

HOUSE BILL NO. 5553

March 06, 2024, Introduced by Reps. O'Neal, Whitsett, Neeley, Young and Brenda Carter and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 47301, 47303, 47305, 47306, 47307, 47308,
47309, 47310, 47311, 47312, 47313, 47314, 47315, 47316, 47317,
47318, 47319, 47320, 47321, 47322, 47323, 47324, 47325, 47326,
47327, and 48724 (MCL 324.47301, 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,
324.47319, 324.47320, 324.47321, 324.47322, 324.47323, 324.47324,
324.47325, 324.47326, 324.47327, and 324.48724), sections 47301,

47305, 47306, 47307, 47308, 47310, 47312, 47313, 47314, 47316, 47317, 47318, 47319, 47320, 47321, 47322, 47323, 47324, 47326, and 48724 as added by 1995 PA 57, section 47303 as amended by 2004 PA 587, sections 47309, 47311, and 47315 as amended by 2022 PA 34, and sections 47325 and 47327 as amended by 2023 PA 239, and by adding section 47304; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 47301. **As used in this part:**

2 (a) "Abandoned gear" means a commercial net, commercial hooks,
3 or other commercial gear if a licensee has done any of the
4 following:

5 (i) Discarded, disowned, or dispossessed the gear.

6 (ii) Intentionally altered or removed the gear's ownership
7 identification tags or similar markings.

8 (iii) Failed to immediately restore the gear's ownership
9 identification tags or similar markings after acquiring knowledge
10 of the loss or destruction of the tags or markings.

11 (b) "Aquatic species" means fish, reptiles, amphibians,
12 mollusks, and crustaceans, including their parts, eggs, and
13 products.

14 (c) "Beach seine net" means a seine net that is used along the
15 shoreline with its ends drawn ashore.

16 (d) "Buy" means to acquire or agree to acquire from another in
17 exchange for anything of value. "Bought" and "buyer" have
18 corresponding meanings.

19 (e) "Bycatch" means the nontarget, nonlegal, or undersized
20 fish that are inadvertently caught in commercial fishing gear while
21 used to fish for legal commercial fish species.

22 (f) "Commercial" means for the purpose of sale or offering to

1 sell any aquatic species or its parts, including roe.

2 (g) "Commercial fish species" means those aquatic species that
3 are listed in section 47313(1) or designated under section
4 47313(2).

5 (h) "Commercial fisher" means any of the following:

6 (i) A person licensed under this part that is engaged in
7 commercial fishing.

8 (ii) Any employee or other person that is acting on behalf of a
9 person described in subparagraph (i).

10 (i) "Commercial fishing license" means a license required
11 under section 47306(1) or formerly provided for under section
12 47302.

13 (j) "Commercial net" means any of the following:

14 (i) A fyke net.

15 (ii) A gill net.

16 (iii) An impoundment net.

17 (iv) A pound net.

18 (v) A seine net.

19 (vi) A trap net.

20 (vii) A trawl net.

21 (k) "Department" means the department of natural resources.

22 (l) "Designated offense" means any of the following offenses,
23 if a misdemeanor:

24 (i) Taking, possessing, selling, or offering to sell a game
25 fish in violation of part 473.

26 (ii) Taking fish during the closed season.

27 (iii) Taking or possessing fish in excess of a harvest or
28 bycatch limit.

1 (iv) Taking or possessing roe in excess of lawful limits.

2 (v) Taking, possessing, selling, or offering to sell

3 undersized fish, subject to section 47314.

4 (vi) Taking fish by use of an unlawful device unless the device
5 is unlawful because of its mesh size.

6 (vii) Taking fish in waters closed to commercial fishing.

7 (viii) Taking fish in violation of specific license provisions.

8 (ix) Selling, buying, or possessing or controlling for purposes
9 of selling or buying, any illegal fish.

10 (x) Falsifying catch records or required wholesale records.

11 (m) "Director" means the director of the department.

12 (n) "Dressed fish" means a fish with the head and tail
13 attached but with the gills and the entire gut or viscera removed.

14 (o) "Dressed headed fish" means a fish with the tail attached
15 but with the head and entire gut or viscera removed.

16 (p) "Extension measure" means measuring the distances between
17 the extreme angles of any single mesh, between and inside the
18 knots, when the mesh is pulled taut by hand. Extension measure is
19 also commonly known as stretch mesh.

20 (q) "Fillet" means a cut or slice of edible meat from the side
21 of a fish.

22 (r) "Fish", unless the context requires otherwise, includes
23 fish, fish parts, roe, and fish products.

24 (s) "Fish house" means a location owned or operated by a
25 commercial fisher and to which fish are taken after landing to be
26 processed or stored by the commercial fisher before being sold.

27 (t) "Fish in the round" means a fish that is entirely intact
28 as it was taken out of the water with no part removed.

29 (u) "Fish length" means the length of a straight line from the

1 tip of a fish's snout to the utmost end of the fish's tail measured
2 with the fish's mouth closed and the caudal rays of the tail fin
3 squeezed together.

4 (v) "Fyke net" means a long, bag-shaped impoundment net held
5 open by hoops or frames and having 1 or more internal funnel-shaped
6 throats that taper from the mouth of the net toward the pot. A fyke
7 net is also commonly known as a hoop net.

8 (w) "Game fish" means that term as defined in section 48701.

9 (x) "Gill net" means a vertical stationary wall of net in
10 which fish are caught by entanglement.

11 (y) "Great Lakes" means those portions of Lake Superior, Lake
12 Michigan, Lake Huron, and Lake Erie, including the bays of those
13 lakes, located within the boundaries of this state.

14 (z) "Great Lakes connecting waters" means those portions of
15 Lake St. Clair, the St. Clair River, the St. Marys River, and the
16 Detroit River located within the boundaries of this state.

17 (aa) "Harvest quota" means a limit, in pounds, on the amount
18 of a fish species that may be harvested by a commercial fisher.

19 (bb) "Illegal fish" means a fish to which any of the following
20 apply:

21 (i) The fish is taken or possessed in violation of part 473,
22 the Michigan aquaculture development act, 1996 PA 199, MCL 286.871
23 to 286.884, or any other law of this state or the law of a tribal
24 jurisdiction in this state.

25 (ii) If imported, the fish is taken or possessed in violation
26 of the laws of the state, province, country, or tribal jurisdiction
27 from which imported.

28 (iii) The fish has not been reported or a record for the fish
29 has not been created as required by any law described in

1 subparagraph (i) or (ii).

2 (iv) The fish is a live prohibited species or restricted
3 species as those terms are defined in section 41301.

4 (cc) "Impoundment net" means a net designed to capture fish by
5 deflection and to retain them in a live condition until removed.

6 (dd) "Live fish car" means a nonmotorized and nonsteerable
7 floating box or hold that is towed behind a licensed commercial
8 vessel for the exclusive purpose of holding or transporting live
9 fish.

10 (ee) "Locker plant" means a facility with quick freezing
11 equipment or lockers rentable for food storage.

12 (ff) "Part 473" means this part or a rule promulgated or
13 order, license, or permit issued under this part.

14 (gg) "Person" means an individual or a partnership,
15 association, corporation, or other legal entity.

16 (hh) "Pound net" means a stationary impoundment net consisting
17 of a lead, heart, tunnels, and pot, supported by a series of stakes
18 or pilings, that traps fish inside a box-like net enclosure that is
19 open above the surface of the water.

20 (ii) "Purse seine net" means a seine net that is used in open
21 water with its ends and bottom drawn together and up, forming a pen
22 from which fish are removed.

23 (jj) "Record" includes any material on which information is
24 recorded or preserved, regardless of physical form, that relates to
25 the production, storage, transportation, buying, selling, or other
26 acquisition or disposition of fish by a commercial fisher or
27 wholesale fish dealer.

28 (kk) "Retail fish dealer" means a person, including, but not
29 limited to, a retail store, locker plant, restaurant, hotel,

1 tavern, meat market, grocery store, or other establishment, or
2 club, that sells fish to the final consumer or sells fish for
3 resale at no reduction in retail price.

4 (ll) "Roe" means fish eggs.

5 (mm) "Saginaw Bay" means the area south and west of a straight
6 line from Point Lookout in Arenac County to Sand Point in Huron
7 County and inclusive of an area north and east of Sand Point within
8 the following boundaries: commencing at the monument on the
9 westerly end of Sand Point (lat 43.54.58 long 083.24.19), thence
10 easterly to the section line between section 7, T17N, R10E and
11 section 12, T17N, R9E (lat 43.54.81 long 083.21.65); thence on a
12 line due north for 2 miles (lat 43.56.55 long 083.21.65); thence on
13 a line due west to a point due north of the monument on Sand Point
14 (lat 43.56.56 long 083.24.19); thence southerly to the point of
15 beginning.

16 (nn) "Sell" means to transfer or agree to transfer to another
17 for anything of value. "Sale", "sold", and "seller" have
18 corresponding meanings.

19 (oo) "Seine net" means a mesh net that meets all of the
20 following requirements:

21 (i) Has weights on 1 edge and floats on the opposite edge.

22 (ii) Hangs vertically in the water.

23 (iii) Is used to enclose fish when its ends are either pulled
24 together or drawn ashore.

25 (pp) "Set hook line" means a long fishing line with a series
26 of hooks on short separate leaders attached to the main line.

27 (qq) "Sport angling equipment" means a fishing rod and reel or
28 bow and spear fishing equipment that meets both of the following
29 requirements:

1 (i) Is commonly used by recreational anglers to catch fish.

2 (ii) Is in working condition.

3 (rr) "Take" and "taking" means to fish for by any method,
4 catch, kill, capture, trap, harvest, or shoot any aquatic species
5 or to attempt to engage in any such activity.

6 (ss) "Trap net" means a stationary impoundment net consisting
7 of a lead, heart, tunnels, and pot, held in place by anchors and
8 floats, that traps fish inside a box-like net enclosure that is not
9 open above the surface of the water.

10 (tt) "Trawl net" means a net that is actively towed through
11 the water by a vessel in order to capture fish.

12 (uu) "Type", when referencing fish, means the status of the
13 fish as live, fresh, frozen, or smoked. However, type, when
14 specifically referencing roe, means the status of the roe as
15 processed or unprocessed.

16 (vv) "Unattended gear" means gear not utilized or lifted and
17 cleared of fish by the commercial fisher for a period of 10 days or
18 containing dead fish in an amount and state of decay that indicate
19 a prolonged period without being tended. Gear is not unattended
20 gear if the commercial fisher did either of the following within
21 the 10-day period:

22 (i) Properly reported the gear as lost or vandalized.

23 (ii) Rendered, as prescribed by the department, and properly
24 reported the gear as unfishable.

25 (ww) "Undersized fish" means a fish of a smaller than legal
26 size as established by this act, a rule promulgated under this act,
27 an order of the director, or a specific license condition.

28 (xx) "Unfishable" describes any commercial net, hook, or other
29 gear that has been rendered inoperable as prescribed by the

1 department.

2 (yy) "Unreported lost gear" means gear for which both of the
3 following apply:

4 (i) The commercial fisher discovered the gear to be lost.

5 (ii) The commercial fisher did not do either of the following
6 by midnight of the day after the commercial fisher discovered the
7 loss:

8 (A) Recover the gear.

9 (B) Report the loss of the gear to the department in the
10 manner required by the department.

11 (zz) "Unreported vandalized gear" means gear for which both of
12 the following apply:

13 (i) The commercial fisher discovered the gear to be vandalized.

14 (ii) The commercial fisher did not do either of the following
15 by midnight of the day on which the commercial fisher discovered
16 the vandalization:

17 (A) Recover or repair the gear.

18 (B) Report the vandalization of the gear to the department in
19 the manner required by the department.

20 (aaa) "Vessel" means every description of watercraft used or
21 capable of being used as a means of transportation on water,
22 including, but not limited to, any rowboat, sailboat, powerboat,
23 motorboat, scow, tug, or launch.

24 (bbb) "Vessel length" means the length of the vessel as
25 measured in a straight line from the tip of the bow to the stern.
26 Bow sprits, rudders, outboard motors and motor brackets, and other
27 fittings, attachments, and extensions are not included in this
28 measurement.

29 (ccc) "Waters subject to this part" means the Great Lakes and

1 the Great Lakes connecting waters.

2 (ddd) "Wholesale fish dealer", subject to subdivision (eee),
3 means a person that buys, offers to buy, obtains, or processes fish
4 in any manner, for itself or any other person, for sale to someone
5 other than the final consumer. Wholesale fish dealer includes, but
6 is not limited to, a crew member of a commercial fisher who sells
7 fish received from the commercial fisher as that crew member's
8 share of the catch or as payment for that crew member's work, or
9 who retains part or all of the sale proceeds of the catch.

10 (eee) Wholesale fish dealer does not include:

11 (i) A commercial fisher that sells only the fish that the
12 commercial fisher catches.

13 (ii) A retail store or locker plant that sells fish to a
14 restaurant, hotel, or tavern at no reduction in the retail price
15 charged to retail customers other than a restaurant, hotel, or
16 tavern.

17 (fff) "Wholesale fish dealer license" means a license required
18 under section 47321(1) or required under former section 47333.

