

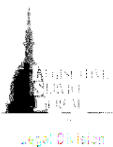
# HOUSE BILL NO. 4569

May 07, 2019, Introduced by Rep. Lilly 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 47318, 47320, 47321, 47322, 47323, 47324, 47325, 47326, 47327, 47328, 47329, and 48724 (MCL 324.47318, 324.47320, 324.47321, 324.47322, 324.47323, 324.47324, 324.47325, 324.47326, 324.47327, 324.47328, 324.47329, and 324.48724), as added by 1995 PA 57; and to repeal acts and parts of acts.

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

1           Sec. 47318. ~~Any package or car of fish in transit opened by~~  
2 ~~the department, if found to be a lawful shipment under this part,~~



1 ~~shall be repacked in as good a condition as possible. A package or~~  
2 ~~car of fish legally shipped shall not be detained in transit by or~~  
3 ~~for inspection.~~

4 (1) A licensed commercial fisher taking fish in any of the  
5 waters mentioned in this part shall keep an accurate record of each  
6 day's catch of the number of pounds of each kind of fish taken,  
7 possessed, released, or returned, of the locality fished, of the  
8 kind and amount of fishing gear employed, of the length of time  
9 each unit of gear was fished between lifts, of the kind and amount  
10 of roe taken, whom those fish were sold to, the average price  
11 received for those fish, and any other data as the director may  
12 require by order in following the biologic and economic trends of  
13 the fisheries. The licensed commercial fisher shall report the data  
14 required under this subsection to the department according to the  
15 schedule established under subsection (3). The records of  
16 individual prices received for fish are proprietary and are not  
17 subject to disclosure under the freedom of information act, 1976 PA  
18 442, MCL 15.231 to 15.246.

19 (2) A licensed commercial fisher shall complete an annual  
20 inventory record on a date specified by the department of all  
21 freshwater fish and roe in possession, or under ownership or  
22 control, including in cold storage facilities.

23 (3) The director shall establish by order the format and  
24 schedule that the required commercial catch records and annual  
25 inventory record under subsections (1) and (2) are to be submitted  
26 to the department.

27 (4) A person shall not falsify any information contained in  
28 the required commercial catch records or annual inventory record  
29 described in this section.



1 (5) A person shall submit that person's commercial catch  
2 record or annual inventory record electronically on or before the  
3 date established by the director's order. A person who fails to  
4 submit a record required under this section by the date described  
5 in this subsection is responsible for a state civil infraction and  
6 shall be ordered to pay the following civil fines:

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

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

10 (6) The license of any person that fails to submit 2 or more  
11 records required under this section, and that has been cited by the  
12 department for each offense, may be suspended by the department  
13 until the delinquent records are submitted to the department. The  
14 department shall send notification of the suspension to the  
15 licensee. The vessel and nets for which a license is suspended must  
16 not be used for commercial fishing by any person until the  
17 suspension has been lifted and the license restored. The department  
18 shall deny a new license or a renewal of a license to a person that  
19 fails to submit the report or reports as described in this section  
20 until this part has been complied with.

21 ~~Sec. 47320. A person engaged in lifting pound nets, trap nets,~~  
22 ~~or seines in the waters of this state shall not take from the~~  
23 ~~waters of this state any undersized fish, and all undersized fish~~  
24 ~~found in the nets fished in those waters shall be returned to the~~  
25 ~~waters with as little injury as possible by the person or persons~~  
26 ~~lifting the net or nets. For the purpose of this part, undersized~~  
27 ~~fish are fish of a smaller size than established by this part.~~**The**  
28 **department, when a person submits an application under section**  
29 **47304, shall issue the license provided for in this part upon**

1 payment by the applicant of the following fees:

2 (a) For a commercial fishing license without a listed vessel,  
3 an annual fee of the following:

4 (i) In 2019 through 2020, \$200.00.

5 (ii) In 2021 through 2030, \$250.00.

6 (iii) In 2031 through 2040, \$300.00.

