

HOUSE BILL No. 4765

May 3, 1989, Introduced by Reps. Bartnik, Alley, Middaugh, DeMars, Weeks, Pridnia, Hart, Profit, Hertel, Hoekman, Hickner, DeBeaussaert, Niederstadt, Stupak, Owen, Allen, Stacey and Gnodtke and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to regulate the taking, possession, transportation, size, and sale of certain fish, reptiles, amphibians, mollusks, and other aquatic animals in or by the waters of this state; to provide for the issuing of certain licenses and permits; to provide for the distribution of certain funds; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 1

1
2 Sec. 1. This act shall be known and may be cited as the
3 "Michigan sport angling law".

4 Sec. 2. For the purpose of this act, the words and phrases
5 defined in this chapter have the meanings ascribed to them in
6 sections 3 to 6.

1 Sec. 3. (1) "Amphibian" means any frog, toad, or salamander
2 of the class amphibia.

3 (2) "Commercial purposes" means offering for sale or selling
4 to any other person.

5 (3) "Commission" means the commission of natural resources.

6 (4) "Connecting waters of Lake Superior and Lake Huron"
7 means the Straits of St. Mary extending from a line drawn from
8 Birch Point Range front light to the most westerly point of Round
9 Island, thence following the shore of Round Island to the most
10 northerly point of Round Island, thence from that point to Point
11 Aux Pins light, Ontario, to a line drawn east and west from the
12 most southerly point of Little Lime Island.

13 (5) "Connecting waters of Lake Huron and Lake Erie" means
14 all of the St. Clair river, Lake St. Clair, and the Detroit river
15 extending from Fort Gratiot light in Lake Huron south to a line
16 extending east and west from the Detroit river light.

17 (6) "Crustacea" means any freshwater crayfish, shrimp, or
18 prawn of the order Decapoda.

19 Sec. 4. (1) "Department" means the department of natural
20 resources.

21 (2) "Detroit river" means the waters of the Detroit river
22 lying south of a line drawn east and west from the windmill point
23 light where the Detroit river leaves Lake St. Clair to a line
24 drawn east and west from the southerly tip of Celeron Island
25 within the jurisdiction of this state.

26 (3) "Dip net" means a square net of twine attached to a
27 frame and constructed to be without sides or walls and suspended

1 in such a manner that when the net is lifted, the bag formed is
2 less than 4 feet deep.

3 (4) "Director" means the director of the department of natu-
4 ral resources or his or her authorized representative.

5 (5) "Fish or fishing" means any attempt to take fish.

6 (6) "Game fish" means the following species of fish:

7 (a) Atlantic salmon, (*Salmo salar*).

8 (b) Black and white crappie, also known as calico bass and
9 strawberry bass, (*Pomoxis nigro-maculatas* and *Pomoxis*
10 *annularis*).

11 (c) Bluegill, (*Lepomis macrochirus*).

12 (d) Brook or speckled trout, (*Salvelinus fontinalis*).

13 (e) Brown trout, (*Salmo trutta*).

14 (f) Catfish, (*Ictalurus* sp.), flathead catfish (*Pylodictis*
15 *olivaris*), and bullheads, (*Ameiurus* sp.).

16 (g) Chinook salmon, (*Oncorhynchus tshawtyscha*).

17 (h) Cisco, (*Coregonus artedii*).

18 (i) Coho salmon, (*Oncorhynchus kisutch*).

19 (j) Grayling (*Thymallus*)

20 (k) Kokanee salmon, (*Oncorhynchus nerka*).

21 (l) Largemouth bass, (*Micropterus salmoides*).

22 (m) Mackinaw or lake trout, (*Salvelinus namaycush*).

23 (n) Muskellunge, (*Esox masquinongy*), and tiger muskellunge,
24 (hybrid).

25 (o) Northern pike, (*Esox lucius*).

26 (p) Pink salmon, (*Oncorhynchus gorbuscha*).

