

**SUBSTITUTE FOR  
HOUSE BILL NO. 4567**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 47301, 47303, 47305, 47306, 47307, and 47308  
(MCL 324.47301, 324.47303, 324.47305, 324.47306, 324.47307, and  
324.47308), sections 47301, 47305, 47306, 47307, and 47308 as added  
by 1995 PA 57 and section 47303 as amended by 2004 PA 587, and by  
adding section 47304.

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

- 1           Sec. 47301. **As used in this part:**  
2           (a) "Abandoned gear" means a commercial net, commercial hooks,  
3 or other commercial gear if a licensee has done any of the  
4 following:  
5           (i) Discarded, disowned, or dispossessed the gear.



1 (ii) Intentionally altered or removed the gear's ownership  
2 identification tags or similar markings.

3 (iii) Failed to immediately restore the gear's ownership  
4 identification tags or similar markings after acquiring knowledge  
5 of the loss or destruction of the tags or markings.

6 (b) "Aquatic species" means fish, reptiles, amphibians,  
7 mollusks, and crustaceans, including their parts, eggs, and  
8 products.

9 (c) "Beach seine net" means a seine net that is used along the  
10 shoreline with its ends drawn ashore.

11 (d) "Buy" means to acquire or agree to acquire from another in  
12 exchange for anything of value. "Bought" and "buyer" have  
13 corresponding meanings.

14 (e) "Bycatch" means the nontarget, nonlegal, or undersized  
15 fish that are inadvertently caught in commercial fishing gear while  
16 used to fish for legal commercial fish species.

17 (f) "Commercial" means for the purpose of sale or offering to  
18 sell any aquatic species or its parts, including roe.

19 (g) "Commercial fish species" means those aquatic species that  
20 are listed in section 47313(1) or designated under section  
21 47313(2).

22 (h) "Commercial fisher" means any of the following:

23 (i) A person licensed under this part that is engaged in  
24 commercial fishing

25 (ii) Any employee or other person that is acting on behalf of a  
26 person described in subparagraph (i).

27 (i) "Commercial fishing license" means a license required  
28 under section 47306(1) or formerly provided for under section  
29 47302.



- 1 (j) "Commercial net" means any of the following:
- 2 (i) A fyke net.
- 3 (ii) A gill net.
- 4 (iii) An impoundment net.
- 5 (iv) A pound net.
- 6 (v) A seine net.
- 7 (vi) A trap net.
- 8 (vii) A trawl net.
- 9 (k) "Department" means the department of natural resources.
- 10 (l) "Designated offense" means any of the following offenses,
- 11 if a misdemeanor:
- 12 (i) Taking, possessing, selling, or offering to sell a game
- 13 fish in violation of part 473.
- 14 (ii) Taking fish during the closed season.
- 15 (iii) Taking or possessing fish in excess of a harvest or
- 16 bycatch limit.
- 17 (iv) Taking or possessing roe in excess of lawful limits.
- 18 (v) Taking, possessing, selling, or offering to sell
- 19 undersized fish, subject to section 47314.
- 20 (vi) Taking fish by use of an unlawful device.
- 21 (vii) Taking fish in waters closed to commercial fishing.
- 22 (viii) Taking fish in violation of specific license provisions.
- 23 (ix) Selling, buying, or possessing or controlling for purposes
- 24 of selling or buying, any illegal fish.
- 25 (x) Falsifying catch records or required wholesale records.
- 26 (m) "Director" means the director of the department.
- 27 (n) "Dressed fish" means a fish with the head and tail
- 28 attached but with the gills and the entire gut or viscera removed.



1 (o) "Dressed headed fish" means a fish with the tail attached  
2 but with the head and entire gut or viscera removed.

3 (p) "Extension measure" means measuring the distances between  
4 the extreme angles of any single mesh, between and inside the  
5 knots, when the mesh is pulled taut by hand. Extension measure is  
6 also commonly known as stretch mesh.