7 (iv) In 2041 and each year thereafter, \$350.00.

8 (b) For a commercial fishing license that includes 1 or more  
9 listed vessels, an annual fee of the following:

10 (i) In 2019 through 2020, \$1,400.00.

11 (ii) In 2021 through 2030, \$1,500.00.

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

13 (iv) In 2041 and each year thereafter, \$1,700.00.

14 ~~Sec. 47321. A person shall not take or catch with any kind of~~  
15 ~~a net or other device used in commercial fishing in any of the~~  
16 ~~waters mentioned in this part, any of the following:~~

17 ~~(a) Largemouth black bass, *Huro salmoides*.~~

18 ~~(b) Smallmouth black bass, *Micropterus dolomieu*.~~

19 ~~(c) White crappie, also known as strawberry bass, *Pomoxis*  
20 ~~annularis.~~~~

21 ~~(d) Bluegill, *Lepomis macrochirus*.~~

22 ~~(e) Common sunfish, *Lepomis gibbosus*.~~

23 ~~(f) Brook or speckled trout, *Salvelinus fontinalis*.~~

24 ~~(g) Rainbow and steelhead trout, *Salmo gairdnerii*.~~

25 ~~(h) Brown and Loch Leven trout, *Salmo trutta*.~~

26 ~~(i) Muskellunge, *Esox masquinongy*.~~

27 ~~(2) In addition to the prohibition in subsection (1), a person~~  
28 ~~shall not sell or offer for sale or possess at any time any of the~~  
29 ~~fish listed in subsection (1) unless otherwise provided by law. Any~~



1 ~~such fish, whether dead or alive, shall at once be returned to the~~  
2 ~~waters from which taken by the person or persons taking the~~  
3 ~~fish.~~ Upon the payment of the fee provided for in section 47320, the  
4 department shall issue to a person a printed or written license  
5 signed by the department setting forth the date the license was  
6 issued, to whom the license was issued, the date that the license  
7 will expire, the name, number, and the kind of vessel, and the  
8 number of and kind of nets for which the license was issued. The  
9 department, upon application and the payment of a fee of \$25.00,  
10 may amend a license previously issued for the current fishing year  
11 to do any of the following:

12 (a) Permit the transfer of a license to a larger or a smaller  
13 boat or to any boat, tug, or launch during a period of time that  
14 the licensed vessel is disabled and undergoing repairs. A vessel  
15 may not be listed on more than 1 license at the same time.

16 (b) In case of sale, transfer the license to the new owner or  
17 owners.

18 (c) In case of the loss of a vessel by fire, collision, or  
19 otherwise, for which a license has been issued, transfer the  
20 license to any similar vessel to which the licensee may acquire  
21 title.

22 (d) Transfer the landing port listed on the license to a new  
23 location.

24 Sec. 47322. ~~A person shall not set or use nets, set hook~~  
25 ~~lines, or any other continuous device in any of the waters~~  
26 ~~mentioned in this part without marking its location by buoys and~~  
27 ~~identifying the nets or other devices by showing the license number~~  
28 ~~in plain figures upon the bowls of the buoys of the person using~~  
29 ~~the nets, set lines, or other devices; the license number to be~~



1 ~~attached to all gill net buoys; to the stakes at the heart or pot~~  
 2 ~~of pound nets; to the lifting buoy of trap nets, where the heart~~  
 3 ~~and pot are set below the surface of the water; to a buoy at the~~  
 4 ~~point of heart or pot of fyke nets where the cover of the hearts or~~  
 5 ~~pots comes to the surface of the water. However, when any of the~~  
 6 ~~nets, set hook lines, or other devices are set under the ice, their~~  
 7 ~~location shall be marked by a stake extending not less than 4 feet~~  
 8 ~~above the ice at each end of the net or nets, set hook lines, or~~  
 9 ~~other continuous device and the license number, in legible figures,~~  
 10 ~~shall be attached to each stake or to the ends of the net or nets,~~  
 11 ~~set hook line, or other device.~~**The department shall keep a record**  
 12 **of all applications and licenses. On the first day of each month,**  
 13 **the department shall pay to the state treasurer all money received**  
 14 **by the department under this part, and the treasury shall credit**  
 15 **the money to the game and fish protection trust fund created in**  
 16 **part 437.**