- 1 (q) Pumpkinseed and other sunfish, (*Lepomis* sp.).
2 (r) Rainbow and steelhead trout, (*Oncorhynchus mykiss*).
3 (s) Rock bass, (*Ambloplites rupestris*).
4 (t) Sauger, (*Stizostedion canadense*).
5 (u) Smallmouth bass, (*Micropterus dolomieu*).
6 (v) Splake, (lake trout-brook trout hybrid).
7 (w) Sturgeon, (*Acipenser fulvescens*).
8 (x) Walleye, (*Stizostedion vitreum*).
9 (y) White bass, (*Roccus chrysops*).
10 (z) Whitefish, (*Coregonus clupeaformis*).
11 (aa) Yellow perch, (*Perca flavescens*).
12 Sec. 5. (1) "Hand net" means a mesh bag of webbing or wire
13 suspended from a circular, oval, or rectangular frame attached to
14 a handle.
15 (2) "Inland waters" means all the waters within the juris-
16 diction of this state except Lakes Michigan, Superior, Huron, and
17 Erie and their bays and connecting waters.
18 (3) "Minnows" means chubs, shiners, suckers of a size ordi-
19 narily used for bait in hook and line fishing, dace, stonerol-
20 lers, muddlers, and mudminnows.
21 (4) "Mollusk" means any clam, snail, freshwater mussel, or
22 other mollusk of the class Mollusca.
23 (5) "Nongame fish" means all species of fish except game
24 fish.
25 (6) "Nontrout streams" means streams or portions of streams
26 that are not trout streams.

1 (7) "Open season" means the time during which fish may be
2 legally taken or killed, and shall include both the first and
3 last day of the season.

4 Sec. 6. (1) "Person" means an individual, sole proprietor,
5 partnership, association, corporation, or other legal entity.

6 (2) "Reptile" means any turtle, snake, or lizard of the
7 class reptilia.

8 (3) "Sport angler" means 1 or more individuals who take game
9 fish by hook and line, spearing, netting, or other methods set
10 forth in this act.

11 (4) "Take" means to capture, possess, catch, kill, or
12 attempt to capture, possess, catch, or kill.

13 (5) "Trout stream" means any stream or portion of any stream
14 that under normal circumstances contains a significant population
15 of any species of trout or salmon as determined by the director.

16 (6) "Trout lake" means a lake designated by the director, in
17 which trout are normally the predominating species of game fish
18 found in that lake.

19 (7) "Wigglers" means mayfly nymphs or other aquatic insect
20 nymphs or larvae.

CHAPTER 2

22 Sec. 10. All fish, reptiles, amphibians, mollusks, aquatic
23 insects, and crustacea found in or by any of the waters of this
24 state are the property of this state, and except as otherwise
25 provided by law may only be taken at the times and in the manner
26 provided in this act.

1 Sec. 11. (1) Except as otherwise provided in this section,
2 a person shall not take fish from the waters of this state with a
3 spear, grab hook, hook board, snag hook, gaff hook, or a set or
4 night line, a net, firearm, explosive substance, chemical, or
5 combination of substances which have a tendency to kill or stu-
6 pefy fish, or by any other method or device other than 3 lines
7 and 4 hooks, 2 paddles, or 2 tip-ups, either held in the hand or
8 under immediate control to which no more than a total of 4 hooks
9 may be attached. Hooks may be single, double, or treble
10 pointed. All hooks must be baited or attached to an artificial
11 lure. All hooks attached to an artificial lure are counted as 1
12 hook. Fish taken by hook and line may be retained only if caught
13 by taking a bait or lure in the mouth. All fish not hooked in
14 the mouth must be immediately returned to the water, unless oth-
15 erwise exempted by statute, commission order, or rule. The
16 director may designate waters where a treble hook and an artifi-
17 cial bait or lure having more than 1 single pointed hook shall
18 not be used.

19 (2) Tip-ups and paddles shall clearly bear the user's first
20 and last name.

21 (3) Suckers, carp, whitefish, ciscoes, catfish, bullheads,
22 bowfin, and gar may be taken with a spear, including spearing
23 while submerged using rubber, spring-propelled, or compressed gas
24 propelled spears under control by an attached line less than 20
25 feet long, bow and arrow, dip nets not over 9 feet square, or
26 hand held dip nets. The director may designate which of these
27 species may be taken and the methods that may be used, including

1 the use of artificial lights, and the waters where these fish may
2 be taken and the season when these fish may be taken. The direc-
3 tor may designate areas in the Great Lakes where game fish may be
4 taken by submerged divers using hand or propelled spears. The
5 director may designate waters where a person may spear carp,
6 suckers, freshwater drum, smelt, northern pike, muskellunge,
7 whitefish, ciscoes, Menominee, perch, catfish, bullheads, bowfin,
8 and gar through the ice during the months of January and February
9 and sturgeon during February. This subsection shall not be con-
10 strued to limit traditional methods for smelt dipping.

11 (4) A hand net may be used from March 1 to May 31 for taking
12 smelt. The director may designate the waters where the fish may
13 be taken, and the time within the dates when the fish may be
14 taken.

