

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994
Part 473
COMMERCIAL FISHING

324.47301 Fish in Great Lakes; property of state.

Sec. 47301.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47301a Obstruction or interference in lawful taking of fish; prohibited conduct; injunction; violation as misdemeanor; penalty; applicability of section to peace officer; definitions.

Sec. 47301a.

- (1) A person shall not obstruct or interfere in the lawful taking of fish by a person licensed under this part.
- (2) A person violates this section when the person intentionally or knowingly does any of the following:
 - (a) Operates a vessel or a device designed to be used on the water which does not meet the definition of vessel in a manner likely to significantly alter the behavior of aquatic species in order to hinder or prevent the lawful taking of an aquatic species.
 - (b) Wades or swims in a manner or at a location likely to cause a significant alteration in the behavior of aquatic species in order to hinder or prevent the lawful taking of an aquatic species.
 - (c) Tosses, drops, or throws any stone, rock, or other inert material in order to hinder or prevent the lawful taking of an aquatic species.
 - (d) Drives, herds, or disturbs any aquatic species in order to hinder or prevent the lawful taking of an aquatic species.
 - (e) Blocks, impedes, or harasses another person who is engaged in the process of lawfully taking fish.
 - (f) Uses a natural or artificial visual, aural, olfactory, gustatory, or physical stimulus to affect animal behavior in order to hinder or prevent the lawful taking of fish.
 - (g) Erects barriers to deny ingress or egress to waters where the lawful taking of fish may occur. This subdivision does not apply to a person who erects barriers to prevent trespassing on his or her property.
 - (h) Interjects himself or herself into the area where nets or fishing lines are cast by a person lawfully taking fish.
 - (i) Affects the condition or placement of personal or public property intended for use in the lawful taking of fish in order to impair the usefulness of the property or prevent the use of the property.
 - (j) Enters or remains upon private lands without the permission of the owner or the owner's agent, for the purpose of violating this section.
 - (k) Engages in any other act or behavior for the purpose of violating this section.
- (3) Upon petition of an aggrieved person or a person who reasonably may be aggrieved by a violation of this section, a court of competent jurisdiction, upon a showing that a person was engaged in and threatens to continue to engage in illegal conduct under this section, may enjoin that conduct.
- (4) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$500.00 or more than \$5,000.00, or both, and the costs of prosecution. A person who violates this section a second or subsequent time is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not less than \$1,000.00 or more than \$10,000.00, or both, and the costs of prosecution. In addition to the penalties provided in this subsection, any permit or license issued by the department authorizing the person to take aquatic species shall be revoked. A prosecution under this section does not preclude prosecution or other action under any other criminal or civil statute.
- (5) This section does not apply to a peace officer while the peace officer performs his or her lawful duties.
- (6) As used in this section:

(a) "Aquatic species" means fish, reptiles, mollusks, crustacea, minnows, wigglers, and amphibians of the class amphibia.

(b) "Take" and "taking" mean to fish for by any lawful method, catch, kill, capture, trap, or shoot any species of fish, reptiles, amphibians, mollusks, wigglers, or crustacea regulated by this part, or to attempt to engage in any such activity.

(c) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water.

History: Add. 1996, Act 317, Eff. July 1, 1996

Popular Name: Act 451

Popular Name: NREPA

324.47302 Fishing license; limited number to be issued; qualifications; provisions; expiration date; suspension or revocation; renewal; transfer.

Sec. 47302.

(1) Notwithstanding the provisions of this or any other part or act, the department, when in the department's opinion it is necessary for the better protection, preservation, management, harvesting, and utilization of the fisheries in the waters described in section 47301 may limit the number of fishing licenses to be issued under this part and fix and determine the qualifications of persons to whom licenses are issued. In determining the number of licenses that the department issues during any license year, the department shall consider the number of persons holding licenses, the number of licensees needed to harvest the fish known or believed to be harvestable, the capacity of the boats and equipment owned and used by licensees to harvest those fish, and any other facts that may bear upon the allowing of a limited number of licensed persons to engage in commercial fishing in an economical and profitable manner. In determining the qualifications of the licensees, the department shall consider the kind, nature, and condition of the boats and fishing equipment and gear to be used by the applicant, the years of experience the applicant has had in commercial fishing, and the quantity and kinds of fish that the applicant has caught during the previous 5 years, and other facts that may assist the department in determining that the applicant is capable of engaging in commercial fishing in a proper and profitable manner and will comply with the laws applicable to commercial fishing.

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

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

(b) Designate the areas in which the licensee is permitted to fish.

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

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

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

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

(4) The department may suspend or revoke any license issued under this part if the licensee fails to fulfill or violates any of the conditions, terms, or restrictions of the license. The department shall afford the licensee a hearing in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. Any person whose license has been suspended or revoked is not eligible to apply for or receive a license for the ensuing 2 calendar years following the suspension or revocation.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47303 Fish and game protection account; receipts; use.

Sec. 47303.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006

Compiler's Notes: Enacting section 2 of Act 587 of 2004 provides: "Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular Name: Act 451

Popular Name: NREPA

324.47305 Rules.

Sec. 47305.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47306 Commercial fishing law; setting of nets or hook lines prohibited; connecting waters.

Sec. 47306.

A person shall not place or set any kind of a net or set hook lines or take or attempt to take any kind of fish with a net or set hook lines, except minnow seines as provided in section 47309, in any of the connecting waters between Lake Superior and Lake Huron and the connecting waters between Lake Huron and Lake Erie. For the purposes of this part, the connecting waters between Lake Superior and Lake Huron are all of that part of the straits of St. Mary in this state, extending from a line drawn from Birch point range front light to the most westerly point of Round island, thence following the shore of Round island to the most northerly point thereof, thence from the most northerly point of said Round island to Point Aux Pins light, Ontario, to a line drawn east and west from the most southerly point of Little Lime island; and the connecting waters of Lake Huron and Lake Erie are all of the St. Clair river and all of lake St. Clair and all of the Detroit river extending from fort Gratiot light in Lake Huron to a point in the lower Detroit river where the center line of Oak street, city of Wyandotte, Wayne county, Michigan, extended due east, would intersect the international boundary line. The boundary line between Lake Michigan and Lake Huron is a line extending due north from old Mackinac point lighthouse across the straits of Mackinac.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47307 Setting of nets or hook lines prohibited; channel at mouth of stream or outlet of inland lake; fishing from docks; spearing through ice.

Sec. 47307.