7 (q) "Fillet" means a cut or slice of edible meat from the side  
8 of a fish.

9 (r) "Fish", unless the context requires otherwise, includes  
10 fish, fish parts, roe, and fish products.

11 (s) "Fish house" means a location owned or operated by a  
12 commercial fisher and to which fish are taken after landing to be  
13 processed or stored by the commercial fisher before being sold.

14 (t) "Fish in the round" means a fish that is entirely intact  
15 as it was taken out of the water with no part removed.

16 (u) "Fish length" means the length of a straight line from the  
17 tip of a fish's snout to the utmost end of the fish's tail measured  
18 with the fish's mouth closed and the caudal rays of the tail fin  
19 squeezed together.

20 (v) "Fyke net" means a long, bag-shaped impoundment net held  
21 open by hoops or frames and having 1 or more internal funnel-shaped  
22 throats that taper from the mouth of the net toward the pot. A fyke  
23 net is also commonly known as a hoop net.

24 (w) "Game fish" means that term as defined in section 48701.

25 (x) "Gill net" means a vertical stationary wall of net in  
26 which fish are caught by entanglement.

27 (y) "Great Lakes" means those portions of Lake Superior, Lake  
28 Michigan, Lake Huron, and Lake Erie, including the bays of those  
29 lakes, located within the boundaries of this state.



1 (z) "Great Lakes connecting waters" means those portions of  
2 Lake St. Clair, the St. Clair River, the St. Marys River, and the  
3 Detroit River located within the boundaries of this state.

4 (aa) "Harvest quota" means a limit, in pounds, on the amount  
5 of a fish species that may be harvested by a commercial fisher.

6 (bb) "Illegal fish" means a fish to which any of the following  
7 apply:

8 (i) The fish is taken or possessed in violation of part 473,  
9 the Michigan aquaculture development act, 1996 PA 199, MCL 286.871  
10 to 286.884, or any other law of this state or the law of a tribal  
11 jurisdiction in this state.

12 (ii) If imported, the fish is taken or possessed in violation  
13 of the laws of the state, province, country, or tribal jurisdiction  
14 from which imported.

15 (iii) The fish has not been reported or a record for the fish  
16 has not been created as required by any law described in  
17 subparagraph (i) or (ii).

18 (iv) The fish is a live prohibited species or restricted  
19 species as those terms are defined in section 41301.

20 (cc) "Impoundment net" means a net designed to capture fish by  
21 deflection and to retain them in a live condition until removed.

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

26 (ee) "Locker plant" means a facility with quick freezing  
27 equipment or lockers rentable for food storage.

28 (ff) "Part 473" means this part or a rule promulgated or  
29 order, license, or permit issued under this part.



1 (gg) "Person" means an individual or a partnership,  
2 association, corporation, or other legal entity.

3 (hh) "Pound net" means a stationary impoundment net consisting  
4 of a lead, heart, tunnels, and pot, supported by a series of stakes  
5 or pilings, that traps fish inside a box-like net enclosure that is  
6 open above the surface of the water.

7 (ii) "Purse seine net" means a seine net that is used in open  
8 water with its ends and bottom drawn together and up, forming a pen  
9 from which fish are removed.

10 (jj) "Record" includes any material on which information is  
11 recorded or preserved, regardless of physical form, that relates to  
12 the production, storage, transportation, buying, selling, or other  
13 acquisition or disposition of fish by a commercial fisher or  
14 wholesale fish dealer.

15 (kk) "Retail fish dealer" means a person, including, but not  
16 limited to, a retail store, locker plant, restaurant, hotel,  
17 tavern, meat market, grocery store, or other establishment, or  
18 club, that sells fish to the final consumer or sells fish for  
19 resale at no reduction in retail price.

20 (ll) "Roe" means fish eggs.

