



# HOUSE BILL No. 5841

May 24, 2000, Introduced by Rep. Tabor and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 481; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1                   PART 481 AQUATIC SPECIES CONSERVATION

2           SEC. 48101. AS USED IN THIS PART:

3           (A) "AMPHIBIAN" MEANS ANY SPECIES OF THE CLASS OF AMPHIBIA,  
4 INCLUDING, BUT NOT LIMITED TO, FROGS, TOADS, SALAMANDERS, OR A  
5 BODY PART OF SUCH A SPECIES.

6           (B) "AQUACULTURE FACILITY" MEANS A FACILITY REGISTERED AS AN  
7 AQUACULTURE FACILITY BY THE DEPARTMENT OF AGRICULTURE UNDER THE  
8 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.871 TO  
9 286.884.

1 (C) "AQUATIC INSECT" MEANS ANY SPECIES OF THE CLASS OF  
2 INSECTA THAT REQUIRES AN AQUATIC HABITAT TO COMPLETE ALL OR A  
3 PORTION OF ITS LIFE CYCLE OR A BODY PART OF SUCH A SPECIES.

4 (D) "AQUATIC SPECIES" MEANS ANY FISH, REPTILE, AMPHIBIAN,  
5 MOLLUSK, AQUATIC INSECT, OR CRUSTACEAN OR A BODY PART THEREOF.

6 (E) "BUY" OR "SELL" MEANS TO EXCHANGE, OR ATTEMPT OR OFFER  
7 TO EXCHANGE, FOR MONEY OR ANY OTHER THING OF VALUE.

8 (F) "CAPTIVE AQUATIC SPECIES" MEANS AQUATIC SPECIES THAT ARE  
9 NOT PROHIBITED AQUATIC SPECIES AND THAT ARE PROPAGATED, FED, OR  
10 GROWN WITHIN PRIVATELY CONTROLLED WATERS.

11 (G) "COMMERCIAL FISHING GUIDE" MEANS A PERSON WHO, FOR A FEE  
12 OR OTHER CONSIDERATION OF VALUE, REGARDLESS OF WHETHER THE FEE OR  
13 CONSIDERATION IS PAID DIRECTLY OR INDIRECTLY, IS PRESENT AND PRO-  
14 VIDES ASSISTANCE TO ANOTHER PERSON IN TAKING FISH.

15 (H) "CRUSTACEA" MEANS ANY SPECIES OF THE ORDER DECAPODA  
16 INCLUDING, BUT NOT LIMITED TO, CRAYFISH, SHRIMP, OR PRAWN OR A  
17 BODY PART OF SUCH A SPECIES.

18 SEC. 48103. AS USED IN THIS PART:

19 (A) "FISH" MEANS ANY SPECIES OF THE CLASSES CHONDRICHTHYES,  
20 OSTEICHTHYES, AND CEPHALASPIDOMORPHI OR A BODY PART OF SUCH A  
21 SPECIES.

22 (B) "FISH CLEANING STATION" MEANS AN OPERATION OR LOCATION  
23 USED TO CLEAN SALMON FOR RECREATIONAL ANGLERS.

24 (C) "FISHING SHANTY" MEANS A FISHING HOUSE OR OTHER STRUC-  
25 TURE OR SHELTER PLACED ON THE ICE ON THE WATERS OVER WHICH THIS  
26 STATE HAS JURISDICTION.

1 (D) "INTERIM ORDER" MEANS AN ORDER OF THE DIRECTOR ISSUED  
2 UNDER SECTION 48119.

3 (E) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, TOWN-  
4 SHIP, VILLAGE, OR OTHER POLITICAL SUBDIVISION OF THIS STATE.

5 (F) "MOLLUSK" MEANS ANY SPECIES OF THE CLASSES PELECOPODA  
6 AND GASTRAPODA OR THE BODY PARTS OF SUCH A SPECIES.

7 (G) "NONRESIDENT" MEANS THAT TERM AS DEFINED IN SECTION  
8 43505.

9 (H) "OPEN SEASON" MEANS THE DATES AND TIMES DURING WHICH  
10 AQUATIC SPECIES MAY BE LEGALLY TAKEN.

11 (I) "ORDER" MEANS AN ORDER OF THE COMMISSION OR DIRECTOR  
12 ISSUED UNDER SECTION 48113 OR 48115.

13 SEC. 48105. AS USED IN THIS PART:

14 (A) "PRIVATELY CONTROLLED WATER" MEANS A POND, TANK, CAGE,  
15 OR OTHER STRUCTURE THAT IS LOCATED WHOLLY WITHIN PRIVATE LAND,  
16 THAT HOLDS CAPTIVE AQUATIC SPECIES IN COMPLETE AND CONTINUOUS  
17 CONFINEMENT, AND THAT EXCLUDES WILD AQUATIC SPECIES.

18 (B) "RECREATIONAL ANGLER" MEANS AN INDIVIDUAL WHO TAKES OR  
19 POSSESSES AN AQUATIC SPECIES PURSUANT TO PART 435 FOR OTHER THAN  
20 COMMERCIAL PURPOSES.

21 (C) "REPTILE" MEANS ANY AQUATIC OR TERRESTRIAL SPECIES OF THE  
22 CLASS REPTILIA, INCLUDING, BUT NOT LIMITED TO, TURTLES, SNAKES,  
23 OR LIZARDS, OR THE BODY PARTS OF SUCH A SPECIES.

24 (D) "RESIDENT" MEANS THAT TERM AS DEFINED IN SECTION 43506.

25 (E) "TAKE" MEANS TO HARASS, HARM, TRAP, COLLECT, PURSUE,  
26 CAPTURE, CATCH, OR KILL OR TO ATTEMPT TO ENGAGE IN SUCH AN  
27 ACTIVITY.

1 (G) "THIS PART" INCLUDES AN ORDER, AN INTERIM ORDER, OR A  
2 PERMIT ISSUED UNDER THIS PART.

