lake sturgeon, \$1,500.00 for each fish illegally taken
3 or possessed.

4 (d) For all other fish, \$5.00 for each pound or fraction of a
5 pound of fish illegally taken or possessed.

6 (e) For all roe violations, \$20.00 for each pound or fraction
7 of a pound of roe illegally taken or possessed.

8 (2) The court in which a conviction for a violation described
9 in subsection (1) is obtained shall order the defendant to forfeit
10 to the state a sum as provided in subsection (1). If 2 or more
11 defendants are convicted of the illegal taking, possessing, or
12 selling of the fish, the order must provide that the defendants are
13 jointly and severally liable for the forfeited amount.

14 (3) If a defendant fails to pay upon conviction the sum
15 ordered by the court to be forfeited, the court shall require the
16 defendant to satisfy the forfeiture in the amount prescribed and
17 fix the manner and time of payment, or make a written order
18 permitting the defendant to pay the forfeited sums in installments
19 at the times and in the amounts that the court determines the
20 defendant is able to pay.

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

25 (5) A court that collects a forfeiture as provided in this
26 section shall promptly remit the forfeiture to the county
27 treasurer. The county treasurer shall transmit the forfeiture to
28 the state treasurer to be credited to the game and fish protection
29 account of the Michigan conservation and recreation legacy fund



1 **established in section 2010.**

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

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

19 Sec. 48724. (1) As used in this section, "fish cleaning
 20 station" means an operation or location used to clean salmon for
 21 sport fishers.

22 (2) Except as provided in subsection (3)(c), a person shall
 23 not purchase, sell, or otherwise exchange anything of value for raw
 24 or unprocessed salmon eggs unless the person is licensed pursuant
 25 ~~to~~ **under** section ~~47333~~ **47323** and the sale, purchase, or exchange of
 26 the raw or unprocessed salmon eggs is made with another person who
 27 is also licensed pursuant ~~to~~ **under** section ~~47333~~ **47323**.

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



1 (a) Accept raw or unprocessed salmon eggs except from whole
2 salmon, known as salmon in the round, or eggs salvaged from salmon
3 cleaned at the station.

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

7 (c) Buy, barter, or otherwise exchange anything of value for
8 raw or unprocessed salmon eggs. This subdivision does not prohibit
9 the operator of a fish cleaning station or his or her agents from
10 exchanging the service of cleaning salmon in exchange for the eggs
11 in the salmons' carcasses or from charging a fee for cleaning
12 salmon.

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

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

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

20 (b) The fish cleaning station ~~shall~~**must** be licensed in
21 accordance with ~~the food processing act of 1977, Act No. 328 of the~~
22 ~~Public Acts of 1978, being sections 289.801 to 289.810 of the~~
23 ~~Michigan Compiled Laws,~~ and operated in compliance with the
24 ~~Michigan food law of 1968, Act No. 39 of the Public Acts of 1968,~~
25 ~~being sections 289.701 to 289.727 of the Michigan Compiled Laws,~~
26 **food law, 2000 PA 92, MCL 289.1101 to 289.8111**, only when the
27 salmon eggs or salmon, or both, are sold or given to another person
28 for human consumption.

29 (c) ~~Disposal of offal~~**Offal** and unwanted salmon carcasses



1 ~~shall~~**must** be **disposed of** in a manner approved by the local health
2 department.

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

7 (e) As a condition of his or her permit, a permit holder whose
8 fish cleaning station is located on state owned land shall provide
9 free access to the fish cleaning station facilities to anglers who
10 wish to use the facilities to clean their own salmon catch.

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

14 (6) If the department finds that a person is in violation of
15 this section or a permit issued under this section, the department
16 may issue an order requiring the person to comply with **this section**
17 **or** the permit. In addition to the penalties provided for in this
18 part, the department or its agent, the attorney general, or a
19 **another** person may seek injunctive relief for a violation of this
20 section or a permit issued under this section.

21 Enacting section 1. Sections 46101, 46102, 47301a, 47319,
22 47330 to 47362, 47901 to 47905, and 48901 of the natural resources
23 and environmental protection act, 1994 PA 451, MCL 324.46101,
24 324.46102, 324.47301a, 324.47319, 324.47330 to 324.47362, 324.47901
25 to 324.47905, and 324.48901, are repealed.

26 Enacting section 2. This amendatory act does not take effect
27 unless all of the following bills of the 100th Legislature are
28 enacted into law:

29 (a) House Bill No. 4567.



1 (b) House Bill No. 4568.