17 ~~Sec. 47323. Every person taking fish for market in any of the~~  
 18 ~~waters mentioned in this part shall bring them to some port or~~  
 19 ~~place in this state where they may be inspected before shipping.~~  
 20 ~~However, the department may grant permission to take fish to ports~~  
 21 ~~or places in other states when the commercial fishing laws of the~~  
 22 ~~other states substantially conform to the commercial fishing laws~~  
 23 ~~of this state.~~

24 **(1) A person shall not engage in business as a wholesale fish**  
 25 **dealer in this state unless the person has been issued a wholesale**  
 26 **fish dealer license by the department. Each license expires on**  
 27 **December 31, and the annual fee for the license is as follows:**

28 **(a) In 2019 through 2020, \$100.00.**

29 **(b) In 2021 through 2030, \$110.00.**



1 (c) In 2031 through 2040, \$130.00.

2 (d) In 2041 and each year thereafter, \$150.00.

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

6 (3) A wholesale fish dealer shall require identification from  
7 each seller of fish. A wholesale fish dealer shall purchase fish  
8 only from a state or tribally licensed commercial fisher or other  
9 legal source of fish.

10 (4) Every wholesale fish dealer shall keep a record of all  
11 fish purchased, possessed, acquired, or obtained including by trade  
12 and barter as well as records of disposition for fish received as  
13 required by the department. The wholesale fish dealer shall keep  
14 these records in a format designated by the director. The records  
15 of prices paid for fish purchased and sold by individuals licensed  
16 as a wholesale fish dealer are proprietary and are not subject to  
17 disclosure under the freedom of information act, 1976 PA 442, MCL  
18 15.231 to 15.246.

19 (5) A wholesale fish dealer shall complete an annual inventory  
20 record on a date specified by the department of all freshwater fish  
21 and roe in possession, or under ownership or control, including in  
22 cold storage facilities.

23 (6) The director shall establish by order the format and  
24 schedule that the required wholesale records and annual inventory  
25 records are to be submitted to the department, as well as the  
26 specific information they are to contain.

27 (7) All records under this section must be complete and  
28 submitted on time. A wholesale fish dealer that submits records  
29 that are incomplete or delinquent is responsible for a state civil



1   infraction and subject to the following fines:

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

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

5           (8) The license of any person that fails to submit 2 or more  
6   records required under this section, and that has been cited by the  
7   department for each offense, may be suspended by the department  
8   until the delinquent reports are submitted to the department. The  
9   department shall send notification of the suspension to the  
10   licensee. The department shall deny a new license or renewal of a  
11   license to a person that fails to submit the report or reports as  
12   described in this section until the person is in compliance with  
13   this part.

14           (9) A person shall not falsify any information contained in  
15   the wholesale records or the annual inventory record required under  
16   this section.

17           (10) The department shall not issue a wholesale fish dealer's  
18   license to a business that would occupy the same business location  
19   as that of a wholesale fish dealer whose license is suspended.

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

24           (12) A wholesale fish dealer shall retain all records and  
25   inventories required under this part or an order promulgated under  
26   this part for a period of 6 years from the date that the record or  
27   inventory was created.

28           (13) A wholesale fish dealer shall not transport or cause to  
29   be transported any fish unless the transporting vehicle is clearly





1 marked on each side of the vehicle with the correct business name  
2 of the wholesale fish dealer or transporting company, displayed in  
3 letters of at least 1 inch in height.

4 (14) A conservation officer or other peace officer designated  
5 by the director may inspect fish stored or in the possession of a  
6 wholesale fish dealer; records and reports of a wholesale fish  
7 dealer; and buildings, structures, vehicles, boats, equipment, and  
8 materials related to a wholesale fish dealer's business.