A person shall not set any net, set hook lines, or other device for the purpose of taking or catching fish within 160 rods on either side of the thread of the stream at the mouth of any river or outlet of an inland lake emptying into Lakes Superior, Michigan, Huron, or Erie, commonly known as the Great Lakes, or the bays of the Great Lakes, navigable for vessels drawing 10 feet or more, leaving an open channel of 1 mile in width for the free passage of fish, extending at right angles from the shoreline as near as may be, 2 miles from shore. However, within the next 1/2 mile on either side of any such rivers or outlets of inland lakes, nets, set hook lines, or other devices shall not be used for the purpose of taking fish that will extend a greater distance than 1 mile from shore. The purpose of the limitations in this section is to leave an open channel of 1 mile in width 1 mile out, and 2 miles in width for the second mile out, for the free passage of fish. No net or other device for taking fish shall be set or used within 40 rods on either side of the thread of the stream at the mouth of any other river or the outlet of any other inland lake leaving an open channel of 80 rods in width for the free passage of fish, extending at right angles with the shoreline as near as may be 2 miles out from shore. For the purpose of this section, the shore commences at the average low-water mark. If the location of the open channel or the average low-water mark is in dispute, this location shall be determined by the department. Except as provided in sections 47311 and 47313, a person may at all times catch any kind of fish in all of the waters named in this part, and from the docks, harbors of refuge, or breakwaters, with a hook and line except largemouth black bass, smallmouth black bass, bluegills, sunfish, brook or speckled trout, rainbow and steelhead trout, brown and Loch Leven trout, northern pike, pike-perch, perch, or muskellunge, which shall only be taken or possessed in the manner and at the time specified by the laws of this state protecting those fish. A person may also spear carp, suckers, mullet, redhorse, sheepshead, lake trout, herring, smelt, perch, pike-perch, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee white fish, catfish, dogfish, and garpike through the ice in the connecting waters as defined in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47308 Set hook lines, spears, and gill nets; use permitted; marketing prohibited; unused bait.

Sec. 47308.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47309 Nets; use; meshes.

Sec. 47309.

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

(a) Gill nets with meshes of not less than 4-1/2 inches shall be used for the taking of whitefish, lake trout, and yellow pickerel. In Lake Erie, the nets shall have meshes not less than 4-3/4 inches. The nets shall be set not nearer

than 20 rods from the shore of the mainland fronting Lake Superior and its bays. The nets shall be set not nearer than 20 rods from the shore of the mainland fronting Lake Michigan southerly from Seven Mile Point, Emmet County, during the months of March, April, and May. There shall be no nets, except gill nets, of any kind with mesh larger than 2-3/4 inches set in the waters of Lake Superior within a radius of 50 miles of the village of Houghton, Michigan, during the period between October 10 and November 4, except by permit from the department for the taking of spawn from trout for the fish hatcheries.

(b) Gill nets with meshes of not less than 2-1/2 inches or more than 2-3/4 inches may be set in water of any depth, and gill nets with meshes of not less than 2-1/2 inches or more than 3 inches may be set in waters not exceeding 100 feet in depth, for the purpose of taking herring, chubs, perch, and pilot fish, commonly called menominees, wherever and whenever they will not take to exceed 10% by weight of other fish, such percentage to be determined by the department, by inspection of the fish taken in the nets. All uninjured fish, except herring, chubs, perch, and pilot fish, shall be returned to the waters from which they were taken with as little injury as possible, by the persons lifting the nets; all sound, undersized, and dead fish found in the nets are the property of the state, and shall not be sold or disposed of, but shall be dressed and brought in and delivered immediately to the department at the fishing port of the person taking the fish. The sound, undersized, and dead fish shall be then disposed of by the department. If more than 10% of fish other than herring, chubs, perch, and pilot fish are taken, then all of the other fish shall be disposed of by the department. An angler may have in his or her possession, not to exceed in quantity the percentage allowed of lake trout, whitefish, yellow pickerel, perch, or suckers, of a weight or length less than established by this part, which are caught in 2-1/2 inch to 2-3/4 inch or 2-1/2 inch to 3 inch mesh gill nets, as provided for in this subsection, but the same may be shipped and disposed of only under the direction of the department. All undersized fish taken over under this section shall be disposed of by the department to state, county, or charitable institutions. Parties handling the fish shall be paid not more than 3 cents per pound for boxing, packing, and icing the fish. The department shall remove or cause to be removed any of the nets if, from the inspection provided in this section, the department determines that the nets are taking more fish of species other than herring, chubs, perch, and pilot fish than allowed by this section.

(c) Gill nets with meshes of not less than 2-1/4 inches or more than 2-3/4 inches may be used to take blue back herring in the waters of Lake Superior and Whitefish Bay, and those waters of the Straits of Mackinac bounded on the Lake Huron end by a line drawn from the southernmost tip of St. Martin Point, Mackinac County, to the westernmost tip of Lime Kiln Point on Bois Blanc Island, thence in a southerly direction to the northernmost tip of Point Au Sable in T 38 N, R 2 W, Cheboygan County, and bounded on the Lake Michigan end by a line drawn from the southernmost tip of Seul Choix Point in Schoolcraft County in an easterly direction to the Lansing Shoal Lighthouse, thence to the White Shoal Lighthouse, thence in a southeasterly direction to the westernmost tip of Waugoshance Point in Emmet County, and Green Bay of Lake Michigan, as defined in section 47311, wherever they will not interfere with or take whitefish or lake trout or any other fish protected under the laws of this state.

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

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

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

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

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

(i) Trap nets having meshes not exceeding 3-1/2 inches in the lifting pot or crib and in the tunnel inside the pot or crib and having meshes not less than 3-1/2 inches in that part of the tunnel outside of the pot or crib and in the heart and lead may be used for taking all legal fish except whitefish and lake trout. The depth of no part of the lifting pot or crib shall be greater than 15 feet. No such trap nets and no part of the webbing of the net shall be set in water of a depth greater than 50 feet in Lakes Michigan and Superior, or in water of a depth greater than 150 feet in Lakes Huron and Erie. The department may issue permits to allow the use of trap nets having meshes less than 3-1/2 inches in that part of the tunnel outside the pot or crib and in the heart and lead for the taking of smelt and alewife for commercial purposes, under rules and regulations as the department may prescribe, which may include the waters in which such nets may be fished and the period of time during which they may be used. Trap nets having a lifting pot or crib not exceeding 4 feet in depth may have webbing less than 3-1/2 inches in the 2 sides of inner heart.

