

SENATE BILL No. 162

February 21, 1989, Introduced by Senators J. HART,
CHERRY, MILLER, EHLERS, GAST and BINSFELD and
referred to the Committee on Natural Resources
and Environmental Affairs.

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 pro-
vide 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

Sec. 1. This act shall be known and may be cited as the
"Michigan sports fishing law".

Sec. 2. For the purpose of this act, the words and phrases
defined in this chapter have the meanings ascribed to them in
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) "Crayfish" means any arthropod of the family decapoda,
18 commonly known as crayfish or crawfish.

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.), and bullheads, (*ameiurus*
15 sp.).

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

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

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, (*Salmo gairdnerii*).
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.

(7) "Open season" means the time during which fish may be legally taken or killed, and shall include both the first and 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) "Take" means to capture, possess, catch, kill, or
9 attempt to capture, possess, catch, or kill.

10 (4) "Trout stream" means any stream or portion of any stream
11 that under normal circumstances contains a significant population
12 of any species of trout or salmon as determined by the director.

13 (5) "Trout lake" means a lake designated by the director, in
14 which trout are normally the predominating species of game fish
15 found in that lake.

16 (6) "Wigglers" means mayfly nymphs or other aquatic insect
17 nymphs or larvae.

18 CHAPTER 2

19 Sec. 10. All fish, reptiles, amphibians, mollusk, or other
20 aquatic animals found in or by any of the waters of this state
21 are the property of this state, and except as otherwise provided
22 by law may only be taken at the times and in the manner provided
23 in this act.

24 Sec. 11. (1) Except as otherwise provided in this section,
25 a person shall not take fish from the waters of this state with a
26 spear, grab hook, hook board, snag hook, gaff hook, or a set or
27 night line, a net, firearm, explosive substance, chemical, or

1 combination of substances which have a tendency to kill or
2 stupefy fish, or by any other method or device other than 2
3 lines, 2 paddles, or 2 tip-ups, either held in the hand or under
4 immediate control to which no more than a total of 4 hooks may be
5 attached. Hooks may be single, double, or treble pointed. All
6 hooks must be baited or attached to an artificial lure. All
7 hooks attached to an artificial lure are counted as 1 hook. Fish
8 taken by hook and line may be retained only if caught by taking a
9 bait or lure in the mouth. All fish not hooked in the mouth must
10 be immediately returned to the water, unless otherwise exempted
11 by statute, commission order, or rule. The director may desig-
12 nate waters where a treble hook and an artificial bait or lure
13 having more than 1 single pointed hook shall not be used.

14 (2) Tip-ups and paddles shall clearly bear the user's name
15 and address.

16 (3) Suckers, carp, whitefish, ciscoes, catfish, bullheads,
17 bowfin, and gar may be taken with a spear, including spearing
18 while submerged using rubber, spring-propelled, or compressed gas
19 propelled spears under control by an attached line less than 20
20 feet long, bow and arrow, dip nets not over 9 feet square, or
21 hand held dip nets. The director may designate which of these
22 species may be taken and the methods that may be used, including
23 the use of artificial lights, and the waters where these fish may
24 be taken and the season when these fish may be taken. The direc-
25 tor may designate areas in the Great Lakes where game fish may be
26 taken by submerged divers using hand or propelled spears. The
27 director may designate waters where a person may spear carp,

1 suckers, freshwater drum, smelt, northern pike, muskellunge,
2 whitefish, ciscoes, Menominee, perch, catfish, bullheads, bowfin,
3 and gar through the ice during the months of January and February
4 and sturgeon during February.

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

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

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

26 Sec. 15. A person shall not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 CHAPTER 3

18 Sec. 25. (1) Except as otherwise provided by law, a person
19 shall not take any species of fish in any trout stream or trout
20 lake designated by the director, except during the open season
21 for taking trout. The director may designate certain waters to
22 be open throughout the year for fishing for trout and other spe-
23 cies of game or nongame fish for which the season is not closed.

(2) The director may designate not more than 200 miles of trout streams in which only those lures, baits, and fishing methods as he or she prescribes may be used in fishing. In

1 addition, the director may prescribe the size and number of fish
2 that may be taken from a trout stream.

