

SENATE BILL No. 925

April 10, 2018, Introduced by Senator GREEN and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 47301, 47302, 47303, 47305, 47306, 47307, 47308, 47309, 47310, 47311, 47312, 47313, 47314, 47315, 47316, 47317, 47318, 47320, 47321, 47322, 47323, 47324, 47325, 47326, 47327, 47328, 47329, 48716, and 48724 (MCL 324.47301, 324.47302, 324.47303, 324.47305, 324.47306, 324.47307, 324.47308, 324.47309, 324.47310, 324.47311, 324.47312, 324.47313, 324.47314, 324.47315, 324.47316, 324.47317, 324.47318, 324.47320, 324.47321, 324.47322, 324.47323, 324.47324, 324.47325, 324.47326, 324.47327, 324.47328, 324.47329, 324.48716, and 324.48724), sections 47301, 47302, 47305, 47306, 47307, 47308, 47309, 47310, 47311, 47312, 47313, 47314, 47315, 47316, 47317, 47318, 47320, 47321, 47322, 47323, 47324, 47325, 47326, 47327, 47328, 47329, and 48724 as added by 1995 PA 57, section 47303 as amended by 2004 PA 587, and section 48716 as

amended by 2014 PA 145, and by adding section 47304; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 47301. ~~All fish of whatever kind found in the waters of~~
 2 ~~Lakes Superior, Michigan, Huron, and Erie, commonly known as the~~
 3 ~~Great Lakes, the bays of the Great Lakes, and the connecting waters~~
 4 ~~between those lakes within the jurisdiction of this state are the~~
 5 ~~property of the state, and taking the fish from those waters is a~~
 6 ~~privilege. All fish in waters described in this section shall be~~
 7 ~~taken, transported, sold, and possessed only in accordance with~~
 8 ~~this part.~~ **AS USED IN THIS PART:**

9 (A) "ABANDONED GEAR" MEANS ANY COMMERCIAL NET, HOOKS, OR OTHER
 10 GEAR FOUND ON THE WATERS OF THIS STATE WITH WHICH A LICENSEE HAS
 11 DONE ANY OF THE FOLLOWING:

12 (i) DISCARDED, DISOWNED, OR DISPOSSESSED.

13 (ii) FAILED TO RECOVER WITHIN A REASONABLE PERIOD OF TIME
 14 FOLLOWING KNOWLEDGE OF THE GEAR'S LOCATION.

15 (iii) INTENTIONALLY ALTERED OR REMOVED THE GEAR'S OWNERSHIP
 16 IDENTIFICATION TAGS OR SIMILAR MARKINGS.

17 (iv) FAILED TO IMMEDIATELY RESTORE THE GEAR'S LOST OR
 18 DESTROYED OWNERSHIP IDENTIFICATION TAGS OR SIMILAR MARKINGS
 19 FOLLOWING KNOWLEDGE OF THE ABSENCE OR DESTRUCTION OF THE TAGS OR
 20 MARKINGS.

21 (B) "AQUATIC SPECIES" MEANS FISH, REPTILES, AMPHIBIANS,
 22 MOLLUSKS, AND CRUSTACEANS, INCLUDING THEIR PARTS, EGGS, AND
 23 PRODUCTS.

24 (C) "BYCATCH" MEANS THE NONTARGET, NONLEGAL, OR UNDERSIZED

1 FISH THAT ARE INADVERTENTLY CAUGHT IN COMMERCIAL FISHING GEAR WHILE
2 IN THE ACT OF FISHING FOR LEGAL COMMERCIAL FISH SPECIES.

3 (D) "COMMERCIAL" MEANS BUYING, OFFERING FOR SALE, SELLING,
4 BARTERING, GIVING, OR FURNISHING TO OTHERS ANY AQUATIC SPECIES OR
5 PARTS THEREOF, INCLUDING ROE, FOR ANYTHING OF VALUE.

6 (E) "COMMERCIAL FISH SPECIES" MEANS ONLY THOSE AQUATIC SPECIES
7 THAT ARE AUTHORIZED FOR COMMERCIAL HARVEST UNDER THIS PART.

8 (F) "COMMERCIAL NET" MEANS ANY OF THE FOLLOWING:

9 (i) A FYKE NET.

10 (ii) A HOOP NET.

11 (iii) A GILL NET.

12 (iv) AN IMPOUNDMENT NET.

13 (v) A POUND NET.

14 (vi) A SEINE NET.

15 (vii) A TRAP NET.

16 (viii) A TRAWL NET.

17 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

18 (H) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF NATURAL
19 RESOURCES.

20 (I) "DRESSED FISH" MEANS A FISH WITH THE HEAD AND TAIL
21 ATTACHED BUT WITH THE GILLS AND THE ENTIRE GUT OR VISCERA REMOVED.

22 (J) "FISH" MEANS ANY FISH, FISH PARTS, ROE, OR FISH PRODUCTS.

23 (K) "FISH IN THE ROUND" MEANS A FISH THAT IS ENTIRELY INTACT
24 AS IT WAS TAKEN OUT OF THE WATER WITH NO PART OR INSIDES REMOVED.

25 (L) "FYKE NET" AND "HOOP NET" MEAN A LONG, BAG-SHAPED
26 IMPOUNDMENT NET HELD OPEN BY HOOPS OR FRAMES AND HAVING 1 OR MORE
27 INTERNAL FUNNEL-SHAPED THROATS THAT TAPER FROM THE MOUTH OF THE NET

1 TOWARD THE POT.

2 (M) "GAME FISH" MEANS, EXCEPT AS OTHERWISE PROVIDED IN THIS
3 SUBDIVISION, THAT TERM AS DEFINED IN SECTION 48701. GAME FISH DOES
4 NOT INCLUDE BLACK CRAPPIE (*Pomoxis nigromaculatus*) OR WHITE CRAPPIE
5 (*Pomoxis annularis*).

6 (N) "GILL NET" MEANS A VERTICAL STATIONARY WALL OF NET IN
7 WHICH FISH ARE CAUGHT BY ENTANGLEMENT.

8 (O) "GREAT LAKES" MEANS THOSE PORTIONS OF LAKE SUPERIOR, LAKE
9 MICHIGAN, LAKE HURON, AND LAKE ERIE, INCLUDING THE BAYS OF THOSE
10 LAKES, THAT FALL WITHIN THE BOUNDARIES OF THIS STATE.

11 (P) "GREAT LAKES CONNECTING WATERS" MEANS THOSE PORTIONS OF
12 LAKE ST. CLAIR, THE ST. CLAIR RIVER, THE ST. MARYS RIVER, AND THE
13 DETROIT RIVER THAT FALL WITHIN THE BOUNDARIES OF THIS STATE.

14 (Q) "HARVEST LIMIT", "HARVEST QUOTA", OR "TOTAL ALLOWABLE
15 CATCH" MEANS A SPECIFIC LIMIT ON THE AMOUNT OF FISH IN POUNDS THAT
16 MAY BE HARVESTED BY A LICENSED COMMERCIAL FISHER. THE HARVEST
17 LIMIT, HARVEST QUOTA, OR TOTAL ALLOWANCE CATCH IS ESTABLISHED BY
18 SPECIFIC CONDITION ON THE PERSON'S LICENSE OR PERMIT.

19 (R) "ILLEGAL FISH" MEANS ANY FISH TAKEN OR POSSESSED IN
20 VIOLATION OF THIS PART OR NOT AUTHORIZED BY THE LAWS OF THE TRIBES
21 OF THIS STATE OR, IF IMPORTED, NOT AUTHORIZED BY THE LAWS OF THE
22 STATE, COUNTRY, OR TRIBAL AUTHORITY WHERE IMPORTED FROM. ILLEGAL
23 FISH INCLUDES FISH THAT HAVE NOT BEEN REPORTED OR FOR WHICH A
24 RECORD HAS NOT BEEN CREATED AS REQUIRED. SPECIES LISTED AS A
25 PROHIBITED TRANSGENIC OR NONNATIVE ORGANISM IN PART 413 MAY NOT BE
26 POSSESSED OR SOLD LIVE AND ARE CONSIDERED ILLEGAL.

27 (S) "IMPOUNDMENT NET" MEANS A NET DESIGNED TO CAPTURE FISH BY

1 DEFLECTION AND TO RETAIN THEM IN A LIVE CONDITION UNTIL REMOVED.

2 (T) "LICENSED COMMERCIAL FISHER" MEANS A PERSON THAT HAS BEEN
3 ISSUED A COMMERCIAL FISHING LICENSE UNDER SECTION 47304.

4 (U) "LIVE CAR" OR "LIVE FISH CAR" MEANS A NONMOTORIZED AND
5 NONSTEERABLE FLOATING BOX OR HOLD THAT IS TOWED BEHIND THE LICENSED
6 COMMERCIAL VESSEL FOR THE EXCLUSIVE PURPOSE OF HOLDING OR
7 TRANSPORTING LIVE FISH.

8 (V) "OVERALL VESSEL LENGTH" MEANS THE MINIMUM DISTANCE BETWEEN
9 THE EXTREME OUTSIDE END OF THE BOW AND THE STERN ROUNDED TO THE
10 NEAREST WHOLE FOOT.

11 (W) "PERSON" MEANS AN INDIVIDUAL, FIRM, COMPANY, PARTNERSHIP,
12 COPARTNERSHIP, ASSOCIATION, OR CORPORATION.

13 (X) "POUND NET" MEANS A STATIONARY IMPOUNDMENT NET CONSISTING
14 OF A LEAD, HEART, TUNNELS, AND POT, SUPPORTED BY A SERIES OF STAKES
15 OR PILINGS, THAT TRAPS FISH INSIDE A BOX-LIKE NET ENCLOSURE THAT IS
16 OPEN ABOVE THE SURFACE OF THE WATER.

17 (Y) "PROCESSED CONDITION" MEANS THE PHYSICAL FORM OF THE FISH
18 AND IS REFERRED TO AS DRESSED, ROUND, FILLET, DRESSED HEADED, OR
19 ROE.

20 (Z) "PURCHASE" MEANS TO BUY, ACQUIRE, OR OBTAIN OR ATTEMPT TO
21 BUY, ACQUIRE, OR OBTAIN FOR EXCHANGE OF VALUE, GOODS, OR SERVICES.

22 (AA) "RECORD" INCLUDES ANY MATERIAL ON WHICH INFORMATION IS
23 RECORDED OR PRESERVED, REGARDLESS OF PHYSICAL FORM, THAT RELATES TO
24 THE PRODUCTION, STORAGE, TRANSPORTATION, PURCHASE, SALE, TRADE,
25 BARTER, OR OTHER ACQUISITION OR DISPOSITION OF FISH BY A LICENSED
26 COMMERCIAL FISHER OR WHOLESALE FISH DEALER.

27 (BB) "RETAIL FISH DEALER" MEANS A PERSON OR RETAIL STORE,

1 LOCKER PLANT, RESTAURANT, HOTEL, TAVERN, MEAT MARKET, GROCERY
2 STORE, OR OTHER ESTABLISHMENT, OR CLUB, THAT SELLS FISH TO THE
3 FINAL CONSUMER OR SELLS FISH FOR RESALE AT NO REDUCTION IN RETAIL
4 PRICE.

5 (CC) "ROE" MEANS THE EGGS OF ANY SPECIES OF FISH.

6 (DD) "SAGINAW BAY" MEANS THE AREA SOUTH AND WEST OF A STRAIGHT
7 LINE FROM POINT LOOKOUT IN ARENAC COUNTY TO SAND POINT IN HURON
8 COUNTY AND INCLUSIVE OF AN AREA NORTH AND EAST OF SAND POINT WITHIN
9 THE FOLLOWING BOUNDARIES: COMMENCING AT THE MONUMENT ON THE
10 WESTERLY END OF SAND POINT (LAT 43.54.58 LONG 083.24.19), THENCE
11 EASTERLY TO THE SECTION LINE BETWEEN SECTION 7, T17N, R10E AND
12 SECTION 12, T17N, R9E (LAT 43.54.81 LONG 083.21.65); THENCE ON A
13 LINE DUE NORTH FOR 2 MILES (LAT 43.56.55 LONG 083.21.65); THENCE ON
14 A LINE DUE WEST TO A POINT DUE NORTH OF THE MONUMENT ON SAND POINT
15 (LAT 43.56.56 LONG 083.24.19); THENCE SOUTHERLY TO THE POINT OF
16 BEGINNING.

17 (EE) "SEINE NET" MEANS A MESH NET WITH WEIGHTS ON 1 EDGE AND
18 FLOATS ON THE OPPOSITE EDGE THAT HANGS VERTICALLY IN THE WATER AND
19 IS USED TO ENCLOSE FISH WHEN ITS ENDS ARE EITHER PULLED TOGETHER OR
20 DRAWN ASHORE.

21 (FF) "SET HOOK LINES" MEANS A LONG FISHING LINE WITH A SERIES
22 OF HOOKS ON SHORT SEPARATE LEADERS ATTACHED TO THE MAIN LINE.

23 (GG) "TAKE" AND "TAKING" MEANS TO FISH FOR BY ANY METHOD,
24 CATCH, KILL, CAPTURE, TRAP, HARVEST, OR SHOOT ANY AQUATIC SPECIES
25 OR TO ATTEMPT TO ENGAGE IN ANY SUCH ACTIVITY.

26 (HH) "TOTAL FISH LENGTH" MEANS THE STRAIGHT LINE FROM THE TIP
27 OF THE SNOUT TO THE UTMOST END OF THE TAIL WITH THE MOUTH CLOSED

1 AND THE CAUDAL RAYS OF THE TAIL FIN SQUEEZED TOGETHER.

2 (II) "TRAP NET" MEANS A STATIONARY IMPOUNDMENT NET CONSISTING
3 OF A LEAD, HEART, TUNNELS, AND POT, HELD IN PLACE BY ANCHORS AND
4 FLOATS, THAT TRAPS FISH INSIDE A BOX-LIKE NET ENCLOSURE THAT IS NOT
5 OPEN ABOVE THE SURFACE OF THE WATER.

6 (JJ) "TRAWL NET" MEANS ANY NET THAT IS ACTIVELY TOWED THROUGH
7 THE WATER BY A VESSEL IN ORDER TO CAPTURE FISH.

8 (KK) "TYPE OF FISH" MEANS THE STATUS OF THE FISH AND IS
9 REFERRED TO AS LIVE, FRESH, FROZEN, OR SMOKED. TYPE, WHEN
10 REFERENCING ROE, IS DESCRIBED AS UNPROCESSED OR PROCESSED.

11 (//) "UNATTENDED GEAR" MEANS ANY COMMERCIAL NET, HOOKS, OR
12 OTHER GEAR THAT HAS NOT BEEN UTILIZED OR LIFTED AND CLEARED OF FISH
13 BY THE LICENSED COMMERCIAL FISHER FOR A PERIOD OF 10 DAYS OR THAT
14 CONTAINS DECAYED FISH IN AMOUNTS THAT INDICATE A PROLONGED PERIOD
15 WITHOUT BEING TENDED. THIS DOES NOT PERTAIN TO NETS THAT HAVE BEEN
16 PROPERLY REPORTED AND RENDERED UNFISHABLE AS PRESCRIBED BY THE
17 DEPARTMENT.

18 (MM) "UNDERSIZED FISH" MEANS A FISH OF A SMALLER THAN LEGAL
19 SIZE AS ESTABLISHED BY THIS ACT, BY ADMINISTRATIVE RULE, BY ORDER
20 OF THE DIRECTOR, OR AS SET BY SPECIFIC LICENSE CONDITION.

21 (NN) "UNFISHABLE" MEANS ANY COMMERCIAL NET, HOOK, OR OTHER
22 GEAR THAT HAS BEEN RENDERED INOPERABLE AS PRESCRIBED BY THE
23 DEPARTMENT.

24 (OO) "VESSEL" MEANS EVERY DESCRIPTION OF WATERCRAFT USED OR
25 CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER,
26 INCLUDING, BUT NOT LIMITED TO, ANY ROWBOAT, SAILBOAT, POWERBOAT,
27 MOTORBOAT, SCOW, TUG, OR LAUNCH.

1 (PP) "WHOLESALE FISH DEALER" MEANS A PERSON THAT BUYS,
2 BARTERS, OBTAINS, SELLS, SOLICITS, OR PROCESSES FISH IN ANY MANNER,
3 FOR ITSELF OR ANY OTHER PERSON, FOR SALE TO SOMEONE OTHER THAN THE
4 FINAL CONSUMER. WHOLESALE FISH DEALER INCLUDES ANY OF THE
5 FOLLOWING:

6 (i) A FISH OR FOOD BROKER THAT ACQUIRES, SOLICITS, OBTAINS,
7 BUYS, SELLS, OR TRADES FISH ON BEHALF OF ANOTHER PERSON.

8 (ii) A FISH PROCESSOR THAT PROCESSES FISH FOR ITSELF OR
9 SOMEONE ELSE, FOR SALE OR TRADE BY THE OWNER OF THE FISH TO SOMEONE
10 OTHER THAN THE FINAL CONSUMER.

11 (iii) A CREW MEMBER OF A LICENSED COMMERCIAL FISHER WHO SELLS
12 FISH RECEIVED AS HIS OR HER SHARE OF THE CATCH, RECEIVED AS PAYMENT
13 FOR HIS OR HER WORK, OR WHO RETAINS PART OR ALL OF THE SALE
14 PROCEEDS.

15 (QQ) WHOLESALE FISH DEALER DOES NOT INCLUDE:

16 (i) A LICENSED COMMERCIAL FISHER IF THAT LICENSED COMMERCIAL
17 FISHER IS ONLY SELLING THE FISH THAT IT CATCHES.

18 (ii) A RETAIL STORE OR LOCKER PLANT IF THAT RETAIL STORE OR
19 LOCKER PLANT IS ONLY SELLING FISH TO A RESTAURANT, HOTEL, OR TAVERN
20 AT NO REDUCTION IN THE RETAIL PRICE CHARGED OTHER RETAIL CUSTOMERS.

21 ~~Sec. 47302. (1) Notwithstanding the provisions of this or any~~
22 ~~other part or act, the department, when in the department's opinion~~
23 ~~it is necessary for the better protection, preservation,~~
24 ~~management, harvesting, and utilization of the fisheries in the~~
25 ~~waters described in section 47301 may limit the number of fishing~~
26 ~~licenses to be issued under this part and fix and determine the~~
27 ~~qualifications of persons to whom licenses are issued. In~~

1 ~~determining the number of licenses that the department issues~~
2 ~~during any license year, the department shall consider the number~~
3 ~~of persons holding licenses, the number of licensees needed to~~
4 ~~harvest the fish known or believed to be harvestable, the capacity~~
5 ~~of the boats and equipment owned and used by licensees to harvest~~
6 ~~those fish, and any other facts that may bear upon the allowing of~~
7 ~~a limited number of licensed persons to engage in commercial~~
8 ~~fishing in an economical and profitable manner. In determining the~~
9 ~~qualifications of the licensees, the department shall consider the~~
10 ~~kind, nature, and condition of the boats and fishing equipment and~~
11 ~~gear to be used by the applicant, the years of experience the~~
12 ~~applicant has had in commercial fishing, and the quantity and kinds~~
13 ~~of fish that the applicant has caught during the previous 5 years,~~
14 ~~and other facts that may assist the department in determining that~~
15 ~~the applicant is capable of engaging in commercial fishing in a~~
16 ~~proper and profitable manner and will comply with the laws~~
17 ~~applicable to commercial fishing.~~

18 ~~—— (2) In addition to the requirements of this part and rules~~
19 ~~promulgated under this part, the license issued by the department~~
20 ~~may contain provisions that do 1 or more of the following:~~

21 ~~—— (a) Establish the amount of fish to be taken by species and~~
22 ~~kind.~~

23 ~~—— (b) Designate the areas in which the licensee is permitted to~~
24 ~~fish.~~

25 ~~—— (c) Specify the season when and the depths where the licensee~~
26 ~~may conduct commercial fishing operations.~~

27 ~~—— (d) Specify the methods and gear that the licensee shall use.~~

1 ~~—— (c) Specify other conditions, terms, and restrictions that are~~
2 ~~considered necessary in implementing this part, including, but not~~
3 ~~limited to, the right to inspect the licensee's fishing operations~~
4 ~~in the waters, on board, or ashore.~~

5 ~~—— (3) All licenses issued by the department pursuant to this~~
6 ~~part expire on December 31 of the year in which issued.~~

7 ~~—— (4) The department may suspend or revoke any license issued~~
8 ~~under this part if the licensee fails to fulfill or violates any of~~
9 ~~the conditions, terms, or restrictions of the license. The~~

10 ~~department shall afford the licensee a hearing in accordance with~~
11 ~~the administrative procedures act of 1969, Act No. 306 of the~~
12 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~
13 ~~Michigan Compiled Laws. Any person whose license has been suspended~~
14 ~~or revoked is not eligible to apply for or receive a license for~~
15 ~~the ensuing 2 calendar years following the suspension or~~
16 ~~revocation.~~

17 ~~—— (5) Any licensee licensed on November 15, 1968 has the right~~
18 ~~to have his or her license renewed from year to year by the~~
19 ~~department if the licensee continues to meet the qualifications set~~
20 ~~forth in this section and the qualifications specified in any rules~~
21 ~~promulgated under this section regardless of the determination of~~
22 ~~the number of licenses to be issued under this part. Licenses~~
23 ~~described in this section are not transferable without the~~
24 ~~permission of the department.~~

25 **(1) ALL FISH FOUND IN THE WATERS OF THE GREAT LAKES AND THE**
26 **GREAT LAKES CONNECTING WATERS ARE THE PROPERTY OF THE STATE, AND**
27 **TAKING THE FISH FROM THOSE WATERS IS A PRIVILEGE. ALL FISH IN**

1 WATERS DESCRIBED IN THIS SECTION MUST BE TAKEN, TRANSPORTED, SOLD,
2 AND POSSESSED ONLY IN ACCORDANCE WITH THIS PART. THIS PART DOES NOT
3 APPLY TO SPORT FISHING REGULATED UNDER PART 487.