19 ~~All fish of whatever kind found in the waters of Lakes
20 Superior, Michigan, Huron, and Erie, commonly known as the Great
21 Lakes, the bays of the Great Lakes, and the connecting waters
22 between those lakes within the jurisdiction of this state are the
23 property of the state, and taking the fish from those waters is a
24 privilege. All fish in waters described in this section shall be
25 taken, transported, sold, and possessed only in accordance with
26 this part.~~

27 Sec. 47303. (1) Fish in waters subject to this part are the
28 property of this state, and taking fish from those waters is a
29 privilege.

1 (2) Fish in waters subject to this part may be taken,
2 possessed, transported, sold, or offered for sale only in
3 compliance with part 473.

4 (3) Part 473 does not authorize the taking, possession,
5 transporting, sale, or offering for sale of fish, the use of nets,
6 or the setting of nets at a place or places or at times otherwise
7 prohibited by law.

8 (4) A person shall not possess, transport, sell, or offer to
9 sell any illegal fish.

10 (5) Part 473 does not apply to sport fishing regulated under
11 part 487.

12 (6) Part 473 does not apply to the taking of minnows and other
13 small fish for bait with nets not otherwise prohibited by law. As
14 used in this subsection, "minnows" means that term as defined in
15 section 48728.

16 ~~The department shall provide financial remuneration to the~~
17 ~~state for fish taken for commercial purposes by collection from the~~
18 ~~licensee of not more than 5% of the price received by the licensee.~~
19 ~~Money received shall be credited to the game and fish protection~~
20 ~~account of the Michigan conservation and recreation legacy fund~~
21 ~~provided for in section 2010 to be used in the development and~~
22 ~~management of the fisheries resource.~~

23 **Sec. 47304. The department may do any of the following:**

24 (a) Take fish or issue permits for others to take fish in any
25 manner, in waters subject to this part, during any season of the
26 year, for the purpose of scientific investigation, fishery
27 assessment, fishery utilization, fishery management, or fish
28 culture; possess those fish; sell some or all of those fish; direct
29 that some or all of those fish be sold; and devote the proceeds of

1 sales toward defraying the expenses incurred.

2 (b) For the purpose of scientific investigation, fisheries
 3 assessment, fishery utilization, fishery management, or fish
 4 culture, seize fish harvested by any commercial fisher. If the
 5 department takes fish under this subdivision, the commercial fisher
 6 has the right to request compensation for the fish seized. If the
 7 commercial fisher requests compensation, the fish must be weighed
 8 and paid for. The price paid for the fish must be the fair market
 9 value, plus the cost of transportation, if any, or a price agreed
 10 upon by the commercial fisher and the department.

11 Sec. 47305. The department shall not issue to a commercial
 12 fisher a permit authorizing the taking and sale of game fish.

13 ~~For the purpose of carrying out this section and sections~~
 14 ~~47302 and 47303, the department may promulgate rules as may be~~
 15 ~~necessary.~~

16 Sec. 47306. (1) A person shall not do any of the following in
 17 waters subject to this part unless the person has been issued a
 18 commercial fishing license authorizing the activity:

19 (a) Use a vessel, net, set hook line, or other device
 20 authorized in this section for the purpose of taking or
 21 transporting fish for a commercial purpose.

22 (b) Remove fish from any commercial net, set hook line, or
 23 other commercial device.

24 (2) Subject to subsection (3), when in the department's
 25 opinion it is necessary for the better protection, preservation,
 26 management, harvesting, and utilization of a fishery in waters
 27 subject to this part, the department may limit the number of
 28 commercial fishing licenses to be issued and determine the
 29 qualifications of persons eligible for a license. In determining

1 the number of commercial fishing licenses to be issued during any
2 license year, the department shall consider all of the following:

3 (a) The number of licensees.

4 (b) The number of licensees needed to harvest the fish that
5 the department considers to be harvestable.

6 (c) The capacity of the vessels and equipment owned and used
7 by licensees to harvest those fish.

8 (d) Any other facts relevant to the number of persons who may
9 engage in commercial fishing in an economical and profitable
10 manner.

11 (3) Subject to subsection (4), a commercial fisher that is
12 licensed on December 31, 2024 has the right to have its licenses
13 renewed by the department every year if the commercial fisher
14 continues to meet the qualifications set forth in this act and the
15 qualifications specified in any orders or rules promulgated under
16 this act, regardless of the determination of the number of licenses
17 to be issued under this part. However, the department, with cause,
18 may revise a commercial fishing license under section 47308.

19 (4) The department may rescind or not reissue a license issued
20 under this part if the department determines that it is necessary
21 for the protection or utilization of a fishery. The department
22 shall first provide the licensee a written justification for its
23 decision under this subsection and notice that it will do 1 of the
24 following:

25 (a) Initiate license revocation proceedings under the
26 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
27 24.328.

28 (b) Make a good-faith offer to compensate the licensee for the
29 fair market value of the license. The department shall provide the

1 licensee with a reasonable opportunity to submit information to the
2 department regarding fair market value, not to exceed 180 days. The
3 department shall then issue a final determination that may be
4 appealed under the process provided for in the revised judicature
5 act, 1961 PA 236, MCL 600.631.

6 (5) To obtain a commercial fishing license, a person shall
7 submit an application to the department. The department shall
8 establish the format for the application. The application must be
9 accompanied by the fee required under subsection (7) and state all
10 of the following:

11 (a) The name and residence or business address of the
12 applicant.

13 (b) The manner in which the applicant proposes to fish.

14 (c) The name or number of each vessel to be used.

15 (d) The length and description of each vessel.

16 (e) The name of the port or ports from which each vessel will
17 operate.

18 (f) The number and kind of nets, hooks, and other gear to be
19 used.

20 (g) Any other reasonable and pertinent information required by
21 the department.

22 (6) An applicant for a commercial fishing license shall submit
23 an application annually not less than 30 days before fishing
24 operations are expected to commence or by November 15 of the
25 license year for which the application is submitted, whichever is
26 earlier. In addition to the qualifications in this part, to be
27 eligible for a license, an applicant must have been issued a
28 commercial fishing license for the immediately preceding year or
29 have legally been transferred the ownership of a commercial fishing

1 license in this state that was issued for the immediately preceding
2 year.

3 (7) The department shall not process a commercial fishing
4 license application unless the applicant pays the following fee
5 based on the calendar year for which the annual license is issued:

6 (a) For a commercial fishing license without a listed vessel,
7 the following:

8 (i) For 2025 through 2030, \$250.00.

9 (ii) For 2031 through 2040, \$300.00.

10 (iii) For 2041 and each year thereafter, \$350.00.

11 (b) For a commercial fishing license that includes 1 or more
12 listed vessels, the following:

13 (i) For 2025 through 2030, \$1,500.00.

14 (ii) For 2031 through 2040, \$1,750.00.

15 (iii) For 2041 and each year thereafter, \$2,000.00.

16 (8) On the first day of each month, the department shall pay
17 to the state treasurer all money received by the department under
18 this part, and the treasurer shall credit the money to the Michigan
19 game and fish protection trust fund provided for in section 43702.

20 ~~A person shall not place or set any kind of a net or set hook~~
21 ~~lines or take or attempt to take any kind of fish with a net or set~~
22 ~~hook lines, except minnow seines as provided in section 47309, in~~
23 ~~any of the connecting waters between Lake Superior and Lake Huron~~
24 ~~and the connecting waters between Lake Huron and Lake Erie. For the~~
25 ~~purposes of this part, the connecting waters between Lake Superior~~
26 ~~and Lake Huron are all of that part of the straits of St. Mary in~~
27 ~~this state, extending from a line drawn from Birch point range~~
28 ~~front light to the most westerly point of Round island, thence~~
29 ~~following the shore of Round island to the most northerly point~~

1 ~~thereof, thence from the most northerly point of said Round island~~
 2 ~~to Point Aux Pins light, Ontario, to a line drawn east and west~~
 3 ~~from the most southerly point of Little Lime island; and the~~
 4 ~~connecting waters of Lake Huron and Lake Erie are all of the St.~~
 5 ~~Clair river and all of lake St. Clair and all of the Detroit river~~
 6 ~~extending from fort Gratiot light in Lake Huron to a point in the~~
 7 ~~lower Detroit river where the center line of Oak street, city of~~
 8 ~~Wyandotte, Wayne county, Michigan, extended due east, would~~
 9 ~~intersect the international boundary line. The boundary line~~
 10 ~~between Lake Michigan and Lake Huron is a line extending due north~~
 11 ~~from old Mackinac point lighthouse across the straits of Mackinac.~~

12 Sec. 47307. (1) **The department shall issue to an eligible**
 13 **person who has paid the required application fee under section**
 14 **47306 a license signed by the director or the director's designee.**
 15 **The license shall specify all of the following:**

- 16 (a) **The date the license was issued.**
 17 (b) **The name of the commercial fisher.**
 18 (c) **The date that the license expires.**
 19 (d) **The name, number, and kind of vessel authorized.**
 20 (e) **The number of and kind of nets authorized.**
 21 (f) **The port or ports.**

22 (2) **The department shall keep a record of all commercial**
 23 **fisher license applications and licenses.**

24 (3) **In addition to the requirements of part 473, a license**
 25 **issued by the department may specify 1 or more of the following:**

- 26 (a) **Harvest quotas.**
 27 (b) **The areas where the commercial fisher is authorized to**
 28 **fish. If not specifically designated by license condition, a**
 29 **commercial fisher may fish waters subject to this part and open to**

1 commercial fishing within a radius of 50 miles of any port
2 specified on the license.

3 (c) The season when and the depths where the commercial fisher
4 may conduct commercial fishing operations.

5 (d) The type and amount of gear that the commercial fisher is
6 allowed to use.

7 (e) The port or ports where fish must be landed, unless
8 specifically stated otherwise, and where vessels must be docked
9 while conducting commercial fishing operations.

10 (f) The vessels authorized to be used by the commercial
11 fisher. A vessel may be added to a license upon application by the
12 commercial fisher and approval of the department. However, a vessel
13 must not be listed on more than 1 license at a time.

14 (g) The time period within which the commercial fisher must
15 tend or lift commercial fishing gear.

16 (h) The right to inspect the commercial fisher's commercial
17 fishing operations in the water, on board, or ashore.

18 (i) Other conditions, terms, or restrictions that are
19 considered necessary in implementing part 473.

20 (4) A commercial fishing license expires at the end of the
21 calendar year for which the license is issued.

22 ~~A person shall not set any net, set hook lines, or other~~
23 ~~device for the purpose of taking or catching fish within 160 rods~~
24 ~~on either side of the thread of the stream at the mouth of any~~
25 ~~river or outlet of an inland lake emptying into Lakes Superior,~~
26 ~~Michigan, Huron, or Erie, commonly known as the Great Lakes, or the~~
27 ~~bays of the Great Lakes, navigable for vessels drawing 10 feet or~~
28 ~~more, leaving an open channel of 1 mile in width for the free~~
29 ~~passage of fish, extending at right angles from the shoreline as~~

1 ~~near as may be, 2 miles from shore. However, within the next 1/2~~
2 ~~mile on either side of any such rivers or outlets of inland lakes,~~
3 ~~nets, set hook lines, or other devices shall not be used for the~~
4 ~~purpose of taking fish that will extend a greater distance than 1~~
5 ~~mile from shore. The purpose of the limitations in this section is~~
6 ~~to leave an open channel of 1 mile in width 1 mile out, and 2 miles~~
7 ~~in width for the second mile out, for the free passage of fish. No~~
8 ~~net or other device for taking fish shall be set or used within 40~~
9 ~~rods on either side of the thread of the stream at the mouth of any~~
10 ~~other river or the outlet of any other inland lake leaving an open~~
11 ~~channel of 80 rods in width for the free passage of fish, extending~~
12 ~~at right angles with the shoreline as near as may be 2 miles out~~
13 ~~from shore. For the purpose of this section, the shore commences at~~
14 ~~the average low-water mark. If the location of the open channel or~~
15 ~~the average low water mark is in dispute, this location shall be~~
16 ~~determined by the department. Except as provided in sections 47311~~
17 ~~and 47313, a person may at all times catch any kind of fish in all~~
18 ~~of the waters named in this part, and from the docks, harbors of~~
19 ~~refuge, or breakwaters, with a hook and line except largemouth~~
20 ~~black bass, smallmouth black bass, bluegills, sunfish, brook or~~
21 ~~speckled trout, rainbow and steelhead trout, brown and Loch Leven~~
22 ~~trout, northern pike, pike perch, perch, or muskellunge, which~~
23 ~~shall only be taken or possessed in the manner and at the time~~
24 ~~specified by the laws of this state protecting those fish. A person~~
25 ~~may also spear carp, suckers, mullet, redhorse, sheepshead, lake~~
26 ~~trout, herring, smelt, perch, pike-perch, northern pike,~~
27 ~~muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee~~
28 ~~white fish, catfish, dogfish, and garpike through the ice in the~~
29 ~~connecting waters as defined in this part.~~

1 Sec. 47308. (1) A commercial fisher may apply to the
2 department to modify a license previously issued for the current
3 fishing year to do any of the following:

4 (a) Transfer the license to a different vessel, which may be
5 larger or smaller, or temporarily transfer the license while the
6 licensed vessel is disabled and undergoing repairs.