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

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

12 Sec. 26. (1) The commission may establish open seasons for
13 game fish.

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

16 Sec. 27. The director may:

17 (a) Establish a closed season by posting notice at any
18 spawning area or along any spawning migration route where game
19 fish or nongame fish concentrate. Notices shall define the con-
20 ditions of closure at the site not less than 3 days prior to the
21 effective date.

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

26 (c) Prohibit the operation of boats or other molestation of
27 spawning areas.

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

3 Sec. 28. (1) The commission shall establish size limits on
4 the following species of game fish:

5 (a) Trout and salmon.

6 (b) Largemouth and smallmouth bass.

7 (c) Northern pike.

8 (d) Walleye and sauger.

9 (e) Muskellunge.

10 (f) Sturgeon.

11 (2) The commission may establish size limits on any game
12 fish.

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

16 Sec. 29. A person shall not take or possess more than the
17 number of fish authorized by the commission. However, a person
18 may possess fish legally taken pursuant to this act that are
19 frozen, canned, smoked, pickled, or otherwise processed and
20 preserved.

21 Sec. 30. A person shall not purchase, buy, or sell, or
22 attempt to purchase, buy, or sell fish or parts of any fish taken
23 under this act.

24 Sec. 31. (1) As used in this section, "fish cleaning
25 station" means an operation or location used to clean salmon for
26 sport fishers.

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

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

12 (a) Accept raw or unprocessed salmon eggs except from whole
13 salmon, known as salmon in the round or eggs salvaged from salmon
14 cleaned at the station.

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

18 (c) Buy, barter, or otherwise exchange anything of value for
19 raw or unprocessed salmon eggs. This subdivision shall not be
20 construed to prohibit the operator of a fish cleaning station or
21 his or her agents from exchanging the service of cleaning salmon
22 in exchange for the eggs in the salmon's carcasses or from charg-
23 ing a fee for cleaning salmon.

24 (d) Buy or sell salmon carcasses taken under a fishing
25 license issued under the hunting and fishing license act, Act
26 No. 86 of the Public Acts of 1980, being sections 316.101 to
27 316.902 of the Michigan Compiled Laws.

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

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

6 (b) The fish cleaning station shall be licensed in accord-
7 ance with Act No. 328 of the Public Acts of 1978, being sections
8 289.801 to 289.810 of the Michigan Compiled Laws and operated in
9 compliance with the Michigan food law of 1968, Act No. 39 of the
10 Public Acts of 1968, being sections 289.701 to 289.727 of the
11 Michigan Compiled Laws.

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

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

18 (e) As a condition of a permit, a permit holder whose fish
19 cleaning station is located on state owned land shall provide
20 free access to the fish cleaning station facilities to fishers
21 who wish to use the facilities to clean their own salmon catch.

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

25 (6) If the director finds that a person is in violation of a
26 permit issued under this section or a provision of this section,
27 the director may issue an order requiring the person to comply

5 Sec. 32. The provisions of this chapter shall not be con-
6 strued to prohibit the propagation, transportation, or sale of
7 game fish under authority of Act No. 196 of the Public Acts of
8 1957, being sections 308.111 to 308.119 of the Michigan Compiled
9 Laws.

11 Sec. 35. A person shall not:

26 (b) Transport outside of this state any minnows, wigglers,
27 or crayfish, dead or alive, taken either in or outside this

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

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

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

17 (e) Take, possess, or transport minnows, wigglers, or cray-
18 fish for commercial purposes from any of the waters over which
19 this state has jurisdiction unless the taker is a resident of
20 this state and holds a permit or license required by law.

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

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

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

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

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

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

12 (2) Hand thrown nets not exceeding 8 feet in diameter with-
13 out sides or walls, minnow traps not exceeding 24 inches in
14 length, minnow seines not exceeding 12 feet in length and 4 feet
15 in width, and hook and line may be used for taking minnows for
16 personal use in any of the waters designated by the director in
17 accordance with section 36. However, a person shall not use a
18 hand or dip net or minnow seine in trout streams for the purpose
19 of taking minnows.