4 (2) THE DEPARTMENT MAY DO EITHER OF THE FOLLOWING:

5 (A) TAKE FISH OR ISSUE PERMITS FOR OTHERS TO TAKE FISH IN ANY
6 MANNER, IN ANY OF THE WATERS MENTIONED IN THIS PART, DURING ANY
7 SEASON OF THE YEAR, FOR THE PURPOSE OF SCIENTIFIC INVESTIGATION,
8 FISHERIES ASSESSMENT, FISHERIES UTILIZATION, FISHERIES MANAGEMENT,
9 OR FISH CULTURE; HAVE AND HOLD RIPE AND UNRIPE FISH; SELL SOME OR
10 ALL OF THOSE RIPE AND UNRIPE FISH; DIRECT THE SALE OF THOSE RIPE
11 AND UNRIPE FISH; AND DEVOTE THE PROCEEDS OF SALES TOWARD DEFRAYING
12 THE EXPENSES INCURRED.

13 (B) TAKE FISH FOR THE PURPOSE OF SCIENTIFIC INVESTIGATION,
14 FISHERIES ASSESSMENT, FISHERIES UTILIZATION, FISHERIES MANAGEMENT,
15 OR FISH CULTURE HARVESTED BY ANY PERSON LICENSED UNDER THIS PART TO
16 COMMERCIALLY FISH IN THE WATERS MENTIONED IN THIS PART. IF THE
17 DEPARTMENT TAKES FISH UNDER THIS SUBDIVISION, THE FISH MUST BE
18 WEIGHED AND PAID FOR. THE PRICE PAID FOR THE FISH MUST BE BASED ON
19 THE FAIR MARKET VALUE OR AT ANY OTHER PRICE AS MAY BE AGREED UPON
20 BY THE PERSON OR PERSONS TAKING THE FISH AND THE DEPARTMENT, PLUS
21 THE COST OF TRANSPORTATION, IF ANY.

22 (3) THE DEPARTMENT SHALL NOT AUTHORIZE A PERSON LICENSED UNDER
23 THIS PART TO TAKE FISH UNDER ANY LICENSE EXCEPT AS PROVIDED UNDER
24 SECTION 47304.

25 ~~Sec. 47303. The department shall provide financial~~
26 ~~remuneration to the state for fish taken for commercial purposes by~~
27 ~~collection from the licensee of not more than 5% of the price~~

1 ~~received by the licensee. Money received shall be credited to the~~
2 ~~game and fish protection account of the Michigan conservation and~~
3 ~~recreation legacy fund provided for in section 2010 to be used in~~
4 ~~the development and management of the fisheries resource.~~

5 (1) A PERSON SHALL NOT OBSTRUCT OR INTERFERE IN THE LAWFUL
6 TAKING OF AN AQUATIC SPECIES.

7 (2) A PERSON VIOLATES THIS SECTION IF THE PERSON INTENTIONALLY
8 OR KNOWINGLY DOES ANY OF THE FOLLOWING:

9 (A) OPERATES A VESSEL OR A DEVICE DESIGNED TO BE USED ON THE
10 WATER THAT DOES NOT MEET THE DEFINITION OF VESSEL IN A MANNER
11 LIKELY TO SIGNIFICANTLY ALTER THE BEHAVIOR OF AQUATIC SPECIES IN
12 ORDER TO HINDER OR PREVENT THE LAWFUL TAKING OF AN AQUATIC SPECIES.

13 (B) WADES OR SWIMS IN A MANNER OR AT A LOCATION LIKELY TO
14 CAUSE A SIGNIFICANT ALTERATION IN THE BEHAVIOR OF AQUATIC SPECIES
15 IN ORDER TO HINDER OR PREVENT THE LAWFUL TAKING OF AN AQUATIC
16 SPECIES.

17 (C) TOSSES, DROPS, OR THROWS ANY STONE, ROCK, OR OTHER INERT
18 MATERIAL IN ORDER TO HINDER OR PREVENT THE LAWFUL TAKING OF AN
19 AQUATIC SPECIES.

20 (D) DRIVES, HERDS, OR DISTURBS ANY AQUATIC SPECIES IN ORDER TO
21 HINDER OR PREVENT THE LAWFUL TAKING OF AN AQUATIC SPECIES.

22 (E) BLOCKS, IMPEDES, OR HARASSES ANOTHER PERSON WHO IS ENGAGED
23 IN THE PROCESS OF LAWFULLY TAKING AN AQUATIC SPECIES.

24 (F) USES A NATURAL OR ARTIFICIAL VISUAL, AURAL, OLFACTORY,
25 GUSTATORY, OR PHYSICAL STIMULUS TO AFFECT ANIMAL BEHAVIOR IN ORDER
26 TO HINDER OR PREVENT THE LAWFUL TAKING OF AN AQUATIC SPECIES.

27 (G) ERECTS BARRIERS TO DENY INGRESS OR EGRESS TO WATERS WHERE

1 THE LAWFUL TAKING OF AN AQUATIC SPECIES MAY OCCUR. THIS SUBDIVISION
2 DOES NOT APPLY TO A PERSON WHO ERECTS BARRIERS TO PREVENT
3 TRESPASSING ON HIS OR HER PROPERTY.

4 (H) INTERJECTS HIMSELF OR HERSELF INTO THE AREA WHERE NETS OR
5 FISHING LINES ARE CAST BY A PERSON LAWFULLY TAKING AN AQUATIC
6 SPECIES.

7 (I) AFFECTS THE CONDITION OR PLACEMENT OF PERSONAL OR PUBLIC
8 PROPERTY INTENDED FOR USE IN THE LAWFUL TAKING OF AN AQUATIC
9 SPECIES IN ORDER TO IMPAIR THE USEFULNESS OF THE PROPERTY OR
10 PREVENT THE USE OF THE PROPERTY.

11 (J) ENTERS OR REMAINS UPON PRIVATE LANDS WITHOUT THE
12 PERMISSION OF THE OWNER OR THE OWNER'S AGENT, FOR THE PURPOSE OF
13 VIOLATING THIS SECTION.

14 (K) ENGAGES IN ANY OTHER ACT OR BEHAVIOR FOR THE PURPOSE OF
15 VIOLATING THIS SECTION.

16 (3) UPON PETITION OF AN AGGRIEVED PERSON OR A PERSON WHO
17 REASONABLY MAY BE AGGRIEVED BY A VIOLATION OF THIS SECTION, A COURT
18 OF COMPETENT JURISDICTION, UPON A SHOWING THAT A PERSON WAS ENGAGED
19 IN AND THREATENS TO CONTINUE TO ENGAGE IN ILLEGAL CONDUCT UNDER
20 THIS SECTION, MAY ENJOIN THAT CONDUCT.

21 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
22 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
23 A FINE OF NOT LESS THAN \$500.00 OR MORE THAN \$5,000.00, OR BOTH,
24 AND THE COSTS OF PROSECUTION. A PERSON WHO VIOLATES THIS SECTION A
25 SECOND OR SUBSEQUENT TIME IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
26 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT LESS THAN
27 \$1,000.00 OR MORE THAN \$10,000.00, OR BOTH, AND THE COSTS OF

1 PROSECUTION. IN ADDITION TO THE PENALTIES PROVIDED IN THIS
2 SUBSECTION, ANY PERMIT OR LICENSE ISSUED BY THE DEPARTMENT
3 AUTHORIZING THE PERSON TO TAKE AQUATIC SPECIES MUST BE REVOKED FOR
4 1 YEAR. A PROSECUTION UNDER THIS SECTION DOES NOT PRECLUDE
5 PROSECUTION OR OTHER ACTION UNDER ANY OTHER CRIMINAL OR CIVIL
6 STATUTE.

7 (5) THIS SECTION DOES NOT APPLY TO A PEACE OFFICER WHILE THE
8 PEACE OFFICER PERFORMS HIS OR HER LAWFUL DUTIES.

9 SEC. 47304. (1) A PERSON SHALL NOT USE ANY KIND OF VESSEL, NET
10 OR NETS, SET HOOK LINES, OR OTHER COMMERCIAL DEVICE AUTHORIZED IN
11 THIS SECTION FOR THE PURPOSE OF TAKING OR TRANSPORTING FISH FOR A
12 COMMERCIAL PURPOSE OR FOR PERSONAL USE IN ANY OF THE WATERS OF THE
13 STATE WITHOUT HAVING FIRST APPLIED FOR AND HAVING BEEN ISSUED A
14 LICENSE FOR THAT ACTIVITY BY THE DEPARTMENT.

15 (2) NOTWITHSTANDING THE PROVISIONS OF THIS PART, ANY OTHER
16 PART, OR ANY OTHER ACT, THE DEPARTMENT, WHEN IN THE DEPARTMENT'S
17 OPINION IT IS NECESSARY FOR THE BETTER PROTECTION, PRESERVATION,
18 MANAGEMENT, HARVESTING, AND UTILIZATION OF THE FISHERIES IN THE
19 WATERS DESCRIBED IN SECTION 47302(1), MAY LIMIT THE NUMBER OF
20 FISHING LICENSES TO BE ISSUED UNDER THIS PART AND FIX AND DETERMINE
21 THE QUALIFICATIONS OF PERSONS TO WHOM LICENSES ARE ISSUED UNDER
22 THIS PART. IN DETERMINING THE NUMBER OF LICENSES THAT THE
23 DEPARTMENT ISSUES DURING ANY LICENSE YEAR, THE DEPARTMENT SHALL
24 CONSIDER THE NUMBER OF PERSONS HOLDING LICENSES, THE NUMBER OF
25 LICENSEES NEEDED TO HARVEST THE FISH KNOWN OR BELIEVED TO BE
26 HARVESTABLE, THE CAPACITY OF THE VESSELS AND EQUIPMENT OWNED AND
27 USED BY LICENSEES TO HARVEST THOSE FISH, AND ANY OTHER FACTS THAT

1 MAY BEAR UPON THE ALLOWING OF A LIMITED NUMBER OF LICENSED PERSONS
2 TO ENGAGE IN COMMERCIAL FISHING IN AN ECONOMICAL AND PROFITABLE
3 MANNER.

4 (3) TO OBTAIN A LICENSE UNDER THIS PART, A PERSON SHALL SUBMIT
5 AN APPLICATION FOR THAT LICENSE TO THE DEPARTMENT ON A FORM
6 PROVIDED FOR THAT PURPOSE BY THE DEPARTMENT, ACCOMPANIED BY THE FEE
7 REQUIRED UNDER THIS PART. THE APPLICATION MUST STATE THE NAME AND
8 RESIDENCE OF THE APPLICANT, THE MANNER IN WHICH HE OR SHE PROPOSES
9 TO FISH, THE NAME OR NUMBER OF THE VESSEL, THE OVERALL LENGTH OF
10 THE VESSEL, THE NAME OF THE PORT FROM WHICH THE VESSEL WILL
11 OPERATE, THE NUMBER AND KIND OF NET OR NETS AND HOOKS OR OTHER GEAR
12 WHICH HE OR SHE INTENDS TO USE, AND ANY OTHER INFORMATION REQUIRED
13 BY THE DEPARTMENT.

14 (4) AN APPLICANT FOR A COMMERCIAL FISHING LICENSE SHALL SUBMIT
15 AN APPLICATION ANNUALLY NOT LESS THAN 30 DAYS BEFORE FISHING
16 OPERATIONS ARE EXPECTED TO COMMENCE OR ELECTRONICALLY SUBMIT THE
17 APPLICATION ON OR BEFORE NOVEMBER 15 OF THE CURRENT LICENSE YEAR.
18 IN ADDITION TO THE QUALIFICATIONS IN THIS PART, TO BE ELIGIBLE FOR
19 A LICENSE AN APPLICANT MUST HAVE BEEN ISSUED A COMMERCIAL FISHING
20 LICENSE IN THIS STATE FOR THE IMMEDIATELY PRECEDING YEAR OR LEGALLY
21 TRANSFERRED THE OWNERSHIP OF A COMMERCIAL FISHING LICENSE IN THIS
22 STATE THAT WAS ISSUED FOR THE IMMEDIATELY PRECEDING YEAR.

23 (5) IN ADDITION TO THE REQUIREMENTS OF THIS PART AND RULES
24 PROMULGATED UNDER THIS PART, A LICENSE ISSUED BY THE DEPARTMENT MAY
25 CONTAIN PROVISIONS THAT DO 1 OR MORE OF THE FOLLOWING:

26 (A) ESTABLISH THE AMOUNT OF FISH TO BE TAKEN BY SPECIES AND
27 KIND.

1 (B) DESIGNATE THE AREAS IN WHICH THE LICENSEE IS AUTHORIZED TO
2 FISH. IF NOT SPECIFICALLY DESIGNATED BY LICENSE CONDITION, A
3 LICENSEE MAY FISH WATERS OPEN TO COMMERCIAL FISHING WITHIN A
4 MAXIMUM RADIUS OF 50 MILES OF THE HOME PORT SPECIFIED ON THE
5 LICENSE.

6 (C) SPECIFY THE SEASON WHEN AND THE DEPTHS WHERE THE LICENSEE
7 MAY CONDUCT COMMERCIAL FISHING OPERATIONS.

8 (D) SPECIFY THE TYPE AND AMOUNT OF GEAR THAT THE LICENSEE IS
9 ALLOWED TO USE.

10 (E) DESIGNATE THE PORTS WHERE FISH MAY BE LANDED AND VESSELS
11 MUST BE DOCKED WHILE IN THE ACT OF COMMERCIAL FISHING. UNLESS
12 SPECIFICALLY STATED OTHERWISE, ALL FISH MUST BE LANDED AT THE PORTS
13 LISTED ON THE LICENSE.

14 (F) SPECIFY OTHER CONDITIONS, TERMS, AND RESTRICTIONS THAT ARE
15 CONSIDERED NECESSARY IN IMPLEMENTING THIS PART, INCLUDING, BUT NOT
16 LIMITED TO, THE RIGHT TO INSPECT THE LICENSEE'S FISHING OPERATIONS
17 IN THE WATERS, ON BOARD, OR ASHORE.

18 (G) LIST THE AUTHORIZED VESSELS TO BE USED. SINGLE OR MULTIPLE
19 VESSELS MAY BE ADDED TO A LICENSE UPON APPLICATION BY THE LICENSE
20 HOLDER AND APPROVAL OF THE DIRECTOR. HOWEVER, INDIVIDUAL VESSELS
21 MAY NOT BE LISTED ON MORE THAN 1 LICENSE AT A TIME.

22 (H) SPECIFY THE TIME PERIOD REQUIRED FOR TENDING OR LIFTING
23 COMMERCIAL FISHING GEAR. IF A COMMERCIAL FISHER CANNOT TEND NETS
24 WITHIN THE SPECIFIED TIME FRAME, THE COMMERCIAL FISHER SHALL
25 CONTACT THE DEPARTMENT WITH THE LOCATION OF THE GEAR AND AN
26 ESTIMATED LIFT DATE.

27 (6) ALL LICENSES ISSUED BY THE DEPARTMENT UNDER THIS PART

1 EXPIRE ON DECEMBER 31 OF THE YEAR IN WHICH THE LICENSE WAS ISSUED.

2 (7) A VIOLATION OF A LICENSE CONDITION IS A VIOLATION OF THIS
3 PART. IN ADDITION TO APPLICABLE FINES OR RESTITUTION AS DESCRIBED
4 IN THIS PART, THE DEPARTMENT MAY SUSPEND OR REVOKE ANY LICENSE
5 ISSUED UNDER THIS PART IF THE LICENSEE FAILS TO FULFILL OR VIOLATES
6 ANY OF THE CONDITIONS, TERMS, OR RESTRICTIONS OF THE LICENSE. THE
7 DEPARTMENT MAY ALSO SUSPEND OR REVOKE ANY LICENSE ISSUED UNDER THIS
8 PART IF THE LICENSEE VIOLATES ANY STATUTE, ADMINISTRATIVE RULE, OR
9 FISHERIES ORDER PERTAINING TO COMMERCIAL FISHING. THE DEPARTMENT
10 SHALL AFFORD THE LICENSEE A HEARING IN ACCORDANCE WITH THE
11 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
12 24.328. ANY PERSON WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED IS
13 NOT ELIGIBLE TO APPLY FOR OR RECEIVE A COMMERCIAL FISHING LICENSE
14 UNDER THIS SECTION FOR THE ENSUING 2 CALENDAR YEARS FOLLOWING THE
15 SUSPENSION OR REVOCATION.

16 (8) A LICENSE DESCRIBED IN THIS SECTION IS NOT TRANSFERABLE
17 WITHOUT THE PERMISSION OF THE DEPARTMENT. IN DETERMINING THE
18 QUALIFICATIONS OF ANY NEW APPLICANT TO WHICH A LICENSE TRANSFER IS
19 BEING PROPOSED, THE DEPARTMENT MAY CONSIDER ANY OF THE FOLLOWING:

20 (A) ANY VIOLATIONS OF THIS ACT DURING THE PREVIOUS 5 YEARS.

21 (B) ANY VIOLATIONS OF A LAW OF THE UNITED STATES, ANOTHER
22 STATE, OR ANOTHER COUNTRY SUBSTANTIALLY CORRESPONDING TO A
23 VIOLATION OF THIS ACT DURING THE PREVIOUS 5 YEARS.

24 (C) ANY OTHER FACTS THAT MAY ASSIST THE DEPARTMENT IN
25 DETERMINING THAT THE APPLICANT IS CAPABLE OF ENGAGING IN COMMERCIAL
26 FISHING IN A PROPER AND PROFITABLE MANNER AND WILL COMPLY WITH THE
27 LAWS APPLICABLE TO COMMERCIAL FISHING.

1 Sec. 47305. ~~For the purpose of carrying out this section and~~
2 ~~sections 47302 and 47303, the department may promulgate rules as~~
3 ~~may be necessary.~~

4 (1) THE DEPARTMENT SHALL ESTABLISH A COMMERCIAL FISHING
5 ADVISORY COMMITTEE, CONSISTING OF THE FOLLOWING 9 MEMBERS:

6 (A) A LICENSED COMMERCIAL FISHER THAT HOLDS A LICENSE TO
7 COMMERCIALY FISH IN LAKE SUPERIOR.

8 (B) A LICENSED COMMERCIAL FISHER THAT HOLDS A LICENSE TO
9 COMMERCIALY FISH IN LAKE MICHIGAN.

10 (C) A LICENSED COMMERCIAL FISHER THAT HOLDS A LICENSE TO
11 COMMERCIALY FISH IN LAKE ERIE.

12 (D) A LICENSED COMMERCIAL FISHER THAT HOLDS A LICENSE TO
13 COMMERCIALY FISH IN LAKE HURON BUT NOT IN SAGINAW BAY.

14 (E) A LICENSED COMMERCIAL FISHER THAT HOLDS A LICENSE TO
15 COMMERCIALY FISH IN SAGINAW BAY.

16 (F) THE PRESIDENT OF THE MICHIGAN FISH PRODUCERS ASSOCIATION
17 OR HIS OR HER DESIGNEE.

18 (G) A WHOLESALE FISH DEALER THAT IS NOT ALSO A LICENSED
19 COMMERCIAL FISHER.

20 (H) THE PRESIDENT OF THE MICHIGAN CHARTER BOAT ASSOCIATION.

21 (I) A SPORT FISHING ANGLER REPRESENTING THE SPORT FISHING
22 COMMUNITY.

23 (2) THE DEPARTMENT MAY, WITH THE SUPPORT OF THE MAJORITY OF
24 THE MEMBERS OF THE COMMERCIAL FISHING ADVISORY COMMITTEE, ISSUE
25 ORDERS FOR THE PURPOSE OF CARRYING OUT THIS PART.

