

HOUSE BILL NO. 4568

May 07, 2019, Introduced by Reps. Wendzel, Lilly and O'Malley and referred to the Committee on Natural Resources and Outdoor Recreation.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 47309. ~~A person shall not possess on any boat licensed~~
2 ~~under this part or use in the waters of Lakes Michigan, Superior,~~
3 ~~Huron, and Erie, and the bays of those lakes, within the~~



1 ~~jurisdiction of this state, any pound or trap net, gill net, seine,~~
2 ~~or any fixed, set, or movable net of any kind or description, the~~
3 ~~meshes of which are different than the following:~~

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

18 ~~(b) Gill nets with meshes of not less than 2-1/2 inches or~~
19 ~~more than 2-3/4 inches may be set in water of any depth, and gill~~
20 ~~nets with meshes of not less than 2-1/2 inches or more than 3~~
21 ~~inches may be set in waters not exceeding 100 feet in depth, for~~
22 ~~the purpose of taking herring, chubs, perch, and pilot fish,~~
23 ~~commonly called menominees, wherever and whenever they will not~~
24 ~~take to exceed 10% by weight of other fish, such percentage to be~~
25 ~~determined by the department, by inspection of the fish taken in~~
26 ~~the nets. All uninjured fish, except herring, chubs, perch, and~~
27 ~~pilot fish, shall be returned to the waters from which they were~~
28 ~~taken with as little injury as possible, by the persons lifting the~~
29 ~~nets; all sound, undersized, and dead fish found in the nets are~~



1 ~~the property of the state, and shall not be sold or disposed of,~~
2 ~~but shall be dressed and brought in and delivered immediately to~~
3 ~~the department at the fishing port of the person taking the fish.~~
4 ~~The sound, undersized, and dead fish shall be then disposed of by~~
5 ~~the department. If more than 10% of fish other than herring, chubs,~~
6 ~~perch, and pilot fish are taken, then all of the other fish shall~~
7 ~~be disposed of by the department. An angler may have in his or her~~
8 ~~possession, not to exceed in quantity the percentage allowed of~~
9 ~~lake trout, whitefish, yellow pickerel, perch, or suckers, of a~~
10 ~~weight or length less than established by this part, which are~~
11 ~~caught in 2-1/2 inch to 2-3/4 inch or 2-1/2 inch to 3 inch mesh~~
12 ~~gill nets, as provided for in this subsection, but the same may be~~
13 ~~shipped and disposed of only under the direction of the department.~~
14 ~~All undersized fish taken over under this section shall be disposed~~
15 ~~of by the department to state, county, or charitable institutions.~~
16 ~~Parties handling the fish shall be paid not more than 3 cents per~~
17 ~~pound for boxing, packing, and icing the fish. The department shall~~
18 ~~remove or cause to be removed any of the nets if, from the~~
19 ~~inspection provided in this section, the department determines that~~
20 ~~the nets are taking more fish of species other than herring, chubs,~~
21 ~~perch, and pilot fish than allowed by this section.~~

22 ~~(c) Gill nets with meshes of not less than 2-1/4 inches or~~
23 ~~more than 2-3/4 inches may be used to take blue back herring in the~~
24 ~~waters of Lake Superior and Whitefish bay, and those waters of the~~
25 ~~straits of Mackinac bounded on the Lake Huron end by a line drawn~~
26 ~~from the southernmost tip of St. Martin point, Mackinac county, to~~
27 ~~the westernmost tip of Lime Kiln point on Bois Blanc island, thence~~
28 ~~in a southerly direction to the northernmost tip of Point Au Sable~~
29 ~~in T 38 N, R 2 W, Cheboygan county, and bounded on the Lake~~



1 ~~Michigan end by a line drawn from the southernmost tip of Seul~~
2 ~~Croix point in Schoolcraft county in an easterly direction to the~~
3 ~~Lansing shoal lighthouse, thence to the White shoal lighthouse,~~
4 ~~thence in a southeasterly direction to the westernmost tip of~~
5 ~~Waugoshance point in Emmet county, and Green bay of Lake Michigan,~~
6 ~~as defined in section 47311, wherever they will not interfere with~~
7 ~~or take whitefish or lake trout or any other fish protected under~~
8 ~~the laws of this state.~~