21 (mm) "Saginaw Bay" means the area south and west of a straight  
22 line from Point Lookout in Arenac County to Sand Point in Huron  
23 County and inclusive of an area north and east of Sand Point within  
24 the following boundaries: commencing at the monument on the  
25 westerly end of Sand Point (lat 43.54.58 long 083.24.19), thence  
26 easterly to the section line between section 7, T17N, R10E and  
27 section 12, T17N, R9E (lat 43.54.81 long 083.21.65); thence on a  
28 line due north for 2 miles (lat 43.56.55 long 083.21.65); thence on  
29 a line due west to a point due north of the monument on Sand Point



1 (lat 43.56.56 long 083.24.19); thence southerly to the point of  
2 beginning.

3 (nn) "Sell" means to transfer or agree to transfer to another  
4 for anything of value. "Sale", "sold", and "seller" have  
5 corresponding meanings.

6 (oo) "Seine net" means a mesh net that meets all of the  
7 following requirements:

8 (i) Has weights on 1 edge and floats on the opposite edge.

9 (ii) Hangs vertically in the water.

10 (iii) Is used to enclose fish when its ends are either pulled  
11 together or drawn ashore.

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

14 (qq) "Sport angling equipment" means a fishing rod and reel or  
15 bow and spear fishing equipment that meets both of the following  
16 requirements:

17 (i) Is commonly used by recreational anglers to catch fish.

18 (ii) Is in working condition.

19 (rr) "Take" and "taking" means to fish for by any method,  
20 catch, kill, capture, trap, harvest, or shoot any aquatic species  
21 or to attempt to engage in any such activity.

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

26 (tt) "Trawl net" means a net that is actively towed through  
27 the water by a vessel in order to capture fish.

28 (uu) "Type", when referencing fish, means the status of the  
29 fish as live, fresh, frozen, or smoked. However, type, when



1 specifically referencing roe, means the status of the roe as  
2 processed or unprocessed.

3 (vv) "Unattended gear" means gear not utilized or lifted and  
4 cleared of fish by the commercial fisher for a period of 10 days or  
5 containing dead fish in an amount and state of decay that indicate  
6 a prolonged period without being tended. Gear is not unattended  
7 gear if the commercial fisher did either of the following within  
8 the 10-day period:

9 (i) Properly reported the gear as lost or vandalized.

10 (ii) Rendered, as prescribed by the department, and properly  
11 reported the gear as unfishable.

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

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

18 (yy) "Unreported lost gear" means gear for which both of the  
19 following apply:

20 (i) The commercial fisher discovered the gear to be lost.

21 (ii) The commercial fisher did not do either of the following  
22 by midnight of the day on which the commercial fisher discovered  
23 the loss:

24 (A) Recover the gear.

25 (B) Report the loss of the gear to the department in the  
26 manner required by the department.

27 (zz) "Unreported vandalized gear" means gear for which both of  
28 the following apply:

29 (i) The commercial fisher discovered the gear to be vandalized.





1 (ii) The commercial fisher did not do either of the following  
2 by midnight of the day on which the commercial fisher discovered  
3 the vandalization:

4 (A) Recover or repair the gear.

5 (B) Report the vandalization of the gear to the department in  
6 the manner required by the department.

7 (aaa) "Vessel" means every description of watercraft used or  
8 capable of being used as a means of transportation on water,  
9 including, but not limited to, any rowboat, sailboat, powerboat,  
10 motorboat, scow, tug, or launch.

11 (bbb) "Vessel length" means the length of the vessel as  
12 measured in a straight line from the tip of the bow to the stern.  
13 Bow sprits, rudders, outboard motors and motor brackets, and other  
14 fittings, attachments, and extensions are not included in this  
15 measurement.

16 (ccc) "Waters subject to this part" means the Great Lakes and  
17 the Great Lakes connecting waters.