7 (b) In case of the loss by fire, collision, or otherwise of a
8 vessel for which the license has been issued, transfer the license
9 to any similar vessel to which the commercial fisher may acquire
10 title.

11 (c) If the license is sold, transfer the license to the new
12 owner or owners.

13 (d) Change a port specified on the license.

14 (e) Amend other terms of the license.

15 (2) A commercial fisher seeking a modification under
16 subsection (1) shall submit an application and an application fee
17 of \$25.00 to the department in a form and manner required by the
18 department.

19 (3) A commercial fishing license is transferable only with the
20 approval of the department. The department shall approve a transfer
21 if the department determines that the proposed transferee will
22 comply with the laws applicable to commercial fishing and is
23 capable of engaging in commercial fishing in a proper manner. In
24 making this determination, the department may consider the
25 following:

26 (a) Any violations of this act committed by the proposed
27 transferee during the previous 5 years.

28 (b) Any violations of a law of the United States, another
29 state, or another country, substantially corresponding to a

1 violation of this act, committed by the proposed transferee during
2 the previous 5 years.

3 (c) Other relevant factors.

4 ~~Except as otherwise provided by law, a person may use in the~~
5 ~~waters of Lakes Michigan, Superior, Huron, and Erie, and the bays~~
6 ~~of these lakes, within the jurisdiction of this state, set hook~~
7 ~~lines or spears for the purpose of taking fish; and for the purpose~~
8 ~~of securing bait for use in baiting said hook lines, a person may~~
9 ~~use gill nets as provided in section 47309. However, a person shall~~
10 ~~not market or possess for the purpose of marketing any fish taken~~
11 ~~in bait nets. All unused bait, fresh or old, shall be taken ashore.~~

12 Sec. 47309. (1) A person shall not take or catch fish with
13 commercial gear in any of the following waters:

14 (a) Connecting waters of Lake Superior and Lake Huron and the
15 connecting waters of Lake Huron and Lake Erie. As used in this
16 subdivision:

17 (i) "Connecting waters of Lake Huron and Lake Erie" means all
18 of the St. Clair River and all of Lake St. Clair and that part of
19 the Detroit River extending from Fort Gratiot Light in Lake Huron
20 to a point in the lower Detroit River where the center line of Oak
21 Street, city of Wyandotte, Wayne County, Michigan, extended due
22 east, would intersect the international boundary line.

23 (ii) "Connecting waters of Lake Superior and Lake Huron" means
24 that part of the straits of the St. Marys River in this state
25 extending from a line drawn from Birch Point Range Front Light to
26 the most westerly point of Round Island, then following the shore
27 of Round Island to its most northerly point, then from the most
28 northerly point of Round Island to Point Aux Pins Light, Ontario,
29 to a line drawn east and west from the most southerly point of

1 Little Lime Island.

2 (b) Waters around any stream, river, or outlet of an inland
3 lake emptying into the Great Lakes or bays of the Great Lakes, as
4 follows:

5 (i) Waters within 1/2 mile on either side of the mouth of any
6 stream, river, or outlet capable of supporting navigable vessels
7 drawing 10 feet or more, leaving an open channel of 1 mile in width
8 and extending at right angles from the shoreline 1 mile out from
9 shore and 2 miles in width for the second mile from shore, for the
10 free passage of fish and vessel traffic. For the purpose of this
11 subparagraph, the shore commences at the average low-water mark. If
12 the location of the open channel or the average low-water mark is
13 in dispute, the department shall determine the location of the open
14 channel or low-water mark.

15 (ii) Waters within 1/8 mile on either side of the mouth of all
16 remaining rivers, streams, or outlets not covered in subparagraph
17 (i), leaving an open channel of 1/4 mile in width and extending at
18 right angles from the shoreline 1/2 mile out from shore for the
19 free passage of fish. For the purpose of this subparagraph, the
20 shore commences at the average low-water mark. If the location of
21 the open channel or the average low-water mark is in dispute, the
22 department shall determine the location of the open channel or low-
23 water mark.

24 (c) Waters within a radius of 1/2 mile of any public dock or
25 pier.

26 (d) Waters of Lake Superior within a radius of 1/2 mile from
27 the mouth of the Two Hearted River located in T50N, R9W, Luce
28 County.

29 (e) Waters of Lake Michigan within a radius of 2 miles from

1 Charlevoix South Pierhead Light, located at the mouth of the Pine
2 River in Charlevoix County.

3 (f) Waters of Marquette Bay, beginning with a line from the
4 Presque Isle breakwater on the south southeast period line to the
5 east side of section 8 opposite the mouth of the Chocolay River.

6 (g) Waters of the East Bay and West Bay, Grand Marais Harbor,
7 and in the waters of Lake Superior within 2 miles on either side of
8 the range lights at the entrance to Grand Marais Harbor, extending
9 out to 180 feet of water, all in Alger County, Michigan.

10 (h) Waters of False Presque Isle Bay west of a line commencing
11 at the 1/4 post between sections 13 and 24 in T33N, R8E; then north
12 across the Bay of False Presque Isle to 1/4 post between sections
13 12 and 13, T33N, R8E, in Presque Isle County.

14 (i) Waters of Presque Isle Harbor and that portion of Lake
15 Huron within a line between Presque Isle Light in section 8, T34N,
16 R8E, and South Albany Point in section 22, T34N, R8E, in Presque
17 Isle County.

18 (j) Waters of Thunder Bay west of a line from north point in
19 section 6, T30N, R10E, to south point in section 26, T29N, R9E, in
20 Alpena County.

21 (k) Waters of Whitney Bay or any waters' tributary to that bay
22 in the township of Drummond, Chippewa County.

23 (l) Waters of northern Lake Huron known as Pike Bay and Island
24 Harbor within a line drawn from the most southerly point of section
25 17, T41N, R5E, on Drummond Island to the most westerly point of
26 Espanore Island; then southerly and easterly along the shore to the
27 most southerly point of Espanore Island; then due east to the
28 mainland of Drummond Island.

29 (m) Waters of that part of the Straits of Mackinac, within 1

1 mile from the shoreline, from a point where the section line
2 between sections 22 and 23, T40N, R4W, intersects the Straits of
3 Mackinac, and running from there easterly to where the west line of
4 the city limits of the city of St. Ignace intersects the Straits of
5 Mackinac, and within 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) Waters of Houghton County, commencing at the northerly
9 entrance to Portage Lake Ship Canal and within 1/2 mile in all
10 directions from the canal entrance inside of the breakwaters.

11 (o) Waters of Huron Bay. As used in this subdivision, "waters
12 of Huron Bay" means the area south of an east and west line
13 beginning at the meander corner between sections 14 and 23, T52N,
14 R31W, and running west to the meander corner between sections 15
15 and 22, T52N, R31W, in Baraga County.

16 (p) Waters of Duncan Bay, Lake Huron, lying south of a line
17 drawn west from Cheboygan Point Lighthouse on Lighthouse Point to a
18 point where the easterly boundary line of Beau Grand Township
19 meeting the westerly boundary line of the corporate limits of the
20 city of Cheboygan extended due north would intersect the waters of
21 Lake Huron.

22 (q) Waters of Munising and Murray Bays of Lake Superior. As
23 used in this subdivision, "waters of Munising and Murray Bays of
24 Lake Superior" means those waters of Munising and Murray Bays of
25 Lake Superior lying westerly of a line drawn from Sand Point in
26 section 19, T47N, R18W, to the eastern end of the eighth line
27 dividing lots 1 and 2 in the northeast quarter of section 24, T47N,
28 R19W, and easterly of a line drawn from the southern end of the
29 quarter line between lots 2 and 3 of section 22, T47N, R19W, to the

1 northern end of the quarter line between lots 2 and 3 in section
2 27, T47N, R19W.

3 (r) Lake Superior waters of depth less than 360 feet between
4 the mouth of the Montreal River in section 10, T48N, R49W, Gogebic
5 County, and the mouth of the Fire Steel River in section 1, T52N,
6 R39W, Ontonagon County.

7 (s) Lake Superior waters south of a line from Traverse Point
8 in section 22, T55N, R31W, Houghton County, to the mouth of the
9 Huron River, section 18, T52N, R30W, Marquette County.

10 (t) Lake Superior waters within 4-1/2 miles of the shoreline
11 of Isle Royale and surrounding islands.

12 (u) Lake Superior waters of depths less than 360 feet between
13 Au Sable Point in section 2, T50N, R15W, Alger County, and Crisp
14 Point in section 1, T50N, R8W, Luce County, extending to the
15 international boundary.

16 (v) Lake Michigan waters south and east of a line from Grand
17 Traverse Light Station in section 6, T32N, R10W, Leelanau County,
18 to the village of Good Hart in section 25, T37N, R6W, Emmet County.

19 (w) Lake Huron waters southwest of a line from Hammond Bay
20 Harbor Light in section 25, T37N, R2E, to Forty Mile Point Light
21 Station in section 23, T36N, R4E, Presque Isle County.

22 (x) Lake Huron waters west of a line from Tawas Point in
23 section 34, T22N, R8E, Iosco County, to Point Lookout in section
24 13, T19N, R7E, Arenac County.

25 (y) Lake Huron waters in Saginaw Bay, commonly referred to as
26 Wild Fowl Bay, east of a line extending from Fish Point, Tuscola
27 County, to the westerly point of Heisterman Island, to the westerly
28 point of North Island; thence to the westerly end of Sand Point in
29 Huron County.

1 (z) From June 10 to September 10, waters of Lake Huron less
2 than 18 feet in depth along that portion of the shore lying between
3 the south line of section 12, T26N, R9E, extended east into the
4 waters of Lake Huron near Harrisville, to the south line of section
5 6, T18N, R7E, extended east into the waters of Lake Huron near Au
6 Gres Point.

7 (aa) Beginning on January 1, 2027, the waters of Saginaw Bay.

8 (2) A person shall not take fish with a gill net, pound net,
9 trap net, seine net, setline, set hook, or any other device except
10 a hook and line, or set a net of any description for the taking of
11 perch, within 200 feet of a dock in the waters of Northport Harbor
12 and within a line beginning at the extreme southern end of lot 3,
13 section 36, T32N, R11W of Northpoint Point at the water's edge;
14 thence on a line southerly across Northport Bay to Bellows Island;
15 thence southerly on a line from Bellows Island to most northerly
16 point of lot 3, section 25, T31N, R11W; thence due west to the east
17 shore of lot 1, section 25, T31N, R11W; thence northerly following
18 the bay shore to the place of beginning. A person shall not set a
19 trap or pound net in that part of Northport Harbor north of a line
20 beginning at the extreme southern end of lot 3, section 36, T32N,
21 R11W of Northport Point at the water's edge and extending west to
22 the town line between 31 north and 32 north in the village of
23 Northport.

24 (3) A person shall not place, set, or attempt to take fish
25 with a net or set hook line, in the connecting waters of Lake
26 Superior and Lake Huron, Whaiska Bay, including all waters lying
27 southerly to a line drawn from the most southeasterly point of lot
28 1, section 32, T47N, R2W, and extending easterly to the most
29 westerly point of Round Island.

