

SENATE BILL NO. 1023

March 18, 1998, Introduced by Senator JAYE and referred to the Committee on Hunting, Fishing and Forestry.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48735 (MCL 324.48735), as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 48735. (1) A person shall not take from any of the
2 inland waters of this state any fish in any manner for the pur-
3 pose of fish culture or scientific investigation without first
4 obtaining a permit from the department, except that a person who
5 is operating a private fish pond may take fish from his or her
6 own pond for the purpose of propagation, scientific investiga-
7 tion, or sale under part 459. ~~The department may issue permits
8 to possess live game fish in public or private ponds, pools, or
9 aquariums under rules and regulations as the department
10 prescribes.~~ The department may cause to be taken from the inland

1 waters of this state any species of fish for the purpose of
2 obtaining spawn for fish culture or scientific investigation or
3 for the protection of the inland waters from ecological damage or
4 imbalance. In addition, the department may cause to be taken
5 from the inland waters of this state species of fish that are not
6 required to maintain the fishery resources of the inland waters.
7 All fish taken under this section shall be taken under the super-
8 vision of a deputy of the department appointed for that purpose
9 and in accordance with the regulations of the department of agri-
10 culture, and the fish may be sold or transferred by the
11 department.

12 (2) NOTWITHSTANDING SUBSECTION (1), NEITHER THE DEPARTMENT
13 NOR ANY OTHER PERSON SHALL USE POISON TO TAKE FISH FROM THE
14 INLAND WATERS OF THIS STATE FOR THE PURPOSES OF SCIENTIFIC
15 INVESTIGATION.

16 (3) THE DEPARTMENT MAY ISSUE PERMITS TO POSSESS LIVE GAME
17 FISH IN PUBLIC OR PRIVATE PONDS, POOLS, OR AQUARIUMS UNDER RULES
18 PRESCRIBED BY THE DEPARTMENT.

19 (4) A person shall not import or bring any live game fish or
20 viable eggs of any game fish from outside of this state except
21 under a permit from the department or under part 459 and the
22 rules promulgated in accordance with that part. A person shall
23 not plant any spawn, fry, or fish of any kind in any of the
24 public waters of this state or any other waters under the juris-
25 diction of this state without first obtaining a permit from the
26 department that states the species, number, and approximate size
27 or age of the spawn, fry, or fish to be planted and the name and

1 location of the waters where the spawn, fry, or fish shall be
2 planted. A permit is not required to plant spawn, fry, or fish
3 furnished by the federal or state government. All permits shall
4 be exhibited upon the request of any law enforcement officer.

5 (5) ~~(2)~~ The department shall annually report to the legis-
6 lature all fish sold or transferred pursuant to this part.