18 (ddd) "Wholesale fish dealer", subject to subdivision (eee),  
19 means a person that buys, offers to buy, obtains, or processes fish  
20 in any manner, for itself or any other person, for sale to someone  
21 other than the final consumer. Wholesale fish dealer includes, but  
22 is not limited to, a crew member of a commercial fisher who sells  
23 fish received from the commercial fisher as his or her share of the  
24 catch or as payment for his or her work, or who retains part or all  
25 of the sale proceeds of the catch.

26 (eee) Wholesale fish dealer does not include:

27 (i) A commercial fisher that sells only the fish that the  
28 commercial fisher catches.

29 (ii) A retail store or locker plant that sells fish to a



1 restaurant, hotel, or tavern at no reduction in the retail price  
 2 charged to retail customers other than a restaurant, hotel, or  
 3 tavern.

4 (fff) "Wholesale fish dealer license" means a license required  
 5 under section 47321(1) or required under former section 47333.

6 ~~All fish of whatever kind found in the waters of Lakes  
 7 Superior, Michigan, Huron, and Erie, commonly known as the Great  
 8 Lakes, the bays of the Great Lakes, and the connecting waters  
 9 between those lakes within the jurisdiction of this state are the  
 10 property of the state, and taking the fish from those waters is a  
 11 privilege. All fish in waters described in this section shall be  
 12 taken, transported, sold, and possessed only in accordance with  
 13 this part.~~

14 Sec. 47303. (1) Fish in waters subject to this part are the  
 15 property of this state, and taking fish from those waters is a  
 16 privilege.

17 (2) Fish in waters subject to this part may be taken,  
 18 possessed, transported, sold, or offered for sale only in  
 19 compliance with part 473.

20 (3) Part 473 does not authorize the taking, possession,  
 21 transporting, sale, or offering for sale of fish, the use of nets,  
 22 or the setting of nets at a place or places or at times otherwise  
 23 prohibited by law.

24 (4) A person shall not possess, transport, sell, or offer to  
 25 sell any illegal fish.

26 (5) Part 473 does not apply to sport fishing regulated under  
 27 part 487.

28 (6) Part 473 does not apply to the taking of minnows and other  
 29 small fish for bait with nets not otherwise prohibited by law. As



1 used in this subsection, "minnows" means that term as defined in  
2 section 48728.

3 ~~The department shall provide financial remuneration to the~~  
4 ~~state for fish taken for commercial purposes by collection from the~~  
5 ~~licensee of not more than 5% of the price received by the licensee.~~  
6 ~~Money received shall be credited to the game and fish protection~~  
7 ~~account of the Michigan conservation and recreation legacy fund~~  
8 ~~provided for in section 2010 to be used in the development and~~  
9 ~~management of the fisheries resource.~~

10 **Sec. 47304. The department may do any of the following:**

11 (a) Take fish or issue permits for others to take fish in any  
12 manner, in waters subject to this part, during any season of the  
13 year, for the purpose of scientific investigation, fishery  
14 assessment, fishery utilization, fishery management, or fish  
15 culture; possess those fish; sell some or all of those fish; direct  
16 that some or all of those fish be sold; and devote the proceeds of  
17 sales toward defraying the expenses incurred.

18 (b) For the purpose of scientific investigation, fisheries  
19 assessment, fishery utilization, fishery management, or fish  
20 culture, seize fish harvested by any commercial fisher. If the  
21 department takes fish under this subdivision, the fish must be  
22 weighed and paid for. The price paid for the fish must be the fair  
23 market value, plus the cost of transportation, if any, or a price  
24 agreed upon by the commercial fisher and the department.

25 **Sec. 47305. The department shall not issue to a commercial**  
26 **fisher a permit authorizing the taking and sale of game fish.**

27 ~~For the purpose of carrying out this section and sections~~  
28 ~~47302 and 47303, the department may promulgate rules as may be~~  
29 ~~necessary.~~



1           Sec. 47306. (1) A person shall not do any of the following in  
2 waters subject to this part unless the person has been issued a  
3 commercial fishing license authorizing the activity:

4           (a) Use a vessel, net, set hook line, or other device  
5 authorized in this section for the purpose of taking or  
6 transporting fish for a commercial purpose.