15 (5) A dip net shall not be erected or fished within 100 feet
16 of a dam. The name and address of the person using the dip net
17 equipment, including frame, boom, supporting members, and tempo-
18 rary buildings, shall be plainly marked on the dip net equipment,
19 or securely fastened to the dip net equipment by a plate or tag.
20 Dip net equipment and a temporary building erected and used pur-
21 suant to this subsection located on public land or the land of
22 another shall be removed prior to June 10 of each year unless
23 maintained with proper permission of the landowner. This subsec-
24 tion does not authorize the erection or fishing of a dip net on
25 the land or premises of another without permission from the
26 landowner.

1 (6) The director may issue a permit allowing the permit
2 holder to use a hoop net between the dates of December 1 and
3 March 1 in any river or stream or portion of any river or stream
4 designated by the director for the taking of burbot (lawyers).
5 Each net shall clearly display the user's name and address.

6 Sec. 15. A person shall not:

7 (a) Fish within any waters of this state that are posted as
8 closed by the director.

9 (b) Frighten or hinder fish from the free passage up or down
10 a fish chute or ladder.

11 (c) Place any obstruction or device in or across any race,
12 stream, or river in this state in such a manner as to obstruct
13 the free passage of fish.

14 (d) Fish within a distance of 100 feet up or down stream
15 from any lamprey control weirs installed by the department of
16 natural resources or the United States fish and wildlife service
17 that is posted by the director as a restricted area.

18 (e) Destroy, attempt to destroy, or interfere with in any
19 manner, any artificial dam or barrier placed in any water of this
20 state under the direction of the director.

21 Sec. 16. (1) This chapter shall not be construed to pro-
22 hibit the use or possession of the following:

23 (a) A gaff, except on or along trout streams and lakes or as
24 provided in section 17.

25 (b) A landing net to assist in landing fish already caught
26 by a lawful device.

1 (c) A device for which a lawful permit or license is
2 obtained from the director.

3 (2) A person shall not use or possess a landing net more
4 than 5 1/2 feet in circumference or with a handle exceeding 14
5 inches in length on a trout stream during the months of April,
6 May, and June.

7 Sec. 17. (1) A person shall not use a gaff, or a single
8 pointed hook that is more than 1/2 inches between the point of
9 the hook and the shank, or a double or treble pointed hook
10 exceeding 3/8 inch between point and shank, before May 15 or
11 after August 31 on or along any trout stream.

12 (2) A person shall not apply chemicals to any waters of this
13 state for control of nuisance fish without first obtaining a
14 permit from the director.

15 Sec. 18. Except in a dwelling or outbuilding or as other-
16 wise provided by law, the possession of a spear on the waters of
17 this state or within 100 feet of the waters of this state during
18 the closed season for taking fish with a spear, is unlawful.

19 Sec. 19. A person shall not have in his or her possession a
20 fish illegally taken.

21 Sec. 20. This act shall not apply to the fisheries manage-
22 ment program of the department.

23 Sec. 21. A person shall not intentionally interfere in any
24 manner with the lawful taking of fish by another person.

25 CHAPTER 3

26 Sec. 25. (1) Except as otherwise provided by law, a person
27 shall not take any species of fish in any trout stream or trout

1 lake designated by the director, except during the open season
2 for taking trout. The director may designate certain waters to
3 be open throughout the year for fishing for trout and other spe-
4 cies of game or nongame fish for which the season is not closed.

5 (2) The director may designate not more than 200 miles of
6 trout streams in which only those lures, baits, and fishing
7 methods as he or she prescribes may be used in fishing. In addi-
8 tion, the director may prescribe the size and number of fish that
9 may be taken from a trout stream.

10 (3) The director may designate certain trout lakes in which
11 certain species of fish are not desired, and it shall be unlawful
12 to use live fish of any kind for bait in those lakes. The direc-
13 tor may establish special seasons, size, and creel limits and
14 specify the manner of taking fish from designated trout lakes.

15 (4) All waters except those that are designated by the
16 director as trout streams or trout lakes are open to fishing
17 throughout the year for taking any species of fish for which the
18 season is not closed.

19 Sec. 26. (1) The commission may establish open seasons for
20 game fish.

21 (2) The commission may set limits on the number of game fish
22 that may be lawfully taken.

23 Sec. 27. The director may:

24 (a) Establish a closed season by posting notice at any
25 spawning area or along any spawning migration route where game
26 fish or nongame fish concentrate. Notices shall define the

1 conditions of closure at the site not less than 3 days prior to
2 the effective date.

3 (b) Open to fishing at any time, for any species, in any
4 manner, any waters in which an excessive mortality of fish occurs
5 or is threatened or where unusually large congregations of fish
6 will be wasted if not harvested.