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

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

(l) The measurement of the mesh of all nets and seines as prescribed in this section shall be by extension measure. The size of the mesh of all nets or netting used in fishing as provided by this part shall be determined by extension measure, and the measurement shall be made of meshes irrespective of where the net or netting is found, whether in the water, on boat, on reel, on dock, or in any other place on land. Extension measure means the distance between the extreme angles of any single mesh, and the measurements shall be taken between and inside the knots. All measurements of the mesh in gill nets or gill netting shall be made with a flexible steel gauge constructed and used as prescribed in this section. All measurements of the mesh of gill nets or gill netting shall be made by inserting in the mesh parallel with the selvage a gauge made of spring steel free from rust, of a length equal to the number of inches prescribed in this section for the mesh measured. The ends of the gauge shall be free of sharp edges or burrs. The gauge shall not be graduated, and any necessary markings shall be placed near the ends of the gauge. The length of the gauge measured parallel with the long edge shall not at any point exceed or be less than the prescribed length by more than 2/1000 of an inch. Its width at any point shall not exceed 9/16 of an inch or be less than 7/16 of an inch. Its thickness shall be such that when it is set vertically on a solid anvil with its upper end loaded with a dead weight between 7-1/2 and 8-1/2 ounces, the gauge shall deflect at its middle 1/10 of its length. The meshes to be gauged shall be at least 3 meshes removed from the selvage or side lines and shall not be stretched or manipulated in any way prior to or after the insertion of the gauge, and the same mesh shall not be gauged more than once. In gauging a mesh, the flexible gauge shall be held only by the ends and bent between thumb and forefinger, the bent rule shall then be inserted in the mesh parallel with the selvage and with the collapsed mesh, and finger pressure shall be released immediately, not gradually. If the gauge does not straighten out completely under its own tension within 2 seconds after its release in the mesh without slipping a knot or breaking the twine, the mesh is unlawful, and if the majority of 10 or more meshes selected at random by the enforcement officer from any part or parts of the gill net or from the entire gill net or from any gill netting being gauged are found to be unlawful, the gill net or gill netting if found in use or in or upon any licensed commercial fishing boat shall be seized and confiscated. If found in possession but not in use, any such gill net or gill netting shall be sealed by the enforcement officer with a suitable seal provided by the department and, when once sealed and for so long as the seal remains intact on the net or netting, may be possessed by the owner until disposed of or destroyed by the owner as provided in this section. The gill net or gill netting shall not be disposed of or destroyed except under direction of a conservation officer and, until that time, shall be available for inspection by the department or any conservation officer. Any person who, without authority from the department, breaks or destroys a seal attached to a gill net or gill netting, or any person who refuses or neglects to produce for inspection any sealed gill net or gill netting, or

who disposes of or destroys a sealed gill net or gill netting except under the direction of a conservation officer, is guilty of a misdemeanor and upon conviction is subject to the penalty provided for in section 47327. A person shall not use any gill net of a greater measurement than 11 feet in depth in any of the waters of the Great Lakes and the bays of the Great Lakes. In Lake Erie, a gill net shall not be over 36 meshes deep.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2022, Act 34, Imd. Eff. Mar. 15, 2022

Popular Name: Act 451

Popular Name: NREPA

324.47310 Taking, catching, or attempting to take or catch fish with gill net, pound net, or trap net in certain waters; transfer of fishing licenses; license or permit for chubs; applicability of section.

Sec. 47310.

(1) Except as provided in subsections (2) and (3), within the jurisdiction of this state the holder of a license or permit issued under this part shall not take, catch, or attempt to take or catch any fish with a gill net, pound net, or trap net in Lake Erie and the connecting waters of Lake Erie and Lake Huron, or in the portions of Lake Michigan and Lake Huron located south of a line extending due east and west of the forty-fifth parallel of latitude, or in the rivers and streams which connect with any of the bodies of water described in this subsection from April 15 to September 15.

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

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

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

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47311 Closed seasons; setting of nets or hooks; disposition of fish taken during closed season; revocation of license; chilling fish.

Sec. 47311.

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

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

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

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

(d) Perch, from April 15 to May 20. In the waters of Lake Michigan only, a person may take perch from April 25

to June 1. In Saginaw Bay, perch of legal size may be taken at any time. A person may take perch with hook and line at any time.

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

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

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

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

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

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2022, Act 34, Imd. Eff. Mar. 15, 2022

Popular Name: Act 451

Popular Name: NREPA

324.47312 Taking fish for fish culture; commercial fishing; closing.

Sec. 47312.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47313 Spawn; handling; violation of part; unlawful taking of trout.

Sec. 47313.

All persons engaged in fishing for whitefish, trout, yellow pickerel, or perch in the waters named in this part shall from the beginning of the spawning season for these fish, such time to be determined by test under the direction of the department, until the beginning of the closed season provided by section 47311 and before and after the closed season, strip all ripe fish, both male and female, save all of the spawn, properly impregnate it, and deliver it to the department at its fishing port, and all such persons shall have a sufficient number of people on each boat and all the equipment needed properly to save, handle, impregnate, and deliver such spawn. The saving, handling, impregnating, and delivering of spawn shall be done under the direction of the department and in accordance with such regulations and under such supervision as prescribed by the department. However, the department shall not discriminate against any person engaged in fishing during the closed or open season, having on each boat a sufficient number of people and all the equipment needed properly to save, handle, impregnate, and deliver such spawn at any port or fishing ground when it has been determined that fish are ripe for spawning. This determination shall be made by setting test nets on each fishing ground where spawn will be taken. A person engaged in commercial fishing that fails to properly save, handle, impregnate, and deliver such spawn during any period when spawn are ripe is guilty of a violation of this part. A person shall not take from the waters of the Great Lakes any lake or Mackinaw trout during the closed season established by this part for those fish, except by the use of gill nets, trap nets, and pound nets after tests have been made and the percentage of ripe fish secured as provided for in section 47312.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47314 Spawn; propagation; planting of fry; violation of part.

Sec. 47314.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47315 Taking fish for fish culture; powers of department or department's designee; sale; disposition of proceeds.

Sec. 47315.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2022, Act 34, Imd. Eff. Mar. 15, 2022

Popular Name: Act 451

Popular Name: NREPA

324.47316 Shipments; marketing; seizure as illegal.

Sec. 47316.

A person shall not ship or transport within this state any fish in packages or containers without plainly and correctly marking each package or container with the name of the consignor and the kinds of fish contained in the package. A railroad company, boat line, express company, motor truck company, aerial freight or express company, or other transportation company or common carrier, or any agent of any such company, or the owner of any boat, airplane, car, truck or other vehicle operated privately or as a common carrier, or the agent or representative of such owners, shall not accept for shipment or transport any package or container of fish unless it is properly marked as prescribed in this section. The presence in any package or container of 10% by weight of any fish that is illegal to ship shall make the entire contents of the package or container subject to seizure as an illegal shipment.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47317 Possession of shipment of illegal fish; construction.