3 SEC. 48107. (1) EXCEPT AS PROVIDED IN SUBSECTION (2),  
4 AQUATIC SPECIES, WHETHER NATIVE OR INTRODUCED AND WHETHER RESI-  
5 DENT OR MIGRATORY, FOUND IN THIS STATE ARE HELD IN TRUST AS THE  
6 PROPERTY OF THE PEOPLE OF THIS STATE. THE DEPARTMENT SHALL REGU-  
7 LATE THE TAKING AND POSSESSION OF AQUATIC SPECIES AS PROVIDED BY  
8 LAW.

9 (2) AQUATIC SPECIES LAWFULLY TAKEN, PRODUCED, PURCHASED, OR  
10 ACQUIRED FROM WITHIN THIS STATE OR LAWFULLY IMPORTED INTO THIS  
11 STATE ARE THE PROPERTY OF THE PERSON LAWFULLY POSSESSING THE  
12 AQUATIC SPECIES.

13 (3) THIS PART DOES NOT PREVENT A STATE DEPARTMENT OR OTHER  
14 AGENCY OF THIS STATE FROM PERFORMING ITS DUTIES UNDER A STATE OR  
15 FEDERAL STATUTE OR ITS DUTIES AS PUBLIC TRUSTEE UNDER THE COMMON  
16 LAW OF THIS STATE.

17 SEC. 48109. (1) A RECREATIONAL ANGLER MAY TAKE AND POSSESS  
18 AQUATIC SPECIES IN COMPLIANCE WITH THIS PART AND OTHER STATE LAW  
19 FROM ANY WATERS OVER WHICH THIS STATE HAS JURISDICTION.

20 (2) THE TAKING AND POSSESSION OF AQUATIC SPECIES FOR THE  
21 PURPOSES OF SALE IS A PRIVILEGE THAT MAY ONLY BE EXERCISED IN  
22 COMPLIANCE WITH THIS PART AND OTHER STATE LAW.

23 SEC. 48111. (1) A PERSON SHALL NOT OBSTRUCT OR INTERFERE IN  
24 THE LAWFUL TAKING OF AQUATIC SPECIES BY ANOTHER PERSON WITH THE  
25 INTENT TO PREVENT THAT LAWFUL TAKING.

26 (2) A PERSON VIOLATES SUBSECTION (1) WHEN HE OR SHE  
27 INTENTIONALLY OR KNOWINGLY DOES ANY OF THE FOLLOWING:

1 (A) DRIVES OR DISTURBS AQUATIC SPECIES FOR THE PURPOSE OF  
2 DISRUPTING A LAWFUL TAKING.

3 (B) BLOCKS, IMPEDES, OR HARASSES ANOTHER PERSON WHO IS  
4 ENGAGED IN THE PROCESS OF LAWFULLY TAKING AQUATIC SPECIES.

5 (C) USES NATURAL, ARTIFICIAL, OR PHYSICAL STIMULUS TO AFFECT  
6 AN AQUATIC SPECIES' BEHAVIOR IN ORDER TO HINDER OR PREVENT THE  
7 LAWFUL TAKING OF THE AQUATIC SPECIES.

8 (D) ERECTS BARRIERS WITH THE INTENT TO DENY INGRESS OR  
9 EGRESS TO AREAS WHERE THE LAWFUL TAKING OF AQUATIC SPECIES MAY  
10 OCCUR. THIS SUBDIVISION DOES NOT APPLY TO EITHER OF THE  
11 FOLLOWING:

12 (i) A PERSON WHO LAWFULLY ERECTS BARRIERS TO PREVENT TRES-  
13 PASSING ON HIS OR HER PROPERTY, SUBJECT TO PART 731.

14 (ii) THE OWNER OR OPERATOR OF A FACILITY LICENSED BY THE  
15 FEDERAL ENERGY REGULATORY COMMISSION OR A SUCCESSOR AGENCY IF THE  
16 OWNER OR OPERATOR ERECTS BARRIERS TO PROTECT THE PUBLIC FROM  
17 SAFETY RISKS ASSOCIATED WITH THE FACILITY, SUBJECT TO PART 731.

18 (E) INTERJECTS HIMSELF OR HERSELF INTO THE ACT OF LAWFULLY  
19 TAKING AN AQUATIC SPECIES.

20 (F) AFFECTS THE CONDITION OR PLACEMENT OF PRIVATE OR PUBLIC  
21 PROPERTY INTENDED FOR USE IN THE LAWFUL TAKING OF AN AQUATIC SPE-  
22 CIES IN ORDER TO IMPAIR THE USEFULNESS OF THE PROPERTY OR PREVENT  
23 THE USE OF THE PROPERTY.

24 (G) ENTERS OR REMAINS UPON PRIVATE LAND WITHOUT THE PERMIS-  
25 SION OF THE OWNER, OR HIS OR HER AGENT, WITH INTENT TO VIOLATE  
26 THIS SECTION.

1 (H) REMOVES AQUATIC SPECIES FROM, OR TAMPERS WITH OR  
2 DAMAGES, ANY EQUIPMENT, DEVICE, OR OTHER PROPERTY, INCLUDING, BUT  
3 NOT LIMITED TO, A NET OR FIXTURE, PLACED IN ANY WATERS OVER WHICH  
4 THIS STATE HAS JURISDICTION FOR THE PURPOSE OF TAKING AQUATIC  
5 SPECIES. THIS SUBDIVISION DOES NOT APPLY TO THE OWNER OF THE  
6 EQUIPMENT, DEVICE, OR OTHER PROPERTY, HIS OR HER AGENT, OR THE  
7 DEPARTMENT.

8 (3) UPON PETITION OF AN AGGRIEVED PERSON OR A PERSON WHO  
9 REASONABLY MAY BE AGGRIEVED BY A VIOLATION OF THIS SECTION, A  
10 COURT OF COMPETENT JURISDICTION, UPON A SHOWING THAT A PERSON  
11 THREATENS TO CONTINUE TO ENGAGE IN ILLEGAL CONDUCT UNDER THIS  
12 SECTION, MAY ENJOIN THAT CONDUCT.