1 ~~A person shall not possess on any boat licensed under this~~
2 ~~part or use in the waters of Lakes Michigan, Superior, Huron, and~~
3 ~~Eric, and the bays of those lakes, within the jurisdiction of this~~
4 ~~state, any pound or trap net, gill net, seine, or any fixed, set,~~
5 ~~or movable net of any kind or description, the meshes of which are~~
6 ~~different than the following:~~

7 ~~(a) Gill nets with meshes of not less than 4-1/2 inches shall~~
8 ~~be used for the taking of whitefish, lake trout, and yellow~~
9 ~~pickerel. In Lake Eric, the nets shall have meshes not less than 4-~~
10 ~~3/4 inches. The nets shall be set not nearer than 20 rods from the~~
11 ~~shore of the mainland fronting Lake Superior and its bays. The nets~~
12 ~~shall be set not nearer than 20 rods from the shore of the mainland~~
13 ~~fronting Lake Michigan southerly from Seven Mile Point, Emmet~~
14 ~~County, during the months of March, April, and May. There shall be~~
15 ~~no nets, except gill nets, of any kind with mesh larger than 2-3/4~~
16 ~~inches set in the waters of Lake Superior within a radius of 50~~
17 ~~miles of the village of Houghton, Michigan, during the period~~
18 ~~between October 10 and November 4, except by permit from the~~
19 ~~department for the taking of spawn from trout for the fish~~
20 ~~hatcheries.~~

21 ~~(b) Gill nets with meshes of not less than 2-1/2 inches or~~
22 ~~more than 2-3/4 inches may be set in water of any depth, and gill~~
23 ~~nets with meshes of not less than 2-1/2 inches or more than 3~~
24 ~~inches may be set in waters not exceeding 100 feet in depth, for~~
25 ~~the purpose of taking herring, chubs, perch, and pilot fish,~~
26 ~~commonly called menominees, wherever and whenever they will not~~
27 ~~take to exceed 10% by weight of other fish, such percentage to be~~
28 ~~determined by the department, by inspection of the fish taken in~~
29 ~~the nets. All uninjured fish, except herring, chubs, perch, and~~

1 ~~pilot fish, shall be returned to the waters from which they were~~
2 ~~taken with as little injury as possible, by the persons lifting the~~
3 ~~nets; all sound, undersized, and dead fish found in the nets are~~
4 ~~the property of the state, and shall not be sold or disposed of,~~
5 ~~but shall be dressed and brought in and delivered immediately to~~
6 ~~the department at the fishing port of the person taking the fish.~~
7 ~~The sound, undersized, and dead fish shall be then disposed of by~~
8 ~~the department. If more than 10% of fish other than herring, chubs,~~
9 ~~perch, and pilot fish are taken, then all of the other fish shall~~
10 ~~be disposed of by the department. An angler may have in his or her~~
11 ~~possession, not to exceed in quantity the percentage allowed of~~
12 ~~lake trout, whitefish, yellow pickerel, perch, or suckers, of a~~
13 ~~weight or length less than established by this part, which are~~
14 ~~caught in 2-1/2 inch to 2-3/4 inch or 2-1/2 inch to 3 inch mesh~~
15 ~~gill nets, as provided for in this subsection, but the same may be~~
16 ~~shipped and disposed of only under the direction of the department.~~
17 ~~All undersized fish taken over under this section shall be disposed~~
18 ~~of by the department to state, county, or charitable institutions.~~
19 ~~Parties handling the fish shall be paid not more than 3 cents per~~
20 ~~pound for boxing, packing, and icing the fish. The department shall~~
21 ~~remove or cause to be removed any of the nets if, from the~~
22 ~~inspection provided in this section, the department determines that~~
23 ~~the nets are taking more fish of species other than herring, chubs,~~
24 ~~perch, and pilot fish than allowed by this section.~~

25 ~~(c) Gill nets with meshes of not less than 2-1/4 inches or~~
26 ~~more than 2-3/4 inches may be used to take blue back herring in the~~
27 ~~waters of Lake Superior and Whitefish Bay, and those waters of the~~
28 ~~Straits of Mackinac bounded on the Lake Huron end by a line drawn~~
29 ~~from the southernmost tip of St. Martin Point, Mackinac County, to~~

1 ~~the westernmost tip of Lime Kiln Point on Bois Blanc Island, thence~~
2 ~~in a southerly direction to the northernmost tip of Point Au Sable~~
3 ~~in T 38 N, R 2 W, Cheboygan County, and bounded on the Lake~~
4 ~~Michigan end by a line drawn from the southernmost tip of Seul~~
5 ~~Choix Point in Schoolcraft County in an easterly direction to the~~
6 ~~Lansing Shoal Lighthouse, thence to the White Shoal Lighthouse,~~
7 ~~thence in a southeasterly direction to the westernmost tip of~~
8 ~~Waugoshance Point in Emmet County, and Green Bay of Lake Michigan,~~
9 ~~as defined in section 47311, wherever they will not interfere with~~
10 ~~or take whitefish or lake trout or any other fish protected under~~
11 ~~the laws of this state.~~

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

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

19 ~~(f) Pound 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~~
21 ~~having meshes not less than 5 inches in the lead, shall be used for~~
22 ~~taking whitefish and lake trout. In the pound nets, meshes not more~~
23 ~~than 3-1/2 inches may be used in 1 side of the pot or in the back,~~
24 ~~being that part of the pot opposite the tunnel entrance. In fishing~~
25 ~~with the pound nets, or any other pound nets permitted by this~~
26 ~~part, the crib or pot and hearts and lead shall extend to or above~~
27 ~~the surface of the water; the crib or pot and hearts shall be~~
28 ~~entirely open at the top, the sides or walls of the pot or crib and~~
29 ~~of the hearts shall be held vertically as near as possible and~~

1 ~~shall have 5 or more stakes driven into the earth at the bottom of~~
2 ~~the lake to hold the net in place. A pound net permitted under this~~
3 ~~part or any part of the webbing of the net shall not be set in~~
4 ~~water of a depth greater than 80 feet. Pound nets fished through~~
5 ~~the ice may be held in place by fastening them to the ice without~~
6 ~~the use of stakes.~~

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

27 ~~(h) Trap nets having meshes not less than 4-1/2 inches in the~~
28 ~~lifting pot, crib, or pocket and in the heart and tunnel and having~~
29 ~~meshes not less than 5 inches in the lead shall be used for taking~~

1 ~~whitefish and lake trout. In such trap nets, meshes not more than~~
2 ~~3-1/2 inches may be used in the tunnel inside the pot, in either~~
3 ~~the front, back, or 1 side of the pot for a distance not exceeding~~
4 ~~5 feet from the bottom of the net and in that portion of the bottom~~
5 ~~of the net connected thereto for a distance not exceeding 5 feet,~~
6 ~~and in the connecting ends for a depth and width not exceeding 5~~
7 ~~feet, for the purpose of shoaling fish. These trap nets shall not~~
8 ~~be used in any of the waters under the jurisdiction of this state~~
9 ~~except in Lakes Huron and Erie and then only in such a manner that~~
10 ~~no trap net or any part of the webbing of the net is set in water~~
11 ~~of a depth greater than 150 feet. Trap nets having meshes as~~
12 ~~described in this subsection and with no part of the lifting pot or~~
13 ~~crib over 15 feet in depth may be used to take whitefish and lake~~
14 ~~trout in Lakes Superior and Michigan in water of a depth not~~
15 ~~greater than 150 feet.~~

16 ~~(i) Trap nets having meshes not exceeding 3-1/2 inches in the~~
17 ~~lifting pot or crib and in the tunnel inside the pot or crib and~~
18 ~~having meshes not less than 3-1/2 inches in that part of the tunnel~~
19 ~~outside of the pot or crib and in the heart and lead may be used~~
20 ~~for taking all legal fish except whitefish and lake trout. The~~
21 ~~depth of no part of the lifting pot or crib shall be greater than~~
22 ~~15 feet. No such trap nets and no part of the webbing of the net~~
23 ~~shall be set in water of a depth greater than 50 feet in Lakes~~
24 ~~Michigan and Superior, or in water of a depth greater than 150 feet~~
25 ~~in Lakes Huron and Erie. The department may issue permits to allow~~
26 ~~the use of trap nets having meshes less than 3-1/2 inches in that~~
27 ~~part of the tunnel outside the pot or crib and in the heart and~~
28 ~~lead for the taking of smelt and alewife for commercial purposes,~~
29 ~~under rules and regulations as the department may prescribe, which~~

1 ~~may include the waters in which such nets may be fished and the~~
2 ~~period of time during which they may be used. Trap nets having a~~
3 ~~lifting pot or crib not exceeding 4 feet in depth may have webbing~~
4 ~~less than 3-1/2 inches in the 2 sides of inner heart.~~

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

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

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

1 ~~measurements shall be taken between and inside the knots. All~~
2 ~~measurements of the mesh in gill nets or gill netting shall be made~~
3 ~~with a flexible steel gauge constructed and used as prescribed in~~
4 ~~this section. All measurements of the mesh of gill nets or gill~~
5 ~~netting shall be made by inserting in the mesh parallel with the~~
6 ~~selvage a gauge made of spring steel free from rust, of a length~~
7 ~~equal to the number of inches prescribed in this section for the~~
8 ~~mesh measured. The ends of the gauge shall be free of sharp edges~~
9 ~~or burrs. The gauge shall not be graduated, and any necessary~~
10 ~~markings shall be placed near the ends of the gauge. The length of~~
11 ~~the gauge measured parallel with the long edge shall not at any~~
12 ~~point exceed or be less than the prescribed length by more than~~
13 ~~2/1000 of an inch. Its width at any point shall not exceed 9/16 of~~
14 ~~an inch or be less than 7/16 of an inch. Its thickness shall be~~
15 ~~such that when it is set vertically on a solid anvil with its upper~~
16 ~~end loaded with a dead weight between 7-1/2 and 8-1/2 ounces, the~~
17 ~~gauge shall deflect at its middle 1/10 of its length. The meshes to~~
18 ~~be gauged shall be at least 3 meshes removed from the selvage or~~
19 ~~side lines and shall not be stretched or manipulated in any way~~
20 ~~prior to or after the insertion of the gauge, and the same mesh~~
21 ~~shall not be gauged more than once. In gauging a mesh, the flexible~~
22 ~~gauge shall be held only by the ends and bent between thumb and~~
23 ~~forefinger, the bent rule shall then be inserted in the mesh~~
24 ~~parallel with the selvage and with the collapsed mesh, and finger~~
25 ~~pressure shall be released immediately, not gradually. If the gauge~~
26 ~~does not straighten out completely under its own tension within 2~~
27 ~~seconds after its release in the mesh without slipping a knot or~~
28 ~~breaking the twine, the mesh is unlawful, and if the majority of 10~~
29 ~~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.~~

24 ~~(m) Gill nets having meshes not less than 8 inches may be used~~
25 ~~for taking carp in Wildfowl Bay in Huron County.~~

26 **Sec. 47310. (1) Except as otherwise prohibited by law, a**
27 **person may use a set hook line to take fish in waters subject to**
28 **this part if specifically authorized to do so by a commercial**
29 **fishing license.**

1 (2) The director may, in a commercial fishing license,
2 authorize and regulate the use of trawls, including, but not
3 limited to, the kind and size of the trawls, the size of mesh in
4 the trawls, and the areas, depths of water, and time and manner in
5 which the trawls may be used. The director may regulate the use of
6 trawls for taking designated commercial fish species.

7 (3) A person shall not possess or use on board a commercial
8 vessel, or in the waters subject to this part or on the ice of
9 those waters, a pound net, trap net, gill net, seine net, or fixed,
10 set, or movable net, except as follows:

11 (a) Gill nets with meshes from 2-3/8 inches to 3 inches,
12 inclusive, may be set in depths to be determined by the director
13 for taking bloater chub, round whitefish, or other commercial
14 species designated by the director. These nets may be used if their
15 incidental take of game fish does not exceed 10% by weight of the
16 total fish harvested as determined by the department by inspection
17 of the fish taken in the nets. The department shall remove or cause
18 to be removed a net whose use, as determined by the department,
19 violates this subdivision.

20 (b) Gill nets with meshes greater than or equal to 8 inches
21 may be used in the waters of Saginaw Bay for taking carp or other
22 commercial species designated by the director.

23 (c) Pound nets with meshes greater than or equal to 4-1/2
24 inches in the lifting pot or cribs and in the heart and tunnel,
25 with meshes greater than or equal to 5 inches in the lead, and with
26 meshes less than 3-1/2 inches in 1 side of the pot or in the back,
27 which is that part of the pot opposite the tunnel entrance, may be
28 used for taking commercial fish. Pound nets with meshes less than
29 3-1/2 inches in the lifting pot or cribs, heart, tunnel, and lead

1 may be used for the targeting and taking of smelt. In addition, all
2 of the following apply to fishing with pound nets:

3 (i) The crib or pot and hearts and lead must extend to or above
4 the surface of the water.

5 (ii) The crib or pot and hearts must be entirely open at the
6 top.

7 (iii) The sides or walls of the pot or crib and of the hearts
8 must be held vertically as near as possible and have 5 or more
9 stakes driven into the bottom of the lake to hold the net in place.
10 However, pound nets fished through the ice may be held in place by
11 fastening them to the ice without the use of stakes.

12 (iv) A person shall not set a pound net or any part of the
13 webbing in water of a depth greater than 80 feet.

14 (d) Trap nets and fyke nets, with meshes greater than or equal
15 to 4-1/2 inches in the lifting pot or crib and in the heart and
16 tunnel and with meshes greater than or equal to 5 inches in the
17 lead may be used for taking whitefish. To shoal fish in trap nets
18 and fyke nets, with meshes greater than or equal to 4-1/2 inches in
19 the lifting pot, meshes less than or equal to 3-1/2 inches may be
20 used in that part of the tunnel inside the pot, in the entire front
21 of the pot, and in the front portion of the pot including the
22 connecting side, top, and bottom walls for a distance up to 16
23 feet, but not to exceed 1/3 of the length of the pot from front to
24 back.

25 (e) Beach seine nets having wings with meshes of not less than
26 4 inches, and a pocket or bag with meshes of not less than 2-1/4
27 inches may be used to take carp, suckers, and other commercial
28 species designated by the director. The pocket or bag must be not
29 more than 1/4 the length of the beach seine net. Beach seine nets

1 in use or set along the shores of the Great Lakes, when the owner
2 or user is not present, must have a metal tag securely attached to
3 the beach seine net bearing the commercial fishing license number
4 of the owner or user of the beach seine net.

5 (f) Purse seine nets constructed of 3-1/2 inch mesh with a 3-
6 inch bunt section or of meshes as otherwise authorized by the
7 director may be used to take whitefish and other commercial species
8 designated by the director.