26 (3) IF A MAJORITY OF THE MEMBERS OF THE COMMERCIAL FISHING
27 ADVISORY COMMITTEE DO NOT SUPPORT AN ORDER PROPOSED BY THE

1 DEPARTMENT, THE DEPARTMENT MAY PROMULGATE RULES FOR THE PURPOSE OF
2 CARRYING OUT THIS PART.

3 (4) THE DEPARTMENT MAY ISSUE ORDERS WITHOUT THE APPROVAL OF A
4 MAJORITY OF THE COMMERCIAL FISHING ADVISORY COMMITTEE CONSIDERED
5 NECESSARY BY THE DEPARTMENT TO PROTECT ANY SPECIES OF FISH THAT
6 MAY, IN THE OPINION OF THE DEPARTMENT, AFTER A THOROUGH
7 INVESTIGATION, BE THREATENED FROM ANY CAUSE OR CAUSES WITH
8 DEPLETION OR EXTERMINATION IN THE WATERS OF THE STATE. ORDERS
9 ISSUED UNDER THIS SUBSECTION EXPIRE 1 YEAR AFTER THE EFFECTIVE DATE
10 OF THE ORDER.

11 Sec. 47306. ~~A person shall not place or set any kind of a net
12 or set hook lines or take or attempt to take any kind of fish with
13 a net or set hook lines, except minnow seines as provided in
14 section 47309, in any of the connecting waters between Lake
15 Superior and Lake Huron and the connecting waters between Lake
16 Huron and Lake Erie. For the purposes of this part, the connecting
17 waters between Lake Superior and Lake Huron are all of that part of
18 the straits of St. Mary in this state, extending from a line drawn
19 from Birch point range front light to the most westerly point of
20 Round island, thence following the shore of Round island to the
21 most northerly point thereof, thence from the most northerly point
22 of said Round island to Point Aux Pins light, Ontario, to a line
23 drawn east and west from the most southerly point of Little Lime
24 island; and the connecting waters of Lake Huron and Lake Erie are
25 all of the St. Clair river and all of lake St. Clair and all of the
26 Detroit river extending from fort Cratitot light in Lake Huron to a
27 point in the lower Detroit river where the center line of Oak~~

1 ~~street, city of Wyandotte, Wayne county, Michigan, extended due~~
2 ~~east, would intersect the international boundary line. The boundary~~
3 ~~line between Lake Michigan and Lake Huron is a line extending due~~
4 ~~north from old Mackinac point lighthouse across the straits of~~
5 ~~Mackinac.~~

6 (1) A PERSON SHALL NOT TAKE OR CATCH FISH WITH ANY COMMERCIAL
7 GEAR FROM THE FOLLOWING WATERS:

8 (A) IN ANY CONNECTING WATERS OF LAKE SUPERIOR AND LAKE HURON
9 AND THE CONNECTING WATERS OF LAKE HURON AND LAKE ERIE. AS USED IN
10 THIS SUBDIVISION:

11 (i) "CONNECTING WATERS OF LAKE HURON AND LAKE ERIE" MEANS ALL
12 OF THE ST. CLAIR RIVER AND ALL OF LAKE ST. CLAIR AND ALL OF THE
13 DETROIT RIVER EXTENDING FROM FORT GRATIOT LIGHT IN LAKE HURON TO A
14 POINT IN THE LOWER DETROIT RIVER WHERE THE CENTER LINE OF OAK
15 STREET, CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN, EXTENDED DUE
16 EAST, WOULD INTERSECT THE INTERNATIONAL BOUNDARY LINE.

17 (ii) "CONNECTING WATERS OF LAKE SUPERIOR AND LAKE HURON" MEANS
18 THAT PART OF THE STRAITS OF THE ST. MARYS RIVER IN THIS STATE
19 EXTENDING FROM A LINE DRAWN FROM BIRCH POINT RANGE FRONT LIGHT TO
20 THE MOST WESTERLY POINT OF ROUND ISLAND, THEN FOLLOWING THE SHORE
21 OF ROUND ISLAND TO ITS MOST NORTHERLY POINT, THEN FROM THE MOST
22 NORTHERLY POINT OF ROUND ISLAND TO POINT AUX PINS LIGHT, ONTARIO,
23 TO A LINE DRAWN EAST AND WEST FROM THE MOST SOUTHERLY POINT OF
24 LITTLE LIME ISLAND.

25 (B) AROUND ANY STREAM, RIVER, OR OUTLET OF AN INLAND LAKE
26 EMPTYING INTO THE GREAT LAKES OR BAYS OF THE GREAT LAKES, AS
27 FOLLOWS:

1 (i) WITHIN 1/2 MILE ON EITHER SIDE OF THE MOUTH OF ANY STREAM,
2 RIVER, OR OUTLET CAPABLE OF SUPPORTING NAVIGABLE VESSELS DRAWING 10
3 FEET OF MORE, LEAVING AN OPEN CHANNEL OF 1 MILE IN WIDTH AND
4 EXTENDING AT RIGHT ANGLES FROM THE SHORELINE 1 MILE OUT FROM SHORE
5 AND 2 MILES IN WIDTH FOR THE SECOND MILE FROM SHORE, FOR THE FREE
6 PASSAGE OF FISH AND VESSEL TRAFFIC. FOR THE PURPOSE OF THIS
7 SUBPARAGRAPH, THE SHORE COMMENCES AT THE AVERAGE LOW-WATER MARK. IF
8 THE LOCATION OF THE OPEN CHANNEL OR THE AVERAGE LOW-WATER MARK IS
9 IN DISPUTE, THE DEPARTMENT SHALL DETERMINE THE LOCATION OF THE OPEN
10 CHANNEL OR LOW-WATER MARK.

11 (ii) WITHIN 1/8 MILE ON EITHER SIDE OF THE MOUTH OF ALL
12 REMAINING RIVERS, STREAMS, OR OUTLETS NOT COVERED IN SUBPARAGRAPH
13 (i), LEAVING AN OPEN CHANNEL OF 1/4 MILE IN WIDTH AND EXTENDING AT
14 RIGHT ANGLES FROM THE SHORELINE 1/2 MILE OUT FROM SHORE FOR THE
15 FREE PASSAGE OF FISH. FOR THE PURPOSE OF THIS SUBPARAGRAPH, THE
16 SHORE COMMENCES AT THE AVERAGE LOW-WATER MARK. IF THE LOCATION OF
17 THE OPEN CHANNEL OR THE AVERAGE LOW-WATER MARK IS IN DISPUTE, THE
18 DEPARTMENT SHALL DETERMINE THE LOCATION OF THE OPEN CHANNEL OR LOW-
19 WATER MARK.

20 (C) WITHIN A RADIUS OF 1/2 MILE OF ANY PUBLIC DOCK OR PIER.

21 (D) IN THE WATERS OF LAKE SUPERIOR WITHIN A RADIUS OF 1/2 MILE
22 FROM THE MOUTH OF THE TWO HEARTED RIVER LOCATED IN T50N, R9W, LUCE
23 COUNTY.

24 (E) IN THE WATERS OF LAKE MICHIGAN WITHIN A RADIUS OF 2
25 MILES FROM CHARLEVOIX SOUTH PIERHEAD LIGHT, LOCATED AT THE MOUTH OF
26 THE PINE RIVER IN CHARLEVOIX COUNTY.

27 (F) IN THE WATERS OF MARQUETTE BAY, BEGINNING WITH A LINE FROM

1 THE PRESQUE ISLE BREAKWATER ON THE SOUTH SOUTHEAST PERIOD LINE TO
2 THE EAST SIDE OF SECTION 8 OPPOSITE THE MOUTH OF THE CHOCOLAY
3 RIVER.

4 (G) IN THE WATERS OF THE EAST BAY AND WEST BAY, GRAND MARAIS
5 HARBOR, AND IN THE WATERS OF LAKE SUPERIOR WITHIN 2 MILES ON EITHER
6 SIDE OF THE RANGE LIGHTS AT THE ENTRANCE TO GRAND MARAIS HARBOR,
7 EXTENDING OUT TO 180 FEET OF WATER, ALL IN ALGER COUNTY, MICHIGAN.

8 (H) IN THE WATERS OF FALSE PRESQUE ISLE BAY WEST OF A LINE
9 COMMENCING AT THE 1/4 POST BETWEEN SECTIONS 13 AND 24 IN T33N, R8E;
10 THEN NORTH ACROSS THE BAY OF FALSE PRESQUE ISLE TO 1/4 POST BETWEEN
11 SECTIONS 12 AND 13, T33N, R8E, IN PRESQUE ISLE COUNTY.

12 (I) IN THE WATERS OF PRESQUE ISLE HARBOR AND THAT PORTION OF
13 LAKE HURON WITHIN A LINE BETWEEN PRESQUE ISLE LIGHT IN SECTION 8,
14 T34N, R8E, AND SOUTH ALBANY POINT IN SECTION 22, T34N, R8E, IN
15 PRESQUE ISLE COUNTY.

16 (J) IN THE WATERS OF THUNDER BAY WEST OF A LINE FROM NORTH
17 POINT IN SECTION 6, T30N, R10E, TO SOUTH POINT IN SECTION 26, T29N,
18 R9E, IN ALPENA COUNTY.

19 (K) IN THE WATERS OF WHITNEY BAY OR ANY WATERS' TRIBUTARY TO
20 THAT BAY IN THE TOWNSHIP OF DRUMMOND, CHIPPEWA COUNTY.

21 (L) IN THE WATERS OF NORTHERN LAKE HURON KNOWN AS PIKE BAY AND
22 ISLAND HARBOR WITHIN A LINE DRAWN FROM THE MOST SOUTHERLY POINT OF
23 SECTION 17, T41N, R5E, ON DRUMMOND ISLAND TO THE MOST WESTERLY
24 POINT OF ESPANORE ISLAND; THEN SOUTHERLY AND EASTERLY ALONG THE
25 SHORE TO THE MOST SOUTHERLY POINT OF ESPANORE ISLAND; THEN DUE EAST
26 TO THE MAINLAND OF DRUMMOND ISLAND.

27 (M) IN THE WATERS OF THAT PART OF THE STRAITS OF MACKINAC,

1 WITHIN 1 MILE FROM THE SHORELINE, FROM A POINT WHERE THE SECTION
2 LINE BETWEEN SECTIONS 22 AND 23, T40N, R4W, INTERSECTS THE STRAITS
3 OF MACKINAC, AND RUNNING FROM THERE EASTERLY TO WHERE THE WEST LINE
4 OF THE CITY LIMITS OF THE CITY OF ST. IGNACE INTERSECTS THE STRAITS
5 OF MACKINAC, AND WITH 1/2 MILE FROM THERE EASTERLY AND NORTHERLY TO
6 WHERE THE NORTH LINE OF THE CITY OF ST. IGNACE INTERSECTS LAKE
7 HURON OR THE STRAITS OF MACKINAC.

8 (N) IN THE WATERS OF HOUGHTON COUNTY, COMMENCING AT THE
9 NORTHERLY ENTRANCE TO PORTAGE LAKE SHIP CANAL AND WITHIN 1/2 MILE
10 IN ALL DIRECTIONS FROM THE CANAL ENTRANCE INSIDE OF THE
11 BREAKWATERS.

12 (O) IN THE WATERS OF HURON BAY. AS USED IN THIS SUBDIVISION,
13 "WATERS OF HURON BAY" MEANS THE AREA SOUTH OF AN EAST AND WEST LINE
14 BEGINNING AT THE MEANDER CORNER BETWEEN SECTIONS 14 AND 23, T52N,
15 R31W, AND RUNNING WEST TO THE MEANDER CORNER BETWEEN SECTIONS 15
16 AND 22, T52N, R31W, IN BARAGA COUNTY.

17 (P) IN THE WATERS OF DUNCAN BAY, LAKE HURON, LYING SOUTH OF A
18 LINE DRAWN WEST FROM CHEBOYGAN POINT LIGHTHOUSE ON LIGHTHOUSE POINT
19 TO A POINT WHERE THE EASTERLY BOUNDARY LINE OF BEAU GRAND TOWNSHIP
20 MEETING THE WESTERLY BOUNDARY LINE OF THE CORPORATE LIMITS OF THE
21 CITY OF CHEBOYGAN EXTENDED DUE NORTH WOULD INTERSECT THE WATERS OF
22 LAKE HURON.

23 (Q) IN THE WATERS OF MUNISING AND MURRAY BAYS OF LAKE
24 SUPERIOR. AS USED IN THIS SUBDIVISION, "WATERS OF MUNISING AND
25 MURRAY BAYS OF LAKE SUPERIOR" MEANS THOSE WATERS OF MUNISING AND
26 MURRAY BAYS OF LAKE SUPERIOR LYING WESTERLY OF A LINE DRAWN FROM
27 SAND POINT IN SECTION 19, T47N, R18W, TO THE EASTERN END OF THE

1 EIGHTH LINE DIVIDING LOTS 1 AND 2 IN THE NORTHEAST QUARTER OF
2 SECTION 24, T47N, R19W, AND EASTERLY OF A LINE DRAWN FROM THE
3 SOUTHERN END OF THE QUARTER LINE BETWEEN LOTS 2 AND 3 OF SECTION
4 22, T47N, R19W, TO THE NORTHERN END OF THE QUARTER LINE BETWEEN
5 LOTS 2 AND 3 IN SECTION 27, T47N, R19W.

6 (R) LAKE SUPERIOR WATERS OF DEPTH LESS THAN 360 FEET BETWEEN
7 THE MOUTH OF THE MONTREAL RIVER IN SECTION 10, T48N, R49W, GOGEBIC
8 COUNTY, AND THE MOUTH OF THE FIRE STEEL RIVER IN SECTION 1, T52N,
9 R39W, ONTONAGON COUNTY.

10 (S) LAKE SUPERIOR WATERS SOUTH OF A LINE FROM TRAVERSE POINT
11 IN SECTION 22, T55N, R31W, HOUGHTON COUNTY, TO THE MOUTH OF THE
12 HURON RIVER, SECTION 18, T52N, R30W, MARQUETTE COUNTY.

13 (T) LAKE SUPERIOR WATERS WITHIN 4-1/2 MILES OF THE SHORELINE
14 OF ISLE ROYALE AND SURROUNDING ISLANDS.

15 (U) LAKE SUPERIOR WATERS OF DEPTHS LESS THAN 360 FEET BETWEEN
16 AU SABLE POINT IN SECTION 2, T50N, R15W, ALGER COUNTY, AND CRISP
17 POINT IN SECTION 1, T50N, R8W, LUCE COUNTY, EXTENDING TO THE
18 INTERNATIONAL BOUNDARY.

19 (V) LAKE MICHIGAN WATERS SOUTH AND EAST OF A LINE FROM GRAND
20 TRAVERSE LIGHT STATION IN SECTION 6, T32N, R10W, LEELANAU COUNTY,
21 TO THE VILLAGE OF GOOD HART IN SECTION 25, T37N, R6W, EMMET COUNTY.

22 (W) LAKE HURON WATERS SOUTHWEST OF A LINE FROM HAMMOND BAY
23 HARBOR LIGHT IN SECTION 25, T37N, R2E, TO FORTY MILE POINT LIGHT
24 STATION IN SECTION 23, T36N, R4E, PRESQUE ISLE COUNTY.

25 (X) LAKE HURON WATERS WEST OF A LINE FROM TAWAS POINT IN
26 SECTION 34, T22N, R8E, IOSCO COUNTY, TO POINT LOOKOUT IN SECTION
27 13, T19N, R7E, ARENAC COUNTY.

1 (Y) LAKE HURON WATERS IN SAGINAW BAY, COMMONLY REFERRED TO AS
2 WILD FOWL BAY, EAST OF A LINE EXTENDING FROM FISH POINT, TUSCOLA
3 COUNTY, TO THE WESTERLY POINT OF HEISTERMAN ISLAND, TO THE WESTERLY
4 POINT OF NORTH ISLAND; THENCE TO THE WESTERLY END OF SAND POINT IN
5 HURON COUNTY.

6 (Z) FROM JUNE 10 TO SEPTEMBER 10, WATERS OF LAKE HURON LESS
7 THAN 18 FEET IN DEPTH ALONG THAT PORTION OF THE SHORE LYING BETWEEN
8 THE SOUTH LINE OF SECTION 12, T26N, R9E, EXTENDED EAST INTO THE
9 WATERS OF LAKE HURON NEAR HARRISVILLE, TO THE SOUTH LINE OF SECTION
10 6, T18N, R7E, EXTENDED EAST INTO THE WATERS OF LAKE HURON NEAR AU
11 GRES POINT.

12 (2) A PERSON SHALL NOT TAKE ANY OF THE SPECIES OF FISH KNOWN
13 AS PERCH WITH GILL NETS, POUND NETS, TRAP NETS, SEINES, SETLINES,
14 OR SET HOOKS, OR ANY OTHER DEVICE EXCEPT A HOOK AND LINE, AND A
15 PERSON SHALL NOT SET ANY NETS OF ANY DESCRIPTION FOR THE TAKING OF
16 PERCH WITHIN 200 FEET OF ANY DOCK IN THE WATERS OF NORTHPORT HARBOR
17 AND WITHIN A LINE BEGINNING AT THE EXTREME SOUTHERN END OF LOT 3,
18 SECTION 36, T32N, R11W OF NORTHPOINT POINT AT THE WATER'S EDGE;
19 THENCE ON A LINE SOUTHERLY ACROSS NORTHPORT BAY TO BELLOWS ISLAND;
20 THENCE SOUTHERLY ON A LINE FROM BELLOWS ISLAND TO MOST NORTHERLY
21 POINT OF LOT 3, SECTION 25, T31N, R11W; THENCE DUE WEST TO THE EAST
22 SHORE OF LOT 1, SECTION 25, T31N, R11W; THENCE NORTHERLY FOLLOWING
23 THE BAY SHORE TO THE PLACE OF BEGINNING. A PERSON SHALL NOT SET ANY
24 TRAP OR POUND NET IN THAT PART OF NORTHPORT HARBOR NORTH OF A LINE
25 BEGINNING AT THE EXTREME SOUTHERN END OF LOT 3, SECTION 36, T32N,
26 R11W OF NORTHPORT POINT AT THE WATER'S EDGE AND EXTENDING WEST TO
27 THE TOWN LINE BETWEEN 31 NORTH AND 32 NORTH IN THE VILLAGE OF

1 NORTHPORT.

2 (3) A PERSON SHALL NOT PLACE OR SET ANY KIND OF NET OR SET
3 HOOK LINES OR TAKE OR ATTEMPT TO TAKE ANY KIND OF FISH WITH A NET
4 OR SET HOOK LINES, EXCEPT MINNOW SEINES, AS PROVIDED IN SECTION
5 47307, IN THE CONNECTING WATERS OF LAKE SUPERIOR AND LAKE HURON,
6 WHAISKA BAY, AND ALSO INCLUDING ALL WATERS LYING SOUTHERLY TO A
7 LINE DRAWN FROM THE MOST SOUTHEASTERLY POINT OF LOT 1, SECTION 32,
8 T47N, R2W, AND EXTENDING EASTERLY TO THE MOST WESTERLY POINT OF
9 ROUND ISLAND.

10 ~~Sec. 47307. A person shall not set any net, set hook lines, or~~
11 ~~other device for the purpose of taking or catching fish within 160~~
12 ~~rods on either side of the thread of the stream at the mouth of any~~
13 ~~river or outlet of an inland lake emptying into Lakes Superior,~~
14 ~~Michigan, Huron, or Erie, commonly known as the Great Lakes, or the~~
15 ~~bays of the Great Lakes, navigable for vessels drawing 10 feet or~~
16 ~~more, leaving an open channel of 1 mile in width for the free~~
17 ~~passage of fish, extending at right angles from the shoreline as~~
18 ~~near as may be, 2 miles from shore. However, within the next 1/2~~
19 ~~mile on either side of any such rivers or outlets of inland lakes,~~
20 ~~nets, set hook lines, or other devices shall not be used for the~~
21 ~~purpose of taking fish that will extend a greater distance than 1~~
22 ~~mile from shore. The purpose of the limitations in this section is~~
23 ~~to leave an open channel of 1 mile in width 1 mile out, and 2 miles~~
24 ~~in width for the second mile out, for the free passage of fish. No~~
25 ~~net or other device for taking fish shall be set or used within 40~~
26 ~~rods on either side of the thread of the stream at the mouth of any~~
27 ~~other river or the outlet of any other inland lake leaving an open~~

1 ~~channel of 80 rods in width for the free passage of fish, extending~~
2 ~~at right angles with the shoreline as near as may be 2 miles out~~
3 ~~from shore. For the purpose of this section, the shore commences at~~
4 ~~the average low water mark. If the location of the open channel or~~
5 ~~the average low water mark is in dispute, this location shall be~~
6 ~~determined by the department. Except as provided in sections 47311~~
7 ~~and 47313, a person may at all times catch any kind of fish in all~~
8 ~~of the waters named in this part, and from the docks, harbors of~~
9 ~~refuge, or breakwaters, with a hook and line except largemouth~~
10 ~~black bass, smallmouth black bass, bluegills, sunfish, brook or~~
11 ~~speckled trout, rainbow and steelhead trout, brown and Loch Leven~~
12 ~~trout, northern pike, pike perch, perch, or muskellunge, which~~
13 ~~shall only be taken or possessed in the manner and at the time~~
14 ~~specified by the laws of this state protecting those fish. A person~~
15 ~~may also spear carp, suckers, mullet, redhorse, sheepshead, lake~~
16 ~~trout, herring, smelt, perch, pike perch, northern pike,~~
17 ~~muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee~~
18 ~~white fish, catfish, dogfish, and garpike through the ice in the~~
19 ~~connecting waters as defined in this part.~~

20 (1) EXCEPT AS OTHERWISE PROHIBITED BY LAW, A PERSON
21 SPECIFICALLY AUTHORIZED BY LICENSE CONDITION MAY USE SET HOOK LINES
22 FOR THE PURPOSE OF TAKING FISH IN THE WATERS OF THE GREAT LAKES.