13 (4) THIS SECTION DOES NOT APPLY TO A PEACE OFFICER PERFORM-  
14 ING HIS OR HER LAWFUL DUTIES OR TO ACTIVITIES REQUIRED BY THE  
15 FEDERAL ENERGY REGULATORY COMMISSION OR A SUCCESSOR AGENCY.

16 SEC. 48113. (1) THE COMMISSION AND DEPARTMENT SHALL MANAGE  
17 AND PROTECT THE AQUATIC SPECIES IN THIS STATE FROM DEPLETION,  
18 EXTIRPATION, AND DISEASE AND PREVENT THE INTRODUCTION AND PROLIF-  
19 ERATION OF NONINDIGENOUS SPECIES.

20 (2) SUBJECT TO SECTION 48117(2) AND FOR THE PURPOSES OF  
21 SUBSECTION (1), THE COMMISSION MAY ISSUE ORDERS TO DO 1 OR MORE  
22 OF THE FOLLOWING:

23 (A) ESTABLISH OPEN SEASONS FOR THE TAKING OR POSSESSING OF  
24 AQUATIC SPECIES.

25 (B) ESTABLISH LIMITS ON THE QUANTITY OF AQUATIC SPECIES THAT  
26 A PERSON MAY TAKE OR POSSESS IN A PERIOD OF TIME.

1 (C) ESTABLISH LIMITS ON THE SIZE OF AQUATIC SPECIES THAT MAY  
2 BE TAKEN.

3 (D) ESTABLISH LAWFUL METHODS AND LAWFUL DEVICES FOR THE  
4 TAKING OF AQUATIC SPECIES.

5 (3) FOR THE PURPOSES OF SUBSECTION (1), THE DIRECTOR MAY  
6 ISSUE ORDERS TO DO 1 OR MORE OF THE FOLLOWING:

7 (A) DESIGNATE WATERS OVER WHICH THIS STATE HAS JURISDICTION  
8 FOR THE TAKING OF AQUATIC SPECIES.

9 (B) CLOSE WATERS OVER WHICH THIS STATE HAS JURISDICTION TO  
10 THE TAKING OF AQUATIC SPECIES.

11 (C) PROHIBIT THE OPERATION OF VESSELS, OR OTHER ACTIONS,  
12 WHICH MAY CAUSE MOLESTATION OF SPAWNING OR MIGRATING OF FISH.

13 (D) ESTABLISH CONDITIONS FOR THE POSSESSION OF AQUATIC SPE-  
14 CIES, INCLUDING, BUT NOT LIMITED TO, POSSESSION IN PONDS, POOLS,  
15 AND AQUARIA AND TRANSPORTATION OF AQUATIC SPECIES INTO OR WITHIN  
16 THIS STATE.

17 (E) ESTABLISH CONDITIONS UNDER WHICH AN AQUATIC SPECIES MAY  
18 BE DISPOSED OF.

19 (F) REGULATE THE BUYING AND SELLING OF AQUATIC SPECIES.

20 (G) ESTABLISH WHICH AQUATIC SPECIES MAY BE BOUGHT OR SOLD.

21 (H) ESTABLISH CONDITIONS UNDER WHICH AN AQUATIC SPECIES MAY  
22 BE POSSESSED, TRANSPORTED, BOUGHT, OR SOLD BY A TAXIDERMIST  
23 ISSUED A PERMIT UNDER PART 401.

24 (I) ESTABLISH CONDITIONS UNDER WHICH AN AQUATIC SPECIES IN A  
25 PERSON'S POSSESSION MAY BE INSPECTED BY THE DEPARTMENT OR SHALL  
26 BE MADE AVAILABLE FOR INSPECTION BY THE DEPARTMENT.

1 (J) REGULATE THE TAKING OF AQUATIC SPECIES FROM ANY WATERS  
2 OVER WHICH THIS STATE HAS JURISDICTION THAT LIE ON THE COMMON  
3 BOUNDARY WITH ADJOINING STATES OR THE DOMINION OF CANADA.

4 (K) ESTABLISH CONDITIONS FOR THE RELEASE OF AQUATIC  
5 SPECIES.

6 (L) ESTABLISH ANY OTHER REGULATIONS DETERMINED BY THE DIREC-  
7 TOR TO BE NECESSARY TO MANAGE OR PROTECT AQUATIC SPECIES.

8 SEC. 48115. (1) THE DIRECTOR MAY ISSUE AN ORDER REQUIRING A  
9 PERMIT TO UNDERTAKE ANY OF THE FOLLOWING ACTIVITIES:

10 (A) THE COLLECTION, TRANSPORTATION, POSSESSION, OR DISPOSI-  
11 TION OF AQUATIC SPECIES FOR SCIENTIFIC, EDUCATIONAL, REHABILITA-  
12 TION, OR CULTURAL PURPOSES.

13 (B) THE USE OF FIXED UNTENDED EQUIPMENT FOR THE TAKING OF  
14 AQUATIC SPECIES FOR PERSONAL USE.

15 (C) THE APPLICATION OF CHEMICALS IN ANY WATERS FOR THE  
16 TAKING OF AQUATIC SPECIES FROM, OR WHICH IMPACT AQUATIC SPECIES  
17 IN, ANY WATERS OVER WHICH THIS STATE HAS JURISDICTION.

18 (D) THE OPERATION OF A FISH CLEANING STATION.

19 (E) THE RELEASE OF AQUATIC SPECIES.

20 (F) THE TAKING AND SALE OR TRANSFER OF AN AQUATIC SPECIES TO  
21 PROTECT WATERS OVER WHICH THIS STATE HAS JURISDICTION WHEN THE  
22 DEPARTMENT DETERMINES THAT THE AQUATIC SPECIES IS OVERABUNDANT,  
23 DAMAGING, OR DELETERIOUS TO THE ECOLOGICAL BALANCE OR TO THIS  
24 STATE'S AQUATIC RESOURCES.

25 (G) THE IMPORTATION OR EXPORTATION OF AQUATIC SPECIES OR  
26 VIABLE EGGS OF AN AQUATIC SPECIES.



1 (H) THE TAKING, POSSESSION, TRANSPORTATION, IMPORTATION, OR  
2 EXPORTATION OF AQUATIC SPECIES FOR THE PURPOSE OF BUYING OR  
3 SELLING THOSE AQUATIC SPECIES.