Sec. 47317.

The possession of any package or shipment of illegal fish offered to any common carrier as described in section 47316 shall be construed to be and shall remain in the consignor until delivered to the consignee. However, if any common carrier as described in section 47316 is not able or refuses or neglects to show from whom the consignment of any shipment of fish was received, the shipment shall be considered to be in possession of the common carrier having the shipment in transit, and they may be proceeded against the same as the original owner.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47318 Repacking after opening; detention of legal shipment prohibited.

Sec. 47318.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47319 Minimum length and weight requirements; unlawful possession and marketing.

Sec. 47319.

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

- (a) Whitefish, of a length less than 17 inches.
- (b) Lake trout, of a weight less than 1-1/2 pounds in the round, and 1-1/4 pounds when dressed.
- (c) Ciscowet trout, of a weight less than 1-1/2 pounds in the round.
- (d) Perch, of a length less than 8-1/2 inches in the round and filleted perch of a weight less than 1-3/4 ounces; perch with heads and tails off of a length less than 5-1/2 inches.
- (e) Suckers, of a length less than 14 inches.
- (f) Northern pike, of a length less than 20 inches.
- (g) Catfish, of a length less than 17 inches. Catfish of not less than 15 inches in length may be taken from the waters of Lake Erie.

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

- (i) Blue pike, of a length less than 11 inches.
- (j) White bass, of a length less than 9 inches.
- (k) Sturgeon, of a length less than 42 inches.
- (l) Black crappie, of a length less than 7 inches.

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

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

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47320 Undersized fish; return to waters; definition.

Sec. 47320.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47321 Taking of certain fish by commercial fishing devices prohibited; return to waters.

Sec. 47321.

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

- (a) Largemouth black bass, *Huro salmoides*.
- (b) Smallmouth black bass, *Micropterus dolomieu*.
- (c) White crappie, also known as strawberry bass, *Pomoxis annularis*.
- (d) Bluegill, *Lepomis macrochirus*.
- (e) Common sunfish, *Lepomis gibbosus*.
- (f) Brook or speckled trout, *Salvelinus fontinalis*.
- (g) Rainbow and steelhead trout, *Salmo gairdnerii*.
- (h) Brown and Loch Leven trout, *Salmo trutta*.
- (i) Muskellunge, *Esox masquinongy*.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47322 Marking of location of nets and devices.

Sec. 47322.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47323 Inspection before shipment.

Sec. 47323.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.47324 Power of department to take fish for cultural purposes; price; basis.

Sec. 47324.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA

324.47325 Daily report of catch; failure to file; penalty; suspension or denial of license.

Sec. 47325.

(1) A person taking fish for the market in any of the waters mentioned in this part shall keep an accurate report of each day's catch in a format determined by the department. The department may issue orders requiring catch activity reports to be submitted twice monthly and specifying the information required, consistent with any consent decree, decree, federal court order, memorandum of understanding, or other legally binding agreement. Catch activity reports must be submitted twice monthly to the department, except that all commercial fishers must report more frequently if a consent decree, decree, federal court order, memorandum of understanding, or other legally binding agreement establishes more frequent reporting.

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

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

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

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2023, Act 239, Eff. Feb. 13, 2024
Popular Name: Act 451
Popular Name: NREPA

324.47326 Report of fish in possession by commercial fishermen; contents; inspection; prohibited possession.

Sec. 47326.

Every person licensed to take fish under this part, at the close of the 24-hour period immediately following the close of the respective open seasons provided for by this part, shall report to the department, on forms provided by the department, the kinds of fish and number or weight of fish possessed at the close of the 24-hour period. Any subsequent shipment or sale, or both, of such fish shall be reported immediately to the department, on forms furnished by the department, showing the amount and kinds of fish shipped or sold, the date of the shipment or sale, and the name and address of the person or persons to whom the fish were shipped or sold. All fish in possession upon which the season is closed shall be made available for inspection at any reasonable time upon the demand of the department. A person shall not possess or ship, transport, or sell any fish upon which the season is closed and which have not been reported as provided in this section.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47327 Violation of MCL 324.47301 to 324.47324; penalty.

Sec. 47327.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2020, Act 385, Eff. Mar. 24, 2021 ;-- Am. 2023, Act 239, Eff. Feb. 13, 2024

Popular Name: Act 451

Popular Name: NREPA

324.47328 License to use fishing devices; sport trolling; licensing boats for hire; license not required under certain conditions in lake St. Clair.

Sec. 47328.

A person shall not use any kind of a boat, tug, or launch, except when used in hook and line fishing, or any kind of net or nets, set hook lines, or commercial trolling rigs for the purpose of taking, catching, killing, or transporting fish in any of the waters bordering on this state, regardless of whether for commercial purposes or for personal use, without first having applied for and been issued a license for that activity, in accordance with this part. A license, except as otherwise provided by law, is not required of persons engaged in sport trolling in these waters, except that the owners of boats operated with either an inboard or outboard motor and offered for hire in sport trolling for lake trout shall obtain a license for each boat. A license, except as otherwise provided by law, is not required of persons engaged in taking fish with set lines in lake St. Clair as provided in section 47302.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47329 Commercial fishing licenses; application; contents; “overall length” defined; fee.

Sec. 47329.

(1) A person desiring a license under this part shall submit an application for that license to the department on oath when required on a form provided for that purpose by the department, accompanied by the fee required under this part. The application shall state the name and residence of the applicant, the manner in which he or she proposes to fish, the name or number of the tug, launch, boat, scow, or skiff, the overall length and the gross tonnage of the boat, the value of the boat, the name of the port from which the boat will operate, the number and kind of net or nets and hooks or other gear which he or she intends to use, the value of the buildings and grounds, and such other information as may be required for statistical purposes.

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

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47330 License to use fishing devices; issuance fees.

Sec. 47330.

(1) The department, when application is made by any person in accordance with section 47329, shall issue the license provided for in this part upon payment by the applicant, if a resident of this state, of the following fees:

(a) For fishing with set hook lines or nets, with or without a boat not exceeding 16 feet in overall length, or a boat used in sport trolling for lake trout for hire, \$16.00 per year. Any person using more than a single crew consisting of not more than 4 people in fishing nets or hooks under the ice shall secure a license for each crew member. The department, upon proper application, shall issue with each license to fish nets or set hook lines under the ice 4 identification cards bearing the number of the license and the year for which issued. Each member of a single crew engaged in the setting, lifting, or pulling of nets, set hook lines, or other devices, set under the ice under authority of the license, shall carry the card on his or her person at all times while so engaged and upon demand of any conservation officer shall exhibit the card. Minnow seines and dip nets are exempt from this section.

