



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone 517/373-6466

RECEIVED

House Bill 4321 as introduced
First Analysis (4-7-87)

MAY 07 1987

Sponsor: Rep. Tom Alley
Committee: Tourism & Recreation

Mich. State Law Library

THE APPARENT PROBLEM:

Several years ago, residents living on the shores of several inland lakes in the northern Lower Peninsula complained of problems with minnow dealers. Some dealers were taking minnows on swimming beaches, walking on private docks, and being rude when questioned about their activities. In addition, some residents feared that the dealers were taking game fish in addition to minnows, while other residents just did not want dealers taking minnows at all. For the last four to five years, the Department of Natural Resources (DNR), the land owners, and a state bait dealers' association have worked together to resolve these problems. The bill is the result of this joint effort.

THE CONTENT OF THE BILL:

Chapters 4 and 5 of the Michigan Sportsmen Fishing Act regulate the commercial taking of bait. The bill would make several changes in these provisions, including raising license fees for commercial bait dealers.

There are two commercial bait dealer's licenses: a retail minnow license costing \$5, and a wholesale license costing \$25. Someone holding either license may both catch and sell minnows and wigglers. The law specifies the number of motor vehicles each dealer may operate under a single license (one), the number of crews and number of people on a crew (one crew of four people) allowable under each license, and governs the identification of crew members and vehicles used in commercial bait taking.

The bill would increase all license and permit fees, would change the retail and wholesale licenses so that dealers no longer would be able to catch bait in addition to selling it, and would add two new licenses: a nonresident wholesale dealer's license and a minnow catcher's license. All licenses would cover crayfish in addition to minnows and wigglers. In order to get a minnow catcher's license, an applicant would have to have either a retail or wholesale minnow dealer's license.

Fee charges:	<u>Present</u>	<u>Proposed</u>
Proposed Permit to export bait out-of-state	\$ 5.00	\$ 25.00
Retail minnow license (change to "limited retail minnow dealer's license")	5.00	25.00
(Resident) wholesale minnow dealer's license	25.00	100.00
Minnow catcher's license (new)		50.00
Nonresident wholesale dealer's license (new)		500.00

In addition, the bill would require that motor vehicles used by minnow catchers be more easily identified by requiring more conspicuous marking, and would increase the maximum allowable size for hand nets and for minnow seines. It would delete references to specific lakes, while continuing to grant the director of the DNR the authority to designate which state waters may be used for the commercial taking of bait. Finally, the bill would clarify the conditions under which minnows could be taken from trout streams (MCL 304.1 et al.).

FISCAL IMPLICATIONS:

According to the House Fiscal Agency the bill would have minimal revenue implications to the state from the increased license and permit fee (4-2-86).

BACKGROUND INFORMATION

A bill similar to House Bill 4321 passed the House in 1986.

ARGUMENTS:

For:

In general, the bill would streamline the law governing the commercial catching and sale of bait in the state. More specifically, the bill would allay some of the fears of those who believed that bait catchers were also taking game fish because it would clarify the conditions under which minnows may be taken from trout streams. Also, the number of minnow catchers would be reduced by requiring dealers wishing to catch bait as well as sell it to acquire a minnow catcher's license in addition to a dealer's license. In practice, the number of minnow catchers will probably remain the same, since when the DNR surveyed the state's approximately 1,100 bait dealers they discovered that only about four percent of the dealers also actually caught bait. As a result of this discovery, the decision was made to minimize the increase in the dealer's license fee by adding a separate minnow catcher's license for that small percentage of dealers who actually catch bait in addition to selling it. Finally, by making more stringent the requirements for marking minnow catching trucks, charges that violators are being misidentified should be reduced.

POSITIONS:

The Department of Natural Resources supports the bill (4-2-87).

The Michigan Bait Dealers' Association supports the bill (4-2-87).

H.B. 4321 (4-7-87)