

**SUBSTITUTE FOR
HOUSE BILL NO. 4569**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 47318, 47319, 47320, 47321, 47322, 47323,
47324, 47325, 47326, 47327, 47328, and 48724 (MCL 324.47318,
324.47319, 324.47320, 324.47321, 324.47322, 324.47323, 324.47324,
324.47325, 324.47326, 324.47327, 324.47328, 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 peace officer may at any time when the
2 business of commercial fishing is being conducted on the premises
3 do any of the following:

4 (a) Enter any of the following:

5 (i) A building or structure where fish are stored, processed,



1 packed, or held by a commercial fisher.

2 (ii) A building or structure where a commercial fisher's
3 records are kept.

4 (iii) A building or structure where vehicles, vessels,
5 equipment, or gear used in a commercial fisher's business are
6 located.

7 (iv) A building or structure where activities related to a
8 commercial fisher's business are conducted.

9 (v) A vehicle, vessel, or live fish car used to harvest,
10 transport, or hold fish.

11 (b) Inspect fish stored or in the possession of a commercial
12 fisher, inspect or copy records or reports of a commercial fisher,
13 and inspect buildings, structures, vehicles, vessels, fishing gear,
14 and other materials and equipment related to the harvest,
15 possession, and sale of fish taken under a commercial fishing
16 license or with commercial fishing gear.

17 (2) A commercial fisher shall not prohibit entry or prohibit
18 an inspection to be conducted as authorized under this section, or
19 refuse to produce records as required under this section, unless a
20 court restrains or enjoins the entry, inspection, or production.

21 (3) If a person is convicted of violating subsection (2), the
22 court shall order the person's commercial fishing license or
23 licenses be suspended for 1 year beginning within 30 days after
24 conviction.

25 ~~Any package or car of fish in transit opened by the~~
26 ~~department, if found to be a lawful shipment under this part, shall~~
27 ~~be repacked in as good a condition as possible. A package or car of~~
28 ~~fish legally shipped shall not be detained in transit by or for~~
29 ~~inspection.~~



1 Sec. 47319. (1) Except as otherwise provided in subsection
2 (2), a person shall not ship, accept for shipment, transport, or
3 cause to be transported a container, package, or box containing
4 fish or fish product unless the container, package, or box is
5 plainly marked with the name of the consignor, the name of the
6 consignee, and the species and amount by weight of fish in the
7 container, package, or box.

8 (2) The name of the consignor and consignee is not required
9 under subsection (1) for the following:

10 (a) Multiple containers, packages, or boxes containing fish or
11 fish product being shipped to 1 destination within this state if
12 the containers, packages, or boxes are prepared as follows:

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

16 (ii) Each unit is described in subparagraph (i) is individually
17 labeled as to the type and pounds of fish, fish product, or roe.
18 This label must comply with all of the following:

19 (A) Be visible on all 4 sides of the unit.

20 (B) Identify the consignor and consignee of the shipment.

21 (C) State the number of boxes or packages in the bound unit,
22 the species of fish contained, and the total weight of the fish or
23 fish product or container.

24 (b) Shipments to individual destinations consigned by a single
25 wholesale fish dealer and transported in a vehicle registered to
26 that wholesale fish dealer for same-day delivery within this state
27 and within 100 miles of the wholesale fish dealer's business, if
28 each container, package, or box is marked with the name of the
29 consignee.



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

8 (4) Subsections (1), (2), and (3) do not apply to a commercial
9 fisher that is transporting fish directly from a port specified on
10 its license to its fish house or to a processor. A commercial
11 fisher shall complete a bill of lading or an invoice indicating the
12 number of containers, packages, or boxes being so transported for
13 each species of fish. The bill of lading or invoice must accompany
14 the fish and be made available to a peace officer for inspection
15 and comparison to the cargo being transported.

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

25 (6) The entire contents of a container, package, or box that
26 contains any illegal fish is subject to seizure.

