

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 457
MUSSELS

324.45701 Definitions.

Sec. 45701. As used in this part:

(a) "Mussel" means the pearly freshwater mussel, clam, or naiad, and the shells of the pearly freshwater mussel, clam, or naiad.

(b) "Crowfoot bar" means a bar of any material bearing a series of hooks designed to catch or adapted for catching mussels by the insertion of the hooks between the shells of mussels.

(c) "Hand rod" means any mechanism of capture that is adapted for picking the mussels singly from the bottom of waters and is operated by the picker holding the hand rod in the hand.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45702 Mussels; registration and license requirements.

Sec. 45702. A person shall not take, catch, or kill mussels by means of any kind of apparatus or in any manner in any of the inland waters of this state without first registering with the department and obtaining a license issued for this purpose in accordance with this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45703 License; application; form; fee.

Sec. 45703. A person shall not take, catch, or kill mussels in any of the inland waters of this state without applying to the department on a form provided for that purpose by the department. The application shall be accompanied by a fee of \$3.00, if the applicant is a resident of this state, and a fee of \$50.00, if the applicant is a nonresident of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45704 License; issuance; duration; contents; possession; exhibition.

Sec. 45704. The department shall upon receipt of an application and the proper fee issue a license to take, catch, or kill mussels. All licenses shall begin July 1 and expire on September 30, following issuance. Licenses shall be consecutively numbered as issued, and a record of licenses and their numbers shall be kept by the department. A license shall state whether it is a resident or nonresident license, the address of the licensee, and the amount paid for the license. The license shall also state what waters have been closed to the capture of mussels by the department. Every person while taking, catching, or killing mussels shall have the license required by this section in his or her possession and shall exhibit the license when requested to do so by an authorized officer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45705 Applications and licenses; record; receipts; disposition; "nonresident" defined.

Sec. 45705. The department shall keep a record of all applications and licenses issued and on the first day of each month shall pay to the state treasurer all money received for the sale of licenses issued under this part, and the money shall be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010 and shall be disbursed by the state treasurer for services of the department and for the department's expenses in enforcing this part and the game and fish laws of this state, for propagation, and for biological investigations and such other investigations as may be necessary. For the purposes of this part, a nonresident of this state is a person who has not resided within this state for a period of at least 6 consecutive months immediately prior to the time application is made for a license under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.45706 Mussels; number of boats permitted; crowfoot bars; hand rods; prohibited devices; mufflers.

Sec. 45706. Any person to whom a license has been issued under this part may operate not more than 1 boat, with or without a motor, in taking, catching, or killing mussels. The person may use 1 additional boat, with or without a motor, for the purpose of towing only when an apparatus for taking, catching, or killing mussels is not used or kept on the boat. A person engaged in taking, catching, or killing mussels on the waters shall not possess more than 4 crowfoot bars, shall have not more than 2 of the bars in the water at 1 time, and shall not use or possess a crowfoot bar of greater than 20 feet in length. A person may also use his or her hands or a device known as a hand rod in taking, catching, or removing mussels from the waters. However, a person shall not use to gather mussels a fork, dredge, tongs, or other device that when used digs deeply into the bed of the stream. All boats propelled by an internal combustion engine or motor and used in taking, catching, killing, or conveying mussels taken under this part shall be equipped at all times with a quiet muffler for the exhaust.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45707 Mussels; limitation on catch of certain undersized species.

Sec. 45707. A person shall not take, catch, kill, offer for sale, or possess, in a quantity of more than 1% by weight, mussels of the varieties known either as mucket or pocketbook species of a size less than 3 inches at the greatest dimension. Undersized mussels shall be immediately culled and returned to the water from which they were taken without avoidable injury.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45708 Mussels; closed areas; orders of department; publication; effective date.

Sec. 45708. The department may, for the conservation of the mussel resources of the state, prescribe areas in any part of the state from which mussels shall not be taken for a period specified by the department. A person shall not take, catch, or kill mussels in closed waters. All orders of the department affecting mussels shall be published once a year in a newspaper of general circulation published within each county containing or having on its boundary waters affected by the order. All such orders shall take effect at the time established in the order, but not less than 21 days after the publication of the order. The department may extend the time within which the order takes effect.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45709 Mussels; report to department by license holder; prerequisite to new license.

Sec. 45709. On or before December 31 of the year in which any license was issued, the holder of the license shall make a written report to the department, on a form furnished by the department, under oath if requested to do so, stating the total weight of mussel shells taken, caught, or killed under the license, the names and locations of waters from which the mussels were taken, the weight of shells taken from each water, the amount of money received for shells sold, and any other information required by the department in determining the trend of the industry and available supply of mussels. The department may deny a new license to the holder until the report is made in accordance with this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45710 Taking mussels for culture or scientific investigation; permit required.

Sec. 45710. A person shall not take from any of the inland waters of this state any kind of mussels in any manner for the purpose of culture or scientific investigation without first obtaining a permit from the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.45711 Violation of part; penalty; default.

Sec. 45711. A person who violates this part is guilty of a misdemeanor, punishable by a fine of not less than \$10.00 or more than \$100.00 and costs of prosecution, and in default of the payment of the fine, by imprisonment for not more than 90 days, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA