

**SUBSTITUTE FOR
HOUSE BILL NO. 4567**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 47301, 47302, 47303, 47305, 47306, 47307, and
47308 (MCL 324.47301, 324.47302, 324.47303, 324.47305, 324.47306,
324.47307, and 324.47308), sections 47301, 47302, 47305, 47306,
47307, and 47308 as added by 1995 PA 57 and section 47303 as
amended by 2004 PA 587, and by adding section 47304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 47301. **As used in this part:**
- 2 (a) "Abandoned gear" means any commercial net, hooks, or other
- 3 gear found on the waters of this state if a licensee has done any
- 4 of the following:
- 5 (i) Discarded, disowned, or dispossessed the gear.



1 (ii) Failed to recover the gear within a reasonable time after
2 acquiring knowledge of the gear's location.

3 (iii) Intentionally altered or removed the gear's ownership
4 identification tags or similar markings.

5 (iv) Failed to immediately restore the gear's lost or destroyed
6 ownership identification tags or similar markings after acquiring
7 knowledge of the absence or destruction of the tags or markings.

8 (b) "Aquatic species" means fish, reptiles, amphibians,
9 mollusks, and crustaceans, including their parts, eggs, and
10 products.

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

13 (d) "Bycatch" means the nontarget, nonlegal, or undersized
14 fish that are inadvertently caught in commercial fishing gear while
15 used to fish for legal commercial fish species.

16 (e) "Commercial" means buying, offering for sale, selling,
17 bartering, giving, or furnishing to others any aquatic species or
18 its parts, including roe, for anything of value.

19 (f) "Commercial fish species" means those aquatic species that
20 are explicitly authorized for commercial harvest under this part.

21 (g) "Commercial net" means any of the following:

22 (i) A fyke net.

23 (ii) A hoop net.

24 (iii) A gill net.

25 (iv) An impoundment net.

26 (v) A pound net.

27 (vi) A seine net.

28 (vii) A trap net.



1 (viii) A trawl net.

2 (h) "Department" means the department of natural resources.

3 (i) "Designated offense" means a misdemeanor violation of any
4 of the following offenses:

5 (i) Taking, selling, offering for sale, or possessing
6 prohibited fish species.

7 (ii) Fishing or taking fish during the closed season.

8 (iii) Taking or possessing fish in excess of harvest or bycatch
9 limit.

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

11 (v) Taking, selling, offering for sale, or possessing fish
12 under the legal size limit.

13 (vi) Fishing with or taking fish by use of an unlawful device.

14 (vii) Fishing in or taking fish from waters closed to
15 commercial fishing.

16 (viii) Fishing or taking fish in violation of specific license
17 provisions.

18 (ix) Selling, purchasing, bartering, or possessing or
19 controlling for purposes of sale or barter any illegal fish.

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

21 (j) "Director" means the director of the department of natural
22 resources.

23 (k) "Dressed fish" means a fish with the head and tail
24 attached but with the gills and the entire gut or viscera removed.

25 (l) "Dressed headed fish" means dressed fish with the head
26 removed.

27 (m) "Extension measure" means measuring the distances between
28 the extreme angles of any single mesh, between and inside the



1 knots, when the mesh is pulled taut by hand.

2 (n) "Fillet" means a cut or slice of edible meat from the side
3 of a fish.

4 (o) "Fish" means any fish and, unless the context requires
5 otherwise, includes fish parts, roe, and fish products.

6 (p) "Fish in the round" means a fish that is entirely intact
7 as it was taken out of the water with no part or insides removed.

8 (q) "Fyke net" and "hoop net" mean a long, bag-shaped
9 impoundment net held open by hoops or frames and having 1 or more
10 internal funnel-shaped throats that taper from the mouth of the net
11 toward the pot.

12 (r) "Game fish" means that term as defined in section 48701.

13 (s) "Gill net" means a vertical stationary wall of net in
14 which fish are caught by entanglement.

15 (t) "Great Lakes" means those portions of Lake Superior, Lake
16 Michigan, Lake Huron, and Lake Erie, including the bays of those
17 lakes, that fall within the boundaries of this state.

18 (u) "Great Lakes connecting waters" means those portions of
19 Lake St. Clair, the St. Clair River, the St. Marys River, and the
20 Detroit River that fall within the boundaries of this state.