7 (c) Prohibit the operation of boats or other molestation of
8 spawning areas.

9 (d) Establish special seasons, size, and fish limits and
10 specify the manner in which fish may be taken.

11 Sec. 28. (1) The commission shall determine if a size limit
12 on the following species of game fish is necessary and, if so,
13 establish the size limit:

14 (a) Trout and salmon.

15 (b) Largemouth and smallmouth bass.

16 (c) Northern pike.

17 (d) Walleye and sauger.

18 (e) Muskellunge.

19 (f) Sturgeon.

20 (2) The commission may establish size limits on any game
21 fish.

22 (3) A person shall not have in his or her possession on the
23 waters of this state a fish that is so mutilated that the identi-
24 fication or measurement of that fish is impractical.

25 Sec. 29. A person shall not take or possess more than the
26 number of fish authorized by the commission. However, a person
27 may possess fish legally taken pursuant to this act that are

1 frozen, canned, smoked, pickled, or otherwise processed and
2 preserved.

3 Sec. 30. A person shall not purchase, buy, or sell, or
4 attempt to purchase, buy, or sell fish or parts of any fish taken
5 under this act.

6 Sec. 31. (1) As used in this section, "fish cleaning
7 station" means an operation or location used to clean salmon for
8 sport anglers.

9 (2) Except as provided in subsection (3)(c), a person shall
10 not purchase, sell, or otherwise exchange anything of value for
11 raw or unprocessed salmon eggs unless the person is licensed pur-
12 suant to section 26a of the commercial fishing law of 1929, Act
13 No. 84 of the Public Acts of 1929, being section 308.26a of the
14 Michigan Compiled Laws, and the sale, purchase, or exchange of
15 the raw or unprocessed salmon eggs is made with another person
16 who is also licensed pursuant to section 26a of Act No. 84 of the
17 Public Acts of 1929.

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

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

23 (b) Operate a fish cleaning station that sells raw or unpro-
24 cessed salmon eggs without a current and valid permit issued by
25 the director.

26 (c) Buy, barter, or otherwise exchange anything of value for
27 raw or unprocessed salmon eggs. This subdivision shall not be

1 construed to prohibit the operator of a fish cleaning station or
2 his or her agents from exchanging the service of cleaning salmon
3 in exchange for the eggs in the salmon's carcasses or from charg-
4 ing a fee for cleaning salmon.

5 (d) Buy or sell salmon carcasses taken under a fishing
6 license issued under the hunting and fishing license act, Act
7 No. 86 of the Public Acts of 1980, being sections 316.101 to
8 316.902 of the Michigan Compiled Laws.

9 (4) A person issued a permit to operate a fish cleaning sta-
10 tion shall comply with all of the following requirements:

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

14 (b) The fish cleaning station shall be licensed in accord-
15 ance with Act No. 328 of the Public Acts of 1978, being sections
16 289.801 to 289.810 of the Michigan Compiled Laws and operated in
17 compliance with the Michigan food law of 1968, Act No. 39 of the
18 Public Acts of 1968, being sections 289.701 to 289.727 of the
19 Michigan Compiled Laws.

20 (c) Disposal of offal and unwanted salmon carcasses shall be
21 in a manner approved by the local health department.

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

26 (e) As a condition of a permit, a permit holder whose fish
27 cleaning station is located on state owned land shall provide

1 free access to the fish cleaning station facilities to fishers
2 who wish to use the facilities to clean their own salmon catch.

3 (5) Nothing in this section shall be construed to prohibit
4 the selling or buying of chemically treated salmon eggs in the
5 form of spawn sacks or spawn bags.

6 (6) If the director finds that a person is in violation of a
7 permit issued under this section or a provision of this section,
8 the director may issue an order requiring the person to comply
9 with the permit. In addition to the penalties provided for in
10 this act, the director, the attorney general, or a person may
11 seek injunctive relief for a violation of a permit issued under
12 this section or for a violation of a provision of this section.

13 Sec. 32. The provisions of this chapter shall not be con-
14 strued to prohibit the propagation, transportation, or sale of
15 game fish under authority of Act No. 196 of the Public Acts of
16 1957, being sections 308.111 to 308.119 of the Michigan Compiled
17 Laws.