(b) For each rowboat, sailboat, powerboat, motorboat, steamboat, or scow used in catching, killing, taking, or transporting fish caught with nets, set hook lines, or trolling rigs, \$3.00 per foot overall length, and \$1.00 per ton additional for each ton over 10 gross tons. A license is not required for a scow used only in transporting nets. Each license for a boat propelled by sail, steam, gas, or other mechanical power entitles the licensee to operate a rowboat not exceeding 16 feet in overall length. Each rowboat shall bear the same identification as the boat for which the license is issued and shall be used only while attending the boat. A resident person shall not pay less than \$50.00 or more than \$200.00 on any 1 boat in any 1 license year.

(2) For a nonresident of this state, the fee shall be 5 times the fee required of a resident in accordance with the schedule prescribed in this section. A license under section 47329 shall not be issued to a nonresident for fishing in Lake Erie and Lake Huron except at the discretion of the department.

(3) For the purpose of this part, a nonresident is any person who has not actually resided in this state for 3 years immediately prior to the date of application for a license, any person applying for a license for use of nets or a boat registered or of record at a port outside of the state, or any firm, company, copartnership, partnership, association, or corporation in which any of their stock, boats, nets, and fishing equipment has been owned by nonresident persons at any time during the 3 years immediately prior to the date of application for a license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47331 Commercial fishing licenses; form; tag attached to boat; fee; transfer procedure.

Sec. 47331.

(1) Upon the payment of the fee provided for in section 47330, the department shall have prepared and shall

issue to a person entitled to the same, a printed or written license signed by the department setting forth the date of issuing the license, to whom issued, the date on which it will expire, the name or number, and the kind of boat, tug, or launch, including the number of and kind of net or nets for which the license was issued. The department shall also issue, with the license, a suitable tag bearing the license number and the year for which issued which must be attached to the boat to facilitate identification. The department, upon application and the payment of a fee of \$1.00, may do 1 or more of the following:

(a) Permit the transfer of a license to a larger or a smaller boat or to any boat, tug, or launch during a period of time that the licensed boat, tug, or launch is disabled and undergoing repairs.

(b) In case of the sale or the transfer of the title of any licensed boat, transfer the license to the new owner or owners. However, if the sale or transfer is to a nonresident as determined by the preceding sections, then the difference between the fee for a resident license and a nonresident license shall also be paid.

(c) In case of the loss of a vessel by fire, collision, or otherwise, for which a license has been issued, transfer the license to any similar boat to which the licensee may acquire title.

(2) Whenever a license is transferred to a larger boat, the difference between the fee paid for the license and the fee required by this part for that boat shall also be paid. A refund shall not be made when a license is transferred to a smaller boat. However, any boat to which a license has been transferred as provided in this section shall be used in the taking, catching, or killing of fish or in the setting or pulling of nets, set hook lines, or other commercial fishing devices, only within a radius of 50 miles of the port designated in the license as originally issued, and not more than 1 license shall be issued for any 1 boat in any 1 calendar year. The owner of any licensed boat acquired from the estate of a deceased licensee or as a result of bankruptcy proceedings may, in addition to having the license transferred in his or her name, have a port of his or her choice designated in the license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47332 Licenses; expiration date; record of applications and licenses; disposition of fees.

Sec. 47332.

All licenses expire on December 31 in the calendar year for which they were issued. The department shall keep a record of all applications and licenses. On the first day of each month, the department shall pay over to the state treasurer all money received by the department under this part, and the money shall be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010 and shall be disbursed by the state treasurer for services of the department and the department's expenses in enforcing the commercial fishing laws, for the protection and propagation of fish, and for the purchase of patrol boats and other apparatus to be used for that purpose, and as otherwise provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006

Compiler's Notes: Enacting section 2 of Act 587 of 2004 provides: "Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular Name: Act 451

Popular Name: NREPA

324.47333 Wholesale fish market or house; license; fee; label on containers; record; purchase reports; failure to submit reports or records; civil infraction; suspension or denial of license.

Sec. 47333.

(1) A person who deals in fish by operating a wholesale fish market or fish house, or who solicits the purchase of or buys fish for wholesale distribution, shall secure a license from the department. Each license expires on December 31, and the fee for the license is \$5.00.

(2) A person holding a license under this section shall not transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any fish or carcass or part of any fish or carcass unless

the package or parcel is labeled in plain English on the address side of the package or parcel so as to disclose the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish contained in the package or parcel.

(3) A person licensed under this section may, at any time, sell, purchase, or barter, or have in the person's possession or under the person's control for the purpose of sale or barter, any commercial fish. However, the person shall comply with section 47319 at all times. A person licensed under this section shall keep a separate record of the purchase of fish in a form as required by the department.

(4) A person licensed under this section shall submit reports of all purchases of fish to the department in a format determined by the department. The department may issue orders requiring purchase reports to be submitted twice monthly and specifying the information required, consistent with any consent decree, decree, federal court order, memorandum of understanding, or other legally binding agreement. Purchase reports must be submitted twice monthly to the department, except that all commercial fish wholesalers must report more frequently if a consent decree, decree, federal court order, memorandum of understanding, or other legally binding agreement establishes more frequent reporting.

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

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

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

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

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

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

(9) The department shall not issue a wholesale fish dealer license to a person that would occupy the same business location as a wholesale fish dealer whose license is suspended.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2023, Act 239, Eff. Feb. 13, 2024

Popular Name: Act 451

Popular Name: NREPA

324.47334 Violation of sections; penalties.

Sec. 47334.

Any person who violates sections 47328 to 47333 is guilty of a misdemeanor and upon conviction for the first offense shall be punished by imprisonment for not more than 60 days, or a fine of not less than \$25.00 or more than \$100.00 and the costs of prosecution, or both. Each violation is a separate and distinct offense. In addition to the penalties provided in this section, the license of any person convicted of violating section 47333 may be revoked by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47335 Nets and seines; prohibited use in certain waters of Lake Superior.

Sec. 47335.

A person shall not take or catch fish of any kind with gill nets, pound nets, trap nets, seines, or other device of any kind except with hook and line and spear in the waters of Lake Superior within a radius of 1/2 mile from the mouth of the Two Hearted river located in T 50 N, R 9 W, Luce county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47336 Grand Traverse bay.