23 (2) THE DIRECTOR MAY AUTHORIZE BY LICENSE CONDITION THE USE OF
24 TRAWLS, AND REGULATE THEIR USE, INCLUDING, BUT NOT LIMITED TO, THE
25 KIND AND SIZE OF THE TRAWLS, THE SIZE OF MESH IN THE TRAWLS, AND
26 THE AREAS, DEPTHS OF WATER, AND TIME AND MANNER IN WHICH THE TRAWLS
27 MAY BE USED. THE DIRECTOR MAY REGULATE THE USE OF TRAWLS FOR TAKING

1 ANY COMMERCIAL SPECIES OF FISH HE OR SHE MAY DESIGNATE.

2 (3) A PERSON SHALL NOT POSSESS OR USE ON BOARD ANY COMMERCIAL
3 VESSEL, IN THE WATERS, OR ON THE ICE OF THE GREAT LAKES ANY POUND
4 OR TRAP NET, GILL NET, SEINE NET, OR ANY FIXED, SET, OR MOVABLE NET
5 OF ANY KIND OR DESCRIPTION, THE MESHES OF WHICH ARE DIFFERENT THAN
6 THE FOLLOWING:

7 (A) GILL NETS WITH MESHES FROM 2-3/8 INCHES TO 3 INCHES,
8 INCLUSIVE, MAY BE SET IN DEPTHS TO BE DETERMINED AT THE DISCRETION
9 OF THE DIRECTOR FOR THE PURPOSE OF TAKING CHUBS, MENOMINEE, AND
10 OTHER COMMERCIAL SPECIES DESIGNATED BY THE DIRECTOR. THESE NETS MAY
11 BE USED IN OPEN WATERS WHEREVER AND WHENEVER THEIR INCIDENTAL TAKE
12 OF GAME FISH WILL NOT EXCEED 10% BY WEIGHT OF THE TOTAL FISH
13 HARVESTED, THAT PERCENTAGE TO BE DETERMINED BY THE DEPARTMENT, BY
14 INSPECTION OF THE FISH TAKEN IN THE NETS. THE DEPARTMENT SHALL
15 REMOVE OR CAUSE TO BE REMOVED ANY NET IF THE DEPARTMENT DETERMINES
16 THAT THE NET IS TAKING MORE FISH OF SPECIES OTHER THAN CHUBS,
17 MENOMINEE, OR ANY OTHER COMMERCIAL SPECIES DESIGNATED BY THE
18 DIRECTOR THAN ALLOWED BY THIS SECTION.

19 (B) GILL NETS WITH MESHES GREATER THAN OR EQUAL TO 8 INCHES
20 MAY BE USED IN THE WATERS OF SAGINAW BAY FOR TAKING CARP OR OTHER
21 COMMERCIAL SPECIES TO BE DESIGNATED BY THE DIRECTOR.

22 (C) POUND NETS WITH MESHES GREATER THAN OR EQUAL TO 4-1/2
23 INCHES IN THE LIFTING POT OR CRIB AND IN THE HEART AND TUNNEL, AND
24 WITH MESHES GREATER THAN OR EQUAL TO 5 INCHES IN THE LEAD, MAY BE
25 USED FOR TAKING WHITEFISH. IN THE POUND NETS, MESHES LESS THAN OR
26 EQUAL TO 3-1/2 INCHES MAY BE USED IN 1 SIDE OF THE POT OR IN THE
27 BACK, BEING THAT PART OF THE POT OPPOSITE THE TUNNEL ENTRANCE. IN

1 FISHING WITH THE POUND NETS, OR ANY OTHER POUND NETS PERMITTED BY
2 THIS PART, THE CRIB OR POT AND HEARTS AND LEAD MUST EXTEND TO OR
3 ABOVE THE SURFACE OF THE WATER, THE CRIB OR POT AND HEARTS MUST BE
4 ENTIRELY OPEN AT THE TOP, AND THE SIDES OR WALLS OF THE POT OR CRIB
5 AND OF THE HEARTS MUST BE HELD VERTICALLY AS NEAR AS POSSIBLE AND
6 HAVE 5 OR MORE STAKES DRIVEN INTO THE EARTH AT THE BOTTOM OF THE
7 LAKE TO HOLD THE NET IN PLACE. A PERSON SHALL NOT SET A POUND NET
8 OR ANY PART OF THE WEBBING PERMITTED UNDER THIS PART IN WATER OF A
9 DEPTH GREATER THAN 80 FEET. POUND NETS FISHED THROUGH THE ICE MAY
10 BE HELD IN PLACE BY FASTENING THEM TO THE ICE WITHOUT THE USE OF
11 STAKES.

12 (D) TRAP NETS, FYKE NETS, AND HOOP NETS WITH MESHES GREATER
13 THAN OR EQUAL TO 4-1/2 INCHES IN THE LIFTING POT OR CRIB AND IN THE
14 HEART AND TUNNEL AND WITH MESHES GREATER THAN OR EQUAL TO 5 INCHES
15 IN THE LEAD MAY BE USED FOR TAKING WHITEFISH. IN TRAP NETS, FYKE
16 NETS, AND HOOP NETS WITH MESHES GREATER THAN OR EQUAL TO 4-1/2
17 INCHES IN THE LIFTING POT, MESHES LESS THAN OR EQUAL TO 3-1/2
18 INCHES MAY BE USED IN THAT PART OF THE TUNNEL INSIDE THE POT, IN
19 THE ENTIRE FRONT OF THE POT, AND IN THE FRONT PORTION OF THE POT
20 INCLUDING THE CONNECTING SIDE, TOP, AND BOTTOM WALLS FOR A DISTANCE
21 UP TO 16 FEET, BUT NOT TO EXCEED 1/3 OF THE LENGTH OF THE POT FROM
22 FRONT TO BACK, FOR THE PURPOSE OF SHOALING FISH.

23 (E) SEINES HAVING WINGS WITH MESHES OF NOT LESS THAN 4 INCHES,
24 AND THE POCKET OR BAG, THE BAG OF WHICH MUST BE NOT MORE THAN 1/4
25 THE LENGTH OF THE SEINE, WITH MESHES OF NOT LESS THAN 2-1/4 INCHES,
26 MAY BE USED TO TAKE CARP, SUCKERS, AND OTHER COMMERCIAL SPECIES TO
27 BE DESIGNATED BY THE DIRECTOR. ALL SEINES IN USE OR SET ALONG THE

1 SHORES OF THE GREAT LAKES, WHEN UNATTENDED, MUST HAVE A METAL TAG
2 SECURELY ATTACHED TO THE SEINE BEARING THE COMMERCIAL FISHING
3 LICENSE NUMBER OF THE OWNER OR USER OF THE SEINE.

4 (F) THE MEASUREMENT OF THE MESH OF ALL NETS AND SEINES AS
5 PRESCRIBED IN THIS SECTION MUST BE BY EXTENSION MEASURE, MORE
6 COMMONLY REFERRED TO AS STRETCH MESH. THE SIZE OF THE MESH OF ALL
7 NETS OR NETTING USED IN FISHING AS PROVIDED BY THIS PART MUST BE
8 DETERMINED BY EXTENSION MEASURE, AND THE MEASUREMENT MUST BE MADE
9 OF MESHES IRRESPECTIVE OF WHERE THE NET OR NETTING IS FOUND,
10 WHETHER IN THE WATER, ON VESSEL, ON REEL, ON DOCK, OR IN ANY OTHER
11 PLACE ON LAND. THE NET MUST BE WET OR WETTED BEFORE THE MEASURING
12 OF THE MESH. EXTENSION MEASURE MEANS THE DISTANCE BETWEEN THE
13 EXTREME ANGLES OF ANY SINGLE MESH, AND THE MEASUREMENTS MUST BE
14 TAKEN BETWEEN AND INSIDE THE KNOTS WHEN THE MESH IS PULLED TAUT BY
15 HAND. THE MESH SIZE OF GILL NET MUST BE MEASURED WITH A CERTIFIED
16 RULER BY LINING UP CONSECUTIVE KNOTS PERPENDICULAR TO THE FLOAT
17 LINE AND MEASURING ON THE DIAMOND, INSIDE KNOT TO KNOT. ALL OTHER
18 NETS MUST BE MEASURED BY A WEDGE-SHAPED GAUGE HAVING A TAPER OF 2
19 CENTIMETERS IN 8 CENTIMETERS AND A THICKNESS OF 2.3 MILLIMETERS,
20 INSERTED INTO THE MESHES UNDER A PRESSURE OR PULL OF 5 KILOGRAMS.
21 STRETCH MESH IS TO BE MEASURED BY PLACING THE WEDGE GAUGE ALONG THE
22 DIAGONAL LINE THAT CONNECTS THE LARGEST OPENING BETWEEN OPPOSITE
23 CORNERS OF THE SQUARE. IF THE MAJORITY OF 10 OR MORE MESHES
24 SELECTED AT RANDOM BY THE PEACE OFFICER FROM ANY PART OR PARTS OF
25 ANY COMMERCIAL NET BEING MEASURED ARE FOUND TO BE UNLAWFUL, THE
26 NET, IF FOUND IN USE OR UPON ANY LICENSED COMMERCIAL FISHING
27 VESSEL, IS CONSIDERED ILLEGAL AND MUST BE SEIZED.

1 (4) THE DIRECTOR MAY EVALUATE AND AUTHORIZE BY ORDER THE USE
2 OF COMMERCIAL GEAR TYPES IN ADDITION TO THOSE SPECIFICALLY LISTED
3 IN THIS PART AND REGULATE THEIR USE BY SPECIFIC LICENSE CONDITION,
4 INCLUDING, BUT NOT LIMITED TO, THE KIND AND SIZE OF THE GEAR; THE
5 SIZE OF MESH IN THE GEAR; THE AREAS, DEPTHS OF WATER, TIME, AND
6 MANNER IN WHICH THE GEAR MAY BE USED; AND THE COMMERCIAL SPECIES OF
7 FISH THAT THE GEAR MAY HARVEST.

8 (5) THE GEAR DESCRIBED IN THIS SECTION OR FURTHER DESIGNATED
9 BY THE DIRECTOR MUST BE SPECIFICALLY AUTHORIZED BY LICENSE
10 CONDITION FOR LEGAL USE BY ANY LICENSED COMMERCIAL FISHER, AND EACH
11 LICENSED COMMERCIAL FISHER SHALL CONDUCT ITS COMMERCIAL FISHING
12 OPERATION ONLY WITH THE TYPE AND AMOUNT OF GEAR SPECIFIED ON THE
13 LICENSE. ANY GEAR NOT SPECIFICALLY LISTED BY LICENSE CONDITION
14 POSSESSED OR USED ON BOARD ANY COMMERCIAL VESSEL OR IN THE WATERS
15 OR ON THE ICE OF THE GREAT LAKES IS PROHIBITED.

16 (6) THE DIRECTOR MAY EVALUATE AND AUTHORIZE BY ORDER THE DEPTH
17 AT WHICH THE COMMERCIAL GEAR LISTED IN THIS SECTION OR FURTHER
18 DESIGNATED BY ORDER UNDER THE AUTHORITY ESTABLISHED IN THIS SECTION
19 MAY BE FISHED.

20 Sec. 47308. ~~Except as otherwise provided by law, a person may~~
21 ~~use in the waters of Lakes Michigan, Superior, Huron, and Erie, and~~
22 ~~the bays of those lakes, within the jurisdiction of this state, set~~
23 ~~hook lines or spears for the purpose of taking fish; and for the~~
24 ~~purpose of securing bait for use in baiting said hook lines, a~~
25 ~~person may use gill nets as provided in section 47309. However, a~~
26 ~~person shall not market or possess for the purpose of marketing any~~
27 ~~fish taken in bait nets. All unused bait, fresh or old, shall be~~

1 ~~taken ashore.~~ A PERSON SHALL NOT SET OR USE A NET OR SET HOOK LINE
2 IN ANY OF THE WATERS MENTIONED IN THIS PART WITHOUT MARKING ITS
3 LOCATION IN ACCORDANCE WITH THE SPECIFICATIONS LAID OUT UNDER THE
4 UNIFORM WATERWAY MARKING SYSTEM SET FORTH IN R 281.1101 TO R
5 281.1114 OF THE MICHIGAN ADMINISTRATIVE CODE. IF ANY NET OR SET
6 HOOK LINE IS SET UNDER THE ICE, ITS LOCATION MUST BE MARKED BY A
7 STAKE EXTENDING NOT LESS THAN 4 FEET ABOVE THE ICE AT EACH END OF
8 THE NET OR SET HOOK LINE, AND THE LICENSE NUMBER, IN LEGIBLE
9 FIGURES, MUST BE ATTACHED TO EACH STAKE OR TO THE ENDS OF THE NET
10 OR SET HOOK LINE. A PERSON SETTING OR USING A NET OR HOOK LINE IN
11 ANY WATERS OF THE STATE SHALL PROVIDE GPS COORDINATES OF ALL GEAR
12 TO THE DEPARTMENT. THIS INFORMATION MUST BE UPDATED EVERY TIME GEAR
13 IS LIFTED OR MOVED.

14 Sec. 47309. ~~A person shall not possess on any boat licensed~~
15 ~~under this part or use in the waters of Lakes Michigan, Superior,~~
16 ~~Huron, and Erie, and the bays of those lakes, within the~~
17 ~~jurisdiction of this state, any pound or trap net, gill net, seine,~~
18 ~~or any fixed, set, or movable net of any kind or description, the~~
19 ~~meshes of which are different than the following:~~

20 ~~—— (a) Gill nets with meshes of not less than 4 1/2 inches shall~~
21 ~~be used for the taking of whitefish, lake trout, and yellow~~
22 ~~pickerel. In Lake Erie, the nets shall have meshes not less than 4~~
23 ~~3/4 inches. The nets shall be set not nearer than 20 rods from the~~
24 ~~shore of the mainland fronting Lake Superior and its bays. The nets~~
25 ~~shall be set not nearer than 20 rods from the shore of the mainland~~
26 ~~fronting Lake Michigan southerly from Seven Mile point, Emmet~~
27 ~~county, during the months of March, April, and May. There shall be~~

1 ~~no nets, except gill nets, of any kind with mesh larger than 2 3/4~~
2 ~~inches set in the waters of Lake Superior within a radius of 50~~
3 ~~miles of the village of Houghton, Michigan, during the period~~
4 ~~between October 10 and November 4, except by permit from the~~
5 ~~department for the taking of spawn from trout for the fish~~
6 ~~hatcheries.~~

7 ~~—— (b) Gill nets with meshes of not less than 2 1/2 inches or~~
8 ~~more than 2 3/4 inches may be set in water of any depth, and gill~~
9 ~~nets with meshes of not less than 2 1/2 inches or more than 3~~
10 ~~inches may be set in waters not exceeding 100 feet in depth, for~~
11 ~~the purpose of taking herring, chubs, perch, and pilot fish,~~
12 ~~commonly called menominees, wherever and whenever they will not~~
13 ~~take to exceed 10% by weight of other fish, such percentage to be~~
14 ~~determined by the department, by inspection of the fish taken in~~
15 ~~the nets. All uninjured fish, except herring, chubs, perch, and~~
16 ~~pilot fish, shall be returned to the waters from which they were~~
17 ~~taken with as little injury as possible, by the persons lifting the~~
18 ~~nets; all sound, undersized, and dead fish found in the nets are~~
19 ~~the property of the state, and shall not be sold or disposed of,~~
20 ~~but shall be dressed and brought in and delivered immediately to~~
21 ~~the department at the fishing port of the person taking the fish.~~
22 ~~The sound, undersized, and dead fish shall be then disposed of by~~
23 ~~the department. If more than 10% of fish other than herring, chubs,~~
24 ~~perch, and pilot fish are taken, then all of the other fish shall~~
25 ~~be disposed of by the department. An angler may have in his or her~~
26 ~~possession, not to exceed in quantity the percentage allowed of~~
27 ~~lake trout, whitefish, yellow pickerel, perch, or suckers, of a~~

1 ~~weight or length less than established by this part, which are~~
2 ~~caught in 2 1/2 inch to 2 3/4 inch or 2 1/2 inch to 3 inch mesh~~
3 ~~gill nets, as provided for in this subsection, but the same may be~~
4 ~~shipped and disposed of only under the direction of the department.~~
5 ~~All undersized fish taken over under this section shall be disposed~~
6 ~~of by the department to state, county, or charitable institutions.~~
7 ~~Parties handling the fish shall be paid not more than 3 cents per~~
8 ~~pound for boxing, packing, and icing the fish. The department shall~~
9 ~~remove or cause to be removed any of the nets if, from the~~
10 ~~inspection provided in this section, the department determines that~~
11 ~~the nets are taking more fish of species other than herring, chubs,~~
12 ~~perch, and pilot fish than allowed by this section.~~

13 ~~—— (c) Gill nets with meshes of not less than 2 1/4 inches or~~
14 ~~more than 2 3/4 inches may be used to take blue back herring in the~~
15 ~~waters of Lake Superior and Whitefish bay, and those waters of the~~
16 ~~straits of Mackinac bounded on the Lake Huron end by a line drawn~~
17 ~~from the southernmost tip of St. Martin point, Mackinac county, to~~
18 ~~the westernmost tip of Lime Kiln point on Bois Blanc island, thence~~
19 ~~in a southerly direction to the northernmost tip of Point Au Sable~~
20 ~~in T 38 N, R 2 W, Cheboygan county, and bounded on the Lake~~
21 ~~Michigan end by a line drawn from the southernmost tip of Seul~~
22 ~~Croix point in Schoolcraft county in an easterly direction to the~~
23 ~~Lansing shoal lighthouse, thence to the White shoal lighthouse,~~
24 ~~thence in a southeasterly direction to the westernmost tip of~~
25 ~~Waugoshance point in Emmet county, and Green bay of Lake Michigan,~~
26 ~~as defined in section 47311, wherever they will not interfere with~~
27 ~~or take whitefish or lake trout or any other fish protected under~~

1 ~~the laws of this state.~~

2 ~~—— (d) The department may issue permits to allow the use of gill~~
3 ~~nets having meshes not less than 1 1/2 inches or more than 1 3/4~~
4 ~~inches for taking smelt and alewife for commercial purposes under~~
5 ~~rules and regulations as the department prescribes.~~

6 ~~—— (e) Gill nets with meshes of not less than 1 1/4 inches or~~
7 ~~more than 1 3/4 inches may be used to secure bait for use in~~
8 ~~baiting hook lines, if the nets will not take undersized fish.~~

9 ~~—— (f) Pound nets having meshes not less than 4 1/2 inches in the~~
10 ~~lifting pot, crib, or pocket and in the heart and tunnel, and~~
11 ~~having meshes not less than 5 inches in the lead, shall be used for~~
12 ~~taking whitefish and lake trout. In the pound nets, meshes not more~~
13 ~~than 3 1/2 inches may be used in 1 side of the pot or in the back,~~
14 ~~being that part of the pot opposite the tunnel entrance. In fishing~~
15 ~~with the pound nets, or any other pound nets permitted by this~~
16 ~~part, the crib or pot and hearts and lead shall extend to or above~~
17 ~~the surface of the water; the crib or pot and hearts shall be~~
18 ~~entirely open at the top, the sides or walls of the pot or crib and~~
19 ~~of the hearts shall be held vertically as near as possible and~~
20 ~~shall have 5 or more stakes driven into the earth at the bottom of~~
21 ~~the lake to hold the net in place. A pound net permitted under this~~
22 ~~part or any part of the webbing of the net shall not be set in~~
23 ~~water of a depth greater than 80 feet. Pound nets fished through~~
24 ~~the ice may be held in place by fastening them to the ice without~~
25 ~~the use of stakes.~~

26 ~~—— (g) Pound nets having meshes not exceeding 3 1/2 inches in the~~
27 ~~lifting pot or crib and in the tunnel inside the pot or crib, and~~

1 ~~having meshes not less than 3 1/2 inches in that part of the tunnel~~
2 ~~outside of the pot or crib and in the heart and lead, may be used~~
3 ~~for taking all legal fish except whitefish and lake trout. Saginaw~~
4 ~~bay shall be considered rough fish grounds, and other similar bays~~
5 ~~may be designated by the department as rough fish grounds if the~~
6 ~~catch of whitefish and lake trout taken in pound nets and trap nets~~
7 ~~during the last 2 preceding years averaged less than 12% of the~~
8 ~~total catch, on which grounds all legal fish caught in pound nets~~
9 ~~and trap nets having meshes not exceeding 3 1/2 inches in the~~
10 ~~lifting pot or crib may be taken and all lake trout and whitefish~~
11 ~~taken in such nets set in all other waters shall be returned~~
12 ~~uninjured to the waters. The department may issue permits to allow~~
13 ~~the use of pound nets having meshes less than 3 1/2 inches in that~~
14 ~~part of the tunnel outside of the pot or crib and in the heart and~~
15 ~~lead for the taking of smelt and alewife for commercial purposes,~~
16 ~~under rules and regulations as the department may prescribe, which~~
17 ~~may include the waters in which the nets may be fished and the~~
18 ~~period of time during which they may be used.~~