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

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

16 ~~(f) Pound nets having meshes not less than 4-1/2 inches in the~~
17 ~~lifting pot, crib, or pocket and in the heart and tunnel, and~~
18 ~~having meshes not less than 5 inches in the lead, shall be used for~~
19 ~~taking whitefish and lake trout. In the pound nets, meshes not more~~
20 ~~than 3-1/2 inches may be used in 1 side of the pot or in the back,~~
21 ~~being that part of the pot opposite the tunnel entrance. In fishing~~
22 ~~with the pound nets, or any other pound nets permitted by this~~
23 ~~part, the crib or pot and hearts and lead shall extend to or above~~
24 ~~the surface of the water; the crib or pot and hearts shall be~~
25 ~~entirely open at the top, the sides or walls of the pot or crib and~~
26 ~~of the hearts shall be held vertically as near as possible and~~
27 ~~shall have 5 or more stakes driven into the earth at the bottom of~~
28 ~~the lake to hold the net in place. A pound net permitted under this~~
29 ~~part or any part of the webbing of the net shall not be set in~~



1 ~~water of a depth greater than 80 feet. Pound nets fished through~~
2 ~~the ice may be held in place by fastening them to the ice without~~
3 ~~the use of stakes.~~

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

24 ~~(h) Trap nets having meshes not less than 4-1/2 inches in the~~
25 ~~lifting pot, crib, or pocket and in the heart and tunnel and having~~
26 ~~meshes not less than 5 inches in the lead shall be used for taking~~
27 ~~whitefish and lake trout. In such trap nets, meshes not more than~~
28 ~~3-1/2 inches may be used in the tunnel inside the pot, in either~~
29 ~~the front, back, or 1 side of the pot for a distance not exceeding~~



1 ~~5 feet from the bottom of the net and in that portion of the bottom~~
2 ~~of the net connected thereto for a distance not exceeding 5 feet,~~
3 ~~and in the connecting ends for a depth and width not exceeding 5~~
4 ~~feet, for the purpose of shoaling fish. These trap nets shall not~~
5 ~~be used in any of the waters under the jurisdiction of this state~~
6 ~~except in Lakes Huron and Erie and then only in such a manner that~~
7 ~~no trap net or any part of the webbing of the net is set in water~~
8 ~~of a depth greater than 80 feet. Trap nets having meshes as~~
9 ~~described in this subsection and with no part of the lifting pot or~~
10 ~~crib over 15 feet in depth may be used to take whitefish and lake~~
11 ~~trout in Lakes Superior and Michigan in water of a depth not~~
12 ~~greater than 80 feet.~~

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



1 ~~less than 3-1/2 inches in the 2 sides of inner heart.~~

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

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

19 ~~(l) The measurement of the mesh of all nets and seines as~~
20 ~~prescribed in this section shall be by extension measure. The size~~
21 ~~of the mesh of all nets or netting used in fishing as provided by~~
22 ~~this part shall be determined by extension measure, and the~~
23 ~~measurement shall be made of meshes irrespective of where the net~~
24 ~~or netting is found, whether in the water, on boat, on reel, on~~
25 ~~dock, or in any other place on land. Extension measure means the~~
26 ~~distance between the extreme angles of any single mesh, and the~~
27 ~~measurements shall be taken between and inside the knots. All~~
28 ~~measurements of the mesh in gill nets or gill netting shall be made~~
29 ~~with a flexible steel gauge constructed and used as prescribed in~~