Sec. 47336.

A person shall not take or attempt to take fish with seines or nets of any kind in that part of Grand Traverse bay lying southerly of a line drawn due east and west through Mission Point light, Grand Traverse county, said waters being further described as the east arm and the west arm of Grand Traverse bay. A person may take chubs with gill nets in any part of Grand Traverse bay where the depth of water exceeds 300 feet.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47337 Charlevoix bay.

Sec. 47337.

A person shall not take or catch, or attempt to take or catch, any species of fish with gill nets, pound nets, trap nets, seines, set hook lines, or any other device whatsoever, except a hook and line and spear as permitted by law, or set any such nets, seines, set hook lines, or devices, in the waters of Lake Michigan within a radius or distance of 2 miles from Charlevoix south pierhead light, located at the mouth of the Pine river in Charlevoix county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47338 Setting or using nets near public docks or piers prohibited; exceptions.

Sec. 47338.

A person shall not set or use any kind of a net mentioned in this part, except seines in the taking of noxious fish, within a radius of 1/2 mile of any public dock or pier from which the public is not excluded from fishing with hook and line. However, a person may set nets under the ice for the purpose of taking all fish, except perch, within the 1/2 mile radius of any such dock or pier. Public docks for the purpose of this part include all docks except docks owned by individuals and used exclusively for their own boats. This section does not apply to St. James Harbor, Beaver Island, and Charlevoix county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47339 Saginaw bay.

Sec. 47339.

As used in this part, "Saginaw bay" means those waters lying inside of a line drawn from Tawas point lighthouse in Iosco county to a monument which shall be erected by the department on Oak point in Huron county, including the waters of Tawas bay, in which area nets may be set and used as provided by law. However, nets shall not be set or used in any of the following locations:

(a) Within that area between the shoreline and a line drawn from a monument which shall be erected by the department on Fish point in Tuscola county to a monument which shall be erected by the department on the westerly point of Stony island, thence to a monument which shall be erected by the department on the westerly point of North island, thence to a monument which shall be erected by the department on the westerly end of Sand point in Huron county. However, nets may be used in that part of this area lying southerly of the south line of section 21, town 16 north of range 9 east, extending due west. Seines not exceeding 5 feet in depth and 100 rods in length may be used in that part of this area lying northerly of the south line of section 21, town 16 north, range 9 east, extending due west, for the taking of noxious fish.

(b) Within that area enclosed within and bounded by the following lines: beginning at the monument on Sand point described in subdivision (a), thence for a distance of 1 mile along a line drawn from that monument to a monument to be erected by the department on the easterly point of Little Charity island, thence 218 degrees along a line to a point where it would intersect a line drawn from the Gravelly point shoal lighthouse to the monument on North island described in subdivision (a), thence southeasterly along the latter line to the monument on North island, thence northeasterly to the point of beginning; the object being to provide a channel approximately 1 mile in width for the free passage of fish.

(c) Within that area of Tawas bay bounded on the south by a line extending from the U.S. fog signal building on Tawas point due west to the mainland.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47340 Marquette Bay.

Sec. 47340.

A person shall not drive stakes for fishing purposes, or set, place, or extend any pound, trap, stake, or set net of any kind, or any other device, except hook and line and spear as permitted by law, to take or catch fish in the waters of Marquette Bay, beginning with a line from the Presque Isle breakwater on the S.S.E. period line to east side of section 8 opposite the mouth of the Chocolay river.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47341 Grand Marais harbor.

Sec. 47341.

Commencing June 15, 1962, a person shall not place or set any kind of net or set hook lines or take or attempt to take any kind of fish with a net or set hook line in the waters of east bay and west bay, Grand Marais harbor, and in the waters of Lake Superior within 2 miles on either side of the range lights at the entrance to Grand Marais harbor, extending out to 30 fathoms of water, all in Alger county, Michigan.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47342 False Presque Isle bay.

Sec. 47342.

A person shall not set nets or seines of any kind or description west of a certain line commencing at the 1/4 post between sections 13 and 24 in town 33 north, range 8 east; thence north across the bay of False Presque Isle to 1/4 post between sections 12 and 13 in said town 33 north, range 8 east, in Presque Isle county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47343 Presque Isle harbor.

Sec. 47343.

A person shall not take or attempt to take fish with seines, set hook lines, or nets of any kind in the waters of Presque Isle harbor and that portion of Lake Huron within a line drawn between Presque Isle light in section 8, town 34 north, range 8 east, and South Albany Point in section 22, town 34 north, range 8 east, Presque Isle county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47344 Thunder Bay.

Sec. 47344.

A person shall not catch or take fish of any kind with a net or other device of any kind, except hook and line and spear as permitted by law, from that part of Thunder Bay in Lake Huron, lying inside, or south and west of a straight line extending from the mouth of Thunder Bay river to the center of Surplur Island; thence south and east to the north and south line between sections 20 and 21 in township 29 north, of range 9 east, in the state of Michigan, where said line intersects the waters of the said lake, excepting therefrom that part of said Thunder Bay in front of sections 2, 11 and 12 in township 29 north, of range 8 east, and sections 34 and 35 in township 30 north, of range 8 east. However, no net or other device of any kind, except hook and line and spear as permitted by law, shall be used by any person to take or catch fish in that part of the waters of said Thunder Bay within 1/2 mile of the mouth in any direction of any stream that discharges its waters into that portion of said Thunder Bay.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47345 Whitney bay.

Sec. 47345.

A person shall not fish with, use, or set any seines, gill nets, or any form of pound, trap, sweep, or set nets, or

any similar device for taking fish in Whitney bay or any waters tributary to that bay in the township of Drummond, county of Chippewa.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47346 Pike Bay and Island Harbor.

Sec. 47346.

A person shall not take or catch fish of any kind with gill nets, trap nets, pound nets, seines, or other device of any kind, except hook and line, in that part of upper Lake Huron known as Pike Bay and Island Harbor within a line drawn from the most southerly point of section 17, town 41 north, range 5 east, on Drummond Island to the most westerly point of Espanore Island; thence southerly and easterly along the shore to the most southerly point of said Espanore Island; thence due east to the mainland of Drummond Island. However, a person may use spears through the ice of those waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47347 Straits of Mackinac.

Sec. 47347.

A person shall not take or catch fish of any kind with gill nets, trap nets, seines, or other device of any kind, except hook and line and spear as permitted by law, in that part of the Straits of Mackinac, within 1 mile from the shoreline, from a point where the section line between sections 22 and 23, town 40 north, of range 4 west intersects the Straits of Mackinac, and running from there easterly to where the west line of the city limits of the city of St. Ignace intersects the Straits of Mackinac, and within 1/2 mile from there easterly and northerly to where the north line of the city of St. Ignace intersects Lake Huron or the Straits of Mackinac.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47348 Les Cheneaux channels.