18 CHAPTER 4

19 Sec. 35. A person shall not:

20 (a) Take or have in possession minnows, wigglers, or cray-
21 fish for commercial purposes from any of the waters of this
22 state, or to import minnows, wigglers, or crayfish for commercial
23 purposes from outside of the state, or to transport minnows, wig-
24 glers, or crayfish without having first procured a license as
25 provided in this chapter. A license, other than a license to
26 fish in the waters of this state as provided for in the hunting
27 and fishing license act, Act No. 86 of the Public Acts of 1980,

1 being sections 316.101 to 316.902 of the Michigan Compiled Laws,
2 shall not be required of persons taking minnows, wigglers, or
3 crayfish for their individual use for bait. A person shall not
4 set or use minnow traps for the taking of minnows, wigglers, or
5 crayfish for personal use or commercial purposes unless the name
6 and address of the user is on the trap.

7 (b) Transport outside of this state any minnows, wigglers,
8 or crayfish, dead or alive, taken either in or outside this
9 state. The director may, upon the payment of \$25.00, issue a
10 permit, revocable by the director, upon just cause to any resi-
11 dent licensed as provided for in section 38 enabling that person
12 to transport outside this state minnows, wigglers, or crayfish
13 preserved in liquid and bottled for fish bait. The director is
14 authorized to limit to 15 days or less of any 1 year the taking
15 of minnows by a licensed person for preserving for fish bait
16 purposes. A person holding a permit as provided in this subdivi-
17 sion shall allow the director to inspect his or her books and
18 records at any reasonable time. A permit issued pursuant to this
19 subdivision may be revoked by the director upon good cause and
20 shall expire on December 31 following the date of issue unless
21 the permit is revoked prior to that date.

22 (c) Use or attempt to use live goldfish or carp for bait in
23 fishing.

24 (d) Offer for sale or use lamprey for bait in fishing.

25 (e) Take, possess, or transport minnows, wigglers, or cray-
26 fish for commercial purposes from any of the waters over which

1 this state has jurisdiction unless the taker is a resident of
2 this state and holds a permit or license required by law.

3 Sec. 36. (1) The director is authorized to do all of the
4 following:

5 (a) Designate the waters of this state from which minnows,
6 wigglers, or crayfish may be taken for commercial purposes or
7 noncommercial purposes, or both.

8 (b) Make rules, regulations, and restrictions for taking,
9 possessing, and transporting minnows, wigglers, and crayfish.

10 (c) Require catch reports regarding the taking of minnows,
11 wigglers, and crayfish for commercial purposes.

12 (2) A person shall not take minnows, wigglers, or crayfish
13 for commercial purposes from any waters of the state not desig-
14 nated by the director or violate any rule or restriction estab-
15 lished pursuant to this section.

16 Sec. 37. (1) Minnow seines not to exceed 125 feet in length
17 and 16 feet in width may be used in the Great Lakes and their
18 connecting waters, inland lakes, and streams and rivers of this
19 state, except trout streams, for taking minnows for commercial
20 purposes.

21 (2) Hand thrown nets not exceeding 8 feet in diameter with-
22 out sides or walls, minnow traps not exceeding 24 inches in
23 length, minnow seines not exceeding 12 feet in length and 4 feet
24 in width, and hook and line may be used for taking minnows for
25 personal use in any of the waters designated by the director in
26 accordance with section 36. However, a person shall not use a

1 hand or dip net or minnow seine in trout streams for the purpose
2 of taking minnows.

3 Sec. 38. (1) As used in this section, "place of business"
4 means a single location designated in a license application.

5 (2) The director may, upon the payment of \$25.00, issue a
6 retail minnow dealer's license to entitle the licensee to operate
7 1 place of business and 1 motor vehicle, and to buy, transport,
8 and retail minnows, wigglers, and crayfish.

9 (3) The director may, upon the payment of \$100.00, issue to
10 a resident a wholesale minnow dealer's license to operate 1 place
11 of business and to transport, using up to 3 motor vehicles, and
12 to sell at wholesale, to licensed minnow dealers, minnows, wig-
13 glers, and crayfish.

14 (4) The director may, upon the payment of \$50.00, issue to
15 the holder of a retail or a wholesale minnow dealer's license a
16 minnow catcher's license to permit the taking, collecting, trans-
17 porting, and possessing of live or fresh minnows, wigglers, or
18 crayfish to be used for commercial purposes in accordance with
19 this act. Each minnow catcher's license shall entitle the
20 licensee to operate up to 3 crews consisting of not more than 4
21 persons and 4 motor vehicles for the purpose of taking, collect-
22 ing, and transporting live or fresh minnows, wigglers, or
23 crayfish.

24 (5) The director may, upon payment of \$500.00, issue to a
25 nonresident of this state a wholesale minnow dealer's license to
26 transport, using up to 3 motor vehicles, and to wholesale
27 minnows, wigglers, and crayfish.