1 ~~this section. All measurements of the mesh of gill nets or gill~~
2 ~~netting shall be made by inserting in the mesh parallel with the~~
3 ~~selvage a gauge made of spring steel free from rust, of a length~~
4 ~~equal to the number of inches prescribed in this section for the~~
5 ~~mesh measured. The ends of the gauge shall be free of sharp edges~~
6 ~~or burrs. The gauge shall not be graduated, and any necessary~~
7 ~~markings shall be placed near the ends of the gauge. The length of~~
8 ~~the gauge measured parallel with the long edge shall not at any~~
9 ~~point exceed or be less than the prescribed length by more than~~
10 ~~2/1000 of an inch. Its width at any point shall not exceed 9/16 of~~
11 ~~an inch or be less than 7/16 of an inch. Its thickness shall be~~
12 ~~such that when it is set vertically on a solid anvil with its upper~~
13 ~~end loaded with a dead weight between 7-1/2 and 8-1/2 ounces, the~~
14 ~~gauge shall deflect at its middle 1/10 of its length. The meshes to~~
15 ~~be gauged shall be at least 3 meshes removed from the selvage or~~
16 ~~side lines and shall not be stretched or manipulated in any way~~
17 ~~prior to or after the insertion of the gauge, and the same mesh~~
18 ~~shall not be gauged more than once. In gauging a mesh, the flexible~~
19 ~~gauge shall be held only by the ends and bent between thumb and~~
20 ~~forefinger, the bent rule shall then be inserted in the mesh~~
21 ~~parallel with the selvage and with the collapsed mesh, and finger~~
22 ~~pressure shall be released immediately, not gradually. If the gauge~~
23 ~~does not straighten out completely under its own tension within 2~~
24 ~~seconds after its release in the mesh without slipping a knot or~~
25 ~~breaking the twine, the mesh is unlawful, and if the majority of 10~~
26 ~~or more meshes selected at random by the enforcement officer from~~
27 ~~any part or parts of the gill net or from the entire gill net or~~
28 ~~from any gill netting being gauged are found to be unlawful, the~~
29 ~~gill net or gill netting if found in use or in or upon any licensed~~



1 ~~commercial fishing boat shall be seized and confiscated. If found~~
2 ~~in possession but not in use, any such gill net or gill netting~~
3 ~~shall be sealed by the enforcement officer with a suitable seal~~
4 ~~provided by the department and, when once sealed and for so long as~~
5 ~~the seal remains intact on the net or netting, may be possessed by~~
6 ~~the owner until disposed of or destroyed by the owner as provided~~
7 ~~in this section. The gill net or gill netting shall not be disposed~~
8 ~~of or destroyed except under direction of a conservation officer~~
9 ~~and, until that time, shall be available for inspection by the~~
10 ~~department or any conservation officer. Any person who, without~~
11 ~~authority from the department, breaks or destroys a seal attached~~
12 ~~to a gill net or gill netting, or any person who refuses or~~
13 ~~neglects to produce for inspection any sealed gill net or gill~~
14 ~~netting, or who disposes of or destroys a sealed gill net or gill~~
15 ~~netting except under the direction of a conservation officer, is~~
16 ~~guilty of a misdemeanor and upon conviction is subject to the~~
17 ~~penalty provided for in section 47327. A person shall not use any~~
18 ~~gill net of a greater measurement than 11 feet in depth in any of~~
19 ~~the waters of the Great Lakes and the bays of the Great Lakes. In~~
20 ~~Lake Erie, a gill net shall not be over 36 meshes deep. A trawl of~~
21 ~~any kind shall not be licensed.~~

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

24 **(1) A person licensed under this part shall not have**
25 **abandoned, unattended, unreported lost, or unreported vandalized**
26 **gear in the waters of the Great Lakes.**

27 **(2) A peace officer shall seize all abandoned, unattended,**
28 **unreported lost, or unreported vandalized gear and that gear is**
29 **forfeited unless reported under subsection (3).**



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

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

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

19 ~~Sec. 47310. (1) Except as provided in subsections (2) and (3),~~
 20 ~~within the jurisdiction of this state the holder of a license or~~
 21 ~~permit issued under this part shall not take, catch, or attempt to~~
 22 ~~take or catch any fish with a gill net, pound net, or trap net in~~
 23 ~~Lake Erie and the connecting waters of Lake Erie and Lake Huron, or~~
 24 ~~in the portions of Lake Michigan and Lake Huron located south of a~~
 25 ~~line extending due east and west of the forty-fifth parallel of~~
 26 ~~latitude, or in the rivers and streams which connect with any of~~
 27 ~~the bodies of water described in this subsection from April 15 to~~
 28 ~~September 15.~~

29 ~~(2) Subsection (1) does not apply to a license or permit~~



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

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

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

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

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

17 **(1) The following fish species are authorized for commercial**
 18 **take:**

19 **(a) Lake whitefish (*Coregonus clupeaformis*) may be taken from**
 20 **the waters of the Great Lakes open to commercial fishing.**