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

22 (2) The director may, upon the payment of \$25.00, issue a
23 retail minnow dealer's license to entitle the licensee to operate
24 1 place of business and 1 motor vehicle, and to buy, transport,
25 and retail minnows, wigglers, and crayfish.

26 (3) The director may, upon the payment of \$100.00, issue to
27 a resident a wholesale minnow dealer's license to operate 1 place

1 of business and to transport, using up to 3 motor vehicles, and
2 to sell at wholesale, to licensed minnow dealers, minnows, wig-
3 glers, and crayfish.

4 (4) The director may, upon the payment of \$50.00, issue to
5 the holder of a retail or a wholesale minnow dealer's license a
6 minnow catcher's license to permit the taking, collecting, trans-
7 porting, and possessing of live or fresh minnows, wigglers, or
8 crayfish to be used for commercial purposes in accordance with
9 this act. Each minnow catcher's license shall entitle the
10 licensee to operate up to 3 crews consisting of not more than 4
11 persons and 4 motor vehicles for the purpose of taking, collect-
12 ing, and transporting live or fresh minnows, wigglers, or
13 crayfish.

14 (5) The director may, upon payment of \$500.00, issue to a
15 nonresident of this state a wholesale minnow dealer's license to
16 transport, using up to 3 motor vehicles, and to wholesale min-
17 nows, wigglers, and crayfish.

18 (6) Crayfish may not be imported for commercial purposes
19 from outside the state without a special permit from the
20 director. Minnows and wigglers not native to Michigan waters may
21 not be imported from outside the state.

22 Sec. 39. (1) A person licensed under section 38 may possess
23 minnows, wigglers, or crayfish for commercial purposes at more
24 than 1 place of business by obtaining a separate license for each
25 additional place of business. A licensee desiring to use more
26 than 3 crews in taking, collecting, or transporting minnows,
27 wigglers, and crayfish, or to use more motor vehicles in

1 collecting or transporting minnows, wigglers, or crayfish than
2 are authorized in this chapter, may utilize additional crews of
3 not more than 4 individuals for a fee of \$25.00 and 4 additional
4 motor vehicles for a fee of \$25.00 for each additional motor
5 vehicle.

6 (2) There shall be issued with each minnow catcher's license
7 12 identification cards bearing the number of the license and the
8 year for which the license was issued. Each member of a crew
9 engaged in taking, collecting, and transporting minnows, wig-
10 glers, or crayfish for commercial purposes shall carry an identi-
11 fication card while so engaged. The director shall supply
12 license application forms which shall state the name and address
13 of the licensee and the lakes and streams and the parts of the
14 lakes and streams from which minnows, wigglers, or crayfish may
15 be taken. Any person to whom a retail or wholesale minnow deal-
16 ers license has been issued shall prominently display at the
17 place of business designated in the license a placard to be fur-
18 nished by the director which will contain the following words,
19 "Licensed Minnow Dealer", and the number of the license and the
20 year for which the license was issued. Any person to whom a
21 license has been issued under the provisions of this act shall
22 permanently display the license number in 4-inch block letters on
23 the sides of and on the back of the motor vehicle at all times
24 when minnows, wigglers, or crayfish are being transported.

25 (3) On demand of the director, a conservation officer, or
26 any other peace officer, a person found taking, collecting,
27 possessing, transporting, buying, or selling any live or fresh

1 minnows, wigglers, or crayfish for commercial purposes shall
2 display the license or identification card provided for in this
3 section. The records, seines, nets, minnow traps, transporting
4 and other equipment of every kind utilized in the handling of
5 minnows, wigglers, or crayfish, and the tanks and ponds where
6 minnows, wigglers, or crayfish are held shall be open to inspec-
7 tion by the director, a conservation officer, or any other peace
8 officer at any reasonable time.

9 (4) A commercial minnow, wiggler, and crayfish license may
10 be revoked for violating a provision of this chapter and, if not
11 sooner revoked, shall expire on December 31 following the date of
12 issue. Any person whose license has been revoked shall not be
13 issued a commercial minnow, wiggler, and crayfish license within
14 a period of 1 year from the date of revocation.