19 ~~—— (h) Trap nets having meshes not less than 4 1/2 inches in the~~
20 ~~lifting pot, crib, or pocket and in the heart and tunnel and having~~
21 ~~meshes not less than 5 inches in the lead shall be used for taking~~
22 ~~whitefish and lake trout. In such trap nets, meshes not more than~~
23 ~~3 1/2 inches may be used in the tunnel inside the pot, in either~~
24 ~~the front, back, or 1 side of the pot for a distance not exceeding~~
25 ~~5 feet from the bottom of the net and in that portion of the bottom~~
26 ~~of the net connected thereto for a distance not exceeding 5 feet,~~
27 ~~and in the connecting ends for a depth and width not exceeding 5~~

1 ~~feet, for the purpose of shoaling fish. These trap nets shall not~~
2 ~~be used in any of the waters under the jurisdiction of this state~~
3 ~~except in Lakes Huron and Erie and then only in such a manner that~~
4 ~~no trap net or any part of the webbing of the net is set in water~~
5 ~~of a depth greater than 80 feet. Trap nets having meshes as~~
6 ~~described in this subsection and with no part of the lifting pot or~~
7 ~~crib over 15 feet in depth may be used to take whitefish and lake~~
8 ~~trout in Lakes Superior and Michigan in water of a depth not~~
9 ~~greater than 80 feet.~~

10 ~~—— (i) Trap nets having meshes not exceeding 3 1/2 inches in the~~
11 ~~lifting pot or crib and in the tunnel inside the pot or crib and~~
12 ~~having meshes not less than 3 1/2 inches in that part of the tunnel~~
13 ~~outside of the pot or crib and in the heart and lead may be used~~
14 ~~for taking all legal fish except whitefish and lake trout. The~~
15 ~~depth of no part of the lifting pot or crib shall be greater than~~
16 ~~15 feet. No such trap nets and no part of the webbing of the net~~
17 ~~shall be set in water of a depth greater than 50 feet in Lakes~~
18 ~~Michigan and Superior, or in water of a depth greater than 80 feet~~
19 ~~in Lakes Huron and Erie. The department may issue permits to allow~~
20 ~~the use of trap nets having meshes less than 3 1/2 inches in that~~
21 ~~part of the tunnel outside the pot or crib and in the heart and~~
22 ~~lead for the taking of smelt and alewife for commercial purposes,~~
23 ~~under rules and regulations as the department may prescribe, which~~
24 ~~may include the waters in which such nets may be fished and the~~
25 ~~period of time during which they may be used. Trap nets having a~~
26 ~~lifting pot or crib not exceeding 4 feet in depth may have webbing~~
27 ~~less than 3 1/2 inches in the 2 sides of inner heart.~~

1 ~~—— (j) Any pound net or trap net with meshes in the lifting pot~~
2 ~~or crib between 3 1/2 and 4 1/2 inches, or any lifting pot or crib~~
3 ~~of such nets with meshes between 3 1/2 and 4 1/2 inches, is illegal~~
4 ~~and shall be seized and confiscated when found in use. Hoop nets,~~
5 ~~fyke nets, drop nets, and gobbler nets are considered under this~~
6 ~~part to be trap nets.~~

7 ~~—— (k) Seines having wings with meshes of not less than 4 inches,~~
8 ~~and the pocket or bag, the bag of which shall be not more than 1/4~~
9 ~~the length of the seine, having meshes of not less than 2 1/4~~
10 ~~inches, may be used to take carp, yellow pickerel, perch, herring,~~
11 ~~and other rough fish if they do not interfere with or take~~
12 ~~whitefish or lake trout. All seines in use or set along the shores~~
13 ~~of the waters listed in section 47301, when unattended, shall have~~
14 ~~a metal tag securely attached to the seine bearing the commercial~~
15 ~~fishing license number of the owner or user of the seine. Minnow~~
16 ~~seines not to exceed 80 feet in length and 8 feet in width may be~~
17 ~~used in the Great Lakes and connecting waters.~~

18 ~~—— (l) The measurement of the mesh of all nets and seines as~~
19 ~~prescribed in this section shall be by extension measure. The size~~
20 ~~of the mesh of all nets or netting used in fishing as provided by~~
21 ~~this part shall be determined by extension measure, and the~~
22 ~~measurement shall be made of meshes irrespective of where the net~~
23 ~~or netting is found, whether in the water, on boat, on reel, on~~
24 ~~dock, or in any other place on land. Extension measure means the~~
25 ~~distance between the extreme angles of any single mesh, and the~~
26 ~~measurements shall be taken between and inside the knots. All~~
27 ~~measurements of the mesh in gill nets or gill netting shall be made~~

1 ~~with a flexible steel gauge constructed and used as prescribed in~~
2 ~~this section. All measurements of the mesh of gill nets or gill~~
3 ~~netting shall be made by inserting in the mesh parallel with the~~
4 ~~selvage a gauge made of spring steel free from rust, of a length~~
5 ~~equal to the number of inches prescribed in this section for the~~
6 ~~mesh measured. The ends of the gauge shall be free of sharp edges~~
7 ~~or burrs. The gauge shall not be graduated, and any necessary~~
8 ~~markings shall be placed near the ends of the gauge. The length of~~
9 ~~the gauge measured parallel with the long edge shall not at any~~
10 ~~point exceed or be less than the prescribed length by more than~~
11 ~~2/1000 of an inch. Its width at any point shall not exceed 9/16 of~~
12 ~~an inch or be less than 7/16 of an inch. Its thickness shall be~~
13 ~~such that when it is set vertically on a solid anvil with its upper~~
14 ~~end loaded with a dead weight between 7 1/2 and 8 1/2 ounces, the~~
15 ~~gauge shall deflect at its middle 1/10 of its length. The meshes to~~
16 ~~be gauged shall be at least 3 meshes removed from the selvage or~~
17 ~~side lines and shall not be stretched or manipulated in any way~~
18 ~~prior to or after the insertion of the gauge, and the same mesh~~
19 ~~shall not be gauged more than once. In gauging a mesh, the flexible~~
20 ~~gauge shall be held only by the ends and bent between thumb and~~
21 ~~forefinger, the bent rule shall then be inserted in the mesh~~
22 ~~parallel with the selvage and with the collapsed mesh, and finger~~
23 ~~pressure shall be released immediately, not gradually. If the gauge~~
24 ~~does not straighten out completely under its own tension within 2~~
25 ~~seconds after its release in the mesh without slipping a knot or~~
26 ~~breaking the twine, the mesh is unlawful, and if the majority of 10~~
27 ~~or more meshes selected at random by the enforcement officer from~~

1 ~~any part or parts of the gill net or from the entire gill net or~~
2 ~~from any gill netting being gauged are found to be unlawful, the~~
3 ~~gill net or gill netting if found in use or in or upon any licensed~~
4 ~~commercial fishing boat shall be seized and confiscated. If found~~
5 ~~in possession but not in use, any such gill net or gill netting~~
6 ~~shall be sealed by the enforcement officer with a suitable seal~~
7 ~~provided by the department and, when once sealed and for so long as~~
8 ~~the seal remains intact on the net or netting, may be possessed by~~
9 ~~the owner until disposed of or destroyed by the owner as provided~~
10 ~~in this section. The gill net or gill netting shall not be disposed~~
11 ~~of or destroyed except under direction of a conservation officer~~
12 ~~and, until that time, shall be available for inspection by the~~
13 ~~department or any conservation officer. Any person who, without~~
14 ~~authority from the department, breaks or destroys a seal attached~~
15 ~~to a gill net or gill netting, or any person who refuses or~~
16 ~~neglects to produce for inspection any sealed gill net or gill~~
17 ~~netting, or who disposes of or destroys a sealed gill net or gill~~
18 ~~netting except under the direction of a conservation officer, is~~
19 ~~guilty of a misdemeanor and upon conviction is subject to the~~
20 ~~penalty provided for in section 47327. A person shall not use any~~
21 ~~gill net of a greater measurement than 11 feet in depth in any of~~
22 ~~the waters of the Great Lakes and the bays of the Great Lakes. In~~
23 ~~Lake Erie, a gill net shall not be over 36 meshes deep. A trawl of~~
24 ~~any kind shall not be licensed.~~

25 ~~—— (m) Gill nets having meshes not less than 8 inches may be used~~
26 ~~for taking carp in Wildfowl bay in Huron county.~~

27 **(1) A PERSON LICENSED UNDER THIS PART SHALL NOT HAVE**

1 ABANDONED, UNATTENDED, UNREPORTED LOST, OR UNREPORTED VANDALIZED
2 GEAR IN THE WATERS OF THE GREAT LAKES.

3 (2) A PEACE OFFICER SHALL SEIZE ALL ABANDONED, UNATTENDED,
4 UNREPORTED LOST, OR UNREPORTED VANDALIZED GEAR AND THAT GEAR IS
5 FORFEITED UNLESS REPORTED UNDER SUBSECTION (3).

6 (3) LICENSED COMMERCIAL FISHERS THAT DETERMINE THAT THEIR GEAR
7 HAS BEEN VANDALIZED OR LOST SHALL IMMEDIATELY NOTIFY THE DEPARTMENT
8 IN A MANNER SET FORTH BY THE DEPARTMENT. IF THE LICENSED COMMERCIAL
9 FISHER HAS NOTIFIED THE DEPARTMENT THAT GEAR HAS BEEN VANDALIZED OR
10 LOST, UPON ITS BEING LOCATED, THE LICENSED COMMERCIAL FISHER HAS NO
11 MORE THAN 7 DAYS TO RETRIEVE THE GEAR BEFORE SEIZURE.

12 (4) A LICENSED COMMERCIAL FISHER THAT IS CONVICTED OF HAVING
13 ABANDONED, UNATTENDED, UNREPORTED LOST, OR UNREPORTED VANDALIZED
14 GEAR SHALL REIMBURSE THE STATE FOR THE VALUE OF THE DEAD FISH FOUND
15 IN THAT GEAR IN ACCORDANCE WITH AND AT LEVELS ESTABLISHED BY THIS
16 PART. IN ADDITION, THE DEPARTMENT SHALL REDUCE THE AMOUNT OF GEAR
17 THAT A LICENSED COMMERCIAL FISHER IS ALLOWED TO USE BY THE AMOUNT
18 OF ABANDONED, UNATTENDED, UNREPORTED LOST, OR UNREPORTED VANDALIZED
19 GEAR.

20 (5) A LICENSED COMMERCIAL FISHER THAT IS CONVICTED OF HAVING
21 ABANDONED, UNATTENDED, UNREPORTED LOST, OR UNREPORTED VANDALIZED
22 GEAR SHALL REIMBURSE THE STATE FOR THE COST INCURRED BY THE
23 DEPARTMENT FOR GEAR REMOVAL AS DETERMINED BY THE COURT.

24 ~~Sec. 47310. (1) Except as provided in subsections (2) and (3),~~
25 ~~within the jurisdiction of this state the holder of a license or~~
26 ~~permit issued under this part shall not take, catch, or attempt to~~
27 ~~take or catch any fish with a gill net, pound net, or trap net in~~

1 ~~Lake Erie and the connecting waters of Lake Erie and Lake Huron, or~~
2 ~~in the portions of Lake Michigan and Lake Huron located south of a~~
3 ~~line extending due east and west of the forty fifth parallel of~~
4 ~~latitude, or in the rivers and streams which connect with any of~~
5 ~~the bodies of water described in this subsection from April 15 to~~
6 ~~September 15.~~

7 ~~—— (2) Subsection (1) does not apply to a license or permit~~
8 ~~holder who prior to September 15, 1984 holds a license or permit~~
9 ~~issued under this part to take, catch, or attempt to take or catch~~
10 ~~any fish with a gill net, pound net, or trap net in those waters~~
11 ~~described in subsection (1). Fishing licenses described in this~~
12 ~~subsection are not transferable without the permission of the~~
13 ~~department.~~

14 ~~—— (3) The department may issue a license or permit that~~
15 ~~authorizes the holder of the license or permit to take, catch, or~~
16 ~~attempt to take or catch coregonus, commonly known as chubs, with a~~
17 ~~gill net, pound net, or trap net as follows:~~

18 ~~—— (a) Except as provided in subdivision (b), in those waters~~
19 ~~described in subsection (1) that exceed 240 feet in depth.~~

20 ~~—— (b) In those waters of Lake Michigan located south of a line~~
21 ~~extending due west of the south pier of Grand Haven harbor that~~
22 ~~exceed 180 feet in depth.~~

23 ~~—— (4) This section does not apply after December 31, 1986.~~

24 **(1) THE FOLLOWING FISH SPECIES ARE AUTHORIZED FOR COMMERCIAL**
25 **TAKE:**

26 **(A) LAKE WHITEFISH (*Coregonus clupeaformis*) MAY BE TAKEN FROM**
27 **THE WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.**

1 (B) ROUND WHITEFISH (*Prosopium cylindraceum*) MAY BE TAKEN FROM
2 THE WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

3 (C) BLOATER CHUBS (*Coregonus hoyi*) MAY BE TAKEN FROM THE
4 WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

5 (D) RAINBOW SMELT (*Osmerus mordax*) MAY BE TAKEN FROM THE
6 WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

7 (E) SPECIES OF THE FAMILY CATOSTOMIDAE, INCLUDING QUILLBACK
8 (*Carpionodes cyprinus*), WHITE SUCKER (*Catostomus commersonii*),
9 LONGNOSE SUCKER (*Catostomus catostomus*), NORTHERN HOGSUCKER
10 (*Hypentelium nigricans*), SILVER REDHORSE (*Moxostoma anisurum*),
11 BLACK REDHORSE (*Moxostoma duquesnei*), GOLDEN REDHORSE (*Moxostoma*
12 *erythrurum*), SHORthead REDHORSE (*Moxostoma macrolepidotum*), GREATER
13 REDHORSE (*Moxostoma valenciennesi*), BIGMOUTH BUFFALO (*Ictiobus*
14 *cyprinellus*), AND BLACK BUFFALO (*Ictiobus niger*), MAY BE TAKEN FROM
15 THE WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

16 (F) FRESHWATER DRUM (*Aplodinotus grunniens*) MAY BE TAKEN FROM
17 THE WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

18 (G) BURBOT (*Lota lota*) MAY BE TAKEN FROM THE WATERS OF THE
19 GREAT LAKES OPEN TO COMMERCIAL FISHING.

20 (H) GIZZARD SHAD (*Dorosoma cepedianum*) MAY BE TAKEN FROM THE
21 WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

22 (I) COMMON CARP (*Cyprinus carpio*) MAY BE TAKEN FROM THE WATERS
23 OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

24 (J) CATFISHES OF THE FAMILY ICTALURIDAE, INCLUDING BLACK
25 BULLHEAD (*Ameiurus melas*), YELLOW BULLHEAD (*Ameiurus natalis*),
26 BROWN BULLHEAD (*Ameiurus nebulosus*), CHANNEL CATFISH (*Ictalurus*
27 *punctatus*), AND FLATHEAD CATFISH (*Pylodictis olivaris*), MAY BE

1 TAKEN FROM THE WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL
2 FISHING.

3 (K) WHITE PERCH (*Morone americana*) MAY BE TAKEN FROM THE
4 WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

5 (L) WHITE BASS (*Morone chrysops*) MAY BE TAKEN FROM THE WATERS
6 OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

7 (M) BLACK CRAPPIE (*Pomoxis nigromaculatus*) AND WHITE CRAPPIE
8 (*Pomoxis annularis*) MAY BE TAKEN FROM THE WATERS OF THE GREAT LAKES
9 OPEN TO COMMERCIAL FISHING.

10 (N) ROCK BASS (*Ambloplites rupestris*) MAY BE TAKEN FROM THE
11 WATERS OF THE GREAT LAKES OPEN TO COMMERCIAL FISHING.

12 (2) THE DIRECTOR MAY DESIGNATE ADDITIONAL SPECIES FOR
13 COMMERCIAL TAKE, EXCEPT THAT ANY GAME FISH MAY NOT BE DESIGNATED
14 FOR COMMERCIAL TAKE.

15 (3) THE DIRECTOR MAY ESTABLISH THE KIND AND AMOUNT OF FISH,
16 REFERRED TO AS QUOTAS, THAT MAY BE TAKEN FROM AREAS OF THE GREAT
17 LAKES OPEN TO COMMERCIAL FISHING. THE DEPARTMENT SHALL SPECIFY
18 QUOTAS BY LICENSE CONDITION AT THE TIME THE LICENSE IS ISSUED. THE
19 LICENSEE SHALL KEEP TRACK OF ITS HARVEST AND IMMEDIATELY CEASE
20 FISHING UPON REACHING ITS ASSIGNED QUOTA. EXCEEDING A QUOTA
21 ESTABLISHED BY THE DIRECTOR, WHETHER INTENTIONAL OR NOT, IS A
22 VIOLATION OF THIS PART.

23 (4) EXCEPT FOR GAME FISH, THE DIRECTOR MAY ESTABLISH A BYCATCH
24 ALLOWANCE FOR SPECIES THAT ARE NOT SPECIFICALLY DESIGNATED FOR
25 COMMERCIAL HARVEST OR ARE OTHERWISE CLOSED IN VARIOUS WATERS OF THE
26 STATE. A PERSON THAT EXCEEDS THE BYCATCH ALLOWANCE IS SUBJECT TO
27 THE FOLLOWING:

1 (A) A PERSON THAT EXCEEDS ANY BYCATCH ALLOWANCE BY 5 ROUND
2 POUNDS OR LESS OVER THE ESTABLISHED LIMIT IS SUBJECT TO A CIVIL
3 INFRACTION PUNISHABLE BY A FINE OF AT LEAST \$100.00 FOR THE FIRST
4 OFFENSE AND AT LEAST \$200.00 FOR A SECOND OFFENSE IN A LICENSE
5 YEAR. THE ENTIRE BYCATCH FOR THAT SPECIES ON THE DAY THAT THE
6 VIOLATION OCCURRED IS SUBJECT TO CONFISCATION BY THE DEPARTMENT.

7 (B) A PERSON THAT EXCEEDS ANY BYCATCH ALLOWANCE BY OVER 5
8 ROUND POUNDS OVER THE ESTABLISHED LIMIT, OR ANY PERSON THAT EXCEEDS
9 THE BYCATCH ALLOWANCE FOR A THIRD OR SUBSEQUENT TIME WITHIN A
10 LICENSE YEAR, IS GUILTY OF A MISDEMEANOR PUNISHABLE AS PROVIDED IN
11 THIS PART. THE ENTIRE BYCATCH FOR THAT SPECIES ON THE DAY THAT THE
12 VIOLATION OCCURRED IS SUBJECT TO CONFISCATION BY THE DEPARTMENT.
13 ADDITIONALLY, THE LICENSE OF ANY PERSON FOUND GUILTY UNDER THIS
14 SUBDIVISION MUST BE SUSPENDED FOR 30 DAYS, AND THIS SUSPENSION MUST
15 BE SERVED BETWEEN APRIL 15 AND OCTOBER 31 WITHIN 1 YEAR OF
16 CONVICTION. ANY PERSON WHOSE LICENSE HAS BEEN SUSPENDED SHALL NOT
17 HAVE ANY GEAR IN THE WATER DURING THAT SUSPENSION WHETHER THAT GEAR
18 HAS BEEN RENDERED UNFISHABLE OR NOT.

19 (5) THE DIRECTOR MAY ISSUE ORDERS ESTABLISHING CLOSED SEASONS
20 FOR ANY COMMERCIAL FISH SPECIES. IN EVERY CASE, THE SEASON MUST
21 OPEN AND CLOSE AT 12 NOON ON THE DATES ESTABLISHED BY THE DIRECTOR.
22 ALL HARVESTED FISH MUST BE LANDED AT PORT BY NO LATER THAN 2 P.M.
23 ON THE DATE THE SEASON CLOSES.

24 (6) ALL LIVE FISH ON WHICH THE SEASON IS CLOSED OR IS NOT
25 AUTHORIZED FOR HARVEST MUST BE RETURNED TO THE WATER AT ONCE WITH
26 AS LITTLE INJURY AS POSSIBLE BY THE PERSON TAKING THE FISH. ANY
27 DEAD FISH, ON WHICH THE SEASON IS CLOSED OR IS NOT AUTHORIZED FOR

1 HARVEST, MUST BE RETURNED TO THE WATER AT ONCE BY THE PERSON OR
2 PERSONS TAKING THE FISH OR DISPOSED OF IN ACCORDANCE WITH ANY
3 SPECIFIC INSTRUCTIONS PROVIDED BY THE DIRECTOR.

4 (7) A PERSON SHALL NOT SET ANY COMMERCIALY LICENSED GEAR FOR
5 THE TAKING OF FISH BEFORE 12 NOON ON THE FIRST DAY OF THE OPEN
6 SEASON FOR TAKING THE FISH.