21 **(b) Round whitefish (*Prosopium cylindraceum*) may be taken from**
 22 **the waters of the Great Lakes open to commercial fishing.**

23 **(c) Bloater chubs (*Coregonus hoyi*) may be taken from the**
 24 **waters of the Great Lakes open to commercial fishing.**

25 **(d) Rainbow smelt (*Osmerus mordax*) may be taken from the**
 26 **waters of the Great Lakes open to commercial fishing.**

27 **(e) Species of the family Catostomidae, including quillback**
 28 **(*Carpionodes cyprinus*), white sucker (*Catostomus commersonii*),**
 29 **longnose sucker (*Catostomus catostomus*), northern hogsucker**



1 (*Hypentelium nigricans*), silver redhorse (*Moxostoma anisurum*),
2 black redhorse (*Moxostoma duquesnei*), golden redhorse (*Moxostoma*
3 *erythrurum*), shorthead redhorse (*Moxostoma macrolepidotum*), greater
4 redhorse (*Moxostoma valenciennesi*), bigmouth buffalo (*Ictiobus*
5 *cyprinellus*), and black buffalo (*Ictiobus niger*), may be taken from
6 the waters of the Great Lakes open to commercial fishing.

7 (f) Freshwater drum (*Aplodinotus grunniens*) may be taken from
8 the waters of the Great Lakes open to commercial fishing.

9 (g) Burbot (*Lota lota*) may be taken from the waters of the
10 Great Lakes open to commercial fishing.

11 (h) Gizzard shad (*Dorosoma cepedianum*) may be taken from the
12 waters of the Great Lakes open to commercial fishing.

13 (i) Common carp (*Cyprinus carpio*) may be taken from the waters
14 of the Great Lakes open to commercial fishing.

15 (j) Catfishes of the family Ictaluridae, including black
16 bullhead (*Ameiurus melas*), yellow bullhead (*Ameiurus natalis*),
17 brown bullhead (*Ameiurus nebulosus*), channel catfish (*Ictalurus*
18 *punctatus*), and flathead catfish (*Pylodictis olivaris*), may be
19 taken from the waters of the Great Lakes open to commercial
20 fishing.

21 (k) White perch (*Morone americana*) may be taken from the
22 waters of the Great Lakes open to commercial fishing.

23 (l) White bass (*Morone chrysops*) may be taken from the waters
24 of the Great Lakes open to commercial fishing.

25 (m) Black crappie (*Pomoxis nigromaculatus*) and white crappie
26 (*Pomoxis annularis*) may be taken from the waters of the Great Lakes
27 open to commercial fishing.

28 (n) Rock bass (*Ambloplites rupestris*) may be taken from the
29 waters of the Great Lakes open to commercial fishing.



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

4 (3) The director may establish the kind and amount of fish,
5 referred to as harvest quotas, that may be taken from areas of the
6 Great Lakes open to commercial fishing. The department shall
7 specify harvest quotas by license condition at the time the license
8 is issued. The licensee shall keep track of its harvest and
9 immediately cease fishing upon reaching its assigned harvest quota.
10 Exceeding a harvest quota established by the director, whether
11 intentional or not, is a violation of this part.

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

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

23 (b) A person that exceeds any bycatch allowance by over 5
24 round pounds over the established limit, or any person that exceeds
25 the bycatch allowance for a third or subsequent time within a
26 license year, is guilty of a misdemeanor punishable as provided in
27 this part. The entire bycatch for that species on the day that the
28 violation occurred is subject to confiscation by the department.
29 Additionally, the license of any person found guilty under this



1 subdivision must be suspended for 30 days, and this suspension must
2 be served between April 15 and October 31 within 1 year after
3 conviction. Any person whose license has been suspended shall not
4 have any gear in the water during that suspension whether that gear
5 has been rendered unfishable or not.

6 (5) The director may issue orders establishing closed seasons
7 for any commercial fish species. In every case, the season must
8 open and close at 12 noon on the dates established by the director.
9 All harvested fish must be landed at port by no later than 2 p.m.
10 on the date the season closes.

11 (6) All live fish on which the season is closed or is not
12 authorized for harvest must be returned to the water at once with
13 as little injury as possible by the person taking the fish. Any
14 dead fish, on which the season is closed or is not authorized for
15 harvest, must be returned to the water at once by the person or
16 persons taking the fish or disposed of in accordance with any
17 specific instructions provided by the director.

