

**SUBSTITUTE FOR
HOUSE BILL NO. 4568**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 47309, 47310, 47311, 47312, 47313, 47314,
47315, 47316, and 47317 (MCL 324.47309, 324.47310, 324.47311,
324.47312, 324.47313, 324.47314, 324.47315, 324.47316, and
324.47317), as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) Connecting waters of Lake Superior and Lake Huron and the
4 connecting waters of Lake Huron and Lake Erie. As used in this
5 subdivision:

6 (i) "Connecting waters of Lake Huron and Lake Erie" means all



1 of the St. Clair River and all of Lake St. Clair and that part of
2 the Detroit River extending from Fort Gratiot Light in Lake Huron
3 to a point in the lower Detroit River where the center line of Oak
4 Street, city of Wyandotte, Wayne County, Michigan, extended due
5 east, would intersect the international boundary line.

6 (ii) "Connecting waters of Lake Superior and Lake Huron" means
7 that part of the straits of the St. Marys River in this state
8 extending from a line drawn from Birch Point Range Front Light to
9 the most westerly point of Round Island, then following the shore
10 of Round Island to its most northerly point, then from the most
11 northerly point of Round Island to Point Aux Pins Light, Ontario,
12 to a line drawn east and west from the most southerly point of
13 Little Lime Island.

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

17 (i) Waters within 1/2 mile on either side of the mouth of any
18 stream, river, or outlet capable of supporting navigable vessels
19 drawing 10 feet or more, leaving an open channel of 1 mile in width
20 and extending at right angles from the shoreline 1 mile out from
21 shore and 2 miles in width for the second mile from shore, for the
22 free passage of fish and vessel traffic. For the purpose of this
23 subparagraph, the shore commences at the average low-water mark. If
24 the location of the open channel or the average low-water mark is
25 in dispute, the department shall determine the location of the open
26 channel or low-water mark.

27 (ii) Waters within 1/8 mile on either side of the mouth of all
28 remaining rivers, streams, or outlets not covered in subparagraph
29 (i), leaving an open channel of 1/4 mile in width and extending at



1 right angles from the shoreline 1/2 mile out from shore for the
2 free passage of fish. For the purpose of this subparagraph, the
3 shore commences at the average low-water mark. If the location of
4 the open channel or the average low-water mark is in dispute, the
5 department shall determine the location of the open channel or low-
6 water mark.

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

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

12 (e) Waters of Lake Michigan within a radius of 2 miles from
13 Charlevoix South Pierhead Light, located at the mouth of the Pine
14 River in Charlevoix County.

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

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

22 (h) Waters of False Presque Isle Bay west of a line commencing
23 at the 1/4 post between sections 13 and 24 in T33N, R8E; then north
24 across the Bay of False Presque Isle to 1/4 post between sections
25 12 and 13, T33N, R8E, in Presque Isle County.

26 (i) Waters of Presque Isle Harbor and that portion of Lake
27 Huron within a line between Presque Isle Light in section 8, T34N,
28 R8E, and South Albany Point in section 22, T34N, R8E, in Presque
29 Isle County.



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

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

6 (l) Waters of northern Lake Huron known as Pike Bay and Island
7 Harbor within a line drawn from the most southerly point of section
8 17, T41N, R5E, on Drummond Island to the most westerly point of
9 Espanore Island; then southerly and easterly along the shore to the
10 most southerly point of Espanore Island; then due east to the
11 mainland of Drummond Island.

12 (m) Waters of that part of the Straits of Mackinac, within 1
13 mile from the shoreline, from a point where the section line
14 between sections 22 and 23, T40N, R4W, intersects the Straits of
15 Mackinac, and running from there easterly to where the west line of
16 the city limits of the city of St. Ignace intersects the Straits of
17 Mackinac, and within 1/2 mile from there easterly and northerly to
18 where the north line of the city of St. Ignace intersects Lake
19 Huron or the Straits of Mackinac.

20 (n) Waters of Houghton County, commencing at the northerly
21 entrance to Portage Lake Ship Canal and within 1/2 mile in all
22 directions from the canal entrance inside of the breakwaters.

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

28 (p) Waters of Duncan Bay, Lake Huron, lying south of a line
29 drawn west from Cheboygan Point Lighthouse on Lighthouse Point to a



1 point where the easterly boundary line of Beau Grand Township
2 meeting the westerly boundary line of the corporate limits of the
3 city of Cheboygan extended due north would intersect the waters of
4 Lake Huron.