27 (7) A package or shipment of illegal fish offered to a common
28 carrier is considered to be in the possession of the consignor
29 until delivered to the consignee. However, if a common carrier



1 fails to show from whom the consignment of any shipment of fish was
 2 received, the shipment is considered to be in the possession of the
 3 common carrier having the shipment in transit, and that common
 4 carrier is subject to the same penalties and other sanctions as the
 5 cosignor.

6 ~~(1) A person shall not market, possess, transport, or offer~~
 7 ~~for sale at any time in this state, whether caught within or~~
 8 ~~outside of this state, any of the following:~~

9 ~~(a) Whitefish, of a length less than 17 inches.~~

10 ~~(b) Lake trout, of a weight less than 1-1/2 pounds in the~~
 11 ~~round, and 1-1/4 pounds when dressed.~~

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

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

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

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

19 ~~(g) Catfish, of a length less than 17 inches. Catfish of not~~
 20 ~~less than 15 inches in length may be taken from the waters of Lake~~
 21 ~~Erie.~~

22 ~~(h) Pike perch (yellow pickerel), of a length less than 15 1/2~~
 23 ~~inches in the round and filleted pike-perch (yellow pickerel) of a~~
 24 ~~weight less than 9 ounces. Pike perch (yellow pickerel) not less~~
 25 ~~than 13 inches in length may be taken from Lake Erie. Pike perch~~
 26 ~~(yellow pickerel) not less than 13 inches in length taken from the~~
 27 ~~waters of Lake Erie may be sold or offered for sale at a dock or~~
 28 ~~docks along Lake Erie. Any such pike-perch (yellow pickerel) of a~~
 29 ~~length less than 15 1/2 inches shall not be otherwise offered for~~



1 ~~sale, bartered, or sold within the limits of the state.~~

2 ~~(i) Blue pike, of a length less than 11 inches.~~

3 ~~(j) White bass, of a length less than 9 inches.~~

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

5 ~~(l) Black crappie, of a length less than 7 inches.~~

6 ~~(2) Imported commercial fish species and game fish if of a~~
7 ~~size or weight or species not prohibited by the laws of the state~~
8 ~~or country where caught may be possessed, transported, offered for~~
9 ~~sale, and marketed in this state, if either of the following~~
10 ~~conditions are met:~~

11 ~~(a) The fish are processed outside the state and sold to~~
12 ~~consumers in the same package as imported, and each package is~~
13 ~~labeled as a product of the state or country where the fish were~~
14 ~~caught.~~

15 ~~(b) A chain of satisfactory evidence of importation is~~
16 ~~maintained through to the retailer who sells to the consumer, in a~~
17 ~~manner prescribed by the department.~~

18 ~~(3) The measurement of the length of a fish within the meaning~~
19 ~~of this part shall be taken in a straight line from the tip of the~~
20 ~~snout to the utmost end of the tail fin. For the purpose of this~~
21 ~~part, a "fish in the round" is a fish that is entirely intact as it~~
22 ~~was taken out of the water with no part removed by dressing. A~~
23 ~~"dressed fish" is a fish with the head attached but with the gills~~
24 ~~and the entire gut or viscera (stomach, liver, intestine, gonads)~~
25 ~~removed. A "filleted fish" is a fish with the entire head, gut or~~
26 ~~viscera, gills, bones, scales, and all fins removed. The~~
27 ~~measurements of length and weight as prescribed in this part apply~~
28 ~~without any allowance made for the shrinkage of the fish. A person~~
29 ~~shall not possess on any boat, or on any other conveyance used to~~



~~1 reach the nets from shore, any meat grinders or similar devices by
2 the use of which the identification of the species or measurement
3 of the individual fish is impossible. A person shall not bring
4 ashore any fish that is so mutilated that identification and
5 measurement is impossible. A person shall not market, possess, or
6 offer for sale any fish illegally taken from the waters defined by
7 this part.~~