9 (4) The size of the mesh of nets or netting used in commercial
10 fishing must be determined by extension measure. The measurement
11 must be made of meshes irrespective of where the net or netting is
12 found, whether in the water, on a vessel, on a reel, on a dock, or
13 in any other place on land. The net must be wet or wetted before
14 the measuring of the mesh. The mesh size of gill net must be
15 measured with a certified ruler by lining up consecutive knots
16 perpendicular to the float line and measuring on the diamond,
17 inside knot to knot. All other nets must be measured by a wedge-
18 shaped gauge having a taper of 2 centimeters in 8 centimeters and a
19 thickness of 2.3 millimeters, inserted into the meshes under a
20 pressure or pull of 5 kilograms. Stretch mesh must be measured by
21 placing the wedge gauge along the diagonal line that connects the
22 largest opening between opposite corners of the square. If a
23 majority of 10 or more meshes selected at random by a peace officer
24 from any part or parts of a commercial net being measured are
25 unlawful, the net, if found in use or upon any licensed commercial
26 fishing vessel, is illegal. The peace officer shall seize the
27 illegal net.

28 (5) The director may approve the use of commercial gear types
29 in addition to those specifically described in this part and

1 regulate their use by specific license condition, including, but
2 not limited to, all of the following:

3 (a) The kind and size of the gear.

4 (b) The size of mesh in net gear.

5 (c) The areas, time, and manner in which the gear may be used.

6 (d) The commercial fish species that the gear may harvest.

7 (6) The gear described in this section or approved under
8 subsection (5) must be specifically authorized by license condition
9 for legal use by a specific commercial fisher. A commercial fisher
10 shall conduct its commercial fishing operation and possess or use
11 on board any commercial vessel or in the waters subject to this
12 part or on the ice of those waters only the type and amount of gear
13 specified in its license.

14 (7) The director may evaluate and specify the depth at which
15 the commercial gear listed in this section or approved under
16 subsection (5) may be fished.

17 (8) A commercial fisher, a member of the crew, or any other
18 person shall not possess sport angling equipment when aboard a
19 licensed commercial fishing vessel.

20 (9) A commercial fisher, a member of the crew, or any other
21 person shall not possess a game fish when aboard a licensed
22 commercial fishing vessel unless 1 of the following applies:

23 (a) The person has been issued a permit to possess the game
24 fish under section 47304.

25 (b) The person is a department employee carrying out that
26 employee's official duties.

27 ~~(1) Except as provided in subsections (2) and (3), within the~~
28 ~~jurisdiction of this state the holder of a license or permit issued~~
29 ~~under this part shall not take, catch, or attempt to take or catch~~

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

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

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

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

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

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

25 **Sec. 47311. A person shall not set or use a net or set hook**
26 **line in any waters of this state without marking its location as**
27 **provided under the uniform waterway marking system, R 281.1101 to R**
28 **281.1114 of the Michigan Administrative Code. A person who sets or**
29 **uses a net or set hook line under ice shall mark the location by a**

1 stake extending not less than 4 feet above the ice at each end of
2 the net or set hook line and shall attach the license number, in
3 legible figures, to each stake or to the ends of the net or set
4 hook line. A person who sets or uses a net or set hook line in any
5 waters of this state shall provide GPS coordinates of that gear to
6 the department, and the department shall post and maintain these
7 coordinates on its public website. This information must be updated
8 every time the gear is lifted or moved.

9 ~~(1) A person shall not take from any of the waters listed in~~
10 ~~section 47301 any of the following:~~

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

13 ~~(b) Whitefish, in Lake Huron, Lake Michigan, and Lake Superior~~
14 ~~from November 1 to November 30.~~

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

21 ~~(d) Perch, from April 15 to May 20. In the waters of Lake~~
22 ~~Michigan only, a person may take perch from April 25 to June 1. In~~
23 ~~Saginaw Bay, perch of legal size may be taken at any time. A person~~
24 ~~may take perch with hook and line at any time.~~

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

27 ~~(f) Suckers, from April 15 to May 20. In Saginaw Bay, suckers~~
28 ~~may be taken at any time. A person may take suckers with hook and~~
29 ~~line at any time.~~

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

4 ~~(2) In the waters of Green Bay of Lake Michigan within the~~
5 ~~jurisdiction of this state, which for the purpose of this part are~~
6 ~~those waters lying inside a line drawn from the most southerly part~~
7 ~~of Point Detour to the most easterly points of Sumner and Poverty~~
8 ~~Islands, thence due south to the Michigan Wisconsin boundary line,~~
9 ~~thence along the boundary line to the shore, a person shall not~~
10 ~~from April 15 to May 20 set, place, or use any gill net having~~
11 ~~meshes less than 4-1/2 inches. The department may issue permits~~
12 ~~under such rules and regulations as prescribed by the department to~~
13 ~~allow the use of gill nets having meshes not less than 2-1/4 inches~~
14 ~~or more than 2-3/4 inches for taking herring from the waters of~~
15 ~~Green Bay from April 15 to May 20, if the nets will not interfere~~
16 ~~with or take any other species of fish. The closed seasons~~
17 ~~established by this section do not apply to Lake Erie and the lower~~
18 ~~Detroit River, where nets shall not be set and fish of any kind~~
19 ~~shall not be taken with nets from January 1 to March 10. A person~~
20 ~~may take carp with seines at any time from these waters.~~

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

23 ~~(4) All live fish on which the season is closed shall be~~
24 ~~liberated and returned to the water with as little injury as~~
25 ~~possible, and any sound, dead fish, on which the season is closed,~~
26 ~~shall be dressed, brought ashore, and delivered immediately to the~~
27 ~~department at the department's fishing port, which fish shall be~~
28 ~~disposed of in the same manner as provided for the disposition of~~
29 ~~undersized fish in section 47309.~~

1 ~~(5) A person shall not set nets or hooks for the taking of~~
2 ~~lake trout or whitefish before the first day of the open season for~~
3 ~~taking the fish, and the license of any person shall be immediately~~
4 ~~revoked upon conviction of unlawfully setting nets before the first~~
5 ~~day of the open season as provided in this part, and revocation~~
6 ~~shall prohibit the use of boat and gear by that person during the~~
7 ~~balance of the year for which a license was issued. A person~~
8 ~~engaged in the taking of fish for commercial purposes from May 15~~
9 ~~to September 15 under this part shall carry sufficient ice and~~
10 ~~properly chill the fish at the time and place of their removal from~~
11 ~~the waters.~~

12 Sec. 47312. (1) **If a commercial fisher cannot tend or lift**
13 **gear within the period, if any, specified in the license, the**
14 **commercial fisher shall notify the department of the location of**
15 **the gear and an estimated date by which the gear will be tended or**
16 **lifted.**

17 (2) **A commercial fisher shall not have any of the following**
18 **gear in the Great Lakes:**

19 (a) **Abandoned gear.**

20 (b) **Unattended gear.**

21 (c) **Unreported lost gear.**

22 (d) **Gear that was lost, if the commercial fisher has not**
23 **removed or tended the gear within 7 days after locating the gear or**
24 **being notified by the department of its location.**

25 (e) **Unreported vandalized gear.**

26 (f) **Vandalized gear, if the commercial fisher has not removed**
27 **or repaired the gear within 7 days after locating the gear or being**
28 **notified by the department of its location.**

29 (3) **A peace officer may seize gear described in subsection**

1 (2). Any gear seized under this subsection is forfeited.

2 (4) If a commercial fisher is convicted under section 47326 of
3 violating subsection (2), both of the following apply:

4 (a) The department shall reduce the amount of gear that the
5 commercial fisher is allowed to use by the amount of gear that was
6 the subject of the violation.

7 (b) The commercial fisher shall reimburse this state for both
8 of the following:

9 (i) The value of the dead fish found in the gear as determined
10 under section 47327.

11 (ii) The cost incurred by the department for seizure of the
12 gear as determined by the court.

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

25 Sec. 47313. (1) The following fish species are authorized for
26 commercial take and may be taken from waters subject to this part
27 open to commercial fishing:

28 (a) Lake whitefish (*Coregonus clupeaformis*).

29 (b) Round whitefish (*Prosopium cylindraceum*).

1 (c) Bloater chubs (*Coregonus hoyi*).

2 (d) Rainbow smelt (*Osmerus mordax*).

3 (e) Species of the family Catostomidae, including quillback
4 (*Carpiodes cyprinus*), white sucker (*Catostomus commersonii*),
5 longnose sucker (*Catostomus catostomus*), northern hogsucker
6 (*Hypentelium nigricans*), silver redhorse (*Moxostoma anisurum*),
7 black redhorse (*Moxostoma duquesnei*), golden redhorse (*Moxostoma*
8 *erythrurum*), shorthead redhorse (*Moxostoma macrolepidotum*), greater
9 redhorse (*Moxostoma valenciennesi*), bigmouth buffalo (*Ictiobus*
10 *cyprinellus*), and black buffalo (*Ictiobus niger*).

11 (f) Freshwater drum (*Aplodinotus grunniens*).

12 (g) Burbot (*Lota lota*).

13 (h) Gizzard shad (*Dorosoma cepedianum*).

14 (i) Common carp (*Cyprinus carpio*).

15 (j) Catfishes of the family Ictaluridae, including black
16 bullhead (*Ameiurus melas*), yellow bullhead (*Ameiurus natalis*),
17 brown bullhead (*Ameiurus nebulosus*), channel catfish (*Ictalurus*
18 *punctatus*), and flathead catfish (*Pylodictis olivaris*).

19 (k) White perch (*Morone americana*).

20 (l) White bass (*Morone chrysops*).

21 (m) Rock bass (*Ambloplites rupestris*).

22 (2) The director may designate additional species, other than
23 game fish, for commercial take.

24 (3) The director may establish a bycatch allowance for
25 species, other than game fish, that are not commercial fish species
26 or whose harvest is otherwise prohibited by part 473. A person that
27 exceeds the bycatch allowance is subject to the following:

28 (a) If the amount of the exceedance is 5 pounds or less of
29 fish in the round, the person is responsible for a state civil

1 infraction and may be ordered to pay a civil fine of \$100.00 for
2 the first violation and \$200.00 for a second violation in a license
3 year. In addition, the department or a peace officer at the
4 direction of the department may seize the entire bycatch for that
5 species for the day on which the violation occurred.

6 (b) If the amount of the exceedance is more than 5 pounds of
7 fish in the round or the exceedance is the third or subsequent
8 exceedance in the license year, the person is guilty of a
9 misdemeanor punishable as provided in section 47326. The department
10 or a peace officer at the direction of the department may seize the
11 entire bycatch for that species for the day on which the violation
12 occurred. In addition, the person's commercial fishing license
13 shall be suspended for 30 days within 1 year after conviction. The
14 30-day period must begin on or after April 15 and end on or before
15 October 31.

16 (4) The director may establish closed seasons for any
17 commercial fish species. Seasons open and close at 12 noon on the
18 dates established by the director. A person shall not set any
19 commercial gear for the taking of fish before 12 noon on the date
20 the season opens for taking the fish. A commercial fisher shall
21 land harvested fish at a port by 2 p.m. on the date the season
22 closes.

23 (5) Subject to section 47314(2), a commercial fisher that
24 takes an illegal fish shall do 1 of the following, as applicable:

25 (a) If the fish is live, return the fish to the water at once
26 with as little injury as possible.

27 (b) If the fish is dead, return the fish to the water at once
28 or dispose of the fish in compliance with any instructions provided
29 by the director.

1 (6) The department or a peace officer at the direction of the
2 department may seize the entire catch of a commercial fisher if the
3 catch contains any illegal fish.

4 (7) A person shall not sell, offer for sale, or possess fish
5 taken under a commercial fishing license unless the fish is a
6 commercial fish species or is a bycatch allowance established
7 pursuant to subsection (3). If the possession of fish is prohibited
8 under this subsection, the person in possession of the fish shall
9 comply with subsection (5) (a) or (b) as applicable.

10 (8) During the period beginning January 1, 2025 and ending
11 December 31, 2030 and at least once every 10 years after the end of
12 that period, the department shall conduct a bycatch study on at
13 least 3 separate active commercial Great Lakes fisheries. The
14 department shall use information from the study to manage harvest
15 quotas, gear, grounds, and other license conditions as needed.