5 (q) Waters of Munising and Murray Bays of Lake Superior. As
6 used in this subdivision, "waters of Munising and Murray Bays of
7 Lake Superior" means those waters of Munising and Murray Bays of
8 Lake Superior lying westerly of a line drawn from Sand Point in
9 section 19, T47N, R18W, to the eastern end of the eighth line
10 dividing lots 1 and 2 in the northeast quarter of section 24, T47N,
11 R19W, and easterly of a line drawn from the southern end of the
12 quarter line between lots 2 and 3 of section 22, T47N, R19W, to the
13 northern end of the quarter line between lots 2 and 3 in section
14 27, T47N, R19W.

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

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

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

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

28 (v) Lake Michigan waters south and east of a line from Grand
29 Traverse Light Station in section 6, T32N, R10W, Leelanau County,



1 to the village of Good Hart in section 25, T37N, R6W, Emmet County.

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

5 (x) Lake Huron waters west of a line from Tawas Point in
6 section 34, T22N, R8E, Iosco County, to Point Lookout in section
7 13, T19N, R7E, Arenac County.

8 (y) Lake Huron waters in Saginaw Bay, commonly referred to as
9 Wild Fowl Bay, east of a line extending from Fish Point, Tuscola
10 County, to the westerly point of Heisterman Island, to the westerly
11 point of North Island; thence to the westerly end of Sand Point in
12 Huron County.

13 (z) From June 10 to September 10, waters of Lake Huron less
14 than 18 feet in depth along that portion of the shore lying between
15 the south line of section 12, T26N, R9E, extended east into the
16 waters of Lake Huron near Harrisville, to the south line of section
17 6, T18N, R7E, extended east into the waters of Lake Huron near Au
18 Gres Point.

19 (2) A person shall not take fish with a gill net, pound net,
20 trap net, seine net, setline, set hook, or any other device except
21 a hook and line, or set a net of any description for the taking of
22 perch, within 200 feet of a dock in the waters of Northport Harbor
23 and within a line beginning at the extreme southern end of lot 3,
24 section 36, T32N, R11W of Northpoint Point at the water's edge;
25 thence on a line southerly across Northport Bay to Bellows Island;
26 thence southerly on a line from Bellows Island to most northerly
27 point of lot 3, section 25, T31N, R11W; thence due west to the east
28 shore of lot 1, section 25, T31N, R11W; thence northerly following
29 the bay shore to the place of beginning. A person shall not set a



1 trap or pound net in that part of Northport Harbor north of a line
2 beginning at the extreme southern end of lot 3, section 36, T32N,
3 R11W of Northport Point at the water's edge and extending west to
4 the town line between 31 north and 32 north in the village of
5 Northport.

6 (3) A person shall not place, set, or attempt to take fish
7 with a net or set hook line, in the connecting waters of Lake
8 Superior and Lake Huron, Whaiska Bay, including all waters lying
9 southerly to a line drawn from the most southeasterly point of lot
10 1, section 32, T47N, R2W, and extending easterly to the most
11 westerly point of Round Island.

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

18 ~~(a) Gill nets with meshes of not less than 4-1/2 inches shall~~
19 ~~be used for the taking of whitefish, lake trout, and yellow~~
20 ~~pickerel. In Lake Eric, the nets shall have meshes not less than 4-~~
21 ~~3/4 inches. The nets shall be set not nearer than 20 rods from the~~
22 ~~shore of the mainland fronting Lake Superior and its bays. The nets~~
23 ~~shall be set not nearer than 20 rods from the shore of the mainland~~
24 ~~fronting Lake Michigan southerly from Seven Mile point, Emmet~~
25 ~~county, during the months of March, April, and May. There shall be~~
26 ~~no nets, except gill nets, of any kind with mesh larger than 2-3/4~~
27 ~~inches set in the waters of Lake Superior within a radius of 50~~
28 ~~miles of the village of Houghton, Michigan, during the period~~
29 ~~between October 10 and November 4, except by permit from the~~



1 ~~department for the taking of spawn from trout for the fish~~
2 ~~hatcheries.~~

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



~~1 Parties handling the fish shall be paid not more than 3 cents per
2 pound for boxing, packing, and icing the fish. The department shall
3 remove or cause to be removed any of the nets if, from the
4 inspection provided in this section, the department determines that
5 the nets are taking more fish of species other than herring, chubs,
6 perch, and pilot fish than allowed by this section.~~