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

21 (8) The taking of game fish is prohibited under this part. A
22 person shall not sell, offer for sale, or possess at any time fish
23 not listed in subsection (1) when the fish was taken under a
24 commercial fishing license issued by the state. Any such fish,
25 whether dead or alive, must at once be returned to the waters from
26 which it was taken by the person or persons taking the fish with as
27 little injury as possible or be disposed of in accordance with any
28 specific instructions provided by the director.

29 (9) A licensed commercial fisher or any member of the crew or



1 any other person shall not have in possession any game fish or any
2 sport angling equipment when aboard a licensed commercial vessel.

3 (10) Not less than every 3 years, the department shall conduct
4 a bycatch study in at least 3 active commercial fisheries to
5 determine the amount and kind of fish taken as bycatch through
6 commercial harvest and shall use that information to adjust harvest
7 quotas, allowable gear, and other license conditions.

8 Sec. 47311. ~~(1) A person shall not take from any of the waters
9 listed in section 47301 any of the following:~~

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

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

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

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

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

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

29 ~~(g) Black crappie, also known as calico bass, in Lake Huron~~



1 ~~from June 1 to August 25. In Lake Erie, Lake Michigan, and Lake~~
2 ~~Superior, black crappie may not be taken at any time.~~

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

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

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

29 ~~(5) A person shall not set nets or hooks for the taking of~~



1 ~~lake trout or whitefish before the first day of the open season for~~
2 ~~taking the fish, and the license of any person shall be immediately~~
3 ~~revoked upon conviction of unlawfully setting nets before the first~~
4 ~~day of the open season as provided in this part, and revocation~~
5 ~~shall prohibit the use of boat and gear by that person during the~~
6 ~~balance of the year for which a license was issued. A person~~
7 ~~engaged in the taking of fish for commercial purposes from May 15~~
8 ~~to September 15 under this part shall carry sufficient ice and~~
9 ~~properly chill the fish at the time and place of their removal from~~
10 ~~the waters.~~

11 **(1) The director may establish minimum length and weight**
12 **requirements for all commercial fish species listed in section**
13 **47310(1) taken under a commercial fishing license issued under this**
14 **part. A person shall not take, sell, possess, transport, or offer**
15 **for sale at any time any fish species of a size or weight**
16 **prohibited by the director. The director may establish an allowable**
17 **possession limit for certain undersized commercial fish species.**
18 **Any undersized commercial fish species allowed to be possessed**
19 **under this subsection must be for personal use only and must not be**
20 **sold or bartered. A person that retains more than twice the amount**
21 **of the allowable possession limit for undersized commercial fish**
22 **species under this subsection is guilty of a misdemeanor punishable**
23 **as provided in section 47327. A person that retains more than the**
24 **allowable possession limit for an undersized commercial fish**
25 **species but less than twice the allowable possession limit is**
26 **responsible for a state civil infraction and shall be ordered to**
27 **pay a civil fine as follows:**

- 28 **(a) First offense of the license year, at least \$200.00.**
29 **(b) Second offense of the license year, at least \$300.00.**

1 (c) Third and all subsequent offenses during the license year,
2 at least \$400.00.

3 (2) A person shall not possess on any vessel, or on any other
4 conveyance used to reach the nets from shore, any meat grinders or
5 similar devices by the use of which the identification of the
6 species of fish or the measurement of the individual fish is
7 impossible. A person shall not possess on any vessel or the ice,
8 and shall not bring ashore, any fish that is so mutilated that
9 identification and measurement are impossible.

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

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

15 (5) Imported fish species, if of a size, weight, or species
16 prohibited by the laws of the state, country, or tribal authority
17 within those states or countries where caught, or species
18 prohibited as a transgenic or nonnative organism by part 413, may
19 not be possessed, transported, offered for sale, or sold in this
20 state.