1 (6) Crayfish may not be imported for commercial purposes
2 from outside the state without a special permit from the
3 director. Minnows and wigglers not native to Michigan waters may
4 not be imported from outside the state.

5 Sec. 39. (1) A person licensed under section 38 may possess
6 minnows, wigglers, or crayfish for commercial purposes at more
7 than 1 place of business by obtaining a separate license for each
8 additional place of business. A licensee desiring to use more
9 than 3 crews in taking, collecting, or transporting minnows, wig-
10 glers, and crayfish, or to use more motor vehicles in collecting
11 or transporting minnows, wigglers, or crayfish than are autho-
12 rized in this chapter, may utilize additional crews of not more
13 than 4 individuals for a fee of \$25.00 and 4 additional motor
14 vehicles for a fee of \$25.00 for each additional motor vehicle.

15 (2) There shall be issued with each minnow catcher's license
16 12 identification cards bearing the number of the license and the
17 year for which the license was issued. Each member of a crew
18 engaged in taking, collecting, and transporting minnows, wig-
19 glers, or crayfish for commercial purposes shall carry an identi-
20 fication card while so engaged. The director shall supply
21 license application forms which shall state the name and address
22 of the licensee and the lakes and streams and the parts of the
23 lakes and streams from which minnows, wigglers, or crayfish may
24 be taken. Any person to whom a retail or wholesale minnow deal-
25 ers license has been issued shall prominently display at the
26 place of business designated in the license a placard to be
27 furnished by the director which will contain the following words,

1 "Licensed Minnow Dealer", and the number of the license and the
2 year for which the license was issued. Any person to whom a
3 license has been issued under the provisions of this act shall
4 permanently display the license number in 4-inch block letters on
5 the sides of and on the back of the motor vehicle at all times
6 when minnows, wigglers, or crayfish are being transported.

7 (3) On demand of the director, a conservation officer, or
8 any other peace officer, a person found taking, collecting, pos-
9 sessing, transporting, buying, or selling any live or fresh min-
10 nows, wigglers, or crayfish for commercial purposes shall display
11 the license or identification card provided for in this section.
12 The records, seines, nets, minnow traps, transporting and other
13 equipment of every kind utilized in the handling of minnows, wig-
14 glers, or crayfish, and the tanks and ponds where minnows, wig-
15 glers, or crayfish are held shall be open to inspection by the
16 director, a conservation officer, or any other peace officer at
17 any reasonable time.

18 (4) A commercial minnow, wiggler, and crayfish license may
19 be revoked for violating a provision of this chapter and, if not
20 sooner revoked, shall expire on December 31 following the date of
21 issue. Any person whose license has been revoked shall not be
22 issued a commercial minnow, wiggler, and crayfish license within
23 a period of 1 year from the date of revocation.

24 CHAPTER 5

25 Sec. 40. (1) A person taking reptiles or amphibians for his
26 or her personal consumption shall have a valid fishing license
27 issued pursuant to the hunting and fishing license act, Act

1 No. 86 of the Public Acts of 1980, being sections 316.101 to
2 316.902 of the Michigan Compiled Laws.

3 (2) A person shall not take reptiles, amphibians, or mol-
4 lusks for commercial purposes unless he or she is a resident of
5 this state and purchases an annual commercial reptile and amphib-
6 ian license for a fee of \$150.00.

7 (3) The director is authorized to do all of the following:

8 (a) Designate the waters of this state from which reptiles,
9 amphibians, and mollusks may be taken for commercial or noncom-
10 mercial purposes, or both:

11 (b) Determine under what conditions reptiles, amphibians, or
12 mollusks may be taken for commercial purposes.

13 (c) Make rules and restrictions for taking, possessing, and
14 transporting reptiles, amphibians, or mollusks.

15 (d) Require catch reports regarding the taking of reptiles,
16 amphibians, and mollusks.

17 Sec. 41. In order to improve fish stock or prevent environ-
18 mental or ecological harm, the director may issue permits for the
19 removal of surplus coho, chinook, and pink salmon, or any other
20 game or nongame fish from the waters over which this state has
21 jurisdiction with seines, nets, spears, weirs, or in any other
22 manner, and may sell or authorize the sale of fish taken pursuant
23 to this section on such terms as shall be to the best advantage
24 of the state. The director may incorporate restrictions in per-
25 mits issued pursuant to this section as he or she may consider
26 advisable. A person taking fish under a permit shall comply with
27 all the restrictions specified in the permit.