~~7 (c) Gill nets with meshes of not less than 2-1/4 inches or
8 more than 2-3/4 inches may be used to take blue back herring in the
9 waters of Lake Superior and Whitefish bay, and those waters of the
10 straits of Mackinac bounded on the Lake Huron end by a line drawn
11 from the southernmost tip of St. Martin point, Mackinac county, to
12 the westernmost tip of Lime Kiln point on Bois Blanc island, thence
13 in a southerly direction to the northernmost tip of Point Au Sable
14 in T 38 N, R 2 W, Cheboygan county, and bounded on the Lake
15 Michigan end by a line drawn from the southernmost tip of Seul
16 Croix point in Schoolcraft county in an easterly direction to the
17 Lansing shoal lighthouse, thence to the White shoal lighthouse,
18 thence in a southeasterly direction to the westernmost tip of
19 Waugoshance point in Emmet county, and Green bay of Lake Michigan,
20 as defined in section 47311, wherever they will not interfere with
21 or take whitefish or lake trout or any other fish protected under
22 the laws of this state.~~

~~23 (d) The department may issue permits to allow the use of gill
24 nets having meshes not less than 1-1/2 inches or more than 1-3/4
25 inches for taking smelt and alewife for commercial purposes under
26 rules and regulations as the department prescribes.~~

~~27 (e) Gill nets with meshes of not less than 1-1/4 inches or
28 more than 1-3/4 inches may be used to secure bait for use in
29 baiting hook lines, if the nets will not take undersized fish.~~



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

18 ~~(g) Pound nets having meshes not exceeding 3-1/2 inches in the~~
19 ~~lifting pot or crib and in the tunnel inside the pot or crib, and~~
20 ~~having meshes not less than 3-1/2 inches in that part of the tunnel~~
21 ~~outside of the pot or crib and in the heart and lead, may be used~~
22 ~~for taking all legal fish except whitefish and lake trout. Saginaw~~
23 ~~bay shall be considered rough fish grounds, and other similar bays~~
24 ~~may be designated by the department as rough fish grounds if the~~
25 ~~catch of whitefish and lake trout taken in pound nets and trap nets~~
26 ~~during the last 2 preceding years averaged less than 12% of the~~
27 ~~total catch, on which grounds all legal fish caught in pound nets~~
28 ~~and trap nets having meshes not exceeding 3-1/2 inches in the~~
29 ~~lifting pot or crib may be taken and all lake trout and whitefish~~



1 ~~taken in such nets set in all other waters shall be returned~~
2 ~~uninjured to the waters. The department may issue permits to allow~~
3 ~~the use of pound nets having meshes less than 3-1/2 inches in that~~
4 ~~part of the tunnel outside of the pot or crib and in the heart and~~
5 ~~lead for the taking of smelt and alewife for commercial purposes,~~
6 ~~under rules and regulations as the department may prescribe, which~~
7 ~~may include the waters in which the nets may be fished and the~~
8 ~~period of time during which they may be used.~~

9 ~~(h) Trap nets having meshes not less than 4-1/2 inches in the~~
10 ~~lifting pot, crib, or pocket and in the heart and tunnel and having~~
11 ~~meshes not less than 5 inches in the lead shall be used for taking~~
12 ~~whitefish and lake trout. In such trap nets, meshes not more than~~
13 ~~3-1/2 inches may be used in the tunnel inside the pot, in either~~
14 ~~the front, back, or 1 side of the pot for a distance not exceeding~~
15 ~~5 feet from the bottom of the net and in that portion of the bottom~~
16 ~~of the net connected thereto for a distance not exceeding 5 feet,~~
17 ~~and in the connecting ends for a depth and width not exceeding 5~~
18 ~~feet, for the purpose of shoaling fish. These trap nets shall not~~
19 ~~be used in any of the waters under the jurisdiction of this state~~
20 ~~except in Lakes Huron and Erie and then only in such a manner that~~
21 ~~no trap net or any part of the webbing of the net is set in water~~
22 ~~of a depth greater than 80 feet. Trap nets having meshes as~~
23 ~~described in this subsection and with no part of the lifting pot or~~
24 ~~crib over 15 feet in depth may be used to take whitefish and lake~~
25 ~~trout in Lakes Superior and Michigan in water of a depth not~~
26 ~~greater than 80 feet.~~

27 ~~(i) Trap nets having meshes not exceeding 3-1/2 inches in the~~
28 ~~lifting pot or crib and in the tunnel inside the pot or crib and~~
29 ~~having meshes not less than 3-1/2 inches in that part of the tunnel~~