9 (15) Upon request of a conservation officer or other peace  
10 officer designated by the director, a wholesale fish dealer shall  
11 produce all records relating to the purchase, acquisition, sale,  
12 trade, barter, storage, or disposition of fish that are kept at the  
13 wholesale fish dealer's place of business or at a residence,  
14 dwelling, or location other than the wholesale fish dealer's  
15 business for inspection and copying.

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

19 (a) Enter any of the following:

20 (i) Any building or structure where fish are stored, processed,  
21 packed, or held.

22 (ii) Any building or structure where a wholesale fish dealer's  
23 records are kept.

24 (iii) Any building or structure where vehicles, vessels, or  
25 equipment or materials used in the business are located.

26 (iv) Any building or structure where activities related to a  
27 wholesale fish dealer's business are conducted.

28 (v) Any vehicle or vessel used to transport or hold fish.

29 (b) Inspect fish stored or in the possession of a wholesale



1 fish dealer, inspect or copy records or reports of a wholesale fish  
 2 dealer, and inspect buildings, structures, vehicles, vessels,  
 3 equipment, and materials related to a wholesale fish dealer's  
 4 business.

5 (17) A wholesale fish dealer, operator of a vehicle or vessel  
 6 for a wholesale fish dealer, or employee or person acting on behalf  
 7 of a wholesale fish dealer shall not prohibit entry or prohibit an  
 8 inspection to be conducted as authorized under this section, or  
 9 refuse to produce records as required under this section, unless a  
 10 court restrains or enjoins the entry, inspection, or production.

11 (18) A court shall order that a person convicted of violating  
 12 subsection (15), (16), or (17) have its license automatically  
 13 suspended for 1 year. The department shall not issue or renew that  
 14 license for a period of 1 year following that conviction.

15 (19) A violation of any statute, administrative rule, or  
 16 fisheries order pertaining to wholesale fish dealers is a violation  
 17 of this part. In addition to applicable fines or restitution, or  
 18 both, as described in this part, the department may suspend or  
 19 revoke any wholesale fish dealer license issued under this part if  
 20 the licensee violates any statute, administrative rule, or  
 21 fisheries order pertaining to wholesale fish dealers. The  
 22 department shall afford the licensee a hearing in accordance with  
 23 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
 24 to 24.328. Any person whose license has been suspended or revoked  
 25 is not eligible to apply for or receive a license for the 2  
 26 calendar years following the suspension or revocation.

27 ~~Sec. 47324. The department may take, for fish cultural~~  
 28 ~~purposes only, fish taken by any person fishing in the waters of~~  
 29 ~~this state, and when so taken the fish shall be weighed and shall~~



1 ~~be paid for. The price shall be based on the Chicago, Detroit, and~~  
2 ~~New York markets, or at such other price as may be agreed upon by~~  
3 ~~the person or persons taking the fish and the department, plus the~~  
4 ~~cost of transportation, if any.~~ **A retail fish dealer shall retain**  
5 **from the time of acquisition of freshwater fish or roe, a bill of**  
6 **sale or invoice, indicating the quantity and species of the fish or**  
7 **roe and the name and address of the consignor. A retail fish dealer**  
8 **shall make the fish, roe, and records available for inspection by a**  
9 **conservation officer or other peace officer designated by the**  
10 **director at any reasonable time. A retail fish dealer shall**  
11 **maintain records for a period of 1 year after the fish or roe is**  
12 **disposed of by sale or otherwise.**