4 (I) THE DISPOSITION OF ACCIDENTALLY OR UNLAWFULLY TAKEN OR  
5 INJURED AQUATIC SPECIES, OR AQUATIC SPECIES THAT ARE UNLAWFULLY  
6 POSSESSED. THIS SUBDIVISION DOES NOT APPLY TO THE DISPOSITION OF  
7 AQUATIC SPECIES PURSUANT TO CONDITIONS OF A PERMIT ISSUED UNDER  
8 THE FEDERAL WATER POLLUTION CONTROL ACT, CHAPTER 758, 86  
9 STAT. 816, 33 U.S.C. 1251 TO 1252, 1253 TO 1254, 1255 TO 1257,  
10 1258 TO 1263, 1265 TO 1270, 1281, 1282 TO 1293, 1294 TO 1299,  
11 1311 TO 1313, 1314 TO 1330, 1341 TO 1345, 1361 TO 1377, AND 1381  
12 TO 1387.

13 (J) THE TAKING OF VIABLE EGGS FROM AQUATIC SPECIES FOR THE  
14 PURPOSE OF RAISING AQUATIC SPECIES FOR COMMERCIAL PURPOSES.

15 (2) THE DIRECTOR MAY BY ORDER ESTABLISH CONDITIONS UNDER  
16 WHICH PERMITS AUTHORIZED UNDER SUBSECTION (1) MAY BE ISSUED BY  
17 THE DEPARTMENT, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

18 (A) THE QUALIFICATIONS REQUIRED FOR A PERSON TO BE ISSUED A  
19 PERMIT.

20 (B) RESIDENT AND NONRESIDENT FEES FOR PERMITS.

21 (C) ASSESSMENT METHODS AND FEES TO PROVIDE FINANCIAL REMU-  
22 NERATION FOR AQUATIC SPECIES TAKEN UNDER THE AUTHORITY OF A  
23 PERMIT WHICH ALLOWS FOR THE SALE OF THOSE AQUATIC SPECIES.

24 (D) THE NUMBER OF PERMITS TO BE ISSUED.

25 (3) A PERMIT ISSUED BY THE DEPARTMENT UNDER THIS SECTION MAY  
26 SPECIFY 1 OR MORE OF THE FOLLOWING:

1 (A) THE AREAS, LOCATIONS, TIME, AND CONDITIONS UNDER WHICH  
2 THE PERMITTEE MAY TRANSPORT, POSSESS, IMPORT, EXPORT, SELL,  
3 DISPOSE OF, OR RELEASE AQUATIC SPECIES.

4 (B) THE AMOUNT OF AQUATIC SPECIES TO BE TAKEN, TRANSPORTED,  
5 EXPORTED, IMPORTED, SOLD, DISPOSED OF, OR RELEASED BY SPECIES AND  
6 KIND.

7 (C) THE METHODS AND EQUIPMENT WHICH THE PERMITTEE MAY USE TO  
8 TRANSPORT, POSSESS, IMPORT, EXPORT, SELL, DISPOSE OF, OR RELEASE  
9 AQUATIC SPECIES.

10 (D) THE DISPOSAL METHODS FOR ACCIDENTALLY CAPTURED UNLAWFUL  
11 AQUATIC SPECIES.

12 (E) RECORD-KEEPING AND REPORTING REQUIREMENTS.

13 (F) OTHER CONDITIONS, TERMS, AND RESTRICTIONS THAT ARE CON-  
14 sidered necessary by the department to carry out the purposes of  
15 this part.

16 (4) A PERMIT ISSUED UNDER THIS SECTION MAY BE SUSPENDED,  
17 REVOKED, ANNULLED, WITHDRAWN, RECALLED, OR AMENDED PURSUANT TO  
18 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,  
19 MCL 24.201 TO 24.328. IF THE HOLDER OF A PERMIT IS CONVICTED OF  
20 VIOLATING THIS SECTION, HIS OR HER PERMIT MAY BE REVOKED AND ANY  
21 AQUATIC SPECIES IN HIS OR HER POSSESSION SHALL BE DISPOSED OF IN  
22 A MANNER APPROVED BY THE DEPARTMENT.

23 (5) A PERSON ISSUED A PERMIT UNDER THIS SECTION IS SUBJECT  
24 TO INSPECTIONS CONSIDERED NECESSARY BY THE DEPARTMENT TO CARRY  
25 OUT THE PROVISIONS OF THIS PART, INCLUDING, BUT NOT LIMITED TO,  
26 INSPECTIONS OF ANY OF THE FOLLOWING:

1 (A) A PERMITTEE'S OPERATIONS IN THE WATERS, ON BOARD A  
2 VESSEL, OR ASHORE.

3 (B) ANY PERMITTED PREMISES.

4 (C) RECORDS AND DOCUMENTS.

5 (D) ANY VEHICLE, VESSEL, OR OTHER MEANS OF CONVEYANCE USED  
6 IN EXERCISING THE PRIVILEGES GRANTED BY A PERMIT.

7 (6) ALL FEES RECEIVED FOR PERMITS ISSUED UNDER THIS SECTION  
8 AND ANY FINANCIAL RESTITUTION RECEIVED AS AUTHORIZED BY SECTION  
9 48133 SHALL BE FORWARDED BY THE DEPARTMENT TO THE STATE TREASURER  
10 TO BE CREDITED TO THE GAME AND FISH PROTECTION FUND CREATED IN  
11 SECTION 43553.

12 SEC. 48117. (1) TO ISSUE AN ORDER, THE COMMISSION OR DIREC-  
13 TOR SHALL COMPLY WITH THE FOLLOWING PROCEDURE IN A MANNER THAT  
14 ASSURES ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC  
15 COMMENT:

16 (A) THE ORDER SHALL BE PREPARED BY THE DEPARTMENT AFTER COM-  
17 MENTS HAVE BEEN SOLICITED AND CONSIDERED.