7           (b) Take fish from any commercial net, set hook line, or other  
8 commercial device.

9           (2) Subject to subsection (3), when in the department's  
10 opinion it is necessary for the better protection, preservation,  
11 management, harvesting, and utilization of a fishery in waters  
12 subject to this part, the department may limit the number of  
13 commercial fishing licenses to be issued and determine the  
14 qualifications of persons eligible for a license. In determining  
15 the number of commercial fishing licenses to be issued during any  
16 license year, the department shall consider all of the following:

17           (a) The number of licensees.

18           (b) The number of licensees needed to harvest the fish that  
19 the department considers to be harvestable.

20           (c) The capacity of the vessels and equipment owned and used  
21 by licensees to harvest those fish.

22           (d) Any other facts relevant to the number of persons who may  
23 engage in commercial fishing in an economical and profitable  
24 manner.

25           (3) Subject to subsection (4), a commercial fisher that is  
26 licensed on December 31, 2019 has the right to have its licenses  
27 renewed by the department every year if the commercial fisher  
28 continues to meet the qualifications set forth in this act and the  
29 qualifications specified in any orders or rules promulgated under



1 this act, regardless of the determination of the number of licenses  
2 to be issued under this act. However, the department, with cause,  
3 may revise a commercial fishing license under section 47308.

4 (4) The department may rescind or not reissue a license issued  
5 under this part if the department determines that it is necessary  
6 for the protection or utilization of a fishery. The department  
7 shall first provide the licensee a written justification for its  
8 decision under this subsection and notice that it will do 1 of the  
9 following:

10 (a) Initiate license revocation proceedings under the  
11 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
12 24.328.

13 (b) Make a good-faith offer to compensate the licensee for the  
14 fair market value of the license. The department shall provide the  
15 licensee with a reasonable opportunity to submit information to the  
16 department regarding fair market value, not to exceed 180 days. The  
17 department shall then issue a final determination that may be  
18 appealed under the process provided for in the revised judicature  
19 act, 1961 PA 236, MCL 600.631.

20 (5) To obtain a commercial fishing license, a person shall  
21 submit an application to the department. The department shall  
22 establish the format for the application. The application must be  
23 accompanied by the fee required under subsection (7) and state all  
24 of the following:

25 (a) The name and residence or business address of the  
26 applicant.

27 (b) The manner in which the applicant proposes to fish.

28 (c) The name or number of each vessel to be used.

29 (d) The length of each vessel.



1 (e) The name of the port or ports from which each vessel will  
2 operate.

3 (f) The number and kind of nets, hooks, and other gear to be  
4 used.

5 (g) Any other reasonable and pertinent information required by  
6 the department.

7 (6) An applicant for a commercial fishing license shall submit  
8 an application annually not less than 30 days before fishing  
9 operations are expected to commence or by November 15 of the  
10 license year for which the application is submitted, whichever is  
11 earlier. In addition to the qualifications in this part, to be  
12 eligible for a license, an applicant must have been issued a  
13 commercial fishing license for the immediately preceding year or  
14 have legally been transferred the ownership of a commercial fishing  
15 license in this state that was issued for the immediately preceding  
16 year.

17 (7) The department shall not process a commercial fishing  
18 license application unless the applicant pays the following fee  
19 based on the calendar year for which the annual license is issued:

20 (a) For a commercial fishing license without a listed vessel,  
21 the following:

22 (i) For 2020, \$200.00.

23 (ii) For 2021 through 2030, \$250.00.

24 (iii) For 2031 through 2040, \$300.00.

25 (iv) For 2041 and each year thereafter, \$350.00.

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

28 (i) For 2019 through 2020, \$1,400.00.

29 (ii) For 2021 through 2030, \$1,500.00.



1           (iii) For 2031 through 2040, \$1,600.00.

2           (iv) For 2041 and each year thereafter, \$1,700.00.