13       ~~Sec. 47325. Every person taking fish for the market in any of~~  
14 ~~the waters mentioned in this part shall keep an accurate report of~~  
15 ~~each day's catch upon forms furnished by the department of the~~  
16 ~~number of pounds of each kind of fish taken, of the locality~~  
17 ~~fished, of the kind and amount of fishing gear employed, of the~~  
18 ~~length of time (number of nights) each unit of gear employed fished~~  
19 ~~without being lifted, of the kind and amount of spawn taken, of the~~  
20 ~~kind and amount of caviar taken, and of such other data as the~~  
21 ~~biologists may require in following the trend of the fisheries, and~~  
22 ~~shall each month report, under oath when requested, the above data~~  
23 ~~to the department. Any person whose report for the last preceding~~  
24 ~~month is not received by the department at its office in Lansing,~~  
25 ~~Michigan, on or before the fifteenth day of the month following, is~~  
26 ~~delinquent, and notice to that effect shall be mailed to the~~  
27 ~~delinquent person by the department. Failure to submit a report~~  
28 ~~within 30 days after the close of the month for which a report is~~  
29 ~~required shall be considered as intent to violate this section. The~~



~~1 license of any person who fails to submit reports for 2 or more~~  
~~2 months, and who has been duly notified by the department each~~  
~~3 following month as provided in this section, may be suspended by~~  
~~4 the department until such time as the delinquent reports are~~  
~~5 submitted to the department. The boat and nets for which a license~~  
~~6 is suspended shall not be used for commercial fishing by any person~~  
~~7 until the suspension has been lifted and the license restored.~~  
~~8 However, any person who fails to make the report or reports as~~  
~~9 described in this section shall be denied a new license or a~~  
~~10 renewal of his or her license until this part has been complied~~  
~~11 with. Any person engaged in fishing operations shall submit a~~  
~~12 monthly form to the department regardless of whether fishing was~~  
~~13 discontinued for 1 or more months, noting the facts.~~ **The taking of**  
~~14 minnows and other small fish for bait with nets not otherwise~~  
~~15 prohibited by law is not a violation of this part. As used in this~~  
~~16 section, "minnows" means that term as defined in section 48728.~~

~~17 Sec. 47326. Every person licensed to take fish under this~~  
~~18 part, at the close of the 24-hour period immediately following the~~  
~~19 close of the respective open seasons provided for by this part,~~  
~~20 shall report to the department, on forms provided by the~~  
~~21 department, the kinds of fish and number or weight of fish~~  
~~22 possessed at the close of the 24-hour period. Any subsequent~~  
~~23 shipment or sale, or both, of such fish shall be reported~~  
~~24 immediately to the department, on forms furnished by the~~  
~~25 department, showing the amount and kinds of fish shipped or sold,~~  
~~26 the date of the shipment or sale, and the name and address of the~~  
~~27 person or persons to whom the fish were shipped or sold. All fish~~  
~~28 in possession upon which the season is closed shall be made~~  
~~29 available for inspection at any reasonable time upon the demand of~~



1 ~~the department. A person shall not possess or ship, transport, or~~  
 2 ~~sell any fish upon which the season is closed and which have not~~  
 3 ~~been reported as provided in this section.~~**This part does not**  
 4 **authorize the taking, selling, or transporting of fish, the use of**  
 5 **illegal nets, or the setting of nets at a place or places or at**  
 6 **times otherwise forbidden by law.**

7       ~~Sec. 47327. Any person who violates sections 47301 to 47325,~~  
 8 ~~upon conviction for the first offense shall be punished by~~  
 9 ~~imprisonment for not more than 30 days, or a fine of not less than~~  
 10 ~~\$25.00 or more than \$100.00 and costs of prosecution, or both. For~~  
 11 ~~the second or a subsequent offense, charged as a second or~~  
 12 ~~subsequent offense in the complaint, the person shall be punished~~  
 13 ~~by imprisonment for not less than 30 days or more than 90 days, or~~  
 14 ~~a fine of not less than \$50.00 or more than \$100.00 and costs of~~  
 15 ~~prosecution, or both. If a fine with costs is imposed under this~~  
 16 ~~part, the court shall sentence the offender to be confined in the~~  
 17 ~~county jail until the fine and costs are paid, but for a period not~~  
 18 ~~exceeding the maximum penalty for the offense.~~**Except as otherwise**  
 19 **provided in this act, a person that violates this part, any license**  
 20 **or permit issued under this part, or any administrative rule or**  
 21 **fisheries order issued under the authority of this part is guilty**  
 22 **of a misdemeanor punishable by imprisonment for not more than 90**  
 23 **days or a fine of not less than \$500.00 or more than \$5,000.00, or**  
 24 **both, and may be ordered to pay the costs of prosecution.**