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

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

22 ~~(k) Seines having wings with meshes of not less than 4 inches,~~
23 ~~and the pocket or bag, the bag of which shall be not more than 1/4~~
24 ~~the length of the seine, having meshes of not less than 2 1/4~~
25 ~~inches, may be used to take carp, yellow pickerel, perch, herring,~~
26 ~~and other rough fish if they do not interfere with or take~~
27 ~~whitefish or lake trout. All seines in use or set along the shores~~
28 ~~of the waters listed in section 47301, when unattended, shall have~~
29 ~~a metal tag securely attached to the seine bearing the commercial~~



1 ~~fishing license number of the owner or user of the seine. Minnow~~
2 ~~seines not to exceed 80 feet in length and 8 feet in width may be~~
3 ~~used in the Great Lakes and connecting waters.~~

4 ~~(l) The measurement of the mesh of all nets and seines as~~
5 ~~prescribed in this section shall be by extension measure. The size~~
6 ~~of the mesh of all nets or netting used in fishing as provided by~~
7 ~~this part shall be determined by extension measure, and the~~
8 ~~measurement shall be made of meshes irrespective of where the net~~
9 ~~or netting is found, whether in the water, on boat, on reel, on~~
10 ~~dock, or in any other place on land. Extension measure means the~~
11 ~~distance between the extreme angles of any single mesh, and the~~
12 ~~measurements shall be taken between and inside the knots. All~~
13 ~~measurements of the mesh in gill nets or gill netting shall be made~~
14 ~~with a flexible steel gauge constructed and used as prescribed in~~
15 ~~this section. All measurements of the mesh of gill nets or gill~~
16 ~~netting shall be made by inserting in the mesh parallel with the~~
17 ~~selvage a gauge made of spring steel free from rust, of a length~~
18 ~~equal to the number of inches prescribed in this section for the~~
19 ~~mesh measured. The ends of the gauge shall be free of sharp edges~~
20 ~~or burrs. The gauge shall not be graduated, and any necessary~~
21 ~~markings shall be placed near the ends of the gauge. The length of~~
22 ~~the gauge measured parallel with the long edge shall not at any~~
23 ~~point exceed or be less than the prescribed length by more than~~
24 ~~2/1000 of an inch. Its width at any point shall not exceed 9/16 of~~
25 ~~an inch or be less than 7/16 of an inch. Its thickness shall be~~
26 ~~such that when it is set vertically on a solid anvil with its upper~~
27 ~~end loaded with a dead weight between 7-1/2 and 8-1/2 ounces, the~~
28 ~~gauge shall deflect at its middle 1/10 of its length. The meshes to~~
29 ~~be gauged shall be at least 3 meshes removed from the selvage or~~



~~1 side lines and shall not be stretched or manipulated in any way
2 prior to or after the insertion of the gauge, and the same mesh
3 shall not be gauged more than once. In gauging a mesh, the flexible
4 gauge shall be held only by the ends and bent between thumb and
5 forefinger, the bent rule shall then be inserted in the mesh
6 parallel with the selvage and with the collapsed mesh, and finger
7 pressure shall be released immediately, not gradually. If the gauge
8 does not straighten out completely under its own tension within 2
9 seconds after its release in the mesh without slipping a knot or
10 breaking the twine, the mesh is unlawful, and if the majority of 10
11 or more meshes selected at random by the enforcement officer from
12 any part or parts of the gill net or from the entire gill net or
13 from any gill netting being gauged are found to be unlawful, the
14 gill net or gill netting if found in use or in or upon any licensed
15 commercial fishing boat shall be seized and confiscated. If found
16 in possession but not in use, any such gill net or gill netting
17 shall be sealed by the enforcement officer with a suitable seal
18 provided by the department and, when once sealed and for so long as
19 the seal remains intact on the net or netting, may be possessed by
20 the owner until disposed of or destroyed by the owner as provided
21 in this section. The gill net or gill netting shall not be disposed
22 of or destroyed except under direction of a conservation officer
23 and, until that time, shall be available for inspection by the
24 department or any conservation officer. Any person who, without
25 authority from the department, breaks or destroys a seal attached
26 to a gill net or gill netting, or any person who refuses or
27 neglects to produce for inspection any sealed gill net or gill
28 netting, or who disposes of or destroys a sealed gill net or gill
29 netting except under the direction of a conservation officer, is~~