8 **Sec. 47320. If the department opens any package or shipment of
9 fish in transit and finds that package or shipment to be a lawful
10 package or shipment under part 473, the department shall repack
11 that package or shipment in as good a condition as possible and
12 release it without further detainment.**

~~13 A person engaged in lifting pound nets, trap nets, or seines
14 in the waters of this state shall not take from the waters of this
15 state any undersized fish, and all undersized fish found in the
16 nets fished in those waters shall be returned to the waters with as
17 little injury as possible by the person or persons lifting the net
18 or nets. For the purpose of this part, undersized fish are fish of
19 a smaller size than established by this part.~~

20 **Sec. 47321. (1) A person shall not engage in business as a
21 wholesale fish dealer in this state unless the person holds a
22 wholesale fish dealer license. To obtain a wholesale fish dealer
23 license, a person shall submit an application to the department in
24 a format provided by the department. The application must be
25 accompanied by the following fee based on the calendar year for
26 which the license is issued:**

- 27 (a) For 2020, \$100.00.
28 (b) For 2021 through 2030, \$110.00.
29 (c) For 2031 through 2040, \$130.00.



1 (d) For 2041 and each year thereafter, \$150.00.

2 (2) The department shall keep a record of all wholesale fish
3 dealer license applications and licenses.

4 (3) A wholesale fish dealer license expires at the end of the
5 calendar year for which it is issued.

6 (4) A wholesale fish dealer shall not, at any time, sell, buy,
7 or have in its possession or under its control for the purpose of
8 sale, any illegal fish.

9 (5) A wholesale fish dealer shall require identification from
10 each person that sells fish to the wholesale fish dealer. A
11 wholesale fish dealer shall buy fish only from a commercial fisher
12 or commercial, tribal-licensed fisher or other legal source of
13 fish.

14 (6) A wholesale fish dealer shall keep and submit to the
15 department records as required by the department of all fish
16 bought, possessed, or acquired, and of the sale or other
17 disposition of the fish. The records of prices paid for fish bought
18 and sold by a wholesale fish dealer are exempt from disclosure
19 under the freedom of information act, 1976 PA 442, MCL 15.231 to
20 15.246, and shall not be disclosed by the department.

21 (7) A wholesale fish dealer shall complete and submit to the
22 department an annual inventory record of all freshwater fish and
23 roe in possession or under ownership or control of the wholesale
24 fish dealer, including those fish and roe in cold storage
25 facilities, as of a date specified by the department.

26 (8) The director shall establish the format and schedule for
27 submission to the department of the wholesale records and annual
28 inventory records under subsections (6) and (7), as well as the
29 specific information they must contain.



1 (9) A wholesale fish dealer that fails to timely submit a
2 complete record required under this section is responsible for a
3 state civil infraction and subject to the following fines:

4 (a) For the first violation during a license year, \$100.00.

5 (b) For a second or subsequent violation during a license
6 year, \$200.00.

7 (10) If a wholesale fish dealer fails to submit 2 or more
8 records required under this section and has been cited by the
9 department for each violation, the department may suspend the
10 person's wholesale fish dealer license until the delinquent reports
11 are submitted to the department. The department shall send
12 notification of the suspension to the wholesale fish dealer.

13 (11) The department shall deny a new wholesale fish dealer
14 license or renewal of a wholesale fish dealer license to a person
15 that fails to submit a record required under this section until the
16 record is submitted.

17 (12) A person shall not falsify any information contained in a
18 record required under this section.

19 (13) The department shall not issue a wholesale fish dealer
20 license to a person that would occupy the same business location as
21 a wholesale fish dealer whose license is suspended.

22 (14) A wholesale fish dealer or employee or other person
23 acting on behalf of a wholesale fish dealer shall not possess,
24 control, store, transport, or cause to be transported any
25 freshwater fish for which there is no record or for which there is
26 no inventory as required under part 473.

27 (15) A wholesale fish dealer shall retain all records and
28 inventories required under part 473 for a period of 6 years after
29 the date that the record or inventory was created.