25       ~~Sec. 47328. A person shall not use any kind of a boat, tug, or~~  
 26 ~~launch, except when used in hook and line fishing, or any kind of~~  
 27 ~~net or nets, set hook lines, or commercial trolling rigs for the~~  
 28 ~~purpose of taking, catching, killing, or transporting fish in any~~  
 29 ~~of the waters bordering on this state, regardless of whether for~~



1 ~~commercial purposes or for personal use, without first having~~  
2 ~~applied for and been issued a license for that activity, in~~  
3 ~~accordance with this part. A license, except as otherwise provided~~  
4 ~~by law, is not required of persons engaged in sport trolling in~~  
5 ~~these waters, except that the owners of boats operated with either~~  
6 ~~an inboard or outboard motor and offered for hire in sport trolling~~  
7 ~~for lake trout shall obtain a license for each boat. A license,~~  
8 ~~except as otherwise provided by law, is not required of persons~~  
9 ~~engaged in taking fish with set lines in lake St. Clair as provided~~  
10 ~~in section 47302.~~

11 (1) In addition to the penalties provided in this part, a  
12 licensed commercial fisher or agent operating under a commercial  
13 fishing license that is convicted of the illegal taking,  
14 possessing, or selling of fish under this part shall reimburse the  
15 state for the value of the fish as follows:

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

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

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

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

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

28 (2) The court in which a conviction for a violation described  
29 in subsection (1) is obtained shall order the defendant to forfeit

1 to the state a sum as provided in subsection (1). If 2 or more  
 2 defendants are convicted of the illegal taking, possessing, or  
 3 selling of the fish, the forfeiture shall be declared against them  
 4 jointly and severally.

5 (3) If a defendant fails to pay upon conviction the sum  
 6 ordered by the court to be forfeited, the court shall require the  
 7 defendant to satisfy the forfeiture in the amount prescribed and  
 8 fix the manner and time of payment, or make a written order  
 9 permitting the defendant to pay the forfeited sums in installments  
 10 at the times and in the amounts as the court determines the  
 11 defendant is able to pay.

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

16 (5) All courts collecting forfeitures as provided in this  
 17 section shall promptly remit the forfeiture to the county  
 18 treasurer, who shall transmit it to the state treasurer to be  
 19 credited to the game and fish protection account of the Michigan  
 20 conservation and recreation legacy fund.

21 ~~Sec. 47329. (1) A person desiring a license under this part~~  
 22 ~~shall submit an application for that license to the department on~~  
 23 ~~oath when required on a form provided for that purpose by the~~  
 24 ~~department, accompanied by the fee required under this part. The~~  
 25 ~~application shall state the name and residence of the applicant,~~  
 26 ~~the manner in which he or she proposes to fish, the name or number~~  
 27 ~~of the tug, launch, boat, scow, or skiff, the overall length and~~  
 28 ~~the gross tonnage of the boat, the value of the boat, the name of~~  
 29 ~~the port from which the boat will operate, the number and kind of~~



1 ~~net or nets and hooks or other gear which he or she intends to use,~~  
2 ~~the value of the buildings and grounds, and such other information~~  
3 ~~as may be required for statistical purposes.~~

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

9 (1) Any person licensed under this part that has been  
10 convicted in any combination of 3 separate misdemeanor violations  
11 of this part or any administrative rules, orders, or license  
12 conditions issued by the director under the authority provided in  
13 this part regulating commercial fishing or wholesale fish dealing  
14 that were documented to have occurred in a continuous 365-day  
15 period starting with the date of the first offense and ending with  
16 the date of the third offense must have the license under which the  
17 prosecuted offenses occurred automatically revoked and all  
18 commercial fishing or wholesale fish dealer privileges for that  
19 license must be rescinded for a period of 365 days to commence  
20 within 30 days after the third conviction.