15 CHAPTER 5

16 Sec. 40. (1) A person taking turtles or frogs for his or
17 her personal consumption shall have a valid fishing license
18 issued pursuant to the hunting and fishing license act, Act
19 No. 86 of the Public Acts of 1980, being sections 316.101 to
20 316.902 of the Michigan Compiled Laws.

21 (2) A person shall not take reptiles, amphibians, or mol-
22 lusks for commercial purposes unless he or she is a resident of
23 this state and purchases an annual commercial reptile and amphib-
24 ian license for a fee of \$50.00.

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

1 (a) Designate the waters of this state from which reptiles,
2 amphibians, and mollusks may be taken for commercial or
3 noncommercial purposes, or both.

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

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

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

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

21 Sec. 42. (1) A person shall not take from any of the waters
22 of this state any fish in any manner for the purpose of fish cul-
23 ture or scientific investigation, without first obtaining a
24 permit from the director, except that persons who are operating a
25 private fish pond may take fish from their own ponds for the pur-
26 pose of propagation, scientific investigation, or sale pursuant
27 to Act No. 196 of the Public Acts of 1957, being sections 308.111

1 to 308.119 of the Michigan Compiled Laws. The director may issue
2 permits to possess live game fish in public or private ponds,
3 pools, and aquariums under such rules as the commission of natu-
4 ral resources may prescribe. Species of fish that are taken
5 legally may be retained alive during the open season for that
6 species in aquariums without a permit. The director may autho-
7 rize the taking from the waters of this state any species of fish
8 for the purpose of obtaining spawn for fish culture or scientific
9 investigation or for the protection of the inland waters from
10 ecological damage or imbalance. In addition, the director may
11 cause to be taken from the inland waters of this state species of
12 fish that are not required to maintain the fishery resources of
13 the inland waters.

14 (2) A person shall not import or bring any live game fish or
15 viable eggs of any game fish from outside the state except under
16 the authority of a permit from the director or under the author-
17 ity of Act No. 196 of the Public Acts of 1957, being sections
18 308.111 to 308.119 of the Michigan Compiled Laws, and the rules
19 promulgated pursuant to that act. The director may declare cer-
20 tain exotic, diseased, or environmentally dangerous species to be
21 unlawful for importation or to possess without a permit issued by
22 the director.

23 (3) A person shall not plant any spawn, fry, or fish of any
24 kind in any of the waters of this state without obtaining a
25 permit from the director. A permit issued pursuant to this sub-
26 section shall state the species, number, and the approximate size
27 or age of the spawn, fry, or fish to be planted and the name and

1 location of the waters where the spawn, fry, or fish shall be
2 planted. A permit shall not be required to plant spawn, fry, or
3 fish furnished by the federal or state government.

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

7 Sec. 43. Except as provided in this act, it shall be unlaw-
8 ful for any person to take or remove or attempt to take or remove
9 any caddis fly larvae, other insect larvae, or insects of any
10 kind from any trout stream. The director may designate trout
11 streams or portions of certain trout streams from which caddis
12 fly larvae, other insect larvae, or insects may be taken for com-
13 mercial purposes by persons licensed in accordance with section
14 38.

15 Sec. 44. Except in waters designated by the director, a
16 person shall not take any fish in any manner from the waters of
17 this state that are used by the state or federal government for
18 the collection of wild broodstock, for culture or propagation of
19 fish, or for fish harvest.

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

23 Sec. 46. All money collected from the sale of licenses and
24 permits issued pursuant to this act shall be transmitted to the
25 state treasurer by the director and credited to the game and fish
26 protection fund, created in section 601 of the hunting and

1 fishing license act, Act No. 86 of the Public Acts of 1980, being
2 section 316.601 of the Michigan Compiled Laws.