21 (v) "Harvest quota" means a specific limit on the amount of
22 fish in pounds that may be harvested by a licensed commercial
23 fisher, established as a condition of the person's license or
24 permit.

25 (w) "Illegal fish" means any fish taken or possessed in
26 violation of this part or by the laws of the tribes of this state
27 or, if imported, not authorized by the laws of the state, country,
28 or tribal jurisdiction from which imported. Illegal fish includes
29 fish that have not been reported or for which a record has not been



1 created as required. Species listed as a prohibited transgenic or
2 nonnative organism in part 413 may not be possessed or sold live
3 and are considered illegal.

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

6 (y) "Licensed commercial fisher" means a person that has been
7 issued a commercial fishing license under section 47304.

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

12 (aa) "Locker plant" means a facility with quick freezing
13 equipment and rentable food storage lockers.

14 (bb) "Overall vessel length" means the minimum distance
15 between the extreme outside end of the bow and the stern rounded to
16 the nearest whole foot.

17 (cc) "Person" means an individual, firm, company, partnership,
18 copartnership, association, or corporation.

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

23 (ee) "Purchase" means to buy, acquire, or obtain or attempt to
24 buy, acquire, or obtain for exchange of value, goods, or services.

25 (ff) "Purse seine net" means a seine net that is used in open
26 water with its ends and bottom drawn together and up, forming a pen
27 from which fish are removed.

28 (gg) "Record" includes any material on which information is
29 recorded or preserved, regardless of physical form, that relates to



1 the production, storage, transportation, purchase, sale, trade,
2 barter, or other acquisition or disposition of fish by a licensed
3 commercial fisher or wholesale fish dealer.

4 (hh) "Retail fish dealer" means a person, including, but not
5 limited to, a retail store, locker plant, restaurant, hotel,
6 tavern, meat market, grocery store, or other establishment, or
7 club, that sells fish to the final consumer or sells fish for
8 resale at no reduction in retail price.

9 (ii) "Roe" means the eggs of any species of fish.

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

21 (kk) "Seine net" means a mesh net with weights on 1 edge and
22 floats on the opposite edge that hangs vertically in the water and
23 is used to enclose fish when its ends are either pulled together or
24 drawn ashore.

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

27 (mm) "Sport angling equipment" means fishing rod and reel or
28 bow and spear fishing equipment commonly used by recreational
29 anglers to catch fish and that are in a serviceable and working



1 condition.

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

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

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

11 (qq) "Unattended" means not utilized or lifted and cleared of
12 fish by the licensed commercial fisher for a period of 10 days or
13 containing decayed fish in amounts that indicate a prolonged period
14 without being tended. Unattended does not refer to gear that has
15 been properly reported as lost or has been rendered and properly
16 reported as unfishable as prescribed by the department.

17 (rr) "Undersized fish" means a fish of a smaller than legal
18 size as established by this act, by administrative rule, by order
19 of the director, or as set by specific license condition.

20 (ss) "Unfishable" describes any commercial net, hook, or other
21 gear that has been rendered inoperable as prescribed by the
22 department.

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

27 (uu) "Wholesale fish dealer", subject to subdivision (vv),
28 means a person that buys, barter, obtains, sells, solicits, or
29 processes fish in any manner, for itself or any other person, for



1 sale to someone other than the final consumer. Wholesale fish
2 dealer includes any of the following:

3 (i) A fish or food broker that acquires, solicits, obtains,
4 buys, sells, or trades fish on behalf of another person.

5 (ii) A fish processor that processes fish for itself or another
6 person, for sale or trade by the owner of the fish to someone other
7 than the final consumer.

8 (iii) A crew member of a licensed commercial fisher who sells
9 fish received as his or her share of the catch, received as payment
10 for his or her work, or who retains part or all of the sale
11 proceeds.

12 (vv) Wholesale fish dealer does not include:

13 (i) A licensed commercial fisher that sells only the fish that
14 it catches.

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

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

26 Sec. 47302. (1) Fish found in the waters of the Great Lakes
27 and the Great Lakes connecting waters are the property of this
28 state, and taking fish from those waters is a privilege. Fish in
29 waters described in this section must be taken, transported, sold,



1 and possessed only in accordance with this part. This part does not
2 apply to sport fishing regulated under part 487.