21 (2) The license of any person convicted of 3 designated  
22 offenses in any combination in a continuous 5-year period must be  
23 automatically revoked and all commercial fishing or wholesale fish  
24 dealer privileges under that license must be rescinded for a period  
25 of 365 days to commence within 30 days after the third conviction.

26 (3) A revocation under this section prohibits the person from  
27 using all commercially licensed vessels, nets, or other gear listed  
28 on the commercial license that has been revoked. Additionally, any  
29 place of business where the wholesale fish dealer's license has





1 been revoked under this section is prohibited from buying, selling,  
2 or processing any fish originating within or outside of this state  
3 at the physical location listed on the revoked license. A license  
4 revoked under this section may not be sold or transferred to a  
5 third party while under revocation. The place of the wholesale  
6 business, including the physical store and the processing facility  
7 of the person whose license has been revoked, may not be run or  
8 operated under any other wholesale license during the period of  
9 revocation. The vessels, nets, or other gear listed on a commercial  
10 license under revocation may not be transferred onto or used by any  
11 other commercial fishing license during the period of revocation.  
12 The department shall permanently revoke a person's license if that  
13 person engages in or attempts to engage in any commercial or  
14 wholesale fishing activities under the revoked license during the  
15 365-day period of revocation. If multiple licenses are owned by a  
16 person, the revocation of 1 license does not result in the  
17 revocation of all licenses that are owned. However, any person who  
18 has a license currently in revocation is prohibited from purchasing  
19 an ownership stake in any additional commercial fishing license  
20 issued under this part for the duration of the revocation.

21 (4) The department shall permanently revoke the license of any  
22 person convicted of 5 designated offenses in any combination in a  
23 continuous 7-year period and that person is prohibited from  
24 purchasing a stake in any additional commercial fishing or  
25 wholesale license issued under this part for a period of 7 years.

26 (5) As used in this section, "designated offense" means a  
27 misdemeanor violation of any of the following offenses:

28 (a) Taking, selling, offering for sale, or possessing  
29 prohibited fish species.



1 (b) Fishing or taking fish during the closed season.

2 (c) Taking or possessing fish in excess of harvest or bycatch  
3 limit.

4 (d) Taking or possessing roe in excess of lawful limits.

5 (e) Taking, selling, offering for sale, or possessing fish  
6 under the legal size limit.

7 (f) Fishing with or taking fish by use of an unlawful device.

8 (g) Fishing in or taking fish from waters closed to commercial  
9 fishing.

10 (h) Fishing or taking fish in violation of specific license  
11 provisions.

12 (i) Selling, purchasing, bartering, or possessing or  
13 controlling for purposes of sale or barter any illegal fish.

14 (j) Falsifying catch records or required wholesale records.

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

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

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

26 (a) Accept raw or unprocessed salmon eggs except from whole  
27 salmon, known as salmon in the round, or eggs salvaged from salmon  
28 cleaned at the station.

29 (b) Operate a fish cleaning station that sells raw or



1 unprocessed salmon eggs without a current and valid permit issued  
2 by the department.

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

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

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

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

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

25 (c) Disposal of offal and unwanted salmon carcasses ~~shall~~**must**  
26 be in a manner approved by the local health department.

27 (d) A permit holder shall accept from sport fishers all salmon  
28 carcasses that are brought to the station and shall hold and  
29 dispose of them and their offal only in a manner approved by the



1 local health department.

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

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

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

16 Enacting section 1. Sections 46101, 46102, 47301a, 47319,  
17 47330 to 47362, 47901 to 47905, and 48901 of the natural resources  
18 and environmental protection act, 1994 PA 451, MCL 324.46101,  
19 324.46102, 324.47301a, 324.47319, 324.47330 to 324.47362, 324.47901  
20 to 324.47905, and 324.48901, are repealed.

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

24 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4567 (request no.  
25 01328'19 \*).

26 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4568 (request no.  
27 02654'19).