1 (16) A wholesale fish dealer shall not transport or cause to
 2 be transported any fish unless each side of the transporting
 3 vehicle is clearly marked with the correct business name of the
 4 wholesale fish dealer or transporting company, displayed in letters
 5 of at least 1 inch in height.

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

- 9 ~~(a) Largemouth black bass, *Huro salmoides*.~~
 10 ~~(b) Smallmouth black bass, *Micropterus dolomieu*.~~
 11 ~~(c) White crappie, also known as strawberry bass, *Pomoxis*~~
 12 ~~*annularis*.~~
 13 ~~(d) Bluegill, *Lepomis macrochirus*.~~
 14 ~~(e) Common sunfish, *Lepomis gibbosus*.~~
 15 ~~(f) Brook or speckled trout, *Salvelinus fontinalis*.~~
 16 ~~(g) Rainbow and steelhead trout, *Salmo gairdnerii*.~~
 17 ~~(h) Brown and Loch Leven trout, *Salmo trutta*.~~
 18 ~~(i) Muskellunge, *Esox masquinongy*.~~

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

24 **Sec. 47322. (1) Upon request of a peace officer, a wholesale**
 25 **fish dealer shall produce for inspection and copying all records**
 26 **relating to buying or otherwise acquiring, selling or otherwise**
 27 **disposing of, or storing of fish that are kept at the wholesale**
 28 **fish dealer's place of business or at a residence, dwelling, or**
 29 **location other than the wholesale fish dealer's business.**



1 (2) A peace officer may, at any time when business is being
2 conducted on the premises, do any of the following:

3 (a) Enter any of the following:

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

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

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

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

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

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

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

26 (4) If a person is convicted of violating this section, the
27 court shall order that the person's wholesale fish dealer license
28 be suspended, and the person is not eligible to apply for or
29 receive another such license for 1 year after the conviction.



~~1 A person shall not set or use nets, set hook lines, or any~~
~~2 other continuous device in any of the waters mentioned in this part~~
~~3 without marking its location by buoys and identifying the nets or~~
~~4 other devices by showing the license number in plain figures upon~~
~~5 the bowls of the buoys of the person using the nets, set lines, or~~
~~6 other devices; the license number to be attached to all gill net~~
~~7 buoys; to the stakes at the heart or pot of pound nets; to the~~
~~8 lifting buoy of trap nets, where the heart and pot are set below~~
~~9 the surface of the water; to a buoy at the point of heart or pot of~~
~~10 fyke nets where the cover of the hearts or pots comes to the~~
~~11 surface of the water. However, when any of the nets, set hook~~
~~12 lines, or other devices are set under the ice, their location shall~~
~~13 be marked by a stake extending not less than 4 feet above the ice~~
~~14 at each end of the net or nets, set hook lines, or other continuous~~
~~15 device and the license number, in legible figures, shall be~~
~~16 attached to each stake or to the ends of the net or nets, set hook~~
~~17 line, or other device.~~

18 Sec. 47323. A retail fish dealer shall retain, from the time
19 of acquisition of freshwater fish or roe, a bill of sale or invoice
20 indicating the quantity and species of the fish or roe and the name
21 and address of the consignor. A retail fish dealer shall make the
22 fish, roe, and records available for inspection by a peace officer
23 at any reasonable time. A retail fish dealer shall maintain records
24 for a period of 1 year after the fish or roe is disposed of by sale
25 or otherwise.

~~26 Every person taking fish for market in any of the waters~~
~~27 mentioned in this part shall bring them to some port or place in~~
~~28 this state where they may be inspected before shipping. However,~~
~~29 the department may grant permission to take fish to ports or places~~



1 ~~in other states when the commercial fishing laws of the other~~
 2 ~~states substantially conform to the commercial fishing laws of this~~
 3 ~~state.~~

4 Sec. 47324. (1) A person shall not obstruct or interfere in
 5 the lawful taking of an aquatic species under this part.