18 (B) THE ORDER SHALL BE PUBLISHED ON THE COMMISSION AGENDA  
19 FOR AT LEAST 30 DAYS BEFORE ITS CONSIDERATION BY THE COMMISSION  
20 OR DIRECTOR.

21 (C) THE COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC  
22 COMMENT ON THE ORDER.

23 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, AT  
24 LEAST 30 DAYS BEFORE ISSUANCE OF AN ORDER, THE DEPARTMENT SHALL  
25 PROVIDE A COPY OF THE ORDER TO EACH MEMBER OF THE SENATE AND THE  
26 HOUSE OF REPRESENTATIVES STANDING COMMITTEES THAT CONSIDER  
27 LEGISLATION PERTAINING TO CONSERVATION, AGRICULTURE, ENVIRONMENT,

1 RECREATION, TOURISM, AND NATURAL RESOURCES AND TO THE DIRECTOR OF  
2 THE DEPARTMENT OF AGRICULTURE. THE MEMBERS OF THE STANDING COM-  
3 MITTEES MAY REVIEW THE ORDER AND SUBMIT COMMENTS TO THE COMMIS-  
4 SION OR DIRECTOR, AS APPROPRIATE, REGARDING THE ORDER. THIS SUB-  
5 DIVISION DOES NOT APPLY TO AN ORDER THAT DOES NOT, WHEN IT IS  
6 PREPARED, ALTER THE SUBSTANCE OF A LAWFUL PROVISION THAT EXISTS  
7 IN THE FORM OF A STATUTE, RULE, OR ORDER.

8 (E) THE COMMISSION OR DIRECTOR, AS APPROPRIATE, SHALL  
9 APPROVE, REJECT, OR MODIFY THE ORDER.

10 (2) NOT LATER THAN APRIL 1, 2001, THE DIRECTOR SHALL ISSUE  
11 ORDERS PURSUANT TO SUBSECTION (1) THAT THE DIRECTOR CONSIDERS  
12 SUFFICIENT TO TAKE THE PLACE OF ACTS AND PARTS OF THIS ACT  
13 REPEALED BY THIS PART AND ADMINISTRATIVE RULES RESCINDED BY THIS  
14 PART. THE DIRECTOR SHALL FILE THE ORDERS WITH THE SECRETARY OF  
15 STATE AND SHALL DESIGNATE THE ORDERS AS BEING THE ORDERS THAT ARE  
16 INTENDED TO RESULT IN THE REPEAL OF THOSE ACTS AND PARTS OF ACTS  
17 LISTED IN SECTION 48141 AND THE RESCISSION OF THE ADMINISTRATIVE  
18 RULES PROMULGATED UNDER THE AUTHORITY OF THOSE ACTS AND PARTS OF  
19 ACTS LISTED IN SECTION 48141. THE ORDERS FILED WITH THE SECRE-  
20 TARY OF STATE PURSUANT TO THIS SUBSECTION SHALL INDICATE THAT THE  
21 ORDERS BECOME EFFECTIVE UPON FILING WITH THE SECRETARY OF STATE.

22 (3) AFTER THE ORDERS HAVE BEEN FILED WITH THE SECRETARY OF  
23 STATE PURSUANT TO SUBSECTION (2), THE COMMISSION OR DIRECTOR, AS  
24 APPROPRIATE UNDER SECTIONS 48113 AND 48115, MAY REVISE AN ORDER  
25 ISSUED PURSUANT TO THIS SECTION. THE PROCEDURE SET FORTH IN SUB-  
26 SECTION (1) APPLIES TO THE REVISION OF AN ORDER.

1           SEC. 48119. (1) THE DIRECTOR MAY ISSUE AN INTERIM ORDER IF  
2 THE DIRECTOR DETERMINES THAT 1 OR MORE OF THE FOLLOWING  
3 CONDITIONS APPLY:

4           (A) A POPULATION OF AN AQUATIC SPECIES IS AT RISK OF BEING  
5 DEPLETED OR EXTIRPATED OR BECOMING DISEASED.

6           (B) AN AQUATIC SPECIES IS DAMAGING PROPERTY OR THREATENING  
7 PUBLIC HEALTH, AS DETERMINED BY THE DEPARTMENT OF COMMUNITY  
8 HEALTH, OR PUBLIC SAFETY.

9           (C) THE TAKING OF AQUATIC SPECIES IS NECESSARY IN AN AREA  
10 WHERE EXCESSIVE MORTALITY OF AQUATIC SPECIES IS OCCURRING OR IS  
11 THREATENED.

12           (2) IN ISSUING AN INTERIM ORDER, THE DIRECTOR MAY EXERCISE  
13 ANY OF THE AUTHORITY OF THE DIRECTOR OR COMMISSION LISTED IN SEC-  
14 TION 48113 OR 48115 AND MAY ALSO REQUIRE QUARANTINE, TREATMENT,  
15 OR DESTRUCTION OF CAPTIVE AQUATIC SPECIES.

16           (3) AN INTERIM ORDER SHALL BE ISSUED IN A MANNER THAT  
17 ENSURES THAT INTERESTED PERSONS ARE PROVIDED NOTICE OF THE PRO-  
18 POSED INTERIM ORDER, THE REASONS FOR THE MODIFICATIONS, AND THE  
19 EFFECTIVE DATE OF THE ORDER. IN ADDITION, THE DIRECTOR SHALL  
20 PROVIDE A COPY OF AN INTERIM ORDER TO EACH MEMBER OF THE SENATE  
21 AND THE HOUSE OF REPRESENTATIVES STANDING COMMITTEES THAT CON-  
22 sider LEGISLATION PERTAINING TO CONSERVATION, AGRICULTURE, ENVI-  
23 RONMENT, RECREATION, TOURISM, AND NATURAL RESOURCES AND TO THE  
24 DIRECTOR OF THE DEPARTMENT OF AGRICULTURE. AN INTERIM ORDER  
25 SHALL BE IN EFFECT FOR NOT LONGER THAN 6 MONTHS.