21 Sec. 47312. ~~The department may authorize the taking of trout,~~
22 ~~whitefish, and yellow pickerel for the purpose of fish culture at~~
23 ~~any time during the open or closed seasons provided in this part,~~
24 ~~when it is determined by test nets set under the direction of the~~
25 ~~department that at least 20% of the fish taken are females and at~~
26 ~~least 40% of these females are ripe and ready to spawn. However,~~
27 ~~when all spawn needed for state and federal hatcheries has been~~
28 ~~secured, the department may close all commercial fishing during the~~
29 ~~remainder of the closed season. The department may close all~~



1 ~~commercial fishing during the closed season on those grounds that~~
 2 ~~are so located as to prevent proper handling of spawn or where it~~
 3 ~~appears that little or no spawn is being taken.~~

4 (1) At the time of landing, a person on a licensed commercial
 5 vessel shall not possess fish roe that weighs more than 15% of the
 6 simultaneously landed dressed carcasses of fish of the species from
 7 which the roe was taken.

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

12 Sec. 47313. All persons engaged in fishing for whitefish,
 13 trout, yellow pickerel, or perch in the waters named in this part
 14 shall from the beginning of the spawning season for these fish,
 15 such time to be determined by test under the direction of the
 16 department, until the beginning of the closed season provided by
 17 section 47311 and before and after the closed season, strip all
 18 ripe fish, both male and female, save all of the spawn, properly
 19 impregnate it, and deliver it to the department at its fishing
 20 port, and all such persons shall have a sufficient number of people
 21 on each boat and all the equipment needed properly to save, handle,
 22 impregnate, and deliver such spawn. The saving, handling,
 23 impregnating, and delivering of spawn shall be done under the
 24 direction of the department and in accordance with such regulations
 25 and under such supervision as prescribed by the department.
 26 However, the department shall not discriminate against any person
 27 engaged in fishing during the closed or open season, having on each
 28 boat a sufficient number of people and all the equipment needed
 29 properly to save, handle, impregnate, and deliver such spawn at any



~~1 port or fishing ground when it has been determined that fish are~~
~~2 ripe for spawning. This determination shall be made by setting test~~
~~3 nets on each fishing ground where spawn will be taken. A person~~
~~4 engaged in commercial fishing that fails to properly save, handle,~~
~~5 impregnate, and deliver such spawn during any period when spawn are~~
~~6 ripe is guilty of a violation of this part. A person shall not take~~
~~7 from the waters of the Great Lakes any lake or Mackinaw trout~~
~~8 during the closed season established by this part for those fish,~~
~~9 except by the use of gill nets, trap nets, and pound nets after~~
~~10 tests have been made and the percentage of ripe fish secured as~~
~~11 provided for in section 47312.~~**Except as otherwise provided in**
~~12 section 47311, a person licensed and engaged in lifting commercial~~
~~13 set hook lines or nets in the open waters of this state shall not~~
~~14 take from the open waters of this state any undersized fish. All~~
~~15 undersized fish found on commercially licensed set hooks or in nets~~
~~16 must immediately be returned to the water with as little injury as~~
~~17 possible by the person lifting the set hook lines or nets.~~

~~18 Sec. 47314. The department shall deliver to designated~~
~~19 representatives of the United States bureau of fisheries and to the~~
~~20 state fish hatcheries as much of this spawn as may be desired by~~
~~21 the bureau and state hatcheries for propagation and planting in the~~
~~22 waters of the lakes within the jurisdiction of this state, and the~~
~~23 remainder of the spawn shall be properly impregnated and planted~~
~~24 upon the spawning beds from which it was taken. The persons so~~
~~25 fishing shall plant upon the spawning beds the fry hatched from~~
~~26 such proportion of the spawn as may have been taken from the fish~~
~~27 caught by the persons when directed to do so by the department. A~~
~~28 person refusing or failing to comply with this section is guilty of~~
~~29 a violation of this part.~~



1 (1) Except as otherwise provided in subsection (2), a person
2 may not ship, accept for shipment, transport, or cause to be
3 transported any container, package, or box containing any fish,
4 without each container, package, or box being plainly and correctly
5 marked with the name of the consignor, the name of the consignee,
6 and the kinds and amount by weight of fish contained in the
7 container, package, or box.

8 (2) The marking of each container, package, or box with the
9 consignor and consignee information required under subsection (1)
10 is not required for the following:

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

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

17 (ii) Each bound unit is individually labeled as to the type and
18 pounds of fish, fish product, or roe. This label must be visible on
19 all 4 sides of the unit, correctly identify the consignor and
20 consignee of the shipment, and state the number of boxes or
21 packages in the bound unit, the species of fish contained, and the
22 total weight of the fish or container.