~~1 guilty of a misdemeanor and upon conviction is subject to the
2 penalty provided for in section 47327. A person shall not use any
3 gill net of a greater measurement than 11 feet in depth in any of
4 the waters of the Great Lakes and the bays of the Great Lakes. In
5 Lake Erie, a gill net shall not be over 36 meshes deep. A trawl of
6 any kind shall not be licensed.~~

~~7 (m) Gill nets having meshes not less than 8 inches may be used
8 for taking carp in Wildfowl bay in Huron county.~~

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

13 (2) **The director may, in a commercial fishing license,
14 authorize and regulate the use of trawls, including, but not
15 limited to, the kind and size of the trawls, the size of mesh in
16 the trawls, and the areas, depths of water, and time and manner in
17 which the trawls may be used. The director may regulate the use of
18 trawls for taking designated commercial fish species.**

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

23 (a) **Gill nets with meshes from 2-3/8 inches to 3 inches,
24 inclusive, may be set in depths to be determined by the director
25 for taking bloater chub, round whitefish, or other commercial
26 species designated by the director. These nets may be used if their
27 incidental take of game fish does not exceed 10% by weight of the
28 total fish harvested as determined by the department by inspection
29 of the fish taken in the nets. The department shall remove or cause**



1 to be removed a net whose use, as determined by the department,
2 violates this subdivision.

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

6 (c) Pound nets with meshes greater than or equal to 4-1/2
7 inches in the lifting pot or cribs and in the heart and tunnel,
8 with meshes greater than or equal to 5 inches in the lead, and with
9 meshes less than 3-1/2 inches in 1 side of the pot or in the back,
10 which is that part of the pot opposite the tunnel entrance, may be
11 used for taking commercial fish. Pound nets with meshes less than
12 3-1/2 inches in the lifting pot or cribs, heart, tunnel, and lead
13 may be used for the targeting and taking of smelt. In addition, all
14 of the following apply to fishing with pound nets:

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

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

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

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

26 (d) Trap nets and fyke nets, with meshes greater than or equal
27 to 4-1/2 inches in the lifting pot or crib and in the heart and
28 tunnel and with meshes greater than or equal to 5 inches in the
29 lead may be used for taking whitefish. To shoal fish in trap nets



1 and fyke nets, with meshes greater than or equal to 4-1/2 inches in
2 the lifting pot, meshes less than or equal to 3-1/2 inches may be
3 used in that part of the tunnel inside the pot, in the entire front
4 of the pot, and in the front portion of the pot including the
5 connecting side, top, and bottom walls for a distance up to 16
6 feet, but not to exceed 1/3 of the length of the pot from front to
7 back.

8 (e) Beach seine nets having wings with meshes of not less than
9 4 inches, and a pocket or bag with meshes of not less than 2-1/4
10 inches may be used to take carp, suckers, and other commercial
11 species designated by the director. The pocket or bag must be not
12 more than 1/4 the length of the beach seine net. Beach seine nets
13 in use or set along the shores of the Great Lakes, when the owner
14 or user is not present, must have a metal tag securely attached to
15 the beach seine net bearing the commercial fishing license number
16 of the owner or user of the beach seine net.

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

21 (4) The size of the mesh of nets or netting used in commercial
22 fishing must be determined by extension measure. The measurement
23 must be made of meshes irrespective of where the net or netting is
24 found, whether in the water, on a vessel, on a reel, on a dock, or
25 in any other place on land. The net must be wet or wetted before
26 the measuring of the mesh. The mesh size of gill net must be
27 measured with a certified ruler by lining up consecutive knots
28 perpendicular to the float line and measuring on the diamond,
29 inside knot to knot. All other nets must be measured by a wedge-



1 shaped gauge having a taper of 2 centimeters in 8 centimeters and a
2 thickness of 2.3 millimeters, inserted into the meshes under a
3 pressure or pull of 5 kilograms. Stretch mesh must be measured by
4 placing the wedge gauge along the diagonal line that connects the
5 largest opening between opposite corners of the square. If a
6 majority of 10 or more meshes selected at random by a peace officer
7 from any part or parts of a commercial net being measured are
8 unlawful, the net, if found in use or upon any licensed commercial
9 fishing vessel, is illegal. The peace officer shall seize the
10 illegal net.

11 (5) The director may approve the use of commercial gear types
12 in addition to those specifically described in this part and
13 regulate their use by specific license condition, including, but
14 not limited to, all of the following:

- 15 (a) The kind and size of the gear.
16 (b) The size of mesh in net gear.
17 (c) The areas, time, and manner in which the gear may be used.
18 (d) The commercial fish species that the gear may harvest.