3           (8) On the first day of each month, the department shall pay  
4 to the state treasurer all money received by the department under  
5 this part, and the treasurer shall credit the money to the Michigan  
6 game and fish protection trust fund provided for in section 43702.

7           ~~A person shall not place or set any kind of a net or set hook  
8 lines or take or attempt to take any kind of fish with a net or set  
9 hook lines, except minnow seines as provided in section 47309, in  
10 any of the connecting waters between Lake Superior and Lake Huron  
11 and the connecting waters between Lake Huron and Lake Erie. For the  
12 purposes of this part, the connecting waters between Lake Superior  
13 and Lake Huron are all of that part of the straits of St. Mary in  
14 this state, extending from a line drawn from Birch point range  
15 front light to the most westerly point of Round island, thence  
16 following the shore of Round island to the most northerly point  
17 thereof, thence from the most northerly point of said Round island  
18 to Point Aux Pins light, Ontario, to a line drawn east and west  
19 from the most southerly point of Little Lime island; and the  
20 connecting waters of Lake Huron and Lake Erie are all of the St.  
21 Clair river and all of lake St. Clair and all of the Detroit river  
22 extending from fort Gratiot light in Lake Huron to a point in the  
23 lower Detroit river where the center line of Oak street, city of  
24 Wyandotte, Wayne county, Michigan, extended due east, would  
25 intersect the international boundary line. The boundary line  
26 between Lake Michigan and Lake Huron is a line extending due north  
27 from old Mackinac point lighthouse across the straits of Mackinac.~~

28           Sec. 47307. (1) **The department shall issue to an eligible**  
29 **person who has paid the required application fee under section**



1 47306 a license signed by the director or his or her designee. The  
2 license shall specify all of the following:

- 3 (a) The date the license was issued.
- 4 (b) The name of the commercial fisher.
- 5 (c) The date that the license expires.
- 6 (d) The name, number, and kind of vessel authorized.
- 7 (e) The number of and kind of nets authorized.
- 8 (f) The port or ports.

9 (2) The department shall keep a record of all commercial  
10 fisher license applications and licenses.

11 (3) In addition to the requirements of part 473, a license  
12 issued by the department may specify 1 or more of the following:

- 13 (a) Harvest quotas.
- 14 (b) The areas where the commercial fisher is authorized to  
15 fish. If not specifically designated by license condition, a  
16 commercial fisher may fish waters subject to this part and open to  
17 commercial fishing within a radius of 50 miles of any port  
18 specified on the license.

19 (c) The season when and the depths where the commercial fisher  
20 may conduct commercial fishing operations.

21 (d) The type and amount of gear that the commercial fisher is  
22 allowed to use.

23 (e) The port or ports where fish must be landed, unless  
24 specifically stated otherwise, and where vessels must be docked  
25 while conducting commercial fishing operations.

26 (f) The vessels authorized to be used by the commercial  
27 fisher. A vessel may be added to a license upon application by the  
28 commercial fisher and approval of the department. However, a vessel  
29 must not be listed on more than 1 license at a time.





1 (g) The time period within which the commercial fisher must  
2 tend or lift commercial fishing gear.

3 (h) The right to inspect the commercial fisher's commercial  
4 fishing operations in the water, on board, or ashore.

5 (i) Other conditions, terms, or restrictions that are  
6 considered necessary in implementing part 473.

7 (4) A commercial fishing license expires at the end of the  
8 calendar year for which the license is issued.