3 (2) The department may do either of the following:

4 (a) Take fish or issue permits for others to take fish in any
5 manner, in any of the waters described in this part, during any
6 season of the year, for the purpose of scientific investigation,
7 fisheries assessment, fisheries utilization, fisheries management,
8 or fish culture; possess ripe and unripe fish; sell some or all of
9 those ripe and unripe fish; direct the sale of those ripe and
10 unripe fish; and devote the proceeds of sales toward defraying the
11 expenses incurred.

12 (b) For the purpose of scientific investigation, fisheries
13 assessment, fisheries utilization, fisheries management, or fish
14 culture, take fish harvested by any person licensed under this part
15 to commercially fish in the waters mentioned in this part. If the
16 department takes fish under this subdivision, the fish must be
17 weighed and paid for. The price paid for the fish must be based on
18 the fair market value or be any other price as may be agreed upon
19 by the person or persons taking the fish and the department, plus
20 the cost of transportation, if any.

21 (3) The department shall not authorize a person licensed under
22 this part to take fish under any permit issued under section 47103
23 or part 487 except as provided under section 47304.

24 (4) A licensed commercial fisher that is licensed on December
25 31, 2019 has the right to have its licenses renewed by the
26 department every year after 2019 if the licensed commercial fisher
27 continues to meet the qualifications set forth in this act and the
28 qualifications specified in any orders or rules promulgated under
29 this act, regardless of the determination of the number of licenses



1 **to be issued under this act.**

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

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

29 ~~(a) Establish the amount of fish to be taken by species and~~



1 ~~kind.~~

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

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

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

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

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

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

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



1 ~~permission of the department.~~

2 Sec. 47303. (1) A person shall not obstruct or interfere in
3 the lawful taking of an aquatic species.

4 (2) A person violates this section if the person intentionally
5 or knowingly does any of the following:

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

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

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

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

17 (e) Uses a natural or artificial visual, aural, olfactory,
18 gustatory, or physical stimulus to affect animal behavior in order
19 to hinder or prevent the lawful taking of an aquatic species.

20 (f) Erects barriers to deny ingress or egress to waters where
21 the lawful taking of an aquatic species may occur. This subdivision
22 does not apply to a person who erects barriers to prevent
23 trespassing on his or her property.

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

27 (h) Affects the condition or placement of personal or public
28 property intended for use in the lawful taking of an aquatic
29 species in order to impair the usefulness of the property or



1 prevent the use of the property.

2 (i) Enters or remains upon private lands without the
3 permission of the owner or the owner's agent, for the purpose of
4 violating this section.

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

8 (k) Engages in any other act or behavior for the purpose of
9 violating this section.

10 (3) Upon petition of an aggrieved person or a person who
11 reasonably may be aggrieved by a violation of this section, a court
12 of competent jurisdiction, upon a showing that a person was engaged
13 in and threatens to continue to engage in illegal conduct under
14 this section, may enjoin that conduct.

15 (4) A person who violates this section is guilty of a
16 misdemeanor punishable by imprisonment for not more than 93 days or
17 a fine of not less than \$500.00 or more than \$5,000.00, or both,
18 and the costs of prosecution. A person who violates this section a
19 second or subsequent time is guilty of a misdemeanor punishable by
20 imprisonment for not more than 1 year or a fine of not less than
21 \$1,000.00 or more than \$10,000.00, or both, and the costs of
22 prosecution. In addition to the penalties provided in this
23 subsection, if a person violates this section while holding a
24 permit or license issued by the department authorizing the person
25 to take aquatic species, the court shall order that the person's
26 license or permit be suspended for 1 year, or revoked if the
27 remaining term of the license is 1 year or less, and the person is
28 not eligible to apply for or receive another such license for 1
29 year after the conviction. A prosecution under this section does



1 not preclude prosecution or other action under any other criminal
2 or civil statute.

3 (5) This section does not apply to a peace officer while the
4 peace officer performs his or her lawful duties.

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

12 Sec. 47304. (1) A person shall not use any kind of vessel, net
13 or nets, set hook lines, or other commercial device authorized in
14 this section for the purpose of taking or transporting fish for a
15 commercial purpose or for personal use in any of the waters of the
16 state unless the department has issued to the person a commercial
17 fishing license for that activity.

18 (2) Notwithstanding any other provision of law, when in the
19 department's opinion it is necessary for the better protection,
20 preservation, management, harvesting, and utilization of the
21 fisheries in the waters described in section 47302(1), the
22 department may limit the number of commercial fishing licenses to
23 be issued and determine the qualifications of persons to whom the
24 licenses are issued. In determining the number of commercial
25 fishing licenses to be issued during any license year, the
26 department shall consider all of the following:

27 (a) The number of persons holding licenses.