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

28 (3) In addition to subsections (1) and (2), an accurate bill
29 of lading or an invoice containing the name and address of the



1 seller and buyer of the fish and the point of origin of the fish
2 and the number of containers, packages, or boxes must accompany the
3 shipment. The bill of lading or invoice must be available for
4 inspection and comparison to the cargo being shipped by any peace
5 officer.

6 (4) Subsections (1), (2), and (3) do not apply to a licensed
7 commercial fisher that is transporting fish directly from its
8 landing port to its fish house or to a processor. A licensed
9 commercial fisher must fill out a bill of lading or an invoice
10 indicating the number of containers, packages, or boxes being
11 transported for each species of fish. The bill of lading or invoice
12 must accompany the fish and be available for inspection and
13 comparison to the cargo being transported by any peace officer.

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

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

26 (7) The entire catch of a licensed commercial fisher that
27 contains any fish that is illegal to take by that licensed
28 commercial fisher under this part is subject to seizure.

29 ~~Sec. 47315. The department may take fish in any manner, in any~~



~~1 of the waters mentioned in this part, at any and all seasons of the~~
~~2 year, for the purpose of fish culture and scientific investigation;~~
~~3 may have and hold ripe and unripe fish in order to take spawn from~~
~~4 the fish; may sell all of those ripe and unripe fish; and may~~
~~5 devote the proceeds of the sales exclusively toward defraying the~~
~~6 expenses incurred in taking the fish and fertilizing and planting~~
~~7 the spawn from the fish.~~**A package or shipment of illegal fish**
~~8 offered to any common carrier as described in section 47314 is~~
~~9 considered to be in the possession of the consignor until delivered~~
~~10 to the consignee. However, if any common carrier as described in~~
~~11 section 47314 is not able or refuses or neglects to show from whom~~
~~12 the consignment of any shipment of fish was received, the shipment~~
~~13 is considered to be in the possession of the common carrier having~~
~~14 the shipment in transit, and that common carrier may be proceeded~~
~~15 against the same as the original owner.~~

~~16 Sec. 47316. A person shall not ship or transport within this~~
~~17 state any fish in packages or containers without plainly and~~
~~18 correctly marking each package or container with the name of the~~
~~19 consignor and the kinds of fish contained in the package. A~~
~~20 railroad company, boat line, express company, motor truck company,~~
~~21 aerial freight or express company, or other transportation company~~
~~22 or common carrier, or any agent of any such company, or the owner~~
~~23 of any boat, airplane, car, truck or other vehicle operated~~
~~24 privately or as a common carrier, or the agent or representative of~~
~~25 such owners, shall not accept for shipment or transport any package~~
~~26 or container of fish unless it is properly marked as prescribed in~~
~~27 this section. The presence in any package or container of 10% by~~
~~28 weight of any fish that is illegal to ship shall make the entire~~
~~29 contents of the package or container subject to seizure as an~~



1 ~~illegal shipment.~~ If the department opens any package or shipment of
 2 fish in transit and finds that package or shipment to be a lawful
 3 package or shipment under this part, the department shall repack
 4 that package or shipment in as good a condition as possible and
 5 release it without further detainment.

6 Sec. 47317. ~~The possession of any package or shipment of~~
 7 ~~illegal fish offered to any common carrier as described in section~~
 8 ~~47316 shall be construed to be and shall remain in the consignor~~
 9 ~~until delivered to the consignee. However, if any common carrier as~~
 10 ~~described in section 47316 is not able or refuses or neglects to~~
 11 ~~show from whom the consignment of any shipment of fish was~~
 12 ~~received, the shipment shall be considered to be in possession of~~
 13 ~~the common carrier having the shipment in transit, and they may be~~
 14 ~~proceeded against the same as the original owner.~~ **A licensed**
 15 **commercial fisher taking fish in any of the waters mentioned in**
 16 **this part shall bring those fish to some port or place in this**
 17 **state where they may be inspected before shipping.**

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

21 (a) Senate Bill No. ____ or House Bill No. 4567 (request no.
 22 01328'19 *).

23 (b) Senate Bill No. ____ or House Bill No. 4568 (request no.
 24 02655'19).