6 (2) A person violates subsection (1) if the person
 7 intentionally or knowingly does any of the following:

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

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

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

17 (d) Blocks, impedes, or harasses another person who is engaged
 18 in the process of lawfully taking an aquatic species.

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

22 (f) Erects barriers to deny ingress or egress to waters of
 23 this state where the lawful taking of an aquatic species may occur.
 24 This subdivision does not apply to a person who erects barriers to
 25 prevent trespassing on his or her property.

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

29 (h) Affects the condition or placement of personal or public



1 property intended for use in the lawful taking of an aquatic
2 species in order to impair the usefulness of the property or
3 prevent the use of the property.

4 (i) Enters or remains upon private lands without the
5 permission of the owner or the owner's agent for the purpose of
6 violating this section.

7 (j) Photographs, videotapes, audiotapes, or otherwise records
8 an individual who is lawfully taking an aquatic species with the
9 intent to harass that individual.

10 (k) Engages in any other act or behavior for the purpose of
11 violating subsection (1).

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

17 (4) A person who violates subsection (1) is guilty of a
18 misdemeanor punishable by imprisonment for not more than 93 days or
19 a fine of not less than \$500.00 or more than \$5,000.00, or both,
20 and the costs of prosecution. A person who violates this section a
21 second or subsequent time is guilty of a misdemeanor punishable by
22 imprisonment for not more than 1 year or a fine of not less than
23 \$1,000.00 or more than \$10,000.00, or both, and the costs of
24 prosecution. In addition to the penalties provided in this
25 subsection, if a person violates this section while holding a
26 permit or license issued by the department authorizing the person
27 to take aquatic species, the court shall order that the person's
28 license or permit be suspended for 1 year, or revoked if the
29 remaining term of the permit or license is 1 year or less, and the



1 person is not eligible to apply for or receive another such license
 2 for 1 year after the conviction. A prosecution under this section
 3 does not preclude prosecution or other action under any other
 4 criminal or civil statute.

5 (5) This section does not apply to a peace officer while the
 6 peace officer performs his or her lawful duties.

7 ~~The department may take, for fish cultural purposes only, fish~~
 8 ~~taken by any person fishing in the waters of this state, and when~~
 9 ~~so taken the fish shall be weighed and shall be paid for. The price~~
 10 ~~shall be based on the Chicago, Detroit, and New York markets, or at~~
 11 ~~such other price as may be agreed upon by the person or persons~~
 12 ~~taking the fish and the department, plus the cost of~~
 13 ~~transportation, if any.~~

14 Sec. 47325. **The department may issue orders or promulgate**
 15 **rules to implement this part.**

16 ~~Every person taking fish for the market in any of the waters~~
 17 ~~mentioned in this part shall keep an accurate report of each day's~~
 18 ~~catch upon forms furnished by the department of the number of~~
 19 ~~pounds of each kind of fish taken, of the locality fished, of the~~
 20 ~~kind and amount of fishing gear employed, of the length of time~~
 21 ~~(number of nights) each unit of gear employed fished without being~~
 22 ~~lifted, of the kind and amount of spawn taken, of the kind and~~
 23 ~~amount of caviar taken, and of such other data as the biologists~~
 24 ~~may require in following the trend of the fisheries, and shall each~~
 25 ~~month report, under oath when requested, the above data to the~~
 26 ~~department. Any person whose report for the last preceding month is~~
 27 ~~not received by the department at its office in Lansing, Michigan,~~
 28 ~~on or before the fifteenth day of the month following, is~~
 29 ~~delinquent, and notice to that effect shall be mailed to the~~



~~1 delinquent person by the department. Failure to submit a report
 2 within 30 days after the close of the month for which a report is
 3 required shall be considered as intent to violate this section. The
 4 license of any person who fails to submit reports for 2 or more
 5 months, and who has been duly notified by the department each
 6 following month as provided in this section, may be suspended by
 7 the department until such time as the delinquent reports are
 8 submitted to the department. The boat and nets for which a license
 9 is suspended shall not be used for commercial fishing by any person
 10 until the suspension has been lifted and the license restored.
 11 However, any person who fails to make the report or reports as
 12 described in this section shall be denied a new license or a
 13 renewal of his or her license until this part has been complied
 14 with. Any person engaged in fishing operations shall submit a
 15 monthly form to the department regardless of whether fishing was
 16 discontinued for 1 or more months, noting the facts.~~