Sec. 47348.

(1) A person shall not fish with seines, gill nets, or any form of trap nets, or in any manner except by hook and line, the channels known as the Les Cheneaux channels, in Mackinac county, or in the entrances to the channels or in the waters adjacent to the channels, within a line drawn as follows: Beginning at the southerly extremity of the point of land on the easterly side of Dudley bay; running thence southwesterly in a straight line to the southeasterly extremity of Beaver Tail Point; thence westerly in a straight line to the southeasterly point of Crow island; thence southwesterly in a straight line to the extreme southeasterly point of Boot island; thence southwesterly in a straight line to Point Fuyards; thence northwesterly in a straight line to the extreme southerly part of St. Martin's Point. However, pound nets of legal mesh and size, for the taking of whitefish and lake trout, may be set and used in any

place in the protected waters, except in that portion of Prentice bay lying north of a line drawn from the south end of Scotty's Point to the south end of Whitefish Point and in the channels known as the Les Cheneaux channels, in Mackinac county, or in the entrances to the channels, lying west of the east line of section 34, in town 42 north, range 1 east, said line running north and south. Gill nets of not more than 150 feet in length and of the size mesh established in section 47309 for taking herring and menominees may be legally used and set in the protected waters, at any place or places where nets for the taking of whitefish and lake trout are permitted by this part, during the months of January, February, and March of each year, for the purpose of taking herring and menominees for commercial purposes. A person may use spears through the ice of such waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike. If perch, black bass, northern pike, or pike-perch are taken in any of the nets described in this section used for the taking of whitefish and lake trout, menominee, or herring, as permitted by this part, they shall be immediately released and placed back in the water.

(2) A person shall not take more than 50 perch by hook and line and spear from waters described in this section, in any 1 day, and the sale of any perch, black bass, northern pike, or pike-perch caught or taken from those protected waters by hook and line and spear, is unlawful.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47349 Fishing in certain water of upper Lake Huron with fishing devices; prohibition; exceptions; spearing through ice for certain fish; open season.

Sec. 47349.

A person shall not take or catch fish of any kind with gill nets, pound nets, trap nets, seines, or other device of any kind, except a hook and line, in those waters of upper Lake Huron within the following boundaries: Beginning at a point where the north line of town 41 north intersects the shore of the mainland south of the village of Detour, in Chippewa county; thence due east to Drummond Island; thence northerly and easterly along the shore of Drummond Island to a point where the section line between sections 23 and 24, town 43 north, range 6 east, on Poe Point, meets the waters edge; thence northwesterly to a point on the international boundary line where it intersects a line drawn due north from the most westerly end of Chippewa Point; thence due north to the international boundary line; thence westerly along said international boundary line to a point where it intersects a line drawn due east through the most southerly point of Little Lime Island; thence due west from said point to the mainland; thence following the shore of the mainland southeasterly to the point of beginning. However, nets with meshes not less than 4-1/2 inches and set hook lines may be used from December 15 to April 1 of each year in these waters except in that portion of Potagannissing Bay lying southerly of a line drawn from the most northerly part of Dix Point on section 19, town 42 north, range 5 east, to Chippewa Point on section 30, town 43 north, range 6 east, on Drummond Island, Chippewa county, where no device for taking fish other than a hook and line shall be used at any time. A person shall not take or catch fish of any kind with gill nets, pound nets, trap nets, seines, or other device of any kind, except a hook and line, in the waters on the south side of Drummond Island lying north of a line beginning at the most southerly part of Cream City Point on section 22, town 41 north, range 5 east, thence easterly to Traverse Point, thence easterly to Scammon Point, thence southeasterly to the most southerly part of Long Point on section 29, town 41 north, range 7 east. A person may use spears through the ice of such waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47350 Little Traverse bay.

Sec. 47350.

A person shall not take or catch fish of any kind with gill nets, trap nets, seines, or other device of any kind, except hook and line and spear as permitted by law, and except the dipping of minnows, as defined in section 48728, by hand net and the taking of minnows by glass trap, in that part of Little Traverse bay on Lake Michigan, lying east of the line common to sections 9 and 10, township 34 north, of range 6 west, extended northerly across the bay to meet the line common to sections 9 and 10, township 35 north, of range 6 west, all in Emmet county. Minnows may be taken or caught from the waters above-described by use of a seine, hand net, or glass trap except seines may not be used within 100 feet of any public dock from which the public is not excluded from fishing with hook and line.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47351 Little Bay de Noquette.

Sec. 47351.

A person shall not fish with, use, or set any seines, gill nets, or any form of pound, trap, sweep, or set nets, or any like device, or use any spear, night line, or set line for taking fish in any of the waters of this state known as Little Bay de Noquette, which means those waters of Little Bay de Noquette and tributaries north from a line drawn from the extreme end of Saunders' Point on the west shore to the extreme end of Squaw Point on the east shore. However, a person may from December 15 to April 1 of each year take suckers in any of the waters described in this section by means of pound nets, if the pound nets are lifted only under the supervision of representatives of the department. A person may use spears through the ice of such waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47352 Garden bay.

Sec. 47352.

A person shall not take or catch fish of any kind with gill nets, pound nets, trap nets, seines, or other device of any kind, except hook and line and spear as permitted by law, in the waters of Garden Bay on Lake Michigan within a radius of 1-1/4 miles from the mouth of Garden Creek, Delta county. However, nets as used in Big Bay De Noc for taking smelt may be used also in Garden Bay to take smelt if they do not take or injure any other species of fish.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47353 Little Bay de Noquette, Big Bay de Noquette, and Green Bay.

Sec. 47353.

A person shall not in the waters of this state known as Little Bay de Noquette and Big Bay de Noquette, and that part of Green Bay lying north of a line drawn from the point where the south boundary of Delta county (being the south line of township 37 north) meets the west shore of Green Bay, thence easterly to the most southerly point of St. Martin Island, thence northeasterly through the most southeasterly point of Poverty Island to the most southeasterly point of Summer Island (also called Big Summer Island), thence northerly along the shore of Summer Island to the most easterly point thereof, thence northerly to the navigation buoy off the south end of Point Detour:

(a) Fish, set, use, or maintain in the water any pound net designed for the impounding of fish, unless the pound net is held in place solely by 10 or more stakes driven firmly into the ground beneath the water.