16 ~~All persons engaged in fishing for whitefish, trout, yellow
17 pickerel, or perch in the waters named in this part shall from the
18 beginning of the spawning season for these fish, such time to be
19 determined by test under the direction of the department, until the
20 beginning of the closed season provided by section 47311 and before
21 and after the closed season, strip all ripe fish, both male and
22 female, save all of the spawn, properly impregnate it, and deliver
23 it to the department at its fishing port, and all such persons
24 shall have a sufficient number of people on each boat and all the
25 equipment needed properly to save, handle, impregnate, and deliver
26 such spawn. The saving, handling, impregnating, and delivering of
27 spawn shall be done under the direction of the department and in
28 accordance with such regulations and under such supervision as
29 prescribed by the department. However, the department shall not~~

1 ~~discriminate against any person engaged in fishing during the~~
2 ~~closed or open season, having on each boat a sufficient number of~~
3 ~~people and all the equipment needed properly to save, handle,~~
4 ~~impregnate, and deliver such spawn at any port or fishing ground~~
5 ~~when it has been determined that fish are ripe for spawning. This~~
6 ~~determination shall be made by setting test nets on each fishing~~
7 ~~ground where spawn will be taken. A person engaged in commercial~~
8 ~~fishing that fails to properly save, handle, impregnate, and~~
9 ~~deliver such spawn during any period when spawn are ripe is guilty~~
10 ~~of a violation of this part. A person shall not take from the~~
11 ~~waters of the Great Lakes any lake or Mackinaw trout during the~~
12 ~~closed season established by this part for those fish, except by~~
13 ~~the use of gill nets, trap nets, and pound nets after tests have~~
14 ~~been made and the percentage of ripe fish secured as provided for~~
15 ~~in section 47312.~~

16 Sec. 47314. (1) **The director may establish minimum fish length**
17 **and fish weight requirements for all commercial fish species taken**
18 **under a commercial fishing license. Subject to subsection (2), a**
19 **person shall not take, possess, transport, sell, or offer for sale**
20 **any fish species of a size or weight prohibited by the director.**

21 (2) **The director may establish an allowable possession limit**
22 **for undersized commercial fish species taken under a commercial**
23 **fishing license. Any undersized commercial fish species allowed to**
24 **be possessed under this subsection shall not be sold or offered for**
25 **sale. Such fish, when found during sorting or processing after**
26 **landing, shall be removed from the commercial catch and either set**
27 **aside for personal use or disposed of in compliance with written**
28 **instructions provided by the director. A person that retains more**
29 **than twice the amount of the allowable possession limit for an**

1 undersized commercial fish species under this subsection is guilty
2 of a misdemeanor punishable as provided in section 47326. A person
3 that retains more than the allowable possession limit for an
4 undersized commercial fish species but less than twice the
5 allowable possession limit is responsible for a state civil
6 infraction and shall be ordered to pay a civil fine as follows:

7 (a) For a first violation of the license year, \$200.00.

8 (b) For a second violation of the license year, \$300.00.

9 (c) For a third or subsequent violation during the license
10 year, \$400.00.

11 (3) A commercial fisher shall not possess on a vessel, or on
12 any other conveyance used to reach gear from shore, a meat grinder
13 or similar device by the use of which the identification of the
14 species of fish or the measurement of the individual fish is
15 impossible. A commercial fisher shall not possess on a vessel or
16 the ice, and shall not bring ashore, a fish that is so mutilated
17 that identification and measurement are impossible.

18 (4) Measurements of minimum fish length or fish weight
19 established by the director apply without any allowance for the
20 shrinkage of the fish under any conditions.

21 ~~The department shall deliver to designated representatives of~~
22 ~~the United States bureau of fisheries and to the state fish~~
23 ~~hatcheries as much of this spawn as may be desired by the bureau~~
24 ~~and state hatcheries for propagation and planting in the waters of~~
25 ~~the lakes within the jurisdiction of this state, and the remainder~~
26 ~~of the spawn shall be properly impregnated and planted upon the~~
27 ~~spawning beds from which it was taken. The persons so fishing shall~~
28 ~~plant upon the spawning beds the fry hatched from such proportion~~
29 ~~of the spawn as may have been taken from the fish caught by the~~

~~1 persons when directed to do so by the department. A person refusing
2 or failing to comply with this section is guilty of a violation of
3 this part.~~

4 Sec. 47315. (1) **A commercial fisher shall not have on board a
5 commercial vessel fish roe that weighs more than 15% of the
6 combined weight of all of the on-board dressed fish and dressed
7 headed fish of the species from which the roe was taken.**

8 (2) **A commercial fisher shall not have on board a commercial
9 vessel fish viscera that weigh more than 20% of the combined weight
10 of all of the on-board dressed carcasses of fish of the species
11 from which the viscera were taken.**

~~12 The department, or a designee of the department acting in
13 compliance with a permit issued by the department, may take fish in
14 any manner, in any of the waters mentioned in this part, at any and
15 all seasons of the year, for the purpose of fish culture or
16 scientific investigation; may have and hold ripe and unripe fish in
17 order to take spawn from the fish; may sell all of those ripe and
18 unripe fish; and may devote the proceeds of the sales exclusively
19 toward defraying the expenses incurred in taking the fish and
20 fertilizing and planting the spawn from the fish.~~

21 Sec. 47316. **A commercial fisher that takes fish in waters
22 subject to this part shall, before shipping the fish, bring them to
23 a place in this state where they may be inspected by a peace
24 officer or other person designated by the director.**

~~25 A person shall not ship or transport within this state any
26 fish in packages or containers without plainly and correctly
27 marking each package or container with the name of the consignor
28 and the kinds of fish contained in the package. A railroad company,
29 boat line, express company, motor truck company, aerial freight or~~

~~1 express company, or other transportation company or common carrier,
2 or any agent of any such company, or the owner of any boat,
3 airplane, car, truck or other vehicle operated privately or as a
4 common carrier, or the agent or representative of such owners,
5 shall not accept for shipment or transport any package or container
6 of fish unless it is properly marked as prescribed in this section.
7 The presence in any package or container of 10% by weight of any
8 fish that is illegal to ship shall make the entire contents of the
9 package or container subject to seizure as an illegal shipment.~~

10 Sec. 47317. (1) A commercial fisher shall keep a commercial
11 catch record of each day's catch that includes all of the
12 following:

- 13 (a) The number of pounds of each species of fish taken,
14 possessed, released, or returned.
- 15 (b) The locality fished.
- 16 (c) The kind and amount of fishing gear employed.
- 17 (d) The length of time each unit of gear was fished between
18 lifts.
- 19 (e) The species and amount of roe taken.
- 20 (f) The buyer of the fish.
- 21 (g) The estimated average price received for the fish.
- 22 (h) Any other reasonable and pertinent data the director may
23 require in following the biologic and economic trends of a fishery.
- 24 (2) The records of individual prices received for fish are
25 exempt from disclosure under the freedom of information act, 1976
26 PA 442, MCL 15.231 to 15.246, and must not be disclosed by the
27 department.
- 28 (3) A commercial fisher shall complete an annual inventory
29 record of all freshwater fish and roe in possession or under

1 ownership or control of the commercial fisher, including those fish
2 and roe in cold storage facilities, as of a date specified by the
3 department.

4 (4) A commercial fisher shall electronically submit to the
5 department the commercial catch records and annual inventory record
6 under subsections (1) and (3). The department shall determine the
7 manner, frequency, and information contained in a catch activity
8 report.

9 (5) A commercial fisher who fails to timely submit a complete
10 record required under this section is responsible for a state civil
11 infraction and shall be ordered to pay a civil fine as follows:

12 (a) For the first violation during a license year, \$100.00.

13 (b) For a second or subsequent violation during a license
14 year, \$200.00.

15 (6) If a commercial fisher fails to submit 2 or more records
16 required under this section and has been cited by the department
17 for each violation, the department may suspend the person's
18 commercial fishing license until the delinquent records are
19 submitted to the department. The department shall send notification
20 of the suspension to the commercial fisher.

21 (7) The department shall deny a new license or a renewal of a
22 license to a person that fails to submit a report required under
23 this section, until the report is submitted.

24 (8) A person shall not falsify any information in a record
25 required under this section.

26 ~~The possession of any package or shipment of illegal fish~~
27 ~~offered to any common carrier as described in section 47316 shall~~
28 ~~be construed to be and shall remain in the consignor until~~
29 ~~delivered to the consignee. However, if any common carrier as~~

1 ~~described in section 47316 is not able or refuses or neglects to~~
2 ~~show from whom the consignment of any shipment of fish was~~
3 ~~received, the shipment shall be considered to be in possession of~~
4 ~~the common carrier having the shipment in transit, and they may be~~
5 ~~proceeded against the same as the original owner.~~

6 Sec. 47318. (1) A peace officer may at any time when the
7 business of commercial fishing is being conducted on the premises
8 do any of the following:

9 (a) Enter any of the following:

10 (i) A building or structure where fish are stored, processed,
11 packed, or held by a commercial fisher.

12 (ii) A building or structure where a commercial fisher's
13 records are kept.

14 (iii) A building or structure where vehicles, vessels,
15 equipment, or gear used in a commercial fisher's business are
16 located.

17 (iv) A building or structure where activities related to a
18 commercial fisher's business are conducted.

19 (v) A vehicle, vessel, or live fish car used to harvest,
20 transport, or hold fish.

21 (b) Inspect fish stored or in the possession of a commercial
22 fisher, inspect or copy records or reports of a commercial fisher,
23 and inspect buildings, structures, vehicles, vessels, fishing gear,
24 and other materials and equipment related to the harvest,
25 possession, and sale of fish taken under a commercial fishing
26 license or with commercial fishing gear.

27 (2) A commercial fisher shall not prohibit entry or prohibit
28 an inspection to be conducted as authorized under this section, or
29 refuse to produce records as required under this section, unless a

1 court restrains or enjoins the entry, inspection, or production.

2 (3) If a person is convicted of violating subsection (2), the
3 court shall order the person's commercial fishing license or
4 licenses be suspended for 1 year beginning within 30 days after
5 conviction.

6 ~~Any package or car of fish in transit opened by the~~
7 ~~department, if found to be a lawful shipment under this part, shall~~
8 ~~be repacked in as good a condition as possible. A package or car of~~
9 ~~fish legally shipped shall not be detained in transit by or for~~
10 ~~inspection.~~

11 Sec. 47319. (1) Except as otherwise provided in subsection
12 (2), a person shall not ship, accept for shipment, transport, or
13 cause to be transported a container, package, or box containing
14 fish or fish product unless the container, package, or box is
15 plainly marked with the name of the consignor, the name of the
16 consignee, and the species and amount by weight of fish in the
17 container, package, or box.

18 (2) The name of the consignor and consignee is not required
19 under subsection (1) for the following:

20 (a) Multiple containers, packages, or boxes containing fish or
21 fish product being shipped to 1 destination within this state if
22 the containers, packages, or boxes are prepared as follows:

23 (i) All individual containers, packages, or boxes are packaged
24 or bound together in a manner so that they will stay together as 1
25 unit in shipment.

26 (ii) Each unit is described in subparagraph (i) is individually
27 labeled as to the type and pounds of fish, fish product, or roe.
28 This label must comply with all of the following:

29 (A) Be visible on all 4 sides of the unit.

1 (B) Identify the consignor and consignee of the shipment.

2 (C) State the number of boxes or packages in the bound unit,
3 the species of fish contained, and the total weight of the fish or
4 fish product or container.

5 (b) Shipments to individual destinations consigned by a single
6 wholesale fish dealer and transported in a vehicle registered to
7 that wholesale fish dealer for same-day delivery within this state
8 and within 100 miles of the wholesale fish dealer's business, if
9 each container, package, or box is marked with the name of the
10 consignee.

11 (3) In addition to the applicable requirements of subsections
12 (1) and (2), an accurate bill of lading or an invoice containing
13 the name and address of the seller and buyer of the fish, the point
14 of origin of the fish, and the number of containers, packages, or
15 boxes must accompany a shipment of fish. The bill of lading or
16 invoice must be available to any peace officer for inspection and
17 comparison to the cargo being shipped.

18 (4) Subsections (1), (2), and (3) do not apply to a commercial
19 fisher that is transporting fish directly from a port specified on
20 its license to its fish house or to a processor. A commercial
21 fisher shall complete a bill of lading or an invoice indicating the
22 number of containers, packages, or boxes being so transported for
23 each species of fish. The bill of lading or invoice must accompany
24 the fish and be made available to a peace officer for inspection
25 and comparison to the cargo being transported.

26 (5) Subsections (1), (2), and (3) do not apply to a wholesale
27 fish dealer that is transporting fresh fish directly from the port
28 within this state of a commercial fisher or commercial, tribal-
29 licensed fisher to that wholesale fish dealer's facility. A

1 wholesale fish dealer shall complete a bill of lading or an invoice
2 indicating the number of containers, packages, or boxes being
3 transported for each species of fish. The bill of lading or invoice
4 must accompany the fish and be made available to a peace officer
5 for inspection and comparison to the cargo being transported.

6 (6) The entire contents of a container, package, or box that
7 contains any illegal fish is subject to seizure.

8 (7) A package or shipment of illegal fish offered to a common
9 carrier is considered to be in the possession of the consignor
10 until delivered to the consignee. However, if a common carrier
11 fails to show from whom the consignment of any shipment of fish was
12 received, the shipment is considered to be in the possession of the
13 common carrier having the shipment in transit, and that common
14 carrier is subject to the same penalties and other sanctions as the
15 cosignor.