26           SEC. 48121. (1) A PERSON SHALL NOT POSSESS ON WATERS OVER  
27 WHICH THIS STATE HAS JURISDICTION AN AQUATIC SPECIES THAT IS SO

1 MUTILATED THAT THE AQUATIC SPECIES IS NOT READILY IDENTIFIABLE OR  
2 CANNOT BE READILY MEASURED.

3 (2) A PERSON SHALL NOT POSSESS ON OR ALONG ANY WATERS OVER  
4 WHICH THIS STATE HAS JURISDICTION ANY EQUIPMENT, DEVICE, OR OTHER  
5 PROPERTY TO BE USED FOR THE TAKING OF AQUATIC SPECIES WHEN THE  
6 TAKING OF AQUATIC SPECIES WITH THAT EQUIPMENT, DEVICE, OR OTHER  
7 PROPERTY IS PROHIBITED BY THIS PART. THE POSSESSION OF ANY  
8 EQUIPMENT, DEVICE, OR OTHER PROPERTY ON OR ALONG WATERS OVER  
9 WHICH THIS STATE HAS JURISDICTION WHEN THE TAKING OF AQUATIC SPE-  
10 CIES WITH THAT EQUIPMENT, DEVICE, OR OTHER PROPERTY IS PROHIBITED  
11 BY THIS PART IS PRIMA FACIE EVIDENCE THAT THE EQUIPMENT, DEVICE,  
12 OR OTHER PROPERTY IS POSSESSED OR USED FOR THE PURPOSE OF VIOLAT-  
13 ING THIS PART.

14 SEC. 48123. (1) A PERSON SHALL NOT USE, SET, PLACE, OR  
15 ERECT, OR CAUSE TO BE SET, PLACED, OR ERECTED, OR LEAVE A FISHING  
16 SHANTY ON THE ICE OF ANY WATERS OVER WHICH THIS STATE HAS JURIS-  
17 DICTION EXCEPT AS PROVIDED IN AN ORDER OR INTERIM ORDER.

18 (2) IF A PERSON FAILS TO REMOVE A FISHING SHANTY AS REQUIRED  
19 BY AN ORDER OR INTERIM ORDER, THE DEPARTMENT OR A LOCAL UNIT OF  
20 GOVERNMENT MAY AUTHORIZE THE REMOVAL AND STORAGE OR DESTRUCTION  
21 OF A FISHING SHANTY.

22 (3) EXCEPT AS PROVIDED IN SUBSECTION (2), A LOCAL UNIT OF  
23 GOVERNMENT SHALL NOT REGULATE THE PLACEMENT, USE, MARKING, OR  
24 REMOVAL OF A FISHING SHANTY ON THE ICE OF ANY WATERS OVER WHICH  
25 THIS STATE HAS JURISDICTION.

26 SEC. 48125. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A  
27 PERSON SHALL NOT USE WATERS OVER WHICH THIS STATE HAS

1 JURISDICTION TO PROPAGATE, RAISE, FEED, OR GROW ANY AQUATIC  
2 SPECIES.

3 (2) A PERSON MAY, UNDER THE SUPERVISION OF THE DEPARTMENT,  
4 TEMPORARILY HOLD AQUATIC SPECIES IN CAGES OR PENS IN WATERS OVER  
5 WHICH THIS STATE HAS JURISDICTION TO IMPRINT THE AQUATIC SPECIES  
6 TO THOSE WATERS, PENDING RELEASE OF THOSE AQUATIC SPECIES TO  
7 WATERS OVER WHICH THIS STATE HAS JURISDICTION.

8 SEC. 48127. (1) THE PROVISIONS OF THIS PART PERTAINING TO  
9 THE TAKING, EXPORTING, TRANSPORTING, BUYING, SELLING, OR POSSES-  
10 SION OF AQUATIC SPECIES DO NOT APPLY TO CAPTIVE AQUATIC SPECIES  
11 AT AN AQUACULTURE FACILITY. THE PROVISIONS OF THIS PART PERTAIN-  
12 ING TO THE EXPORTING, TRANSPORTING, BUYING, SELLING, OR POSSES-  
13 SION OF AQUATIC SPECIES DO NOT APPLY TO CAPTIVE AQUATIC SPECIES  
14 ORIGINATING FROM AN AQUACULTURE FACILITY IF 1 OF THE FOLLOWING  
15 CONDITIONS IS MET:

16 (A) A PERSON EXPORTING, TRANSPORTING, BUYING, SELLING, OR  
17 POSSESSING DEAD AQUATIC SPECIES PRESENTS DOCUMENTATION APPROVED  
18 BY THE DEPARTMENT OF AGRICULTURE TO SHOW THAT THE DEAD AQUATIC  
19 SPECIES WERE CAPTIVE AQUATIC SPECIES ORIGINATING FROM AN AQUACUL-  
20 TURE FACILITY.

21 (B) A PERSON EXPORTING, TRANSPORTING, BUYING, SELLING, OR  
22 POSSESSING LIVE AQUATIC SPECIES PROVIDES AND RETAINS A COPY OF A  
23 MANIFEST CONTAINING SUCH INFORMATION AS REQUIRED BY THE DEPART-  
24 MENT OF AGRICULTURE INCLUDING THE SHIPPING DATE, SPECIES AND  
25 NUMBER, VOLUME OR WEIGHT OF EACH SPECIES, THE ORIGIN ADDRESS AND  
26 DESTINATION ADDRESS OF THE SHIPMENT, SIGNATURE AND NAME OF THE  
27 SHIPPER, AND ANY OTHER NECESSARY INFORMATION. LIVE CAPTIVE

1 AQUATIC SPECIES SHALL BE TRANSPORTED IN A VEHICLE THAT CONTAINS  
2 ONLY AQUATIC SPECIES ORIGINATING FROM AN AQUACULTURE FACILITY. A  
3 PERSON EXPORTING, TRANSPORTING, BUYING, SELLING, OR POSSESSING A  
4 LIVE CAPTIVE AQUATIC SPECIES SHALL IMMEDIATELY PRODUCE THE MANI-  
5 FEST REQUIRED BY THIS SUBDIVISION UPON THE DEMAND OF THE DEPART-  
6 MENT, THE DEPARTMENT OF AGRICULTURE, OR A PEACE OFFICER.