1 Sec. 42. (1) A person shall not take from any of the waters
2 of this state fish, reptiles, amphibians, mollusks, or crusta-
3 ceans in any manner for the purpose of fish culture or scientific
4 investigation, without first obtaining a permit from the direc-
5 tor, except that persons who are operating a private fish pond
6 may take fish from their own ponds for the purpose of propaga-
7 tion, scientific investigation, or sale pursuant to Act No. 196
8 of the Public Acts of 1957, being sections 308.111 to 308.119 of
9 the Michigan Compiled Laws. The director may issue permits to
10 possess live game fish in public or private ponds, pools, and
11 aquariums under such rules as the commission of natural resources
12 may prescribe. Species of fish that are taken legally may be
13 retained alive during the open season for that species in aquari-
14 ums without a permit. The director may authorize the taking from
15 the waters of this state any species of fish for the purpose of
16 obtaining spawn for fish culture or scientific investigation or
17 for the protection of the inland waters from ecological damage or
18 imbalance. In addition, the director may cause to be taken from
19 the inland waters of this state species of fish that are not
20 required to maintain the fishery resources of the inland waters.

21 (2) A person shall not import or bring any live game fish or
22 viable eggs of any game fish from outside the state except under
23 the authority of a permit from the director or under the author-
24 ity of Act No. 196 of the Public Acts of 1957, being sections
25 308.111 to 308.119 of the Michigan Compiled Laws, and the rules
26 promulgated pursuant to that act. The director may declare
27 certain exotic, diseased, or environmentally dangerous species to

1 be unlawful for importation or to possess without a permit issued
2 by the director.

3 (3) A person shall not plant any spawn, fry, or fish, rep-
4 tiles, amphibians, mollusks, or crustaceans of any kind in any of
5 the waters of this state without obtaining a permit from the
6 director. A permit issued pursuant to this subsection shall
7 state the species, number, and the approximate size or age of the
8 spawn, fry, or fish to be planted and the name and location of
9 the waters where the spawn, fry, or fish shall be planted. A
10 permit shall not be required to plant spawn, fry, or fish fur-
11 nished by the federal or state government.

12 (4) All permits issued pursuant to this section shall be
13 displayed upon the request of any conservation officer or peace
14 officer.

15 Sec. 43. Except as provided in this act, it shall be unlaw-
16 ful for any person to take or remove or attempt to take or remove
17 any caddis fly larvae, other insect larvae, or insects of any
18 kind from any trout stream. The director may designate trout
19 streams or portions of certain trout streams from which caddis
20 fly larvae, other insect larvae, or insects may be taken for com-
21 mercial purposes by persons licensed in accordance with section
22 38.

23 Sec. 44. Except in waters designated by the director, a
24 person shall not take any fish in any manner from the waters of
25 this state that are used by the state or federal government for
26 the collection of wild broodstock, for culture or propagation of
27 fish, or for fish harvest.

1 Sec. 45. A person shall not take any game or nongame fish
2 in any manner in any inland waters or in the Great Lakes for the
3 purpose of removing its eggs.

4 Sec. 46. All money collected from the sale of licenses and
5 permits issued pursuant to this act shall be transmitted to the
6 state treasurer by the director and credited to the game and fish
7 protection fund, created in section 601 of the hunting and fish-
8 ing license act, Act No. 86 of the Public Acts of 1980, being
9 section 316.601 of the Michigan Compiled Laws.

10 Sec. 46a. Prior to promulgating rules or issuing orders to
11 implement this act, the commission shall provide a copy of each
12 rule or order to each member of the senate and the house of rep-
13 resentatives standing committees that consider legislation per-
14 taining to fishing in the waters of this state.

15 CHAPTER 6

16 Sec. 47. (1) A person who violates this act or rules, com-
17 mission orders, or orders of the director issued to implement
18 this act, if a penalty is not provided for that violation in this
19 section, shall be guilty of a misdemeanor, punishable by impris-
20 onment for not more than 90 days, or a fine of not more than
21 \$500.00, or both.

22 (2) A person convicted of using dynamite, nitroglycerin,
23 lime, electricity, any other explosive substance, or poison for
24 the purpose of taking or killing fish, or a person convicted of
25 using nets not authorized by law for taking game fish, or buying
26 or selling game fish or any parts of game fish shall be guilty of
27 a misdemeanor punishable by imprisonment for not more than 90

1 days, or a fine of not less than \$250.00 nor more than \$1,000.00,
2 or both.