19 (6) The gear described in this section or approved under
20 subsection (5) must be specifically authorized by license condition
21 for legal use by a specific commercial fisher. A commercial fisher
22 shall conduct its commercial fishing operation and possess or use
23 on board any commercial vessel or in the waters subject to this
24 part or on the ice of those waters only the type and amount of gear
25 specified in its license.

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

29 (8) A commercial fisher, a member of the crew, or any other



1 person shall not possess sport angling equipment when aboard a
2 licensed commercial fishing vessel.

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

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

8 (b) The person is a department employee carrying out his or
9 her official duties.

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

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

27 ~~(3) The department may issue a license or permit that~~
28 ~~authorizes the holder of the license or permit to take, catch, or~~
29 ~~attempt to take or catch coregonus, commonly known as chubs, with a~~



1 ~~gill net, pound net, or trap net as follows:~~

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

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

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

8 **Sec. 47311. A person shall not set or use a net or set hook**
 9 **line in any waters of this state without marking its location as**
 10 **provided under the uniform waterway marking system, R 281.1101 to R**
 11 **281.1114 of the Michigan Administrative Code. A person who sets or**
 12 **uses net or set hook line under ice shall mark the location by a**
 13 **stake extending not less than 4 feet above the ice at each end of**
 14 **the net or set hook line and shall attach the license number, in**
 15 **legible figures, to each stake or to the ends of the net or set**
 16 **hook line. A person who sets or uses a net or hook line in any**
 17 **waters of this state shall provide GPS coordinates of that gear to**
 18 **the department, and the department shall post and maintain these**
 19 **coordinates on its public website. This information must be updated**
 20 **every time the gear is lifted or moved.**

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

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

25 ~~(b) Whitefish, in Lake Huron and Lake Michigan from October 1~~
 26 ~~to December 10; in Lake Superior from November 1 to November 26.~~

27 ~~(c) Pike-perch (yellow pickerel), northern pike, from April 1~~
 28 ~~to May 20. In Saginaw bay, as defined in section 47339, a person~~
 29 ~~shall not take pike perch from March 5 to April 10. A person may~~



1 ~~spear pike perch through the ice during the closed season in Lake~~
2 ~~Huron and the connecting waters of the Great Lakes for~~
3 ~~noncommercial use only.~~

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

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

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

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

16 ~~(2) In the waters of Green bay of Lake Michigan within the~~
17 ~~jurisdiction of this state, which for the purpose of this part are~~
18 ~~those waters lying inside a line drawn from the most southerly part~~
19 ~~of Point Detour to the most easterly points of Sumner and Poverty~~
20 ~~islands, thence due south to the Michigan-Wisconsin boundary line,~~
21 ~~thence along the boundary line to the shore, a person shall not~~
22 ~~from April 15 to May 20 set, place, or use any gill net having~~
23 ~~meshes less than 4-1/2 inches. The department may issue permits~~
24 ~~under such rules and regulations as prescribed by the department to~~
25 ~~allow the use of gill nets having meshes not less than 2-1/4 inches~~
26 ~~or more than 2-3/4 inches for taking herring from the waters of~~
27 ~~Green bay from April 15 to May 20, if the nets will not interfere~~
28 ~~with or take any other species of fish. The closed seasons~~
29 ~~established by this section do not apply to Lake Erie and the lower~~



1 ~~Detroit river, where nets shall not be set and fish of any kind~~
2 ~~shall not be taken with nets from January 1 to March 10. A person~~
3 ~~may take carp with seines at any time from these waters.~~

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

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

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

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

29 **(2) A commercial fisher shall not have any of the following**



1 gear in the Great Lakes:

2 (a) Abandoned gear.

3 (b) Unattended gear.

4 (c) Unreported lost gear.

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

8 (e) Unreported vandalized gear.

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

12 (3) A peace officer may seize gear described in subsection
13 (2). The seized gear is forfeited.

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

16 (a) The department shall reduce the amount of gear that the
17 commercial fisher is allowed to use by the amount of gear that was
18 the subject of the violation.