7 (C) A PERSON IS EXPORTING, TRANSPORTING, BUYING, OR POSSESS-  
8 ING 1 GALLON OR LESS OF LIVE CAPTIVE AQUATIC SPECIES WHICH ARE  
9 NOT FOR RESALE.

10 (2) AN AQUACULTURE FACILITY SHALL NOT TAKE AQUATIC SPECIES  
11 FROM ANY WATERS OVER WHICH THIS STATE HAS JURISDICTION OR IMPORT  
12 AQUATIC SPECIES, EXCEPT AS AUTHORIZED BY THIS ACT AND OTHER STATE  
13 LAWS.

14 SEC. 48129. A NONRESIDENT WHO RESIDES IN A STATE OR COUNTRY  
15 THAT DOES NOT ALLOW RESIDENTS OF THIS STATE TO ACT AS COMMERCIAL  
16 FISHING GUIDES WITHIN THAT STATE OR COUNTRY SHALL NOT ACT AS A  
17 COMMERCIAL FISHING GUIDE ON THE INLAND WATERS OF THIS STATE.

18 SEC. 48131. IN ALL PROSECUTION FOR VIOLATIONS OF THIS PART,  
19 THE POSSESSION OF AN AQUATIC SPECIES IS PRIMA FACIE EVIDENCE THAT  
20 THE AQUATIC SPECIES WAS TAKEN BY THE PERSON IN POSSESSION OF THE  
21 AQUATIC SPECIES.

22 SEC. 48133. (1) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS  
23 SECTION, A PERSON WHO VIOLATES THIS PART IS GUILTY OF A  
24 MISDEMEANOR. THE PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS  
25 THAN \$50.00 OR MORE THAN \$500.00 AND THE COSTS OF PROSECUTION AND  
26 MAY BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS.



1           (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OR (6), A  
2 PERSON WHO VIOLATES A PROVISION OF THIS PART REGARDING THE TAKING  
3 OR POSSESSION OF AN AQUATIC SPECIES, OTHER THAN AN AQUATIC SPE-  
4 CIES THAT APPEARS ON A LIST PREPARED PURSUANT TO SECTION 36503,  
5 IS GUILTY OF A MISDEMEANOR. THE PERSON SHALL BE PUNISHED BY A  
6 FINE OF NOT LESS THAN \$100.00 OR MORE THAN \$1,000.00 AND THE  
7 COSTS OF PROSECUTION AND MAY BE PUNISHED BY IMPRISONMENT FOR NOT  
8 MORE THAN 90 DAYS.

9           (3) A PERSON WHO TAKES OR POSSESSES STURGEON IN VIOLATION OF  
10 THIS PART IS GUILTY OF A MISDEMEANOR. THE PERSON SHALL BE PUN-  
11 ISHED BY A FINE OF NOT LESS THAN \$500.00 OR MORE THAN \$2,000.00  
12 AND THE COSTS OF PROSECUTION AND MAY BE PUNISHED BY IMPRISONMENT  
13 FOR NOT MORE THAN 180 DAYS. A FINE UNDER THIS SUBSECTION SHALL  
14 NOT BE SUSPENDED.

15           (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), A PERSON  
16 WHO BUYS OR SELLS AQUATIC SPECIES IN VIOLATION OF THIS PART IS  
17 GUILTY OF A MISDEMEANOR. THE PERSON SHALL BE PUNISHED BY A FINE  
18 OF NOT LESS THAN \$250.00 OR MORE THAN \$1,000.00 AND THE COSTS OF  
19 PROSECUTION AND MAY BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN  
20 90 DAYS. HOWEVER, FOR EACH SUBSEQUENT OFFENSE, THE PERSON IS  
21 GUILTY OF A FELONY AND SHALL BE PUNISHED BY IMPRISONMENT FOR NOT  
22 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH,  
23 AND THE COSTS OF PROSECUTION.

24           (5) A PERSON WHO VIOLATES A PROVISION OF THIS PART REGULAT-  
25 ING THE REMOVAL OF FISHING SHANTIES FROM THE WATER OR ICE IS  
26 GUILTY OF A MISDEMEANOR. THE PERSON SHALL BE PUNISHED BY A FINE  
27 OF NOT LESS THAN \$100.00 OR MORE THAN \$500.00 AND THE COSTS OF

1 PROSECUTION AND MAY BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN  
2 30 DAYS. IN ADDITION, UPON CONVICTION THE COURT SHALL ORDER THE  
3 DEFENDANT TO REIMBURSE THE GOVERNMENTAL ENTITY THAT REMOVES OR  
4 PROVIDES FOR THE REMOVAL OF THE FISHING SHANTY FROM THE WATER OR  
5 ICE AN AMOUNT EQUAL TO 3 TIMES THE COST OF REMOVAL.

6 (6) A PERSON WHO VIOLATES A CONDITION OR PROVISION OF A  
7 PERMIT ISSUED UNDER SECTION 48115 IS GUILTY OF A MISDEMEANOR.  
8 THE PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS THAN \$500.00  
9 OR MORE THAN \$1,000.00 AND THE COSTS OF PROSECUTION AND MAY BE  
10 PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

11 (7) IF A PERSON IS CONVICTED OF A VIOLATION OF THIS PART,  
12 OTHER THAN A VIOLATION DESCRIBED IN SUBSECTION (4), AND IT IS  
13 ALLEGED IN THE COMPLAINT AND PROVED OR ADMITTED AT TRIAL OR  
14 ASCERTAINED BY THE COURT AFTER CONVICTION THAT THE PERSON HAS  
15 BEEN PREVIOUSLY CONVICTED 2 TIMES WITHIN THE PRECEDING 5 YEARS  
16 FOR A VIOLATION OF THIS PART, THE PERSON IS GUILTY OF A MISDE-  
17 MEANOR AND SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS THAN 10  
18 DAYS OR MORE THAN 180 DAYS, AND A FINE OF NOT LESS THAN \$500.00  
19 OR MORE THAN \$2,000.00, AND THE COSTS OF PROSECUTION. THE COURT  
20 SHALL ORDER THE PERSON'S FISHING LICENSE UNDER PART 435 REVOKED,  
21 IF THE PERSON IS LICENSED TO FISH UNDER PART 435, AND SHALL ORDER  
22 THE PERSON NOT TO SEEK OR POSSESS A FISHING LICENSE UNDER PART  
23 435 FOR THE NEXT 3 SUCCEEDING CALENDAR YEARS.