(b) Fish, set, use, or maintain any pound net in water having a depth greater than 50 feet.

(c) Fish, set, or have in the water any trap net, hoop net, fyke net, drop net, or gobbler net at any time from April 15 to May 20.

(d) Fish, set, use, maintain, or permit to remain in the water any net of any description, except minnow seines, between July 1 and September 10, in whole or in part within any of the areas described as follows:

(i) In Big Bay de Noquette north of a line from the southernmost tip of Porcupine Point to the westernmost tip of Valentine Point.

(ii) In Little Bay de Noquette between the westerly shore and a line drawn from the extreme end of Saunders Point to the extreme end of Squaw Point and thence to the mouth of the channel into the Gladstone yacht harbor.

(iii) In Little Bay de Noquette and Green Bay between the westerly shore and a line drawn from the most easterly point on Portage Point 1 and 1/2 miles south, thence in a general southerly direction parallel to the westerly shoreline and 1 and 1/2 miles out from shore to a point where the township line between town 37 n and 38 n, r 23 w intersect, thence west to the shore.

(e) Subdivisions (a) and (b) do not apply to or restrict the fishing, setting, use, or maintenance of pound nets otherwise lawfully used for the taking of smelt or herring during the winter months under the ice.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47354 Keweenaw bay.

Sec. 47354.

A person shall not take, catch, or attempt to take or catch any fish with seines, gill nets, or any form of pound or trap nets or in any manner except by the use of hook and line and spear as permitted by law in the waters of L'Anse bay, which are defined as follows: South of an east and west line beginning at the meander corner between sections 25 and 36, township 51 north, range 33 west, and extending west to the meander corner between section 27 and section 34, township 51 north, range 33 west. In the remaining waters of Lake Superior inside of a line extending from Manitou light on Manitou island, Keweenaw county, to the Huron island light on west Huron island and thence to the mouth of the Huron river in township 52 north, range 29 west, Marquette county, excluding Huron bay as defined in section 47356, from January 1 to October 31 in each year a person shall not set or use in waters between 120 feet in depth and 300 feet in depth any gill net with meshes less than 4-1/2 inches, except for taking herring when the net is floated so that the lower line of the net is not more than 42 feet below the surface of the water, and for the taking of bait for set hook lines in accordance with section 47309.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47355 Portage Lake ship canal.

Sec. 47355.

A person shall not take, catch, or attempt to take or catch any fish with seines, gill nets, or any form of pound nets or trap nets or in any manner except by the use of hook and line in those waters of Houghton county,

commencing at the northerly entrance to Portage Lake and extending through Portage Lake ship canal and within 1/2 mile in all directions from the canal entrance inside of the breakwaters. However, a person may use spears through the ice of such waters during the months of January and February for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47356 Huron bay.

Sec. 47356.

A person shall not take, catch, or attempt to take or catch any fish with seines, gill nets, or any form of pound or trap nets or in any manner except by the use of hook and line in the waters of Huron bay, which within this part mean: South of an east and west line beginning at the meander corner between sections 14 and 23, township 52 north, range 31 west, and running west to the meander corner between sections 15 and 22, township 52 north, range 31 west, Baraga county. A person may use spears through the ice of those waters during the months of January, February, and March for taking carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee whitefish, catfish, bullheads, herring, perch, pike-perch, shad, dogfish, and garpike.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47357 Duncan Bay.

Sec. 47357.

A person shall not use any kind of a net, set hook line, or other device for the purpose of taking or catching fish in the waters of Duncan Bay, Lake Huron, which as used in this part mean all those waters of Duncan Bay, Lake Huron, lying south of a line drawn west from Cheboygan Point lighthouse on Lighthouse Point to a point where the easterly boundary line of Beaugrand township meets the westerly boundary line of the corporate limits of the city of Cheboygan extended due north would intersect the waters of Lake Huron. However, a person may take or catch fish in these closed waters with hook and line or spears in accordance with the laws of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47358 Munising and Murray bays.

Sec. 47358.

A person shall not take or catch fish of any kind in any manner except with hook and line and spear as permitted by law in any of the waters of Munising and Murray bays of Lake Superior which as used in this part mean those waters of Munising and Murray bays of Lake Superior lying westerly of a line drawn from Sand Point in section number 19, town 47 north, range 18 west, to the eastern end of the eighth line dividing lots 1 and 2 in the northeast quarter of section number 24, town 47 north, range 19 west, and easterly of a line drawn from the southern end of

the quarter line between lots 2 and 3 of section number 22, town 47 north, range 19 west, to the northern end of the quarter line between lots number 2 and 3 in section number 27, town 47 north, range 19 west, and fish so taken shall not be bought or sold.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47359 Bait; taking with nets.

Sec. 47359.

The taking of minnows as defined in section 48728 and other small fish for bait with nets not otherwise prohibited by law is not a violation of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47360 Construction of part.

Sec. 47360.

Nothing contained in this part authorizes the taking, selling, or transporting of fish, the use of illegal nets, or the setting of nets at a place or places or at times otherwise forbidden by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.47361 Violation of MCL 324.47335 to 324.47360; penalty; suspension or revocation of permit or license; issuance or reinstatement.

Sec. 47361.

(1) A person who violates sections 47335 to 47360 is guilty of a misdemeanor, punishable by imprisonment for not more than 30 days, or a fine of not less than \$10.00 or more than \$100.00 and costs of prosecution, or both. The license of any person convicted of 3 violations of this part or other acts or parts regulating commercial fishing in any 1 license year shall be automatically revoked and canceled for the balance of the license year for which issued, and such a revocation prohibits the use of boats, nets, or other gear by any person during the balance of the year for which the license was issued.

(2) Subject to subsection (3), if any permit or license under this part is ordered to be suspended or revoked under section 41309 and if the department maintains a database of suspensions or revocations of permits or licenses under this part, the department shall not issue a permit or license under this part to the person for the period provided in the order.

(3) If a permit or license under this part is ordered to be suspended under section 41309, the suspension remains in effect until all of the following occur:

(a) The suspension period set forth in the court order has elapsed.

(b) The person pays the department a reinstatement fee of \$125.00.

(4) Unless a person's permit or license is otherwise suspended, revoked, or denied, the permit or license is immediately reinstated on satisfaction of the requirements of subsection (3).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2014, Act 541, Eff. Apr. 15, 2015
Popular Name: Act 451
Popular Name: NREPA

324.47362 Part 479 not repealed.

Sec. 47362.

This part shall not be construed to repeal part 479.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995
Popular Name: Act 451
Popular Name: NREPA