16 ~~(1) A person shall not market, possess, transport, or offer~~
17 ~~for sale at any time in this state, whether caught within or~~
18 ~~outside of this state, any of the following:~~

19 ~~(a) Whitefish, of a length less than 17 inches.~~

20 ~~(b) Lake trout, of a weight less than 1-1/2 pounds in the~~
21 ~~round, and 1-1/4 pounds when dressed.~~

22 ~~(c) Ciscowet trout, of a weight less than 1-1/2 pounds in the~~
23 ~~round.~~

24 ~~(d) Perch, of a length less than 8 1/2 inches in the round and~~
25 ~~filleted perch of a weight less than 1-3/4 ounces; perch with heads~~
26 ~~and tails off of a length less than 5-1/2 inches.~~

27 ~~(e) Suckers, of a length less than 14 inches.~~

28 ~~(f) Northern pike, of a length less than 20 inches.~~

29 ~~(g) Catfish, of a length less than 17 inches. Catfish of not~~

1 ~~less than 15 inches in length may be taken from the waters of Lake~~
2 ~~Erie.~~

3 ~~(h) Pike-perch (yellow pickerel), of a length less than 15-1/2~~
4 ~~inches in the round and filleted pike-perch (yellow pickerel) of a~~
5 ~~weight less than 9 ounces. Pike-perch (yellow pickerel) not less~~
6 ~~than 13 inches in length may be taken from Lake Erie. Pike-perch~~
7 ~~(yellow pickerel) not less than 13 inches in length taken from the~~
8 ~~waters of Lake Erie may be sold or offered for sale at a dock or~~
9 ~~docks along Lake Erie. Any such pike-perch (yellow pickerel) of a~~
10 ~~length less than 15-1/2 inches shall not be otherwise offered for~~
11 ~~sale, bartered, or sold within the limits of the state.~~

12 ~~(i) Blue pike, of a length less than 11 inches.~~

13 ~~(j) White bass, of a length less than 9 inches.~~

14 ~~(k) Sturgeon, of a length less than 42 inches.~~

15 ~~(l) Black crappie, of a length less than 7 inches.~~

16 ~~(2) Imported commercial fish species and game fish if of a~~
17 ~~size or weight or species not prohibited by the laws of the state~~
18 ~~or country where caught may be possessed, transported, offered for~~
19 ~~sale, and marketed in this state, if either of the following~~
20 ~~conditions are met:~~

21 ~~(a) The fish are processed outside the state and sold to~~
22 ~~consumers in the same package as imported, and each package is~~
23 ~~labeled as a product of the state or country where the fish were~~
24 ~~caught.~~

25 ~~(b) A chain of satisfactory evidence of importation is~~
26 ~~maintained through to the retailer who sells to the consumer, in a~~
27 ~~manner prescribed by the department.~~

28 ~~(3) The measurement of the length of a fish within the meaning~~
29 ~~of this part shall be taken in a straight line from the tip of the~~

~~1 snout to the utmost end of the tail fin. For the purpose of this
 2 part, a "fish in the round" is a fish that is entirely intact as it
 3 was taken out of the water with no part removed by dressing. A
 4 "dressed fish" is a fish with the head attached but with the gills
 5 and the entire gut or viscera (stomach, liver, intestine, gonads)
 6 removed. A "filleted fish" is a fish with the entire head, gut or
 7 viscera, gills, bones, scales, and all fins removed. The
 8 measurements of length and weight as prescribed in this part apply
 9 without any allowance made for the shrinkage of the fish. A person
 10 shall not possess on any boat, or on any other conveyance used to
 11 reach the nets from shore, any meat grinders or similar devices by
 12 the use of which the identification of the species or measurement
 13 of the individual fish is impossible. A person shall not bring
 14 ashore any fish that is so mutilated that identification and
 15 measurement is impossible. A person shall not market, possess, or
 16 offer for sale any fish illegally taken from the waters defined by
 17 this part.~~

18 Sec. 47320. **If the department opens any package or shipment of**
 19 **fish in transit and finds that package or shipment to be a lawful**
 20 **package or shipment under part 473, the department shall repack**
 21 **that package or shipment in as good a condition as possible and**
 22 **release it without further detainment.**

~~23 A person engaged in lifting pound nets, trap nets, or seines
 24 in the waters of this state shall not take from the waters of this
 25 state any undersized fish, and all undersized fish found in the
 26 nets fished in those waters shall be returned to the waters with as
 27 little injury as possible by the person or persons lifting the net
 28 or nets. For the purpose of this part, undersized fish are fish of
 29 a smaller size than established by this part.~~

1 Sec. 47321. (1) A person shall not engage in business as a
2 wholesale fish dealer in this state unless the person holds a
3 wholesale fish dealer license. To obtain a wholesale fish dealer
4 license, a person shall submit an application to the department in
5 a format provided by the department. The application must be
6 accompanied by the following fee based on the calendar year for
7 which the license is issued:

8 (a) For 2025 through 2030, \$110.00.

9 (b) For 2031 through 2040, \$130.00.

10 (c) For 2041 and each year thereafter, \$150.00.

11 (2) The department shall keep a record of all wholesale fish
12 dealer license applications and licenses.

13 (3) A wholesale fish dealer license expires at the end of the
14 calendar year for which it is issued.

15 (4) A wholesale fish dealer shall not, at any time, sell, buy,
16 or have in its possession or under its control for the purpose of
17 sale, any illegal fish.

18 (5) A wholesale fish dealer shall require identification from
19 each person that sells fish to the wholesale fish dealer. A
20 wholesale fish dealer shall buy fish only from a commercial fisher
21 or commercial, tribal-licensed fisher or other legal source of
22 fish.

23 (6) A wholesale fish dealer shall keep and submit to the
24 department records as required by the department of all fish
25 bought, possessed, or acquired, and of the sale or other
26 disposition of the fish. The records of prices paid for fish bought
27 and sold by a wholesale fish dealer are exempt from disclosure
28 under the freedom of information act, 1976 PA 442, MCL 15.231 to
29 15.246, and shall not be disclosed by the department.

1 (7) A wholesale fish dealer shall complete and submit to the
2 department an annual inventory record of all freshwater fish and
3 roe in possession or under ownership or control of the wholesale
4 fish dealer, including those fish and roe in cold storage
5 facilities, as of a date specified by the department.

6 (8) The director shall establish the format and schedule for
7 submission to the department of the wholesale records and annual
8 inventory records under subsections (6) and (7), as well as the
9 specific information they must contain.

10 (9) A wholesale fish dealer that fails to timely submit a
11 complete record required under this section is responsible for a
12 state civil infraction and subject to the following fines:

13 (a) For the first violation during a license year, \$100.00.

14 (b) For a second or subsequent violation during a license
15 year, \$200.00.

16 (10) If a wholesale fish dealer fails to submit 2 or more
17 records required under this section and has been cited by the
18 department for each violation, the department may suspend the
19 person's wholesale fish dealer license until the delinquent reports
20 are submitted to the department. The department shall send
21 notification of the suspension to the wholesale fish dealer.

22 (11) The department shall deny a new wholesale fish dealer
23 license or renewal of a wholesale fish dealer license to a person
24 that fails to submit a record required under this section until the
25 record is submitted.

26 (12) A person shall not falsify any information contained in a
27 record required under this section.

28 (13) The department shall not issue a wholesale fish dealer
29 license to a person that would occupy the same business location as

1 a wholesale fish dealer whose license is suspended.

2 (14) A wholesale fish dealer or employee or other person
3 acting on behalf of a wholesale fish dealer shall not possess,
4 control, store, transport, or cause to be transported any
5 freshwater fish for which there is no record or for which there is
6 no inventory as required under part 473.

7 (15) A wholesale fish dealer shall retain all records and
8 inventories required under part 473 for a period of 6 years after
9 the date that the record or inventory was created.

10 (16) A wholesale fish dealer shall not transport or cause to
11 be transported any fish unless each side of the transporting
12 vehicle is clearly marked with the correct business name of the
13 wholesale fish dealer or transporting company, displayed in letters
14 of at least 1 inch in height.

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

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

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

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

22 ~~(d) Bluegill, *Lepomis macrochirus*.~~

23 ~~(e) Common sunfish, *Lepomis gibbosus*.~~

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

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

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

27 ~~(i) Muskellunge, *Esox masquinongy*.~~

28 ~~(2) In addition to the prohibition in subsection (1), a person~~
29 ~~shall not sell or offer for sale or possess at any time any of the~~

1 ~~fish listed in subsection (1) unless otherwise provided by law. Any~~
2 ~~such fish, whether dead or alive, shall at once be returned to the~~
3 ~~waters from which taken by the person or persons taking the fish.~~

4 Sec. 47322. (1) If requested by a peace officer, a wholesale
5 fish dealer shall produce for inspection and copying all records
6 relating to buying or otherwise acquiring, selling or otherwise
7 disposing of, or storing of fish that are kept at the wholesale
8 fish dealer's place of business or at a residence, dwelling, or
9 location other than the wholesale fish dealer's business.

10 (2) A peace officer may, at any time when business is being
11 conducted on the premises, do any of the following:

12 (a) Enter any of the following:

13 (i) A building or structure where fish are stored, processed,
14 packed, or held by a wholesale fish dealer.

15 (ii) A building or structure where a wholesale fish dealer's
16 records are kept.

17 (iii) A building or structure where vehicles, vessels, or
18 equipment or materials used in a wholesale fish dealer's business
19 are located.

20 (iv) A building or structure where activities related to a
21 wholesale fish dealer's business are conducted.

22 (v) A vehicle or vessel used to transport or hold fish.

23 (b) Inspect fish stored by or in the possession of a wholesale
24 fish dealer, inspect or copy records or reports of a wholesale fish
25 dealer, and inspect buildings, structures, vehicles, vessels,
26 equipment, and materials related to a wholesale fish dealer's
27 business.

28 (3) A wholesale fish dealer, operator of a vehicle or vessel
29 for a wholesale fish dealer or employee or other person acting on

1 behalf of a wholesale fish dealer shall not prohibit entry or
2 prohibit an inspection to be conducted as authorized under this
3 section, or refuse to produce records as required under this
4 section, unless a court restrains or enjoins the entry, inspection,
5 or production.

6 (4) If a person is convicted of violating this section, the
7 court shall order that the person's wholesale fish dealer license
8 be suspended, and the person is not eligible to apply for or
9 receive another such license for 1 year after the conviction.

10 ~~A person shall not set or use nets, set hook lines, or any
11 other continuous device in any of the waters mentioned in this part
12 without marking its location by buoys and identifying the nets or
13 other devices by showing the license number in plain figures upon
14 the bowls of the buoys of the person using the nets, set lines, or
15 other devices; the license number to be attached to all gill net
16 buoys; to the stakes at the heart or pot of pound nets; to the
17 lifting buoy of trap nets, where the heart and pot are set below
18 the surface of the water; to a buoy at the point of heart or pot of
19 fyke nets where the cover of the hearts or pots comes to the
20 surface of the water. However, when any of the nets, set hook
21 lines, or other devices are set under the ice, their location shall
22 be marked by a stake extending not less than 4 feet above the ice
23 at each end of the net or nets, set hook lines, or other continuous
24 device and the license number, in legible figures, shall be
25 attached to each stake or to the ends of the net or nets, set hook
26 line, or other device.~~

27 Sec. 47323. **A retail fish dealer shall retain, from the time
28 of acquisition of freshwater fish or roe, a bill of sale or invoice
29 indicating the quantity and species of the fish or roe and the name**

1 and address of the consignor. A retail fish dealer shall make the
2 fish, roe, and records available for inspection by a peace officer
3 at any reasonable time. A retail fish dealer shall maintain records
4 for a period of 1 year after the fish or roe is disposed of by sale
5 or otherwise.

6 ~~Every person taking fish for market in any of the waters~~
7 ~~mentioned in this part shall bring them to some port or place in~~
8 ~~this state where they may be inspected before shipping. However,~~
9 ~~the department may grant permission to take fish to ports or places~~
10 ~~in other states when the commercial fishing laws of the other~~
11 ~~states substantially conform to the commercial fishing laws of this~~
12 ~~state.~~

13 Sec. 47324. (1) A person shall not obstruct or interfere in
14 the lawful taking of an aquatic species under this part.

15 (2) A person violates subsection (1) if the person
16 intentionally or knowingly does any of the following:

17 (a) Operates a vessel or a device designed to be used on the
18 water that does not meet the definition of vessel in a manner
19 likely to significantly alter the behavior of aquatic species in
20 order to hinder or prevent the lawful taking of an aquatic species.

21 (b) Tosses, drops, or throws any stone, rock, or other inert
22 material in order to hinder or prevent the lawful taking of an
23 aquatic species.

24 (c) Drives, herds, or disturbs any aquatic species in order to
25 hinder or prevent the lawful taking of an aquatic species.

26 (d) Blocks, impedes, or harasses another person who is engaged
27 in the process of lawfully taking an aquatic species.

28 (e) Uses a natural or artificial visual, aural, olfactory,
29 gustatory, or physical stimulus to affect animal behavior in order

1 to hinder or prevent the lawful taking of an aquatic species.

2 (f) Erects barriers to deny ingress or egress to waters of
3 this state where the lawful taking of an aquatic species may occur.
4 This subdivision does not apply to a person who erects barriers to
5 prevent trespassing on that person's property.

6 (g) Interjects himself or herself into the area where nets or
7 fishing lines are cast by a person lawfully taking an aquatic
8 species.

9 (h) Affects the condition or placement of personal or public
10 property intended for use in the lawful taking of an aquatic
11 species in order to impair the usefulness of the property or
12 prevent the use of the property.

13 (i) Enters or remains upon private lands without the
14 permission of the owner or the owner's agent for the purpose of
15 violating this section.

16 (j) Photographs, videotapes, audiotapes, or otherwise records
17 an individual who is lawfully taking an aquatic species with the
18 intent to harass that individual.