17 Sec. 47326. (1) **Except as otherwise provided in this part, a
 18 person that violates part 473 is guilty of a misdemeanor punishable
 19 by imprisonment for not more than 90 days or a fine of not less
 20 than \$500.00 or more than \$5,000.00, or both, and may be ordered to
 21 pay the costs of prosecution.**

22 (2) **If a person licensed under this part is convicted of 3
 23 misdemeanor violations of part 473 that occurred in a 1-year period
 24 beginning with the date of the first offense and ending with the
 25 date of the third offense, the court shall order that the person's
 26 license be suspended for 1 year, beginning 30 days after the third
 27 conviction. If the suspended license is a wholesale fish dealer
 28 license, the person is not eligible to apply for or be issued
 29 another wholesale fish dealer license during the term of the**



1 suspension.

2 (3) If a person licensed under this part is convicted of 3
3 designated offenses that occurred in a 5-year period beginning with
4 the date of the first offense and ending with the date of the third
5 offense, the court shall order that the person's license be
6 suspended for 1 year, beginning 30 days after the third conviction.
7 If the suspended license is a wholesale fish dealer license, the
8 person is not eligible to apply for or be issued another wholesale
9 fish dealer license during the term of the suspension.

10 (4) If a person licensed under this part is convicted of 5
11 designated offenses that occurred in a 7-year period beginning with
12 the date of the first offense and ending with the date of the fifth
13 offense, both of the following apply:

14 (a) The department shall permanently revoke the person's
15 license.

16 (b) The person is prohibited from buying an interest in any
17 additional license of the same type for 7 years after the fifth
18 conviction.

19 (5) A commercial fisher whose license is suspended or revoked
20 under this part shall not use any vessel, net, or other gear listed
21 on the license. The vessels, nets, or other gear listed on a
22 suspended commercial fishing license shall not be transferred onto
23 any other commercial fishing license during the period of
24 suspension. A wholesale fish dealer whose license is suspended or
25 revoked under this part shall not buy, sell, or process any fish
26 originating within or outside of this state at the physical
27 location listed on the suspended or revoked license. The place of
28 the wholesale business, including the physical store and the
29 processing facility of a person whose wholesale fish dealer license



1 has been suspended, shall not be operated under any other wholesale
2 license during the period of suspension.

3 (6) A license suspended under this part shall not be sold or
4 transferred to a third party while under suspension.

5 (7) If a person whose commercial fishing license or wholesale
6 fish dealer license is suspended engages in or attempts to engage
7 in any commercial fishing activity or wholesale fish dealing
8 activity, respectively, during the period of suspension, the
9 department shall permanently revoke the person's license. The
10 suspension or revocation of a license does not result in the
11 suspension or revocation of other licenses owned by the same
12 person. However, any person who has a commercial fishing license
13 under suspension is, during the period of suspension, prohibited
14 from buying an interest in any additional commercial fishing
15 license issued under this part for the duration of the suspension,
16 subject to subsection (4) (b).

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



1 ~~sell any fish upon which the season is closed and which have not~~
2 ~~been reported as provided in this section.~~

3 Sec. 47327. (1) In addition to the penalties provided in this
4 part, a commercial fisher or any other person that is convicted of
5 the illegal taking, possessing, or selling of fish under part 473
6 shall reimburse the state for the value of the fish as follows:

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

10 (b) For each game fish, other than lake sturgeon, of an
11 individual weight of less than 1 pound, \$10.00 for each fish
12 illegally taken, possessed, or sold.

13 (c) For lake sturgeon, \$1,500.00 for each fish illegally
14 taken, possessed, or sold.