7 (8) THE TAKING OF GAME FISH IS PROHIBITED UNDER THIS PART. A
8 PERSON SHALL NOT SELL, OFFER FOR SALE, OR POSSESS AT ANY TIME FISH
9 NOT LISTED IN SUBSECTION (1) WHEN THE FISH WAS TAKEN UNDER A
10 COMMERCIAL FISHING LICENSE ISSUED BY THE STATE. ANY SUCH FISH,
11 WHETHER DEAD OR ALIVE, MUST AT ONCE BE RETURNED TO THE WATERS FROM
12 WHICH IT WAS TAKEN BY THE PERSON OR PERSONS TAKING THE FISH WITH AS
13 LITTLE INJURY AS POSSIBLE OR BE DISPOSED OF IN ACCORDANCE WITH ANY
14 SPECIFIC INSTRUCTIONS PROVIDED BY THE DIRECTOR.

15 (9) A LICENSED COMMERCIAL FISHER OR ANY MEMBER OF THE CREW OR
16 ANY OTHER PERSON SHALL NOT HAVE IN POSSESSION ANY GAME FISH OR ANY
17 SPORT ANGLING EQUIPMENT WHEN ABOARD A LICENSED COMMERCIAL VESSEL.

18 (10) NOT LESS THAN EVERY 3 YEARS, THE DEPARTMENT SHALL CONDUCT
19 A BYCATCH STUDY IN AT LEAST 3 ACTIVE COMMERCIAL FISHERIES TO
20 DETERMINE THE AMOUNT AND KIND OF FISH TAKEN AS BYCATCH THROUGH
21 COMMERCIAL HARVEST AND SHALL USE THAT INFORMATION TO ADJUST QUOTAS,
22 ALLOWABLE GEAR, AND OTHER LICENSE CONDITIONS.

23 Sec. 47311. ~~(1) A person shall not take from any of the waters~~
24 ~~listed in section 47301 any of the following:~~

25 ~~—— (a) Lake trout, in Lake Huron and Lake Michigan from October 1~~
26 ~~to December 10; in Lake Superior from October 5 to November 4.~~

27 ~~—— (b) Whitefish, in Lake Huron and Lake Michigan from October 1~~

1 ~~to December 10, in Lake Superior from November 1 to November 26.~~

2 ~~—— (c) Pike perch (yellow pickerel), northern pike, from April 1~~
3 ~~to May 20. In Saginaw bay, as defined in section 47339, a person~~
4 ~~shall not take pike perch from March 5 to April 10. A person may~~
5 ~~spear pike perch through the ice during the closed season in Lake~~
6 ~~Huron and the connecting waters of the Great Lakes for~~
7 ~~noncommercial use only.~~

8 ~~—— (d) Perch, from April 15 to May 20. In the waters of Lake~~
9 ~~Michigan only, a person may take perch from April 25 to June 1. In~~
10 ~~Saginaw bay, perch of legal size may be taken at any time. A person~~
11 ~~may take perch with hook and line at any time.~~

12 ~~—— (e) White bass, in Lake Michigan at any time of the year. A~~
13 ~~person may take white bass with hook and line at any time.~~

14 ~~—— (f) Suckers, from April 15 to May 20. In Saginaw bay, suckers~~
15 ~~may be taken at any time. A person may take suckers with hook and~~
16 ~~line at any time.~~

17 ~~—— (g) Black crappie, also known as calico bass, in Lake Huron~~
18 ~~from June 1 to August 25. In Lake Erie, Lake Michigan, and Lake~~
19 ~~Superior, black crappie may not be taken at any time.~~

20 ~~—— (2) In the waters of Green bay of Lake Michigan within the~~
21 ~~jurisdiction of this state, which for the purpose of this part are~~
22 ~~those waters lying inside a line drawn from the most southerly part~~
23 ~~of Point Detour to the most easterly points of Sumner and Poverty~~
24 ~~islands, thence due south to the Michigan-Wisconsin boundary line,~~
25 ~~thence along the boundary line to the shore, a person shall not~~
26 ~~from April 15 to May 20 set, place, or use any gill net having~~
27 ~~meshes less than 4 1/2 inches. The department may issue permits~~

1 ~~under such rules and regulations as prescribed by the department to~~
2 ~~allow the use of gill nets having meshes not less than 2 1/4 inches~~
3 ~~or more than 2 3/4 inches for taking herring from the waters of~~
4 ~~Green bay from April 15 to May 20, if the nets will not interfere~~
5 ~~with or take any other species of fish. The closed seasons~~
6 ~~established by this section do not apply to Lake Erie and the lower~~
7 ~~Detroit river, where nets shall not be set and fish of any kind~~
8 ~~shall not be taken with nets from January 1 to March 10. A person~~
9 ~~may take carp with seines at any time from these waters.~~

10 ~~—— (3) In every case, the season shall open and close at 12 noon~~
11 ~~on the dates named in this section.~~

12 ~~—— (4) All live fish on which the season is closed shall be~~
13 ~~liberated and returned to the water with as little injury as~~
14 ~~possible, and any sound, dead fish, on which the season is closed,~~
15 ~~shall be dressed, brought ashore, and delivered immediately to the~~
16 ~~department at the department's fishing port, which fish shall be~~
17 ~~disposed of in the same manner as provided for the disposition of~~
18 ~~undersized fish in section 47309.~~

19 ~~—— (5) A person shall not set nets or hooks for the taking of~~
20 ~~lake trout or whitefish before the first day of the open season for~~
21 ~~taking the fish, and the license of any person shall be immediately~~
22 ~~revoked upon conviction of unlawfully setting nets before the first~~
23 ~~day of the open season as provided in this part, and revocation~~
24 ~~shall prohibit the use of boat and gear by that person during the~~
25 ~~balance of the year for which a license was issued. A person~~
26 ~~engaged in the taking of fish for commercial purposes from May 15~~
27 ~~to September 15 under this part shall carry sufficient ice and~~

1 ~~properly chill the fish at the time and place of their removal from~~
2 ~~the waters.~~

3 (1) THE DIRECTOR MAY ESTABLISH MINIMUM LENGTH AND WEIGHT
4 REQUIREMENTS FOR ALL COMMERCIAL FISH SPECIES LISTED IN SECTION
5 47310(1) TAKEN UNDER A COMMERCIAL FISHING LICENSE ISSUED UNDER THIS
6 PART. A PERSON SHALL NOT TAKE, SELL, POSSESS, TRANSPORT, OR OFFER
7 FOR SALE AT ANY TIME ANY FISH SPECIES OF A SIZE OR WEIGHT
8 PROHIBITED BY THE DIRECTOR. THE DIRECTOR MAY ESTABLISH AN ALLOWABLE
9 POSSESSION LIMIT FOR CERTAIN UNDERSIZED COMMERCIAL FISH SPECIES.
10 ANY UNDERSIZED COMMERCIAL FISH SPECIES ALLOWED TO BE POSSESSED
11 UNDER THIS SUBSECTION MUST BE FOR PERSONAL USE ONLY AND MUST NOT BE
12 SOLD OR BARTERED. A PERSON THAT RETAINS MORE THAN TWICE THE AMOUNT
13 OF THE ALLOWABLE POSSESSION LIMIT FOR UNDERSIZED COMMERCIAL FISH
14 SPECIES UNDER THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE
15 AS PROVIDED IN SECTION 47327. A PERSON THAT RETAINS MORE THAN THE
16 ALLOWABLE POSSESSION LIMIT FOR AN UNDERSIZED COMMERCIAL FISH
17 SPECIES BUT LESS THAN TWICE THE ALLOWABLE POSSESSION LIMIT IS
18 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MUST BE ORDERED TO PAY
19 A CIVIL FINE AS FOLLOWS:

20 (A) FIRST OFFENSE OF THE LICENSE YEAR, AT LEAST \$200.00.

21 (B) SECOND OFFENSE OF THE LICENSE YEAR, AT LEAST \$300.00.

22 (C) THIRD AND ALL SUBSEQUENT OFFENSES DURING THE LICENSE YEAR,
23 AT LEAST \$400.00.

24 (2) A PERSON SHALL NOT POSSESS ON ANY VESSEL, OR ON ANY OTHER
25 CONVEYANCE USED TO REACH THE NETS FROM SHORE, ANY MEAT GRINDERS OR
26 SIMILAR DEVICES BY THE USE OF WHICH THE IDENTIFICATION OF THE
27 SPECIES OF FISH OR THE MEASUREMENT OF THE INDIVIDUAL FISH IS

1 IMPOSSIBLE. A PERSON SHALL NOT POSSESS ON ANY VESSEL OR THE ICE,
2 AND SHALL NOT BRING ASHORE, ANY FISH THAT IS SO MUTILATED THAT
3 IDENTIFICATION AND MEASUREMENT ARE IMPOSSIBLE.

4 (3) A PERSON SHALL NOT SELL, POSSESS, OR OFFER FOR SALE ANY
5 ILLEGAL FISH.

6 (4) ANY MEASUREMENTS OF MINIMUM LENGTH OR WEIGHT ESTABLISHED
7 BY THE DIRECTOR APPLY AND ARE ENFORCED WITHOUT ANY ALLOWANCE MADE
8 FOR THE SHRINKAGE OF THE FISH UNDER ANY CONDITIONS.

9 (5) IMPORTED FISH SPECIES, IF OF A SIZE, WEIGHT, OR SPECIES
10 PROHIBITED BY THE LAWS OF THE STATE, COUNTRY, OR TRIBAL AUTHORITY
11 WITHIN THOSE STATES OR COUNTRIES WHERE CAUGHT, OR SPECIES
12 PROHIBITED AS A TRANSGENIC OR NONNATIVE ORGANISM BY PART 413, MAY
13 NOT BE POSSESSED, TRANSPORTED, OFFERED FOR SALE, OR SOLD IN THIS
14 STATE.

15 Sec. 47312. ~~The department may authorize the taking of trout,~~
16 ~~whitefish, and yellow pickerel for the purpose of fish culture at~~
17 ~~any time during the open or closed seasons provided in this part,~~
18 ~~when it is determined by test nets set under the direction of the~~
19 ~~department that at least 20% of the fish taken are females and at~~
20 ~~least 40% of these females are ripe and ready to spawn. However,~~
21 ~~when all spawn needed for state and federal hatcheries has been~~
22 ~~secured, the department may close all commercial fishing during the~~
23 ~~remainder of the closed season. The department may close all~~
24 ~~commercial fishing during the closed season on those grounds that~~
25 ~~are so located as to prevent proper handling of spawn or where it~~
26 ~~appears that little or no spawn is being taken.~~

27 (1) AT THE TIME OF LANDING, A PERSON ON A LICENSED COMMERCIAL

1 VESSEL SHALL NOT POSSESS FISH ROE THAT WEIGHS MORE THAN 15% OF THE
2 SIMULTANEOUSLY LANDED DRESSED CARCASSES OF FISH OF THE SPECIES FROM
3 WHICH THE ROE WAS TAKEN.

4 (2) AT THE TIME OF LANDING, A PERSON ON A LICENSED COMMERCIAL
5 VESSEL SHALL NOT POSSESS FISH VISCERA THAT WEIGH MORE THAN 20% OF
6 THE SIMULTANEOUSLY LANDED DRESSED CARCASSES OF FISH OF THE SPECIES
7 FROM WHICH THE VISCERA WERE TAKEN.

8 Sec. 47313. ~~All persons engaged in fishing for whitefish,~~
9 ~~trout, yellow pickerel, or perch in the waters named in this part~~
10 ~~shall from the beginning of the spawning season for these fish,~~
11 ~~such time to be determined by test under the direction of the~~
12 ~~department, until the beginning of the closed season provided by~~
13 ~~section 47311 and before and after the closed season, strip all~~
14 ~~ripe fish, both male and female, save all of the spawn, properly~~
15 ~~impregnate it, and deliver it to the department at its fishing~~
16 ~~port, and all such persons shall have a sufficient number of people~~
17 ~~on each boat and all the equipment needed properly to save, handle,~~
18 ~~impregnate, and deliver such spawn. The saving, handling,~~
19 ~~impregnating, and delivering of spawn shall be done under the~~
20 ~~direction of the department and in accordance with such regulations~~
21 ~~and under such supervision as prescribed by the department.~~
22 ~~However, the department shall not discriminate against any person~~
23 ~~engaged in fishing during the closed or open season, having on each~~
24 ~~boat a sufficient number of people and all the equipment needed~~
25 ~~properly to save, handle, impregnate, and deliver such spawn at any~~
26 ~~port or fishing ground when it has been determined that fish are~~
27 ~~ripe for spawning. This determination shall be made by setting test~~

1 ~~nets on each fishing ground where spawn will be taken. A person~~
2 ~~engaged in commercial fishing that fails to properly save, handle,~~
3 ~~impregnate, and deliver such spawn during any period when spawn are~~
4 ~~ripe is guilty of a violation of this part. A person shall not take~~
5 ~~from the waters of the Great Lakes any lake or Mackinaw trout~~
6 ~~during the closed season established by this part for those fish,~~
7 ~~except by the use of gill nets, trap nets, and pound nets after~~
8 ~~tests have been made and the percentage of ripe fish secured as~~
9 ~~provided for in section 47312.~~ **EXCEPT AS OTHERWISE PROVIDED IN**
10 **SECTION 47311, A PERSON LICENSED AND ENGAGED IN LIFTING COMMERCIAL**
11 **SET HOOK LINES OR NETS IN THE OPEN WATERS OF THIS STATE SHALL NOT**
12 **TAKE FROM THE OPEN WATERS OF THIS STATE ANY UNDERSIZED FISH. ALL**
13 **UNDERSIZED FISH FOUND ON COMMERCIALY LICENSED SET HOOKS OR IN NETS**
14 **MUST IMMEDIATELY BE RETURNED TO THE WATER WITH AS LITTLE INJURY AS**
15 **POSSIBLE BY THE PERSON LIFTING THE SET HOOK LINES OR NETS.**

16 ~~Sec. 47314. The department shall deliver to designated~~
17 ~~representatives of the United States bureau of fisheries and to the~~
18 ~~state fish hatcheries as much of this spawn as may be desired by~~
19 ~~the bureau and state hatcheries for propagation and planting in the~~
20 ~~waters of the lakes within the jurisdiction of this state, and the~~
21 ~~remainder of the spawn shall be properly impregnated and planted~~
22 ~~upon the spawning beds from which it was taken. The persons so~~
23 ~~fishing shall plant upon the spawning beds the fry hatched from~~
24 ~~such proportion of the spawn as may have been taken from the fish~~
25 ~~caught by the persons when directed to do so by the department. A~~
26 ~~person refusing or failing to comply with this section is guilty of~~
27 ~~a violation of this part.~~

1 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), A PERSON
2 MAY NOT SHIP, ACCEPT FOR SHIPMENT, TRANSPORT, OR CAUSE TO BE
3 TRANSPORTED ANY CONTAINER, PACKAGE, OR BOX CONTAINING ANY FISH,
4 WITHOUT EACH CONTAINER, PACKAGE, OR BOX BEING PLAINLY AND CORRECTLY
5 MARKED WITH THE NAME OF THE CONSIGNOR, THE NAME OF THE CONSIGNEE,
6 AND THE KINDS AND AMOUNT BY WEIGHT OF FISH CONTAINED IN THE
7 CONTAINER, PACKAGE, OR BOX.

8 (2) THE MARKING OF EACH CONTAINER, PACKAGE, OR BOX WITH THE
9 CONSIGNOR AND CONSIGNEE INFORMATION REQUIRED UNDER SUBSECTION (1)
10 IS NOT REQUIRED FOR THE FOLLOWING:

11 (A) MULTIPLE CONTAINERS, PACKAGES, OR BOXES CONTAINING FISH OR
12 FISH PRODUCT BEING SHIPPED TO 1 DESTINATION WITHIN THIS STATE IF
13 THESE CONTAINERS, PACKAGES, OR BOXES ARE PREPARED AS FOLLOWS:

14 (i) ALL INDIVIDUAL CONTAINERS, PACKAGES, OR BOXES ARE PACKAGED
15 OR BOUND TOGETHER IN A MANNER SO THAT THEY WILL STAY TOGETHER AS 1
16 UNIT IN SHIPMENT.

17 (ii) EACH BOUND UNIT IS INDIVIDUALLY LABELED AS TO THE TYPE
18 AND POUNDS OF FISH, FISH PRODUCT, OR ROE. THIS LABEL MUST BE
19 VISIBLE ON ALL 4 SIDES OF THE UNIT, CORRECTLY IDENTIFY THE
20 CONSIGNOR AND CONSIGNEE OF THE SHIPMENT, AND STATE THE NUMBER OF
21 BOXES OR PACKAGES IN THE BOUND UNIT, THE SPECIES OF FISH CONTAINED,
22 AND THE TOTAL WEIGHT OF THE FISH OR CONTAINER.

23 (B) SHIPMENTS TO INDIVIDUAL DESTINATIONS CONIGNED BY A SINGLE
24 WHOLESALER, TRANSPORTED IN A VEHICLE REGISTERED TO THAT WHOLESALER
25 FOR SAME-DAY DELIVERY WITHIN THIS STATE AND WITHIN 100 MILES OF THE
26 WHOLESALER'S BUSINESS, IF EACH CONTAINER, PACKAGE, OR BOX IS MARKED
27 WITH THE NAME OF THE CONSIGNEE.

1 (3) IN ADDITION TO SUBSECTIONS (1) AND (2), AN ACCURATE BILL
2 OF LADING OR AN INVOICE CONTAINING THE NAME AND ADDRESS OF THE
3 SELLER AND BUYER OF THE FISH AND THE POINT OF ORIGIN OF THE FISH
4 AND THE NUMBER OF CONTAINERS, PACKAGES, OR BOXES MUST ACCOMPANY THE
5 SHIPMENT. THE BILL OF LADING OR INVOICE MUST BE AVAILABLE FOR
6 INSPECTION AND COMPARISON TO THE CARGO BEING SHIPPED BY ANY PEACE
7 OFFICER.

8 (4) SUBSECTIONS (1), (2), AND (3) DO NOT APPLY TO A LICENSED
9 COMMERCIAL FISHER THAT IS TRANSPORTING FISH DIRECTLY FROM ITS
10 LANDING PORT TO ITS FISH HOUSE OR TO A PROCESSOR. A LICENSED
11 COMMERCIAL FISHER MUST FILL OUT A BILL OF LADING OR AN INVOICE
12 INDICATING THE NUMBER OF CONTAINERS, PACKAGES, OR BOXES BEING
13 TRANSPORTED FOR EACH SPECIES OF FISH. THE BILL OF LADING OR INVOICE
14 MUST ACCOMPANY THE FISH AND BE AVAILABLE FOR INSPECTION AND
15 COMPARISON TO THE CARGO BEING TRANSPORTED BY ANY PEACE OFFICER.

16 (5) SUBSECTIONS (1), (2), AND (3) DO NOT APPLY TO A WHOLESALE
17 FISH DEALER THAT IS TRANSPORTING FRESH FISH DIRECTLY FROM A STATE
18 OR TRIBAL LICENSED FISHER'S PORT OF LANDING WITHIN THIS STATE TO
19 THAT WHOLESALER'S FACILITY. A WHOLESALE FISH DEALER MUST FILL OUT A
20 BILL OF LADING OR AN INVOICE INDICATING THE NUMBER OF CONTAINERS,
21 PACKAGES, OR BOXES BEING TRANSPORTED FOR EACH SPECIES OF FISH. THE
22 BILL OF LADING OR INVOICE MUST ACCOMPANY THE FISH AND BE AVAILABLE
23 FOR INSPECTION AND COMPARISON TO THE CARGO BEING TRANSPORTED BY ANY
24 PEACE OFFICER.

25 (6) THE ENTIRE CONTENTS OF A CONTAINER, PACKAGE, OR BOX THAT
26 CONTAINS ANY FISH THAT IS ILLEGAL UNDER THIS PART IS SUBJECT TO
27 SEIZURE.

1 (7) THE ENTIRE CATCH OF A LICENSED COMMERCIAL FISHER THAT
2 CONTAINS ANY FISH THAT IS ILLEGAL TO TAKE BY THAT LICENSED
3 COMMERCIAL FISHER UNDER THIS PART IS SUBJECT TO SEIZURE.

4 Sec. 47315. ~~The department may take fish in any manner, in any~~
5 ~~of the waters mentioned in this part, at any and all seasons of the~~
6 ~~year, for the purpose of fish culture and scientific investigation;~~
7 ~~may have and hold ripe and unripe fish in order to take spawn from~~
8 ~~the fish; may sell all of those ripe and unripe fish; and may~~
9 ~~devote the proceeds of the sales exclusively toward defraying the~~
10 ~~expenses incurred in taking the fish and fertilizing and planting~~
11 ~~the spawn from the fish.~~ A PACKAGE OR SHIPMENT OF ILLEGAL FISH
12 OFFERED TO ANY COMMON CARRIER AS DESCRIBED IN SECTION 47314 IS
13 CONSIDERED TO BE IN THE POSSESSION OF THE CONSIGNOR UNTIL DELIVERED
14 TO THE CONSIGNEE. HOWEVER, IF ANY COMMON CARRIER AS DESCRIBED IN
15 SECTION 47314 IS NOT ABLE OR REFUSES OR NEGLECTS TO SHOW FROM WHOM
16 THE CONSIGNMENT OF ANY SHIPMENT OF FISH WAS RECEIVED, THE SHIPMENT
17 IS CONSIDERED TO BE IN THE POSSESSION OF THE COMMON CARRIER HAVING
18 THE SHIPMENT IN TRANSIT, AND THAT COMMON CARRIER MAY BE PROCEEDED
19 AGAINST THE SAME AS THE ORIGINAL OWNER.