9 ~~A person shall not set any net, set hook lines, or other  
10 device for the purpose of taking or catching fish within 160 rods  
11 on either side of the thread of the stream at the mouth of any  
12 river or outlet of an inland lake emptying into Lakes Superior,  
13 Michigan, Huron, or Erie, commonly known as the Great Lakes, or the  
14 bays of the Great Lakes, navigable for vessels drawing 10 feet or  
15 more, leaving an open channel of 1 mile in width for the free  
16 passage of fish, extending at right angles from the shoreline as  
17 near as may be, 2 miles from shore. However, within the next 1/2  
18 mile on either side of any such rivers or outlets of inland lakes,  
19 nets, set hook lines, or other devices shall not be used for the  
20 purpose of taking fish that will extend a greater distance than 1  
21 mile from shore. The purpose of the limitations in this section is  
22 to leave an open channel of 1 mile in width 1 mile out, and 2 miles  
23 in width for the second mile out, for the free passage of fish. No  
24 net or other device for taking fish shall be set or used within 40  
25 rods on either side of the thread of the stream at the mouth of any  
26 other river or the outlet of any other inland lake leaving an open  
27 channel of 80 rods in width for the free passage of fish, extending  
28 at right angles with the shoreline as near as may be 2 miles out  
29 from shore. For the purpose of this section, the shore commences at~~



1 ~~the average low water mark. If the location of the open channel or~~  
 2 ~~the average low water mark is in dispute, this location shall be~~  
 3 ~~determined by the department. Except as provided in sections 47311~~  
 4 ~~and 47313, a person may at all times catch any kind of fish in all~~  
 5 ~~of the waters named in this part, and from the docks, harbors of~~  
 6 ~~refuge, or breakwaters, with a hook and line except largemouth~~  
 7 ~~black bass, smallmouth black bass, bluegills, sunfish, brook or~~  
 8 ~~speckled trout, rainbow and steelhead trout, brown and Loch Leven~~  
 9 ~~trout, northern pike, pike perch, perch, or muskellunge, which~~  
 10 ~~shall only be taken or possessed in the manner and at the time~~  
 11 ~~specified by the laws of this state protecting those fish. A person~~  
 12 ~~may also spear carp, suckers, mullet, redhorse, sheepshead, lake~~  
 13 ~~trout, herring, smelt, perch, pike perch, northern pike,~~  
 14 ~~muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee~~  
 15 ~~white fish, catfish, dogfish, and garpike through the ice in the~~  
 16 ~~connecting waters as defined in this part.~~

17       Sec. 47308. (1) **The department, upon application and the**  
 18 **payment of a fee of \$25.00, may revise a license previously issued**  
 19 **for the current fishing year to do any of the following:**

20       (a) **Transfer the license to a different vessel, which may be**  
 21 **larger or smaller, or temporarily transfer the license while the**  
 22 **licensed vessel is disabled and undergoing repairs.**

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

27       (c) **If the license is sold, transfer the license to the new**  
 28 **owner or owners.**

29       (d) **Change a port specified on the license.**



1 (2) A commercial fishing license is transferable only with the  
2 approval of the department. The department shall approve a transfer  
3 if the department determines that the proposed transferee will  
4 comply with the laws applicable to commercial fishing and is  
5 capable of engaging in commercial fishing in a proper manner. In  
6 making this determination, the department may consider the  
7 following:

8 (a) Any violations of this act committed by the proposed  
9 transferee during the previous 5 years.

10 (b) Any violations of a law of the United States, another  
11 state, or another country, substantially corresponding to a  
12 violation of this act, committed by the proposed transferee during  
13 the previous 5 years.

14 (c) Other relevant factors.

15 ~~Except as otherwise provided by law, a person may use in the~~  
16 ~~waters of Lakes Michigan, Superior, Huron, and Erie, and the bays~~  
17 ~~of those lakes, within the jurisdiction of this state, set hook~~  
18 ~~lines or spears for the purpose of taking fish; and for the purpose~~  
19 ~~of securing bait for use in baiting said hook lines, a person may~~  
20 ~~use gill nets as provided in section 47309. However, a person shall~~  
21 ~~not market or possess for the purpose of marketing any fish taken~~  
22 ~~in bait nets. All unused bait, fresh or old, shall be taken ashore.~~

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

26 (a) House Bill No. 4568.

27 (b) House Bill No. 4569.