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

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

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

25 (3) If a defendant fails to pay upon conviction the amount
26 ordered by the court to be forfeited under subsection (2), the
27 court shall enter an order setting forth the manner and time of
28 payment, which may be by installments at the times and in the
29 amounts that the court determines the defendant is able to pay.



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

5 (5) A court that collects a forfeiture as provided in this
6 section shall promptly remit the forfeiture to the county
7 treasurer. The county treasurer shall transmit the forfeiture to
8 the state treasurer to be credited to the game and fish protection
9 account of the Michigan conservation and recreation legacy fund
10 established in section 2010.

11 ~~Any person who violates sections 47301 to 47325, upon~~
12 ~~conviction for the first offense shall be punished by imprisonment~~
13 ~~for not more than 30 days, or a fine of not less than \$25.00 or~~
14 ~~more than \$100.00 and costs of prosecution, or both. For the second~~
15 ~~or a subsequent offense, charged as a second or subsequent offense~~
16 ~~in the complaint, the person shall be punished by imprisonment for~~
17 ~~not less than 30 days or more than 90 days, or a fine of not less~~
18 ~~than \$50.00 or more than \$100.00 and costs of prosecution, or both.~~
19 ~~If a fine with costs is imposed under this part, the court shall~~
20 ~~sentence the offender to be confined in the county jail until the~~
21 ~~fine and costs are paid, but for a period not exceeding the maximum~~
22 ~~penalty for the offense.~~

23 Sec. 47328. (1) The department shall establish in the
24 department a commercial fishing advisory committee, consisting of
25 the following members:

26 (a) A commercial fisher licensed to engage in commercial
27 fishing in Lake Superior.

28 (b) A commercial fisher licensed to engage in commercial
29 fishing in Lake Michigan.



1 (c) A commercial fisher licensed to engage in commercial
2 fishing in Lake Erie.

3 (d) A commercial fisher licensed to engage in commercial
4 fishing in Lake Huron but not in Saginaw Bay.

5 (e) A commercial fisher licensed to engage in commercial
6 fishing in Saginaw Bay.

7 (f) The president of the Michigan Fish Producers Association
8 or successor organization or his or her designee.

9 (g) The president of the Michigan Charter Boat Association or
10 successor organization or his or her designee.

11 (h) A wholesale fish dealer that is not also a commercial
12 fisher.

13 (i) An individual representing sport fishing anglers.

14 (j) Not more than 3 individuals who have technical knowledge
15 regarding the impacts of the commercial fishing industry.

16 (2) The department shall appoint members of the commercial
17 fishing advisory committee. If a vacancy occurs on the committee,
18 the department shall make an appointment to fill the vacancy. This
19 subsection does not apply to members described in subsection (1)(f)
20 and (g).

21 (3) The department may remove a member of the commercial
22 fishing advisory committee for incompetence, dereliction of duty,
23 malfeasance, misfeasance, or nonfeasance in office, or any other
24 good cause.

25 (4) The first meeting of the commercial fishing advisory
26 committee shall be called by the department. At the first meeting,
27 the committee shall elect from among its members a chairperson and
28 other officers as it considers necessary or appropriate.

29 (5) A majority of the members of the commercial fishing



1 advisory committee constitute a quorum for the transaction of
2 business at a meeting of the committee. A majority of the members
3 present and serving are required for official action of the
4 committee.

5 (6) The business that the commercial fishing advisory
6 committee may perform shall be conducted at a public meeting of the
7 committee held in compliance with the open meetings act, 1976 PA
8 267, MCL 15.261 to 15.275.

9 (7) A writing prepared, owned, used, in the possession of, or
10 retained by the commercial fishing advisory committee in the
11 performance of an official function is subject to the freedom of
12 information act, 1976 PA 442, MCL 15.231 to 15.246.

13 (8) Members of the commercial fishing advisory committee shall
14 serve without compensation. However, members of the committee may
15 be reimbursed for their actual and necessary expenses incurred in
16 the performance of their official duties as members of the
17 committee.