3 CHAPTER 6

4 Sec. 47. (1) A person who violates this act or rules, com-
5 mission orders, or orders of the director issued to implement
6 this act, if a penalty is not provided for that violation in this
7 section, shall be guilty of a misdemeanor, punishable by impris-
8 onment for not more than 90 days, or a fine of not more than
9 \$500.00, or both.

10 (2) A person convicted of using dynamite, nitroglycerin,
11 lime, electricity, any other explosive substance, or poison for
12 the purpose of taking or killing fish, or a person convicted of
13 using nets not authorized by law for taking game fish, or buying
14 or selling game fish or any parts of game fish shall be guilty of
15 a misdemeanor punishable by imprisonment for not more than 90
16 days, or a fine of not less than \$250.00 nor more than \$1,000.00,
17 or both.

18 (3) If a person is convicted of a violation of this act or
19 rules, commission orders, or orders of the director issued to
20 implement this act and it is alleged in the complaint and proved
21 or admitted at trial or ascertained by the court at the time of
22 sentencing that the person had been previously convicted 3 or
23 more times of a violation of this act within the 5 years immedi-
24 ately preceding the last violation of this act, the person shall
25 be guilty of a misdemeanor, punishable by imprisonment for not
26 more than 90 days, or a fine of not more than \$1,000.00, or both,

1 and shall be required to pay the costs of prosecution. This
2 subsection shall not apply to the following violations:

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

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

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

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

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

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

14 (4) In addition to the penalties provided in this section, a
15 fishing license issued to a person sentenced pursuant to subsec-
16 tions (2) and (3) shall be revoked and the person shall not be
17 issued a license during the remainder of the year in which con-
18 victed nor during the next 3 succeeding license years.

19 Sec. 48. (1) In addition to the penalties provided in this
20 act for violating the provisions of this act, a person convicted
21 of taking game fish during a closed season, or taking or possess-
22 ing game fish in excess of lawful limits, or buying or selling,
23 or taking game fish, nongame fish, or any parts of game or non-
24 game fish by use of an unlawful device shall forfeit to the state
25 for the fish so taken or possessed in violation of this act as
26 follows:

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

4 (b) For each game fish, of an individual weight of less than
5 1 pound, \$10.00 for each fish illegally taken or possessed.

6 (c) For each nongame fish, \$5.00 for each pound or fraction
7 of a pound of fish illegally taken or possessed.

8 (2) If a person is convicted of a violation of subsection
9 (1), the court before whom the conviction is obtained shall order
10 the defendant to forfeit to the state the sums provided in sub-
11 section (1). If 2 or more defendants are convicted of the ille-
12 gal taking or the illegal possession of the same fish, the for-
13 feiture shall be declared against them jointly and severally.

14 (3) If a defendant fails to pay the sums forfeited for a
15 violation of subsection (1), upon conviction, the court shall
16 either impose a sentence of probation and as a condition of sen-
17 tence, require the defendant to satisfy the forfeiture in the
18 amount prescribed and fix the manner and time of payment, or make
19 a written order permitting the defendant to pay the forfeited
20 sums in installments at such times and in such amounts as, in the
21 opinion of the court, the defendant is able to pay.

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

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

5 Sec. 49. The following acts and parts of acts are
 6 repealed:

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

8	<u>CHAPTER</u>	<u>SECTION NUMBERS</u>	<u>MICHIGAN COMPILED LAWS SECTIONS</u>
9	I	1 to 10	301.1 to 301.10
10	II	1 to 5b	302.1 to 302.5b
11	III	1 to 10	303.1 to 303.10
12	IV	1 to 4	304.1 to 304.4
13	V	6 to 13	305.6 to 305.13
14	VI	2 to 3	306.2 to 306.3

15 (b) Public Acts:

16	<u>YEAR OF ACT</u>	<u>PUBLIC ACT NUMBER</u>	<u>MICHIGAN COMPILED LAWS SECTIONS</u>
17	1891	121	307.41 to 307.42
18	1915	261	307.51 to 307.61
19	1923	14	307.71 to 307.72
20	1925	194	307.171 to 307.172
21	1931	57	307.161
22	1933	156	307.101 to 307.106
23	1939	4	307.151
24	1956	175	307.251 to 307.253