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

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

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

25 ~~The department may authorize the taking of trout, whitefish,~~
26 ~~and yellow pickerel for the purpose of fish culture at any time~~
27 ~~during the open or closed seasons provided in this part, when it is~~
28 ~~determined by test nets set under the direction of the department~~
29 ~~that at least 20% of the fish taken are females and at least 40% of~~



1 ~~these females are ripe and ready to spawn. However, when all spawn~~
 2 ~~needed for state and federal hatcheries has been secured, the~~
 3 ~~department may close all commercial fishing during the remainder of~~
 4 ~~the closed season. The department may close all commercial fishing~~
 5 ~~during the closed season on those grounds that are so located as to~~
 6 ~~prevent proper handling of spawn or where it appears that little or~~
 7 ~~no spawn is being taken.~~

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

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

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

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

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

15 (e) Species of the family Catostomidae, including quillback

16 (*Carpiodes cyprinus*), white sucker (*Catostomus commersonii*),

17 longnose sucker (*Catostomus catostomus*), northern hogsucker

18 (*Hypentelium nigricans*), silver redhorse (*Moxostoma anisurum*),

19 black redhorse (*Moxostoma duquesnei*), golden redhorse (*Moxostoma*

20 *erythrurum*), shorthead redhorse (*Moxostoma macrolepidotum*), greater

21 redhorse (*Moxostoma valenciennesi*), bigmouth buffalo (*Ictiobus*

22 *cyprinellus*), and black buffalo (*Ictiobus niger*).

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

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

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

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

27 (j) Catfishes of the family Ictaluridae, including black

28 bullhead (*Ameiurus melas*), yellow bullhead (*Ameiurus natalis*),

29 brown bullhead (*Ameiurus nebulosus*), channel catfish (*Ictalurus*



1 *punctatus*), and flathead catfish (*Pylodictis olivaris*).

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

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

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

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

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

11 (a) If the amount of the exceedance is 5 pounds or less of
12 fish in the round, the person is responsible for a state civil
13 infraction and may be ordered to pay a civil fine of \$100.00 for
14 the first violation and \$200.00 for a second violation in a license
15 year. In addition, the department or a peace officer at the
16 direction of the department may seize the entire bycatch for that
17 species for the day on which the violation occurred.

18 (b) If the amount of the exceedance is more than 5 pounds of
19 fish in the round or the exceedance is the third or subsequent
20 exceedance in the license year, the person is guilty of a
21 misdemeanor punishable as provided in section 47326. The department
22 or a peace officer at the direction of the department may seize the
23 entire bycatch for that species for the day on which the violation
24 occurred. In addition, the person's commercial fishing license
25 shall be suspended for 30 days within 1 year after conviction. The
26 30-day period must begin on or after April 15 and end on or before
27 October 31.

28 (4) The director may establish closed seasons for any
29 commercial fish species. Seasons open and close at 12 noon on the



1 dates established by the director. A person shall not set any
2 commercial gear for the taking of fish before 12 noon on the date
3 the season opens for taking the fish. A commercial fisher shall
4 land harvested fish at a port by 2 p.m. on the date the season
5 closes.

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

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

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

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

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

22 (8) During the period beginning January 1, 2020 and ending
23 December 31, 2025 and at least once every 10 years after the end of
24 that period, the department shall conduct a bycatch study on at
25 least 3 separate active commercial Great Lakes fisheries. The
26 department shall use information from the study to manage harvest
27 quotas, gear, grounds, and other license conditions as needed.

28 ~~All persons engaged in fishing for whitefish, trout, yellow~~
29 ~~pickerel, or perch in the waters named in this part shall from the~~



1 ~~beginning of the spawning season for these fish, such time to be~~
2 ~~determined by test under the direction of the department, until the~~
3 ~~beginning of the closed season provided by section 47311 and before~~
4 ~~and after the closed season, strip all ripe fish, both male and~~
5 ~~female, save all of the spawn, properly impregnate it, and deliver~~
6 ~~it to the department at its fishing port, and all such persons~~
7 ~~shall have a sufficient number of people on each boat and all the~~
8 ~~equipment needed properly to save, handle, impregnate, and deliver~~
9 ~~such spawn. The saving, handling, impregnating, and delivering of~~
10 ~~spawn shall be done under the direction of the department and in~~
11 ~~accordance with such regulations and under such supervision as~~
12 ~~prescribed by the department. However, the department shall not~~
13 ~~discriminate against any person engaged in fishing during the~~
14 ~~closed or open season, having on each boat a sufficient number of~~
15 ~~people and all the equipment needed properly to save, handle,~~
16 ~~impregnate, and deliver such spawn at any port or fishing ground~~
17 ~~when it has been determined that fish are ripe for spawning. This~~
18 ~~determination shall be made by setting test nets on each fishing~~
19 ~~ground where spawn will be taken. A person engaged in commercial~~
20 ~~fishing that fails to properly save, handle, impregnate, and~~
21 ~~deliver such spawn during any period when spawn are ripe is guilty~~
22 ~~of a violation of this part. A person shall not take from the~~
23 ~~waters of the Great Lakes any lake or Mackinaw trout during the~~
24 ~~closed season established by this part for those fish, except by~~
25 ~~the use of gill nets, trap nets, and pound nets after tests have~~
26 ~~been made and the percentage of ripe fish secured as provided for~~
27 ~~in section 47312.~~