18 (9) The commercial fishing advisory committee shall meet not
19 more than 2 times per calendar year.

20 (10) The commercial fishing advisory committee may provide
21 formal recommendations to the department regarding the commercial
22 fishing industry.

23 ~~A person shall not use any kind of a boat, tug, or launch,
24 except when used in hook and line fishing, or any kind of net or
25 nets, set hook lines, or commercial trolling rigs for the purpose
26 of taking, catching, killing, or transporting fish in any of the
27 waters bordering on this state, regardless of whether for
28 commercial purposes or for personal use, without first having
29 applied for and been issued a license for that activity, in~~



1 ~~accordance with this part. A license, except as otherwise provided~~
 2 ~~by law, is not required of persons engaged in sport trolling in~~
 3 ~~these waters, except that the owners of boats operated with either~~
 4 ~~an inboard or outboard motor and offered for hire in sport trolling~~
 5 ~~for lake trout shall obtain a license for each boat. A license,~~
 6 ~~except as otherwise provided by law, is not required of persons~~
 7 ~~engaged in taking fish with set lines in lake St. Clair as provided~~
 8 ~~in section 47302.~~

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

12 (2) Except as provided in subsection (3)(c), a person shall
 13 ~~not purchase, sell, or otherwise exchange anything of value for~~ **buy**
 14 **or sell** raw or unprocessed salmon eggs unless the person is
 15 ~~licensed pursuant to section 47333~~ **a wholesale fish dealer** and the
 16 ~~sale, purchase, or exchange of the raw or unprocessed salmon eggs~~
 17 ~~is made with~~ **are bought from or sold to, respectively,** another
 18 person who is also ~~licensed pursuant to section 47333~~ **a wholesale**
 19 **fish dealer.**

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

22 (a) Accept raw or unprocessed salmon eggs except from whole
 23 salmon, known as salmon in the round, or eggs salvaged from salmon
 24 cleaned at the station.

25 (b) Operate a fish cleaning station that sells raw or
 26 unprocessed salmon eggs without a ~~current and valid~~ permit issued
 27 by the department.

28 (c) Buy ~~, barter, or otherwise exchange anything of value for~~
 29 raw or unprocessed salmon eggs. This subdivision does not prohibit



1 the operator of a fish cleaning station or his or her agents from
 2 exchanging the service of cleaning salmon in exchange for the eggs
 3 in the salmons' carcasses or from charging a fee for cleaning
 4 salmon.

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

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

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

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

22 (c) ~~Disposal of offal~~**Offal** and unwanted salmon carcasses
 23 ~~shall~~**must** be **disposed of** in a manner approved by the local health
 24 department.

25 (d) A ~~permit holder~~**permittee** shall accept from sport fishers
 26 all salmon carcasses that are brought to the station and shall hold
 27 and dispose of them and their offal only in a manner approved by
 28 the local health department.

29 (e) As a condition of his or her permit, a ~~permit holder~~



1 **permittee** whose fish cleaning station is located on state owned
2 land shall provide free access to the fish cleaning station
3 facilities to anglers who wish to use the facilities to clean their
4 own salmon catch.

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

8 (6) If the department finds that a person is in violation of
9 this section or a permit issued under this section, the department
10 may issue an order requiring the person to comply with **this section**
11 **or** the permit. In addition to the penalties provided for in this
12 part, the department or its agent, the attorney general, or a
13 **another** person may seek injunctive relief for a violation of this
14 section or a permit issued under this section.

15 Enacting section 1. Part 461, sections 47301a, 47302, 47329 to
16 47362, part 479, and section 48901 of the natural resources and
17 environmental protection act, 1994 PA 451, MCL 324.46101,
18 324.46102, 324.47301a, 324.47302, 324.47329 to 324.47362, 324.47901
19 to 324.47905, and 324.48901, are repealed.

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

23 (a) House Bill No. 4567.

24 (b) House Bill No. 4568.