28 (b) The number of licensees needed to harvest the fish known
29 or believed to be harvestable.



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

3 (d) Any other facts that may bear upon allowing a limited
4 number of licensed persons to engage in commercial fishing in an
5 economical and profitable manner.

6 (3) To obtain a commercial fishing license, a person shall
7 submit an application to the department in a format provided for
8 that purpose by the department. The application must be accompanied
9 by the fee required under section 47320. The application must also
10 state the name and residence of the applicant, the manner in which
11 he or she proposes to fish, the name or number of the vessel, the
12 overall vessel length, the name of the primary port from which the
13 vessel will operate, the number and kind of nets, hooks, and other
14 gear that he or she intends to use, and any other reasonable and
15 pertinent information required by the department.

16 (4) An applicant for a commercial fishing license shall submit
17 an application annually not less than 30 days before fishing
18 operations are expected to commence or electronically submit the
19 application on or before November 15 of the current license year.
20 In addition to the qualifications in this part, to be eligible for
21 a license an applicant must have been issued a commercial fishing
22 license in this state for the immediately preceding year or have
23 legally been transferred the ownership of a commercial fishing
24 license in this state that was issued for the immediately preceding
25 year.

26 (5) In addition to the requirements of this part, rules
27 promulgated under this part, and orders issued under this part, a
28 license issued by the department may contain provisions that do 1
29 or more of the following:



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

3 (b) Designate the areas where the licensee is authorized to
4 fish. If not specifically designated by license condition, a
5 licensee may fish waters open to commercial fishing within a
6 maximum radius of 50 miles of the home port specified on the
7 license.

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

10 (d) Specify the type and amount of gear that the licensee is
11 allowed to use.

12 (e) Designate the ports where fish may be landed and vessels
13 must be docked while in the act of commercial fishing. Unless
14 specifically stated otherwise, all fish must be landed at the ports
15 listed on the license.

16 (f) Specify the right to inspect the licensee's fishing
17 operations in the waters, on board, or ashore.

18 (g) List the authorized vessels to be used. Single or multiple
19 vessels may be added to a license upon application by the license
20 holder and approval of the director. However, individual vessels
21 may not be listed on more than 1 license at a time.

22 (h) Specify the time period required for tending or lifting
23 commercial fishing gear. If a commercial fisher cannot tend nets
24 within the specified time frame, the commercial fisher must notify
25 the department of the location of the gear and an estimated lift
26 date.

27 (i) Specify other conditions, terms, and restrictions that are
28 considered necessary in implementing this part.

29 (6) A commercial fishing license expires on December 31 of the



1 year the license was issued.

2 (7) A commercial fishing license is not transferable without
3 the permission of the department. In determining the qualifications
4 of any proposed transferee, the department may consider any of the
5 following:

6 (a) Any violations of this act by the transferee during the
7 previous 5 years.

8 (b) Any violations of a law of the United States, another
9 state, or another country by the transferee substantially
10 corresponding to a violation of this act during the previous 5
11 years.

12 (c) Any other facts that may assist the department in
13 determining whether the transferee is capable of engaging in
14 commercial fishing in a proper and profitable manner and will
15 comply with the laws applicable to commercial fishing.

16 Sec. 47305. (1) The department shall establish a commercial
17 fishing advisory committee, consisting of the following members:

18 (a) A licensed commercial fisher that holds a license to
19 commercially fish in Lake Superior.

20 (b) A licensed commercial fisher that holds a license to
21 commercially fish in Lake Michigan.

22 (c) A licensed commercial fisher that holds a license to
23 commercially fish in Lake Erie.

24 (d) A licensed commercial fisher that holds a license to
25 commercially fish in Lake Huron but not in Saginaw Bay.

26 (e) A licensed commercial fisher that holds a license to
27 commercially fish in Saginaw Bay.

28 (f) The president of the Michigan Fish Producers Association
29 or his or her designee.



1 (g) A wholesale fish dealer that is not also a licensed
2 commercial fisher.

3 (h) The president of the Michigan Charter Boat Association.

4 (i) An individual representing sport fishing anglers.

5 (j) Not more than 3 individuals, designated by the department,
6 who have technical knowledge regarding the impacts of the
7 commercial fishing industry.