3 (3) If a person is convicted of a violation of this act or
4 rules, commission orders, or orders of the director issued to
5 implement this act and it is alleged in the complaint and proved
6 or admitted at trial or ascertained by the court at the time of
7 sentencing that the person had been previously convicted 3 or
8 more times of a violation of this act within the 5 years immedi-
9 ately preceding the last violation of this act, the person shall
10 be guilty of a misdemeanor, punishable by imprisonment for not
11 more than 90 days, or a fine of not more than \$1,000.00, or both,
12 and shall be required to pay the costs of prosecution. This sub-
13 section shall not apply to the following violations:

14 (a) Failing to possess or display a valid fishing license or
15 trout and salmon stamp issued pursuant to the hunting and fishing
16 license act, Act No. 86 of the Public Acts of 1980, being sec-
17 tions 316.101 to 316.902 of the Michigan Compiled Laws.

18 (b) Taking or possessing an overlimit of bluegill, sunfish,
19 crappie, perch, and nongame fish.

20 (c) Taking or possessing not more than 5 undersized fish.

21 (d) Fishing with more fishing lines than allowed by law.

22 (e) Failing to attach name and address to tip-ups or minnow
23 traps.

24 (f) Fishing with lines not under immediate control.

25 (4) A person who takes or possesses sturgeon in violation of
26 this act or rules, commission orders, or orders of the director
27 issued to implement this act is guilty of a misdemeanor

1 punishable by imprisonment for not less than 30 days or more than
2 180 days, or a fine of not less than \$500.00 or more than
3 \$2,000.00, or both, and the costs of prosecution.

4 (5) In addition to the penalties provided in this section, a
5 fishing license issued to a person sentenced pursuant to subsec-
6 tion (2), (3), or (4) shall be revoked and the person shall not
7 be issued a license during the remainder of the year in which
8 convicted nor during the next 3 succeeding license years.

9 Sec. 48. (1) In addition to the penalties provided in this
10 act for violating the provisions of this act, a sport angler con-
11 victed of taking game fish during a closed season, or taking or
12 possessing game fish in excess of lawful limits, or buying or
13 selling, or taking game fish, nongame fish, or any parts of game
14 or nongame fish by use of an unlawful device shall forfeit to the
15 state for the fish so taken or possessed in violation of this act
16 as follows:

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

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

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

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

26 (2) If a person is convicted of a violation of subsection
27 (1), the court before whom the conviction is obtained shall order

1 the defendant to forfeit to the state the sums provided in
 2 subsection (1). If 2 or more defendants are convicted of the
 3 illegal taking or the illegal possession of the same fish, the
 4 forfeiture shall be declared against them jointly and severally.

5 (3) If a defendant fails to pay the sums forfeited for a
 6 violation of subsection (1), upon conviction, the court shall
 7 either impose a sentence of probation and as a condition of sen-
 8 tence, require the defendant to satisfy the forfeiture in the
 9 amount prescribed and fix the manner and time of payment, or make
 10 a written order permitting the defendant to pay the forfeited
 11 sums in installments at such times and in such amounts as, in the
 12 opinion of the court, the defendant is able to pay.

13 (4) A default in the payment of forfeiture or any install-
 14 ment of the forfeiture may be collected by any means authorized
 15 for the enforcement of a judgment under chapter 60 of the revised
 16 judicature act of 1961, Act No. 236 of the Public Acts of 1961,
 17 as amended, being sections 600.6001 to 600.6097 of the Michigan
 18 Compiled Laws.

19 (5) All courts collecting forfeitures as provided in this
 20 section shall promptly remit the forfeiture to the county trea-
 21 surer, who shall transmit it to the state treasurer to be cred-
 22 ited to the game and fish protection fund.

23 Sec. 49. The following acts and parts of acts are
 24 repealed:

25 (a) Act No. 165 of the Public Acts of 1929:

26 CHAPTER SECTION NUMBERS MICHIGAN COMPILED LAWS SECTIONS

1	I	1 to 10	301.1 to 301.10
2	II	1 to 5b	302.1 to 302.5b
3	III	1 to 10	303.1 to 303.10
4	IV	1 to 4	304.1 to 304.4
5	V	6 to 13	305.6 to 305.13
6	VI	2 to 3	306.2 to 306.3

7 (b) Public Acts:

8	<u>YEAR OF ACT</u>	<u>PUBLIC ACT NUMBER</u>	<u>MICHIGAN COMPILED LAWS SECTIONS</u>
9	1891	121	307.41 to 307.42
10	1915	261	307.51 to 307.61
11	1923	14	307.71 to 307.72
12	1925	194	307.171 to 307.172
13	1931	57	307.161
14	1933	156	307.101 to 307.106
15	1939	4	307.151
16	1956	175	307.251 to 307.253