20 Sec. 47316. ~~A person shall not ship or transport within this~~
21 ~~state any fish in packages or containers without plainly and~~
22 ~~correctly marking each package or container with the name of the~~
23 ~~consignor and the kinds of fish contained in the package. A~~
24 ~~railroad company, boat line, express company, motor truck company,~~
25 ~~aerial freight or express company, or other transportation company~~
26 ~~or common carrier, or any agent of any such company, or the owner~~
27 ~~of any boat, airplane, car, truck or other vehicle operated~~

1 ~~privately or as a common carrier, or the agent or representative of~~
2 ~~such owners, shall not accept for shipment or transport any package~~
3 ~~or container of fish unless it is properly marked as prescribed in~~
4 ~~this section. The presence in any package or container of 10% by~~
5 ~~weight of any fish that is illegal to ship shall make the entire~~
6 ~~contents of the package or container subject to seizure as an~~
7 ~~illegal shipment.~~ **IF THE DEPARTMENT OPENS ANY PACKAGE OR SHIPMENT OF**
8 **FISH IN TRANSIT AND FINDS THAT PACKAGE OR SHIPMENT TO BE A LAWFUL**
9 **PACKAGE OR SHIPMENT UNDER THIS PART, THE DEPARTMENT SHALL REPACK**
10 **THAT PACKAGE OR SHIPMENT IN AS GOOD A CONDITION AS POSSIBLE AND**
11 **RELEASE IT WITHOUT FURTHER DETAINMENT.**

12 Sec. 47317. ~~The possession of any package or shipment of~~
13 ~~illegal fish offered to any common carrier as described in section~~
14 ~~47316 shall be construed to be and shall remain in the consignor~~
15 ~~until delivered to the consignee. However, if any common carrier as~~
16 ~~described in section 47316 is not able or refuses or neglects to~~
17 ~~show from whom the consignment of any shipment of fish was~~
18 ~~received, the shipment shall be considered to be in possession of~~
19 ~~the common carrier having the shipment in transit, and they may be~~
20 ~~proceeded against the same as the original owner.~~ **A LICENSED**
21 **COMMERCIAL FISHER TAKING FISH IN ANY OF THE WATERS MENTIONED IN**
22 **THIS PART SHALL BRING THOSE FISH TO SOME PORT OR PLACE IN THIS**
23 **STATE WHERE THEY MAY BE INSPECTED BEFORE SHIPPING.**

24 Sec. 47318. ~~Any package or ear of fish in transit opened by~~
25 ~~the department, if found to be a lawful shipment under this part,~~
26 ~~shall be repacked in as good a condition as possible. A package or~~
27 ~~ear of fish legally shipped shall not be detained in transit by or~~

1 ~~for inspection.~~

2 (1) A LICENSED COMMERCIAL FISHER TAKING FISH IN ANY OF THE
3 WATERS MENTIONED IN THIS PART SHALL KEEP AN ACCURATE RECORD OF EACH
4 DAY'S CATCH OF THE NUMBER OF POUNDS OF EACH KIND OF FISH TAKEN,
5 POSSESSED, RELEASED, OR RETURNED, OF THE LOCALITY FISHED, OF THE
6 KIND AND AMOUNT OF FISHING GEAR EMPLOYED, OF THE LENGTH OF TIME
7 EACH UNIT OF GEAR WAS FISHED BETWEEN LIFTS, OF THE KIND AND AMOUNT
8 OF ROE TAKEN, WHOM THOSE FISH WERE SOLD TO, THE AVERAGE PRICE
9 RECEIVED FOR THOSE FISH, AND ANY OTHER DATA AS THE DIRECTOR MAY
10 REQUIRE BY ORDER IN FOLLOWING THE BIOLOGIC AND ECONOMIC TRENDS OF
11 THE FISHERIES. THE LICENSED COMMERCIAL FISHER SHALL REPORT THE DATA
12 REQUIRED UNDER THIS SUBSECTION TO THE DEPARTMENT ACCORDING TO THE
13 SCHEDULE ESTABLISHED UNDER SUBSECTION (3). THE RECORDS OF
14 INDIVIDUAL PRICES RECEIVED FOR FISH ARE PROPRIETARY AND ARE NOT
15 SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA
16 442, MCL 15.231 TO 15.246.

17 (2) A LICENSED COMMERCIAL FISHER SHALL COMPLETE AN ANNUAL
18 INVENTORY RECORD ON A DATE SPECIFIED BY THE DEPARTMENT OF ALL
19 FRESHWATER FISH AND ROE IN POSSESSION, OR UNDER OWNERSHIP OR
20 CONTROL, INCLUDING IN COLD STORAGE FACILITIES.

21 (3) THE DIRECTOR SHALL ESTABLISH BY ORDER THE FORMAT AND
22 SCHEDULE THAT THE REQUIRED COMMERCIAL CATCH RECORDS AND ANNUAL
23 INVENTORY RECORD UNDER SUBSECTIONS (1) AND (2) ARE TO BE SUBMITTED
24 TO THE DEPARTMENT.

25 (4) A PERSON SHALL NOT FALSIFY ANY INFORMATION CONTAINED IN
26 THE REQUIRED COMMERCIAL CATCH RECORDS OR ANNUAL INVENTORY RECORD
27 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 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 WHO 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**

1 DEPARTMENT, WHEN A PERSON SUBMITS AN APPLICATION UNDER SECTION
 2 47304, SHALL ISSUE THE LICENSE PROVIDED FOR IN THIS PART UPON
 3 PAYMENT BY THE APPLICANT OF THE FOLLOWING FEES:

4 (A) FOR A COMMERCIAL FISHING LICENSE WITHOUT A LISTED VESSEL,
 5 AN ANNUAL FEE OF THE FOLLOWING:

6 (i) IN 2017 THROUGH 2020, \$200.00.

7 (ii) IN 2021 THROUGH 2030, \$250.00.

8 (iii) IN 2031 THROUGH 2040, \$300.00.

9 (iv) IN 2041 AND EACH YEAR THEREAFTER, \$350.00.

10 (B) FOR A COMMERCIAL FISHING LICENSE THAT INCLUDES 1 OR MORE
 11 LISTED VESSELS, AN ANNUAL FEE OF THE FOLLOWING:

12 (i) IN 2017 THROUGH 2020, \$1,400.00.

13 (ii) IN 2021 THROUGH 2030, \$1,500.00.

14 (iii) IN 2031 THROUGH 2040, \$1,600.00.

15 (iv) IN 2041 AND EACH YEAR THEREAFTER, \$1,700.00.

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

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

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

21 ~~—— (c) White crappie, also known as strawberry bass, *Pomoxis*~~
 22 ~~*annularis*.~~

23 ~~—— (d) Bluegill, *Lepomis macrochirus*.~~

24 ~~—— (e) Common sunfish, *Lepomis gibbosus*.~~

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

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

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

1 ~~—— (i) Muskellunge, Esox masquinongy.~~

2 ~~—— (2) In addition to the prohibition in subsection (1), a person~~
3 ~~shall not sell or offer for sale or possess at any time any of the~~
4 ~~fish listed in subsection (1) unless otherwise provided by law. Any~~
5 ~~such fish, whether dead or alive, shall at once be returned to the~~
6 ~~waters from which taken by the person or persons taking the~~

7 ~~fish.~~ UPON THE PAYMENT OF THE FEE PROVIDED FOR IN SECTION 47320, THE
8 DEPARTMENT SHALL ISSUE TO A PERSON A PRINTED OR WRITTEN LICENSE
9 SIGNED BY THE DEPARTMENT SETTING FORTH THE DATE THE LICENSE WAS
10 ISSUED, TO WHOM THE LICENSE WAS ISSUED, THE DATE ON WHICH THE
11 LICENSE WILL EXPIRE, THE NAME, NUMBER, AND THE KIND OF VESSEL, AND
12 THE NUMBER OF AND KIND OF NETS FOR WHICH THE LICENSE WAS ISSUED.
13 THE DEPARTMENT, UPON APPLICATION AND THE PAYMENT OF A FEE OF
14 \$25.00, MAY AMEND A LICENSE PREVIOUSLY ISSUED FOR THE CURRENT
15 FISHING YEAR TO DO ANY OF THE FOLLOWING:

16 (A) PERMIT THE TRANSFER OF A LICENSE TO A LARGER OR A SMALLER
17 BOAT OR TO ANY BOAT, TUG, OR LAUNCH DURING A PERIOD OF TIME THAT
18 THE LICENSED VESSEL IS DISABLED AND UNDERGOING REPAIRS. A VESSEL
19 MAY NOT BE LISTED ON MORE THAN 1 LICENSE AT THE SAME TIME.

20 (B) IN CASE OF SALE, TRANSFER THE LICENSE TO THE NEW OWNER OR
21 OWNERS.

22 (C) IN CASE OF THE LOSS OF A VESSEL BY FIRE, COLLISION, OR
23 OTHERWISE, FOR WHICH A LICENSE HAS BEEN ISSUED, TRANSFER THE
24 LICENSE TO ANY SIMILAR VESSEL TO WHICH THE LICENSEE MAY ACQUIRE
25 TITLE.

26 (D) TRANSFER THE LANDING PORT LISTED ON THE LICENSE TO A NEW
27 LOCATION.

1 Sec. 47322. ~~A person shall not set or use nets, set hook~~
2 ~~lines, or any other continuous device in any of the waters~~
3 ~~mentioned in this part without marking its location by buoys and~~
4 ~~identifying the nets or other devices by showing the license number~~
5 ~~in plain figures upon the bowls of the buoys of the person using~~
6 ~~the nets, set lines, or other devices; the license number to be~~
7 ~~attached to all gill net buoys; to the stakes at the heart or pot~~
8 ~~of pound nets; to the lifting buoy of trap nets, where the heart~~
9 ~~and pot are set below the surface of the water; to a buoy at the~~
10 ~~point of heart or pot of fyke nets where the cover of the hearts or~~
11 ~~pots comes to the surface of the water. However, when any of the~~
12 ~~nets, set hook lines, or other devices are set under the ice, their~~
13 ~~location shall be marked by a stake extending not less than 4 feet~~
14 ~~above the ice at each end of the net or nets, set hook lines, or~~
15 ~~other continuous device and the license number, in legible figures,~~
16 ~~shall be attached to each stake or to the ends of the net or nets,~~
17 ~~set hook line, or other device.~~ **THE DEPARTMENT SHALL KEEP A RECORD**
18 **OF ALL APPLICATIONS AND LICENSES. ON THE FIRST DAY OF EACH MONTH,**
19 **THE DEPARTMENT SHALL PAY OVER TO THE STATE TREASURER ALL MONEY**
20 **RECEIVED BY THE DEPARTMENT UNDER THIS PART, AND THE TREASURY SHALL**
21 **CREDIT THE MONEY TO THE GAME AND FISH PROTECTION TRUST FUND CREATED**
22 **IN PART 437.**

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

1 ~~other states substantially conform to the commercial fishing laws~~
2 ~~of this state.~~

3 (1) A PERSON SHALL NOT ENGAGE IN BUSINESS AS A WHOLESALE FISH
4 DEALER IN THIS STATE UNLESS THE PERSON HAS BEEN ISSUED A WHOLESALE
5 FISH DEALER LICENSE BY THE DEPARTMENT. EACH LICENSE EXPIRES ON
6 DECEMBER 31, AND THE ANNUAL FEE FOR THE LICENSE IS AS FOLLOWS:

7 (A) IN 2017 THROUGH 2020, \$100.00.

8 (B) IN 2021 THROUGH 2030, \$110.00.

9 (C) IN 2031 THROUGH 2040, \$130.00.

10 (D) IN 2041 AND EACH YEAR THEREAFTER, \$150.00.

11 (2) A WHOLESALE FISH DEALER SHALL NOT, AT ANY TIME, SELL,
12 PURCHASE, OR BARTER, OR HAVE IN HIS OR HER POSSESSION OR UNDER HIS
13 OR HER CONTROL FOR THE PURPOSE OF SALE OR BARTER, ANY ILLEGAL FISH.

14 (3) A WHOLESALE FISH DEALER SHALL REQUIRE IDENTIFICATION FROM
15 EACH SELLER OF FISH. A WHOLESALE FISH DEALER SHALL PURCHASE FISH
16 ONLY FROM A STATE OR TRIBALLY LICENSED COMMERCIAL FISHER OR OTHER
17 LEGAL SOURCE OF FISH.

18 (4) EVERY WHOLESALE FISH DEALER SHALL KEEP A RECORD OF ALL
19 FISH PURCHASED, POSSESSED, ACQUIRED, OR OBTAINED INCLUDING BY TRADE
20 AND BARTER AS WELL AS RECORDS OF DISPOSITION FOR FISH RECEIVED AS
21 REQUIRED BY THE DEPARTMENT. THE WHOLESALE FISH DEALER SHALL KEEP
22 THESE RECORDS IN A FORMAT DESIGNATED BY THE DIRECTOR. THE RECORDS
23 OF PRICES PAID FOR FISH PURCHASED AND SOLD BY INDIVIDUALS LICENSED
24 AS A WHOLESALE FISH DEALER ARE PROPRIETARY AND ARE NOT SUBJECT TO
25 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
26 15.231 TO 15.246.

27 (5) A WHOLESALE FISH DEALER SHALL COMPLETE AN ANNUAL INVENTORY

1 RECORD ON A DATE SPECIFIED BY THE DEPARTMENT OF ALL FRESHWATER FISH
2 AND ROE IN POSSESSION, OR UNDER OWNERSHIP OR CONTROL, INCLUDING IN
3 COLD STORAGE FACILITIES.

4 (6) THE DIRECTOR SHALL ESTABLISH BY ORDER THE FORMAT AND
5 SCHEDULE THAT THE REQUIRED WHOLESALE RECORDS AND ANNUAL INVENTORY
6 RECORDS ARE TO BE SUBMITTED TO THE DEPARTMENT AS WELL AS THE
7 SPECIFIC INFORMATION THEY ARE TO CONTAIN.

8 (7) ALL RECORDS UNDER THIS SECTION MUST BE COMPLETE AND
9 SUBMITTED ON TIME. A WHOLESALE FISH DEALER THAT SUBMIT RECORDS THAT
10 ARE INCOMPLETE OR DELINQUENT IS RESPONSIBLE FOR A STATE CIVIL
11 INFRACTION AND SUBJECT TO THE FOLLOWING FINES:

12 (A) FOR A FIRST OFFENSE DURING A LICENSE YEAR, \$100.00.

13 (B) FOR A SECOND AND ALL SUBSEQUENT OFFENSES DURING A LICENSE
14 YEAR, MINIMUM \$200.00.

15 (8) THE LICENSE OF ANY PERSON THAT FAILS TO SUBMIT 2 OR MORE
16 RECORDS REQUIRED UNDER THIS SECTION, AND THAT HAS BEEN CITED BY THE
17 DEPARTMENT FOR EACH OFFENSE, MAY BE SUSPENDED BY THE DEPARTMENT
18 UNTIL THE DELINQUENT REPORTS ARE SUBMITTED TO THE DEPARTMENT. THE
19 DEPARTMENT SHALL SEND NOTIFICATION OF THE SUSPENSION TO THE
20 LICENSEE. THE DEPARTMENT SHALL DENY A NEW LICENSE OR RENEWAL OF A
21 LICENSE TO A PERSON THAT FAILS TO SUBMIT THE REPORT OR REPORTS AS
22 DESCRIBED IN THIS SECTION UNTIL THIS PART HAS BEEN COMPLIED WITH.

23 (9) A PERSON SHALL NOT FALSIFY ANY INFORMATION CONTAINED IN
24 THE WHOLESALE RECORDS OR THE ANNUAL INVENTORY RECORD REQUIRED UNDER
25 THIS SECTION.

26 (10) THE DEPARTMENT SHALL NOT ISSUE A WHOLESALE FISH DEALER'S
27 LICENSE TO A BUSINESS THAT WOULD OCCUPY THE SAME BUSINESS LOCATION

1 AS THAT OF A WHOLESALE FISH DEALER WHOSE LICENSE IS SUSPENDED.

2 (11) A WHOLESALE FISH DEALER OR EMPLOYEE OF A WHOLESALE FISH
3 DEALER SHALL NOT POSSESS, CONTROL, STORE, TRANSPORT, OR CAUSE TO BE
4 TRANSPORTED ANY FRESHWATER FISH FOR WHICH THERE IS NO RECORD OR FOR
5 WHICH THERE IS NO INVENTORY AS REQUIRED.

6 (12) A WHOLESALE FISH DEALER SHALL RETAIN ALL RECORDS AND
7 INVENTORIES REQUIRED UNDER THIS PART OR AN ORDER PROMULGATED UNDER
8 THIS PART FOR A PERIOD OF 6 YEARS FROM THE DATE THAT THE RECORD OR
9 INVENTORY WAS CREATED.

10 (13) A WHOLESALE FISH DEALER SHALL NOT TRANSPORT OR CAUSE TO
11 BE TRANSPORTED ANY FISH UNLESS THE TRANSPORTING VEHICLE IS CLEARLY
12 MARKED ON EACH SIDE OF THE VEHICLE WITH THE CORRECT BUSINESS NAME
13 OF THE WHOLESALE FISH DEALER OR TRANSPORTING COMPANY, DISPLAYED IN
14 LETTERS AT LEAST 1 INCH HIGH.

15 (14) A CONSERVATION OFFICER OR OTHER PEACE OFFICER DESIGNATED
16 BY THE DIRECTOR MAY INSPECT FISH STORED OR IN THE POSSESSION OF A
17 WHOLESALE FISH DEALER, RECORDS AND REPORTS OF A WHOLESALE FISH
18 DEALER, AND BUILDINGS, STRUCTURES, VEHICLES, BOATS, EQUIPMENT, AND
19 MATERIALS RELATED TO A WHOLESALE FISH DEALER'S BUSINESS.

20 (15) UPON REQUEST OF A CONSERVATION OFFICER OR OTHER PEACE
21 OFFICER DESIGNATED BY THE DIRECTOR, A WHOLESALE FISH DEALER SHALL
22 PRODUCE ALL RECORDS RELATING TO THE PURCHASE, ACQUISITION, SALE,
23 TRADE, BARTER, STORAGE, OR DISPOSITION OF FISH THAT ARE KEPT AT THE
24 WHOLESALE FISH DEALER'S PLACE OF BUSINESS OR AT A RESIDENCE,
25 DWELLING, OR LOCATION OTHER THAN THE WHOLESALE FISH DEALER'S
26 BUSINESS FOR INSPECTION AND COPYING.

27 (16) A CONSERVATION OFFICER OR OTHER PEACE OFFICER DESIGNATED

1 BY THE DIRECTOR IS AUTHORIZED DURING ANY TIME WHEN BUSINESS IS
2 BEING CONDUCTED ON THE PREMISES TO DO ANY OF THE FOLLOWING:

3 (A) ENTER ANY OF THE FOLLOWING:

4 (i) ANY BUILDING OR STRUCTURE WHERE FISH ARE STORED,
5 PROCESSED, PACKED, OR HELD.

6 (ii) ANY BUILDING OR STRUCTURE WHERE A WHOLESALE FISH DEALER'S
7 RECORDS ARE KEPT.

8 (iii) ANY BUILDING OR STRUCTURE WHERE VEHICLES, VESSELS, OR
9 EQUIPMENT OR MATERIALS USED IN THE BUSINESS ARE LOCATED.

10 (iv) ANY BUILDING OR STRUCTURE WHERE ACTIVITIES RELATED TO A
11 WHOLESALE FISH DEALER'S BUSINESS ARE CONDUCTED.

12 (v) ANY VEHICLE OR VESSEL USED TO TRANSPORT OR HOLD FISH.

13 (B) INSPECT FISH STORED OR IN THE POSSESSION OF A WHOLESALE
14 FISH DEALER, INSPECT OR COPY RECORDS OR REPORTS OF A WHOLESALE FISH
15 DEALER, AND INSPECT BUILDINGS, STRUCTURES, VEHICLES, VESSELS,
16 EQUIPMENT, AND MATERIALS RELATED TO A WHOLESALE FISH DEALER'S
17 BUSINESS.

18 (17) A WHOLESALE FISH DEALER, OPERATOR OF A VEHICLE OR VESSEL
19 FOR A WHOLESALE FISH DEALER, OR EMPLOYEE OR PERSON ACTING ON BEHALF
20 OF A WHOLESALE FISH DEALER SHALL NOT PROHIBIT ENTRY OR PROHIBIT AN
21 INSPECTION TO BE CONDUCTED AS AUTHORIZED UNDER THIS SECTION, OR
22 REFUSE TO PRODUCE RECORDS AS REQUIRED UNDER THIS SECTION, UNLESS A
23 COURT RESTRAINS OR ENJOINS THE ENTRY, INSPECTION, OR PRODUCTION.