8 (2) The commercial fishing advisory committee shall meet no
9 more than 2 times per calendar year.

10 (3) The commercial fishing advisory committee may provide
11 formal recommendations to the department regarding the commercial
12 fishing industry.

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

16 Sec. 47306. (1) A person shall not take or catch fish with any
17 commercial gear from the following waters:

18 (a) In any connecting waters of Lake Superior and Lake Huron
19 and the connecting waters of Lake Huron and Lake Erie. As used in
20 this subdivision:

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

27 (ii) "Connecting waters of Lake Superior and Lake Huron" means
28 that part of the straits of the St. Marys River in this state
29 extending from a line drawn from Birch Point Range Front Light to



1 the most westerly point of Round Island, then following the shore
2 of Round Island to its most northerly point, then from the most
3 northerly point of Round Island to Point Aux Pins Light, Ontario,
4 to a line drawn east and west from the most southerly point of
5 Little Lime Island.

6 (b) Around any stream, river, or outlet of an inland lake
7 emptying into the Great Lakes or bays of the Great Lakes, as
8 follows:

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

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

28 (c) Within a radius of 1/2 mile of any public dock or pier.

29 (d) In the waters of Lake Superior within a radius of 1/2 mile



1 from the mouth of the Two Hearted River located in T50N, R9W, Luce
2 County.

3 (e) In the waters of Lake Michigan within a radius of 2 miles
4 from Charlevoix South Pierhead Light, located at the mouth of the
5 Pine River in Charlevoix County.

6 (f) In the waters of Marquette Bay, beginning with a line from
7 the Presque Isle breakwater on the south southeast period line to
8 the east side of section 8 opposite the mouth of the Chocolay
9 River.

10 (g) In the waters of the East Bay and West Bay, Grand Marais
11 Harbor, and in the waters of Lake Superior within 2 miles on either
12 side of the range lights at the entrance to Grand Marais Harbor,
13 extending out to 180 feet of water, all in Alger County, Michigan.

14 (h) In the waters of False Presque Isle Bay west of a line
15 commencing at the 1/4 post between sections 13 and 24 in T33N, R8E;
16 then north across the Bay of False Presque Isle to 1/4 post between
17 sections 12 and 13, T33N, R8E, in Presque Isle County.

18 (i) In the waters of Presque Isle Harbor and that portion of
19 Lake Huron within a line between Presque Isle Light in section 8,
20 T34N, R8E, and South Albany Point in section 22, T34N, R8E, in
21 Presque Isle County.

22 (j) In the waters of Thunder Bay west of a line from north
23 point in section 6, T30N, R10E, to south point in section 26, T29N,
24 R9E, in Alpena County.

25 (k) In the waters of Whitney Bay or any waters' tributary to
26 that bay in the township of Drummond, Chippewa County.

27 (l) In the waters of northern Lake Huron known as Pike Bay and
28 Island Harbor within a line drawn from the most southerly point of
29 section 17, T41N, R5E, on Drummond Island to the most westerly



1 point of Espanore Island; then southerly and easterly along the
2 shore to the most southerly point of Espanore Island; then due east
3 to the mainland of Drummond Island.

4 (m) In the waters of that part of the Straits of Mackinac,
5 within 1 mile from the shoreline, from a point where the section
6 line between sections 22 and 23, T40N, R4W, intersects the Straits
7 of Mackinac, and running from there easterly to where the west line
8 of the city limits of the city of St. Ignace intersects the Straits
9 of Mackinac, and with 1/2 mile from there easterly and northerly to
10 where the north line of the city of St. Ignace intersects Lake
11 Huron or the Straits of Mackinac.

12 (n) In the waters of Houghton County, commencing at the
13 northerly entrance to Portage Lake Ship Canal and within 1/2 mile
14 in all directions from the canal entrance inside of the
15 breakwaters.

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

21 (p) In the waters of Duncan Bay, Lake Huron, lying south of a
22 line drawn west from Cheboygan Point Lighthouse on Lighthouse Point
23 to a point where the easterly boundary line of Beau Grand Township
24 meeting the westerly boundary line of the corporate limits of the
25 city of Cheboygan extended due north would intersect the waters of
26 Lake Huron.