19 (k) Engages in any other act or behavior for the purpose of
20 violating subsection (1).

21 (3) Upon petition of an aggrieved person or a person who
22 reasonably may be aggrieved by a violation of this section, a court
23 of competent jurisdiction, upon a showing that a person was engaged
24 in and threatens to continue to engage in illegal conduct under
25 this section, may enjoin that conduct.

26 (4) A person who violates subsection (1) is guilty of a
27 misdemeanor punishable by imprisonment for not more than 93 days or
28 a fine of not less than \$500.00 or more than \$5,000.00, or both,
29 and the costs of prosecution. A person who violates this section a

1 second or subsequent time is guilty of a misdemeanor punishable by
2 imprisonment for not more than 1 year or a fine of not less than
3 \$1,000.00 or more than \$10,000.00, or both, and the costs of
4 prosecution. In addition to the penalties provided in this
5 subsection, if a person violates this section while holding a
6 permit or license issued by the department authorizing the person
7 to take aquatic species, the court shall order that the person's
8 license or permit be suspended for 1 year, or revoked if the
9 remaining term of the permit or license is 1 year or less, and the
10 person is not eligible to apply for or receive another such license
11 for 1 year after the conviction. A prosecution under this section
12 does not preclude prosecution or other action under any other
13 criminal or civil statute.

14 (5) This section does not apply to a peace officer while the
15 peace officer performs the peace officer's lawful duties.

16 ~~The department may take, for fish cultural purposes only, fish~~
17 ~~taken by any person fishing in the waters of this state, and when~~
18 ~~so taken the fish shall be weighed and shall be paid for. The price~~
19 ~~shall be based on the Chicago, Detroit, and New York markets, or at~~
20 ~~such other price as may be agreed upon by the person or persons~~
21 ~~taking the fish and the department, plus the cost of~~
22 ~~transportation, if any.~~

23 Sec. 47325. **The department may issue orders or promulgate**
24 **rules to implement this part.**

25 ~~(1) A person taking fish for the market in any of the waters~~
26 ~~mentioned in this part shall keep an accurate report of each day's~~
27 ~~catch in a format determined by the department. The department may~~
28 ~~issue orders requiring catch activity reports to be submitted twice~~
29 ~~monthly and specifying the information required, consistent with~~

1 ~~any consent decree, decree, federal court order, memorandum of~~
 2 ~~understanding, or other legally binding agreement. Catch activity~~
 3 ~~reports must be submitted twice monthly to the department, except~~
 4 ~~that all commercial fishers must report more frequently if a~~
 5 ~~consent decree, decree, federal court order, memorandum of~~
 6 ~~understanding, or other legally binding agreement establishes more~~
 7 ~~frequent reporting.~~

8 ~~(2) A person who fails to submit a report required under this~~
 9 ~~section is responsible for a state civil infraction and shall be~~
 10 ~~ordered to pay a civil fine as follows:~~

11 ~~(a) For the first violation during a calendar year, \$100.00.~~

12 ~~(b) For a second or subsequent violation during a calendar~~
 13 ~~year, \$200.00.~~

14 ~~(3) The license of any person who fails to submit reports for~~
 15 ~~2 or more reporting periods, and who has been cited by the~~
 16 ~~department for each violation, may be suspended by the department~~
 17 ~~until the delinquent reports are submitted to the department. The~~
 18 ~~boat and nets for which a license is suspended shall not be used~~
 19 ~~for commercial fishing by any person until the suspension has been~~
 20 ~~lifted and the license restored. A person shall not sell or~~
 21 ~~transfer ownership of a license suspended by the department until~~
 22 ~~the suspension has been lifted and the license restored. A person~~
 23 ~~who fails to make the report or reports as described in this~~
 24 ~~section must be denied a new license or a renewal of that person's~~
 25 ~~license until this part has been complied with.~~

26 **Sec. 47326. (1) Except as otherwise provided in this part, a**
 27 **person that violates part 473 is guilty of a misdemeanor punishable**
 28 **by imprisonment for not more than 90 days or a fine of not less**
 29 **than \$500.00 or more than \$5,000.00, or both, and may be ordered to**

1 pay the costs of prosecution.

2 (2) If a person licensed under this part is convicted of 3
3 misdemeanor violations of part 473 that occurred in a 1-year period
4 beginning with the date of the first offense and ending with the
5 date of the third offense, the court shall order that the person's
6 license be suspended for 1 year, beginning 30 days after the third
7 conviction. If the suspended license is a wholesale fish dealer
8 license, the person is not eligible to apply for or be issued
9 another wholesale fish dealer license during the term of the
10 suspension.

11 (3) If a person licensed under this part is convicted of 3
12 designated offenses that occurred in a 5-year period beginning with
13 the date of the first offense and ending with the date of the third
14 offense, the court shall order that the person's license be
15 suspended for 1 year, beginning 30 days after the third conviction.
16 If the suspended license is a wholesale fish dealer license, the
17 person is not eligible to apply for or be issued another wholesale
18 fish dealer license during the term of the suspension.

19 (4) If a person licensed under this part is convicted of 5
20 designated offenses that occurred in a 7-year period beginning with
21 the date of the first offense and ending with the date of the fifth
22 offense, both of the following apply:

23 (a) The department shall permanently revoke the person's
24 license.

25 (b) The person is prohibited from buying an interest in any
26 additional license of the same type for 7 years after the fifth
27 conviction.

28 (5) A commercial fisher whose license is suspended or revoked
29 under this part shall not use any vessel, net, or other gear listed

1 on the license. The vessels, nets, or other gear listed on a
2 suspended commercial fishing license shall not be transferred onto
3 any other commercial fishing license during the period of
4 suspension. A wholesale fish dealer whose license is suspended or
5 revoked under this part shall not buy, sell, or process any fish
6 originating within or outside of this state at the physical
7 location listed on the suspended or revoked license. The place of
8 the wholesale business, including the physical store and the
9 processing facility of a person whose wholesale fish dealer license
10 has been suspended, shall not be operated under any other wholesale
11 license during the period of suspension.

12 (6) A license suspended under this part shall not be sold or
13 transferred to a third party while under suspension.

14 (7) If a person whose commercial fishing license or wholesale
15 fish dealer license is suspended engages in or attempts to engage
16 in any commercial fishing activity or wholesale fish dealing
17 activity, respectively, during the period of suspension, the
18 department shall permanently revoke the person's license. The
19 suspension or revocation of a license does not result in the
20 suspension or revocation of other licenses owned by the same
21 person. However, any person who has a commercial fishing license
22 under suspension is, during the period of suspension, prohibited
23 from buying an interest in any additional commercial fishing
24 license issued under this part for the duration of the suspension,
25 subject to subsection (4) (b).

26 ~~Every person licensed to take fish under this part, at the~~
27 ~~close of the 24-hour period immediately following the close of the~~
28 ~~respective open seasons provided for by this part, shall report to~~
29 ~~the department, on forms provided by the department, the kinds of~~

~~1 fish and number or weight of fish possessed at the close of the 24-~~
~~2 hour period. Any subsequent shipment or sale, or both, of such fish~~
~~3 shall be reported immediately to the department, on forms furnished~~
~~4 by the department, showing the amount and kinds of fish shipped or~~
~~5 sold, the date of the shipment or sale, and the name and address of~~
~~6 the person or persons to whom the fish were shipped or sold. All~~
~~7 fish in possession upon which the season is closed shall be made~~
~~8 available for inspection at any reasonable time upon the demand of~~
~~9 the department. A person shall not possess or ship, transport, or~~
~~10 sell any fish upon which the season is closed and which have not~~
~~11 been reported as provided in this section.~~

12 Sec. 47327. (1) In addition to the penalties provided in this
13 part, a commercial fisher or any other person that is convicted of
14 the illegal taking, possessing, or selling of fish under part 473
15 shall reimburse the state for the value of the fish as follows:

16 (a) For each game fish, other than lake sturgeon, of an
17 individual weight of 1 pound or more, \$10.00 for each pound or
18 fraction of a pound of fish illegally taken, possessed, or sold.

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

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

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

26 (e) For all roe violations, \$20.00 for each pound or fraction
27 of a pound of roe illegally taken, possessed, or sold.

28 (2) The court in which a conviction for a violation described
29 in subsection (1) is obtained shall order the defendant to forfeit

1 to the state a sum as provided in subsection (1). If 2 or more
2 defendants are convicted of the illegal taking, possessing, or
3 selling of the fish, the order must provide that the defendants are
4 jointly and severally liable for the forfeited amount.

5 (3) If a defendant fails to pay upon conviction the amount
6 ordered by the court to be forfeited under subsection (2), the
7 court shall enter an order setting forth the manner and time of
8 payment, which may be by installments at the times and in the
9 amounts that the court determines the defendant is able to pay.

10 (4) A default in the payment of forfeiture or an installment
11 of the forfeiture may be collected by any means authorized for the
12 enforcement of a judgment under chapter 60 of the revised
13 judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

14 (5) A court that collects a forfeiture as provided in this
15 section shall promptly remit the forfeiture to the county
16 treasurer. The county treasurer shall transmit the forfeiture to
17 the state treasurer to be credited to the game and fish protection
18 account of the Michigan conservation and recreation legacy fund
19 established in section 2010.

20 ~~A person who violates sections 47301 to 47324, for the first~~
21 ~~offense, is guilty of a misdemeanor punishable by imprisonment for~~
22 ~~not more than 30 days or a fine of not less than \$25.00 or more~~
23 ~~than \$100.00, or both, and the costs of prosecution. A person who~~
24 ~~violates sections 47301 to 47324 a second or a subsequent time, if~~
25 ~~charged as a second or subsequent offense in the complaint, is~~
26 ~~guilty of a misdemeanor punishable by imprisonment for not more~~
27 ~~than 90 days or a fine of not less than \$50.00 or more than~~
28 ~~\$100.00, or both, and the costs of prosecution.~~

29 Sec. 48724. (1) As used in this section, "fish cleaning

1 station" means an operation or location used to clean salmon for
2 sport fishers.

3 (2) Except as provided in subsection (3)(c), a person shall
4 not ~~purchase, sell, or otherwise exchange anything of value for buy~~
5 **or sell** raw or unprocessed salmon eggs unless the person is
6 ~~licensed pursuant to section 47333~~ **a wholesale fish dealer** and the
7 ~~sale, purchase, or exchange of the~~ raw or unprocessed salmon eggs
8 ~~is made with~~ **are bought from or sold to, respectively,** another
9 person who is also ~~licensed pursuant to section 47333~~ **a wholesale**
10 **fish dealer.**

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

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

16 (b) Operate a fish cleaning station that sells raw or
17 unprocessed salmon eggs without a ~~current and valid~~ permit issued
18 by the department.

19 (c) Buy ~~, barter, or otherwise exchange anything of value for~~
20 raw or unprocessed salmon eggs. This subdivision does not prohibit
21 the operator of a fish cleaning station or ~~his or her~~ **the**
22 **operator's** agents from exchanging the service of cleaning salmon in
23 exchange for the eggs in the salmons' carcasses or from charging a
24 fee for cleaning salmon.

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

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

29 (a) Raw or unprocessed salmon eggs may only be collected and

1 stored at the location of the fish cleaning station specified in
2 the permit.

3 (b) The fish cleaning station ~~shall~~**must** be licensed. ~~in~~
4 ~~accordance with the food processing act of 1977, Act No. 328 of the~~
5 ~~Public Acts of 1978, being sections 289.801 to 289.810 of the~~
6 ~~Michigan Compiled Laws, and operated in compliance with the~~
7 ~~Michigan food law of 1968, Act No. 39 of the Public Acts of 1968,~~
8 ~~being sections 289.701 to 289.727 of the Michigan Compiled Laws,~~
9 ~~only when~~**If** the salmon eggs or salmon, or both, are sold or given
10 to another person for human consumption, **the fish cleaning station**
11 **must be licensed under and operated in compliance with the food**
12 **law, 2000 PA 92, MCL 289.1101 to 289.8111.**

13 (c) ~~Disposal of offal~~**Offal** and unwanted salmon carcasses
14 ~~shall~~**must** be **disposed of** in a manner approved by the local health
15 department.

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

20 (e) As a condition of ~~his or her~~**a** permit, a ~~permit holder~~
21 **permittee** whose fish cleaning station is located on state owned
22 land shall provide free access to the fish cleaning station
23 facilities to anglers who wish to use the facilities to clean their
24 own salmon catch.

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

28 (6) If the department finds that a person is in violation of
29 this section or a permit issued under this section, the department

1 may issue an order requiring the person to comply with **this section**
2 **or** the permit. In addition to the penalties provided for in this
3 part, the department or its agent, the attorney general, or a
4 **another** person may seek injunctive relief for a violation of this
5 section or a permit issued under this section.

6 Enacting section 1. Part 461, sections 47301a, 47302, 47329 to
7 47362, part 479, and section 48901 of the natural resources and
8 environmental protection act, 1994 PA 451, MCL 324.46101,
9 324.46102, 324.47301a, 324.47302, 324.47329 to 324.47362, 324.47901
10 to 324.47905, and 324.48901, are repealed.