24 (18) A COURT SHALL ORDER THAT A PERSON CONVICTED OF VIOLATING
25 SUBSECTION (15), (16), OR (17) HAVE ITS LICENSE AUTOMATICALLY
26 SUSPENDED FOR 1 YEAR. THE DEPARTMENT SHALL NOT ISSUE OR RENEW THAT
27 LICENSE FOR A PERIOD OF 1 YEAR FOLLOWING THAT CONVICTION.

1 (19) A VIOLATION OF ANY STATUTE, ADMINISTRATIVE RULE, OR
2 FISHERIES ORDER PERTAINING TO WHOLESALE FISH DEALERS IS A VIOLATION
3 OF THIS PART. IN ADDITION TO APPLICABLE FINES OR RESTITUTION, OR
4 BOTH, AS DESCRIBED IN THIS PART, THE DEPARTMENT MAY SUSPEND OR
5 REVOKE ANY WHOLESALE FISH DEALER LICENSE ISSUED UNDER THIS PART IF
6 THE LICENSEE VIOLATES ANY STATUTE, ADMINISTRATIVE RULE, OR
7 FISHERIES ORDER PERTAINING TO WHOLESALE FISH DEALERS. THE
8 DEPARTMENT SHALL AFFORD THE LICENSEE A HEARING IN ACCORDANCE WITH
9 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201
10 TO 24.328. ANY PERSON WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED
11 IS NOT ELIGIBLE TO APPLY FOR OR RECEIVE A LICENSE FOR THE 2
12 CALENDAR YEARS FOLLOWING THE SUSPENSION OR REVOCATION.

13 Sec. 47324. ~~The department may take, for fish cultural~~
14 ~~purposes only, fish taken by any person fishing in the waters of~~
15 ~~this state, and when so taken the fish shall be weighed and shall~~
16 ~~be paid for. The price shall be based on the Chicago, Detroit, and~~
17 ~~New York markets, or at such other price as may be agreed upon by~~
18 ~~the person or persons taking the fish and the department, plus the~~
19 ~~cost of transportation, if any.~~ A RETAIL FISH DEALER SHALL RETAIN
20 FROM THE TIME OF ACQUISITION OF FRESHWATER FISH OR ROE, A BILL OF
21 SALE OR INVOICE, INDICATING THE QUANTITY AND SPECIES OF THE FISH OR
22 ROE AND THE NAME AND ADDRESS OF THE CONSIGNOR. A RETAIL FISH DEALER
23 SHALL MAKE THE FISH, ROE, AND RECORDS AVAILABLE FOR INSPECTION BY A
24 CONSERVATION OFFICER OR OTHER PEACE OFFICER DESIGNATED BY THE
25 DIRECTOR AT ANY REASONABLE TIME. A RETAIL FISH DEALER SHALL
26 MAINTAIN RECORDS FOR A PERIOD OF 1 YEAR AFTER THE FISH OR ROE IS
27 DISPOSED OF BY SALE OR OTHERWISE.

1 ~~Sec. 47325. Every person taking fish for the market in any of~~
2 ~~the waters mentioned in this part shall keep an accurate report of~~
3 ~~each day's catch upon forms furnished by the department of the~~
4 ~~number of pounds of each kind of fish taken, of the locality~~
5 ~~fished, of the kind and amount of fishing gear employed, of the~~
6 ~~length of time (number of nights) each unit of gear employed fished~~
7 ~~without being lifted, of the kind and amount of spawn taken, of the~~
8 ~~kind and amount of caviar taken, and of such other data as the~~
9 ~~biologists may require in following the trend of the fisheries, and~~
10 ~~shall each month report, under oath when requested, the above data~~
11 ~~to the department. Any person whose report for the last preceding~~
12 ~~month is not received by the department at its office in Lansing,~~
13 ~~Michigan, on or before the fifteenth day of the month following, is~~
14 ~~delinquent, and notice to that effect shall be mailed to the~~
15 ~~delinquent person by the department. Failure to submit a report~~
16 ~~within 30 days after the close of the month for which a report is~~
17 ~~required shall be considered as intent to violate this section. The~~
18 ~~license of any person who fails to submit reports for 2 or more~~
19 ~~months, and who has been duly notified by the department each~~
20 ~~following month as provided in this section, may be suspended by~~
21 ~~the department until such time as the delinquent reports are~~
22 ~~submitted to the department. The boat and nets for which a license~~
23 ~~is suspended shall not be used for commercial fishing by any person~~
24 ~~until the suspension has been lifted and the license restored.~~
25 ~~However, any person who fails to make the report or reports as~~
26 ~~described in this section shall be denied a new license or a~~
27 ~~renewal of his or her license until this part has been complied~~

1 ~~with. Any person engaged in fishing operations shall submit a~~
2 ~~monthly form to the department regardless of whether fishing was~~
3 ~~discontinued for 1 or more months, noting the facts.~~**THE TAKING OF**
4 **MINNOWS AND OTHER SMALL FISH FOR BAIT WITH NETS NOT OTHERWISE**
5 **PROHIBITED BY LAW IS NOT A VIOLATION OF THIS PART. AS USED IN THIS**
6 **SECTION, "MINNOWS" MEANS THAT TERM AS DEFINED IN SECTION 48728.**

7 ~~Sec. 47326. Every person licensed to take fish under this~~
8 ~~part, at the close of the 24 hour period immediately following the~~
9 ~~close of the respective open seasons provided for by this part,~~
10 ~~shall report to the department, on forms provided by the~~
11 ~~department, the kinds of fish and number or weight of fish~~
12 ~~possessed at the close of the 24 hour period. Any subsequent~~
13 ~~shipment or sale, or both, of such fish shall be reported~~
14 ~~immediately to the department, on forms furnished by the~~
15 ~~department, showing the amount and kinds of fish shipped or sold,~~
16 ~~the date of the shipment or sale, and the name and address of the~~
17 ~~person or persons to whom the fish were shipped or sold. All fish~~
18 ~~in possession upon which the season is closed shall be made~~
19 ~~available for inspection at any reasonable time upon the demand of~~
20 ~~the department. A person shall not possess or ship, transport, or~~
21 ~~sell any fish upon which the season is closed and which have not~~
22 ~~been reported as provided in this section.~~**THIS PART DOES NOT**
23 **AUTHORIZE THE TAKING, SELLING, OR TRANSPORTING OF FISH, THE USE OF**
24 **ILLEGAL NETS, OR THE SETTING OF NETS AT A PLACE OR PLACES OR AT**
25 **TIMES OTHERWISE FORBIDDEN BY LAW.**

26 ~~Sec. 47327. Any person who violates sections 47301 to 47325,~~
27 ~~upon conviction for the first offense shall be punished by~~

1 ~~imprisonment for not more than 30 days, or a fine of not less than~~
2 ~~\$25.00 or more than \$100.00 and costs of prosecution, or both. For~~
3 ~~the second or a subsequent offense, charged as a second or~~
4 ~~subsequent offense in the complaint, the person shall be punished~~
5 ~~by imprisonment for not less than 30 days or more than 90 days, or~~
6 ~~a fine of not less than \$50.00 or more than \$100.00 and costs of~~
7 ~~prosecution, or both. If a fine with costs is imposed under this~~
8 ~~part, the court shall sentence the offender to be confined in the~~
9 ~~county jail until the fine and costs are paid, but for a period not~~
10 ~~exceeding the maximum penalty for the offense.~~**EXCEPT AS OTHERWISE**
11 **PROVIDED IN THIS ACT, A PERSON THAT VIOLATES THIS PART, ANY LICENSE**
12 **OR PERMIT ISSUED UNDER THIS PART, OR ANY ADMINISTRATIVE RULE OR**
13 **FISHERIES ORDER ISSUED UNDER THE AUTHORITY OF THIS PART IS GUILTY**
14 **OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90**
15 **DAYS OR A FINE OF NOT LESS THAN \$500.00 OR MORE THAN \$5,000.00, OR**
16 **BOTH, AND MAY BE ORDERED TO PAY THE COSTS OF PROSECUTION.**

17 Sec. 47328. ~~A person shall not use any kind of a boat, tug, or~~
18 ~~launch, except when used in hook and line fishing, or any kind of~~
19 ~~net or nets, set hook lines, or commercial trolling rigs for the~~
20 ~~purpose of taking, catching, killing, or transporting fish in any~~
21 ~~of the waters bordering on this state, regardless of whether for~~
22 ~~commercial purposes or for personal use, without first having~~
23 ~~applied for and been issued a license for that activity, in~~
24 ~~accordance with this part. A license, except as otherwise provided~~
25 ~~by law, is not required of persons engaged in sport trolling in~~
26 ~~these waters, except that the owners of boats operated with either~~
27 ~~an inboard or outboard motor and offered for hire in sport trolling~~

1 ~~for lake trout shall obtain a license for each boat. A license,~~
2 ~~except as otherwise provided by law, is not required of persons~~
3 ~~engaged in taking fish with set lines in lake St. Clair as provided~~
4 ~~in section 47302.~~

5 (1) IN ADDITION TO THE PENALTIES PROVIDED IN THIS PART, A
6 LICENSED COMMERCIAL FISHER OR AGENT OPERATING UNDER A COMMERCIAL
7 FISHING LICENSE THAT IS CONVICTED OF THE ILLEGAL TAKING,
8 POSSESSING, OR SELLING OF FISH UNDER THIS PART SHALL REIMBURSE THE
9 STATE FOR THE VALUE OF THE FISH AS FOLLOWS:

10 (A) FOR EACH GAME FISH, OTHER THAN LAKE STURGEON, OF AN
11 INDIVIDUAL WEIGHT OF 1 POUND OR MORE, \$10.00 FOR EACH POUND OR
12 FRACTION OF A POUND OF FISH ILLEGALLY TAKEN OR POSSESSED.

13 (B) FOR EACH GAME FISH, OTHER THAN LAKE STURGEON, OF AN
14 INDIVIDUAL WEIGHT OF LESS THAN 1 POUND, \$10.00 FOR EACH FISH
15 ILLEGALLY TAKEN OR POSSESSED.

16 (C) FOR LAKE STURGEON, \$1,500.00 FOR EACH FISH ILLEGALLY TAKEN
17 OR POSSESSED.

18 (D) FOR ALL OTHER FISH, \$5.00 FOR EACH POUND OR FRACTION OF A
19 POUND OF FISH ILLEGALLY TAKEN OR POSSESSED.

20 (E) FOR ALL ROE VIOLATIONS, \$20.00 FOR EACH POUND OR FRACTION
21 OF A POUND OF ROE ILLEGALLY TAKEN OR POSSESSED.

22 (2) THE COURT IN WHICH A CONVICTION FOR A VIOLATION DESCRIBED
23 IN SUBSECTION (1) IS OBTAINED SHALL ORDER THE DEFENDANT TO FORFEIT
24 TO THE STATE A SUM AS PROVIDED IN SUBSECTION (1). IF 2 OR MORE
25 DEFENDANTS ARE CONVICTED OF THE ILLEGAL TAKING, POSSESSING, OR
26 SELLING OF THE FISH, THE FORFEITURE SHALL BE DECLARED AGAINST THEM
27 JOINTLY AND SEVERALLY.

1 (3) IF A DEFENDANT FAILS TO PAY UPON CONVICTION THE SUM
2 ORDERED BY THE COURT TO BE FORFEITED, THE COURT SHALL REQUIRE THE
3 DEFENDANT TO SATISFY THE FORFEITURE IN THE AMOUNT PRESCRIBED AND
4 FIX THE MANNER AND TIME OF PAYMENT, OR MAKE A WRITTEN ORDER
5 PERMITTING THE DEFENDANT TO PAY THE FORFEITED SUMS IN INSTALLMENTS
6 AT THE TIMES AND IN THE AMOUNTS AS THE COURT DETERMINES THE
7 DEFENDANT IS ABLE TO PAY.

8 (4) A DEFAULT IN THE PAYMENT OF FORFEITURE OR AN INSTALLMENT
9 OF THE FORFEITURE MAY BE COLLECTED BY ANY MEANS AUTHORIZED FOR THE
10 ENFORCEMENT OF A JUDGMENT UNDER CHAPTER 60 OF THE REVISED
11 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6001 TO 600.6098.

12 (5) ALL COURTS COLLECTING FORFEITURES AS PROVIDED IN THIS
13 SECTION SHALL PROMPTLY REMIT THE FORFEITURE TO THE COUNTY
14 TREASURER, WHO SHALL TRANSMIT IT TO THE STATE TREASURER TO BE
15 CREDITED TO THE GAME AND FISH PROTECTION ACCOUNT OF THE MICHIGAN
16 CONSERVATION AND RECREATION LEGACY FUND.

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

1 ~~as may be required for statistical purposes.~~

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

7 (1) ANY PERSON LICENSED UNDER THIS PART THAT HAS BEEN
8 CONVICTED IN ANY COMBINATION OF 3 SEPARATE MISDEMEANOR VIOLATIONS
9 OF THIS PART OR ANY ADMINISTRATIVE RULES, ORDERS, OR LICENSE
10 CONDITIONS ISSUED BY THE DIRECTOR UNDER THE AUTHORITY PROVIDED IN
11 THIS PART REGULATING COMMERCIAL FISHING OR WHOLESALE FISH DEALING
12 THAT WERE DOCUMENTED TO HAVE OCCURRED IN A CONTINUOUS 365-DAY
13 PERIOD STARTING WITH THE DATE OF THE FIRST OFFENSE AND ENDING WITH
14 THE DATE OF THE THIRD OFFENSE MUST HAVE THE LICENSE UNDER WHICH THE
15 PROSECUTED OFFENSES OCCURRED AUTOMATICALLY REVOKED AND ALL
16 COMMERCIAL FISHING OR WHOLESALE FISH DEALER PRIVILEGES FOR THAT
17 LICENSE MUST BE RESCINDED FOR A PERIOD OF 365 DAYS TO COMMENCE
18 WITHIN 30 DAYS OF THE THIRD CONVICTION.

19 (2) THE LICENSE OF ANY PERSON CONVICTED OF 3 DESIGNATED
20 OFFENSES IN ANY COMBINATION IN A CONTINUOUS 5-YEAR PERIOD MUST BE
21 AUTOMATICALLY REVOKED AN ALL COMMERCIAL FISHING OR WHOLESALE FISH
22 DEALER PRIVILEGES UNDER THAT LICENSE MUST BE RESCINDED FOR A PERIOD
23 OF 365 DAYS TO COMMENCE WITHIN 30 DAYS OF THE THIRD CONVICTION.

24 (3) A REVOCATION UNDER THIS SECTION PROHIBITS THE PERSON FROM
25 USING ALL COMMERCIALY LICENSED VESSELS, NETS, OR OTHER GEAR LISTED
26 ON THE COMMERCIAL LICENSE THAT HAS BEEN REVOKED. ADDITIONALLY, ANY
27 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 LICENSES
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:

1 (A) TAKING, SELLING, OFFERING FOR SALE, OR POSSESSING
2 PROHIBITED FISH SPECIES.

3 (B) FISHING OR TAKING FISH DURING THE CLOSED SEASON.

4 (C) TAKING OR POSSESSING FISH IN EXCESS OF HARVEST OR BYCATCH
5 LIMIT.

6 (D) TAKING OR POSSESSING ROE IN EXCESS OF LAWFUL LIMITS.

7 (E) TAKING, SELLING, OFFERING FOR SALE, OR POSSESSING FISH
8 UNDER THE LEGAL SIZE LIMIT.

9 (F) FISHING WITH OR TAKING FISH BY USE OF AN UNLAWFUL DEVICE.

10 (G) FISHING IN OR TAKING FISH FROM WATERS CLOSED TO COMMERCIAL
11 FISHING.

12 (H) FISHING OR TAKING FISH IN VIOLATION OF SPECIFIC LICENSE
13 PROVISIONS.

14 (I) SELLING, PURCHASING, BARTERING, OR POSSESSING OR
15 CONTROLLING FOR PURPOSES OF SALE OR BARTER ANY ILLEGAL FISH.

16 (J) FALSIFYING CATCH RECORDS OR REQUIRED WHOLESALE RECORDS.

17 Sec. 48716. A person shall not take, catch, or kill or attempt
18 to take, catch, or kill any fish of the species named in this
19 section in any of the waters over which this state has jurisdiction
20 except during the following open seasons:

21 (a) Bluegills and sunfish, no closed season.

22 (b) Northern pike, pike-perch, and muskellunge from the last
23 Saturday in April to March 15 in the inland waters. These fish may
24 be taken at any time from ~~lake-LAKE~~ Macatawa, Ottawa ~~county,~~
25 ~~COUNTY~~; Muskegon ~~lake-LAKE~~ and White ~~lake,~~ ~~LAKE~~, Muskegon ~~county,~~
26 ~~COUNTY~~; Spring ~~lake,~~ ~~LAKE~~, Muskegon and Ottawa ~~counties,~~ ~~COUNTIES~~;
27 Pentwater ~~lake,~~ ~~LAKE~~, Oceana ~~county,~~ ~~COUNTY~~; Pere Marquette ~~lake,~~

1 ~~LAKE, Mason county, COUNTY; Manistee lake, LAKE, Bar lake LAKE at~~
2 ~~Arcadia, and Portage lake, LAKE, Manistee county, COUNTY; Betsie~~
3 ~~lake, LAKE, Benzie county, lake COUNTY; LAKE Charlevoix and Round~~
4 ~~lake, LAKE, Charlevoix county, COUNTY; the Muskegon river RIVER~~
5 ~~downstream from Rogers dam, DAM, Mecosta county, COUNTY; and Lake~~
6 ~~Erie and the connecting waters of the Great Lakes. In Lakes~~
7 ~~Superior, Michigan, and Huron, except Saginaw bay, BAY, these fish~~
8 ~~may be taken from May 21 to March 31. In Saginaw bay, BAY, these~~
9 ~~fish may be taken from April 11 to March 4. In that part of upper~~
10 ~~Lake Huron known as Whitney bay, BAY, Pike bay, BAY, Island harbor,~~
11 ~~HARBOR, Les Cheneaux channels, CHANNELS, Potagannissing bay, BAY,~~
12 ~~and certain waters on the south side of Drummond island, all as~~
13 ~~described in sections 47345, 47346, 47348, and 47349, ISLAND, these~~
14 ~~fish may be taken from May 1 to March 31.~~

15 (c) Brook trout, brown trout, rainbow trout, lake trout,
16 splake, and landlocked salmon from the last Saturday in April
17 through the second Sunday in September in the inland waters. The
18 department shall designate the waters in which, in addition to the
19 season provided for in this subdivision, any species of trout and
20 in addition other fish for which the season is open may be taken
21 with hook and line only during additional open seasons that the
22 department prescribes.

23 (d) All species of trout except lake trout from the first
24 Saturday in April to November 30 in the Great Lakes and connecting
25 waters not otherwise closed to their taking. There is no closed
26 season on lake trout in these waters.

27 (e) Perch, saugers, white bass, rock bass, warmouth bass,

1 crappies, catfish, bullheads, ciscoes, herring, whitefish, pilot
2 fish or menominee whitefish, smelt, suckers, mullet, redhorse carp,
3 buffalo, shad, garfish, dogfish, lawyers, and sheepshead may be
4 taken at all seasons of the year in waters that are open to
5 fishing.

6 (f) Sturgeon during January and February from inland waters;
7 at any time from waters of the Great Lakes and connecting waters
8 not otherwise closed to their taking.

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

12 (2) Except as provided in subsection (3)(c), a person shall
13 not purchase, sell, or otherwise exchange anything of value for raw
14 or unprocessed salmon eggs unless the person is licensed pursuant
15 ~~to~~ **UNDER** section ~~47333-47323~~ and the sale, purchase, or exchange of
16 the raw or unprocessed salmon eggs is made with another person who
17 is also licensed ~~pursuant to~~ **UNDER** section ~~47333-47323~~.

18 (3) A person who operates or is the agent of an operator of a
19 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
24 unprocessed salmon eggs without a current and valid permit issued
25 by the department.

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

1 the operator of a fish cleaning station or his or her agents from
2 exchanging the service of cleaning salmon in exchange for the eggs
3 in the salmons' carcasses or from charging a fee for cleaning
4 salmon.

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

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

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

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

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

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

27 (e) As a condition of his or her permit, a permit holder whose

1 fish cleaning station is located on state owned land shall provide
2 free access to the fish cleaning station facilities to anglers who
3 wish to use the facilities to clean their own salmon catch.

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

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

14 Enacting section 1. Sections 46101, 46102, 47301a, 47319,
15 47330 to 47362, 47901 to 47905, and 48901 of the natural resources
16 and environmental protection act, 1994 PA 451, MCL 324.46101,
17 324.46102, 324.47301a, 324.47319, 324.47330 to 324.47362, 324.47901
18 to 324.47905, and 324.48901, are repealed.