28 **Sec. 47314. (1) The director may establish minimum fish length**
29 **and fish weight requirements for all commercial fish species taken**



1 under a commercial fishing license. Subject to subsection (2), a
2 person shall not take, possess, transport, sell, or offer for sale
3 any fish species of a size or weight prohibited by the director.

4 (2) The director may establish an allowable possession limit
5 for undersized commercial fish species taken under a commercial
6 fishing license. Any undersized commercial fish species allowed to
7 be possessed under this subsection shall not be sold or offered for
8 sale. Such fish, when found during sorting or processing after
9 landing, shall be removed from the commercial catch and either set
10 aside for personal use or disposed of in compliance with written
11 instructions provided by the director. A person that retains more
12 than twice the amount of the allowable possession limit for an
13 undersized commercial fish species under this subsection is guilty
14 of a misdemeanor punishable as provided in section 47326. A person
15 that retains more than the allowable possession limit for an
16 undersized commercial fish species but less than twice the
17 allowable possession limit is responsible for a state civil
18 infraction and shall be ordered to pay a civil fine as follows:

- 19 (a) For a first violation of the license year, \$200.00.
20 (b) For a second violation of the license year, \$300.00.
21 (c) For a third or subsequent violation during the license
22 year, \$400.00.

23 (3) A commercial fisher shall not possess on a vessel, or on
24 any other conveyance used to reach gear from shore, a meat grinder
25 or similar device by the use of which the identification of the
26 species of fish or the measurement of the individual fish is
27 impossible. A commercial fisher shall not possess on a vessel or
28 the ice, and shall not bring ashore, a fish that is so mutilated
29 that identification and measurement are impossible.



1 **(4) Measurements of minimum fish length or fish weight**
 2 **established by the director apply without any allowance for the**
 3 **shrinkage of the fish under any conditions.**

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

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

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

24 ~~The department may take fish in any manner, in any of the~~
 25 ~~waters mentioned in this part, at any and all seasons of the year,~~
 26 ~~for the purpose of fish culture and scientific investigation; may~~
 27 ~~have and hold ripe and unripe fish in order to take spawn from the~~
 28 ~~fish; may sell all of those ripe and unripe fish; and may devote~~
 29 ~~the proceeds of the sales exclusively toward defraying the expenses~~



1 ~~incurred in taking the fish and fertilizing and planting the spawn~~
2 ~~from the fish.~~

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

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

21 **Sec. 47317. (1) A commercial fisher shall keep a commercial**
22 **catch record of each day's catch that includes all of the**
23 **following:**

24 **(a) The number of pounds of each species of fish taken,**
25 **possessed, released, or returned.**

26 **(b) The locality fished.**

27 **(c) The kind and amount of fishing gear employed.**

28 **(d) The length of time each unit of gear was fished between**
29 **lifts.**



1 (e) The species and amount of roe taken.

2 (f) The buyer of the fish.

3 (g) The estimated average price received for the fish.

4 (h) Any other reasonable and pertinent data the director may
5 require in following the biologic and economic trends of a fishery.

6 (2) The records of individual prices received for fish are
7 exempt from disclosure under the freedom of information act, 1976
8 PA 442, MCL 15.231 to 15.246, and must not be disclosed by the
9 department.

10 (3) A commercial fisher shall complete an annual inventory
11 record of all freshwater fish and roe in possession or under
12 ownership or control of the commercial fisher, including those fish
13 and roe in cold storage facilities, as of a date specified by the
14 department.

15 (4) A commercial fisher shall electronically submit to the
16 department the commercial catch records and annual inventory record
17 under subsections (1) and (3). The director shall establish the
18 format and schedule for the submissions.

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

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

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

25 (6) If a commercial fisher fails to submit 2 or more records
26 required under this section and has been cited by the department
27 for each violation, the department may suspend the person's
28 commercial fishing license until the delinquent records are
29 submitted to the department. The department shall send notification



1 of the suspension to the commercial fisher.

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

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

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

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 100th Legislature are
18 enacted into law:

19 (a) House Bill No. 4567.

20 (b) House Bill No. 4569.