27 (q) In the waters of Munising and Murray Bays of Lake
28 Superior. As used in this subdivision, "waters of Munising and
29 Murray Bays of Lake Superior" means those waters of Munising and



1 Murray Bays of Lake Superior lying westerly of a line drawn from
 2 Sand Point in section 19, T47N, R18W, to the eastern end of the
 3 eighth line dividing lots 1 and 2 in the northeast quarter of
 4 section 24, T47N, R19W, and easterly of a line drawn from the
 5 southern end of the quarter line between lots 2 and 3 of section
 6 22, T47N, R19W, to the northern end of the quarter line between
 7 lots 2 and 3 in section 27, T47N, R19W.

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

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

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

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

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

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

27 (x) Lake Huron waters west of a line from Tawas Point in
 28 section 34, T22N, R8E, Iosco County, to Point Lookout in section
 29 13, T19N, R7E, Arenac County.



1 (y) Lake Huron waters in Saginaw Bay, commonly referred to as
 2 Wild Fowl Bay, east of a line extending from Fish Point, Tuscola
 3 County, to the westerly point of Heisterman Island, to the westerly
 4 point of North Island; thence to the westerly end of Sand Point in
 5 Huron County.

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

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

29 (3) A person shall not place or set any kind of net or set



1 hook lines or take or attempt to take any kind of fish with a net
 2 or set hook lines, except minnow seine nets, as provided in section
 3 47307, in the connecting waters of Lake Superior and Lake Huron,
 4 Whaiska Bay, and also including all waters lying southerly to a
 5 line drawn from the most southeasterly point of lot 1, section 32,
 6 T47N, R2W, and extending easterly to the most westerly point of
 7 Round Island.

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

29 Sec. 47307. (1) Except as otherwise prohibited by law, a



1 person may use set hook lines to take fish in the waters of the
2 Great Lakes if specifically authorized to do so by a commercial
3 fishing license.

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

11 (3) A person shall not possess or use on board any commercial
12 vessel, in the waters, or on the ice of the Great Lakes any pound
13 or trap net, gill net, seine net, or any fixed, set, or movable net
14 of any kind or description, except as follows:

15 (a) Gill nets with meshes from 2-3/8 inches to 3 inches,
16 inclusive, may be set in depths to be determined at the discretion
17 of the director for the purpose of taking chubs, menominee, and
18 other commercial species designated by the director. These nets may
19 be used in open waters if their incidental take of game fish will
20 not exceed 10% by weight of the total fish harvested, that
21 percentage to be determined by the department, by inspection of the
22 fish taken in the nets. The department shall remove or cause to be
23 removed any net if the department determines that the net is taking
24 more fish of species other than chubs, menominee, or any other
25 commercial species designated by the director than allowed by this
26 section.

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



1 (c) Pound nets with meshes greater than or equal to 4-1/2
2 inches in the lifting pot or crib and in the heart and tunnel, and
3 with meshes greater than or equal to 5 inches in the lead, may be
4 used for taking whitefish. In the pound nets, meshes less than or
5 equal to 3-1/2 inches may be used in 1 side of the pot or in the
6 back, which is that part of the pot opposite the tunnel entrance.
7 In fishing with the pound nets, or any other pound nets permitted
8 by this part, all of the following apply:

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

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

13 (iii) The sides or walls of the pot or crib and of the hearts
14 must be held vertically as near as possible and have 5 or more
15 stakes driven into the earth at the bottom of the lake to hold the
16 net in place. However, pound nets fished through the ice may be
17 held in place by fastening them to the ice without the use of
18 stakes.

19 (iv) A person shall not set a pound net or any part of the
20 webbing permitted under this part in water of a depth greater than
21 80 feet.

22 (d) Trap nets, fyke nets, and hoop nets with meshes greater
23 than or equal to 4-1/2 inches in the lifting pot or crib and in the
24 heart and tunnel and with meshes greater than or equal to 5 inches
25 in the lead may be used for taking whitefish. To shoal fish in trap
26 nets, fyke nets, and hoop nets with meshes greater than or equal to
27 4-1/2 inches in the lifting pot, meshes less than or equal to 3-1/2
28 inches may be used in that part of the tunnel inside the pot, in
29 the entire front of the pot, and in the front portion of the pot



1 including the connecting side, top, and bottom walls for a distance
2 up to 16 feet, but not to exceed 1/3 of the length of the pot from
3 front to back.

4 (e) Beach seine nets having wings with meshes of not less than
5 4 inches, and a pocket or bag with meshes of not less than 2-1/4
6 inches may be used to take carp, suckers, and other commercial
7 species to be designated by the director. The pocket or bag must be
8 not more than 1/4 the length of the beach seine net. Beach seine
9 nets in use or set along the shores of the Great Lakes, when the
10 owner or user is not present, must have a metal tag securely
11 attached to the beach seine net bearing the commercial fishing
12 license number of the owner or user of the beach seine net.

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

17 (4) The size of the mesh of nets or netting used in commercial
18 fishing must be determined by extension measure commonly referred
19 to as stretch mesh. The measurement must be made of meshes
20 irrespective of where the net or netting is found, whether in the
21 water, on vessel, on reel, on dock, or in any other place on land.
22 The net must be wet or wetted before the measuring of the mesh. The
23 mesh size of gill net must be measured with a certified ruler by
24 lining up consecutive knots perpendicular to the float line and
25 measuring on the diamond, inside knot to knot. All other nets must
26 be measured by a wedge-shaped gauge having a taper of 2 centimeters
27 in 8 centimeters and a thickness of 2.3 millimeters, inserted into
28 the meshes under a pressure or pull of 5 kilograms. Stretch mesh
29 must be measured by placing the wedge gauge along the diagonal line



1 that connects the largest opening between opposite corners of the
2 square. If the majority of 10 or more meshes selected at random by
3 the conservation officer or peace officer designated by the
4 director from any part or parts of any commercial net being
5 measured are found to be unlawful, the net, if found in use or upon
6 any licensed commercial fishing vessel, is considered illegal and
7 must be seized.

8 (5) The director may evaluate and approve the use of
9 commercial gear types in addition to those specifically listed in
10 this part and regulate their use by specific license condition,
11 including, but not limited to, the kind and size of the gear; the
12 size of mesh in the gear; the areas, depths of water, time, and
13 manner in which the gear may be used; and the commercial species of
14 fish that the gear may harvest.

15 (6) The gear described in this section or approved under
16 subsection (5) must be specifically authorized by license condition
17 for legal use by a licensed commercial fisher. A licensed
18 commercial fisher shall conduct its commercial fishing operation
19 and possess or use on board any commercial vessel or in the waters
20 or on the ice of the Great Lakes only the type and amount of gear
21 specified in the license.

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

25 ~~A person shall not set any net, set hook lines, or other~~
26 ~~device for the purpose of taking or catching fish within 160 rods~~
27 ~~on either side of the thread of the stream at the mouth of any~~
28 ~~river or outlet of an inland lake emptying into Lakes Superior,~~
29 ~~Michigan, Huron, or Erie, commonly known as the Great Lakes, or the~~



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



1 ~~muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee~~
 2 ~~white fish, catfish, dogfish, and garpike through the ice in the~~
 3 ~~connecting waters as defined in this part.~~

4 Sec. 47308. **A person shall not set or use a net or set hook**
 5 **line in any of the waters described in this part without marking**
 6 **its location as provided under the uniform waterway marking system,**
 7 **R 281.1101 to R 281.1114 of the Michigan Administrative Code. If**
 8 **any net or set hook line is set under the ice, its location must be**
 9 **marked by a stake extending not less than 4 feet above the ice at**
 10 **each end of the net or set hook line, and the license number, in**
 11 **legible figures, must be attached to each stake or to the ends of**
 12 **the net or set hook line. A person setting or using a net or hook**
 13 **line in any waters of the state shall provide GPS coordinates of**
 14 **that gear to the department, and the department shall provide these**
 15 **coordinates on its website. This information must be updated every**
 16 **time the gear is lifted or moved.** ~~Except as otherwise provided by~~
 17 ~~law, a person may use in the waters of Lakes Michigan, Superior,~~
 18 ~~Huron, and Erie, and the bays of those lakes, within the~~
 19 ~~jurisdiction of this state, set hook lines or spears for the~~
 20 ~~purpose of taking fish; and for the purpose of securing bait for~~
 21 ~~use in baiting said hook lines, a person may use gill nets as~~
 22 ~~provided in section 47309. However, a person shall not market or~~
 23 ~~possess for the purpose of marketing any fish taken in bait nets.~~
 24 ~~All unused bait, fresh or old, shall be taken ashore.~~

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

28 (a) House Bill No. 4568.

29 (b) House Bill No. 4569.