24 SEC. 48135. (1) IN ADDITION TO THE PENALTIES PROVIDED IN  
25 SECTION 48133 FOR VIOLATING THIS PART AND THE PENALTY PROVIDED IN  
26 SECTION 36507, IF APPLICABLE, A PERSON CONVICTED OF TAKING OR  
27 POSSESSING AN AQUATIC SPECIES DURING A CLOSED SEASON; TAKING OR

1 POSSESSING AN AQUATIC SPECIES IN EXCESS OF LAWFUL LIMITS; TAKING  
2 OR POSSESSING AN UNDERSIZED AQUATIC SPECIES; UNLAWFULLY BUYING OR  
3 SELLING AN AQUATIC SPECIES; OR TAKING AN AQUATIC SPECIES BY USE  
4 OF AN UNLAWFUL DEVICE SHALL MAKE RESTITUTION TO THE STATE FOR THE  
5 VALUE OF THE AQUATIC SPECIES SO TAKEN, BOUGHT, SOLD, OR POSSESSED  
6 IN WHOLE OR IN PART, AS FOLLOWS:

7 (A) FOR EACH AQUATIC SPECIES, EXCEPT THOSE AQUATIC SPECIES  
8 DESCRIBED IN SUBDIVISION (C) OR (D) OF AN INDIVIDUAL WEIGHT OF 1  
9 POUND OR MORE, \$10.00 FOR EACH POUND OR FRACTION OF A POUND.

10 (B) FOR EACH AQUATIC SPECIES, EXCEPT THOSE AQUATIC SPECIES  
11 DESCRIBED IN SUBDIVISION (C) OR (D) OF AN INDIVIDUAL WEIGHT OF  
12 LESS THAN 1 POUND, \$10.00 FOR EACH ANIMAL.

13 (C) FOR EACH PROTECTED AQUATIC SPECIES, EXCEPT THOSE AQUATIC  
14 SPECIES DESCRIBED IN SUBDIVISION (D), THAT IS DESIGNATED BY ORDER  
15 OF THE DEPARTMENT AS A SPECIES THAT SHALL NOT BE TAKEN, \$25.00  
16 FOR EACH POUND OR FRACTION OF A POUND.

17 (D) FOR EACH THREATENED OR ENDANGERED AQUATIC SPECIES,  
18 LISTED UNDER PART 365, OR STURGEON, \$1,500.00 FOR EACH ANIMAL.

19 (2) IF A PERSON IS CONVICTED OF A VIOLATION LISTED IN SUB-  
20 SECTION (1), THE COURT IN WHICH THE CONVICTION IS OBTAINED SHALL  
21 ORDER THE DEFENDANT TO FORFEIT TO THE STATE THE SUMS PROVIDED IN  
22 SUBSECTION (1). IF 2 OR MORE DEFENDANTS ARE CONVICTED OF THE  
23 ILLEGAL TAKING, BUYING, SELLING, OR POSSESSION OF THE SAME  
24 AQUATIC SPECIES, THE COURT SHALL DECLARE THE FORFEITURE AGAINST  
25 THEM JOINTLY.

26 (3) IF A DEFENDANT FAILS TO PAY UPON CONVICTION THE SUM  
27 ORDERED BY THE COURT TO BE FORFEITED, THE COURT SHALL IMPOSE A

1 SENTENCE AND, AS A CONDITION OF THE SENTENCE, REQUIRE THE  
2 DEFENDANT TO SATISFY THE FORFEITURE IN THE AMOUNT PRESCRIBED AND  
3 FIX THE MANNER AND TIME OF PAYMENT OR SHALL MAKE A WRITTEN ORDER  
4 PERMITTING THE DEFENDANT TO PAY THE SUM TO BE FORFEITED IN  
5 INSTALLMENTS AT THOSE TIMES AND IN THOSE AMOUNTS THAT, IN THE  
6 OPINION OF THE COURT, THE DEFENDANT IS ABLE TO PAY.

7 (4) IF A DEFENDANT DEFAULTS IN PAYMENT OF THE SUM FORFEITED  
8 OR OF AN INSTALLMENT, THE COURT ON MOTION OF THE DEPARTMENT OR  
9 UPON ITS OWN MOTION MAY REQUIRE THE DEFENDANT TO SHOW CAUSE WHY  
10 THE DEFAULT SHOULD NOT BE TREATED AS A CIVIL CONTEMPT, AND THE  
11 COURT MAY ISSUE A SUMMONS OR WARRANT OF ARREST FOR HIS OR HER  
12 APPEARANCE. UNLESS THE DEFENDANT SHOWS THAT THE DEFAULT WAS NOT  
13 DUE TO AN INTENTIONAL REFUSAL TO OBEY THE ORDER OF THE COURT OR A  
14 FAILURE TO MAKE A GOOD FAITH EFFORT TO OBTAIN THE FUNDS REQUIRED  
15 FOR THE PAYMENT, THE COURT SHALL FIND THAT THE DEFAULT CONSTI-  
16 TUTES A CIVIL CONTEMPT.

17 (5) IF IT APPEARS THAT THE DEFENDANT'S DEFAULT IN THE PAY-  
18 MENT OF THE FORFEITURE DOES NOT CONSTITUTE CIVIL CONTEMPT, THE  
19 COURT MAY ENTER AN ORDER ALLOWING THE DEFENDANT ADDITIONAL TIME  
20 FOR PAYMENT, REDUCING THE AMOUNT OF THE FORFEITURE OR OF EACH  
21 INSTALLMENT, OR REVOKING THE FORFEITURE OR THE UNPAID PORTION OF  
22 THE FORFEITURE, IN WHOLE OR IN PART.

23 (6) A DEFAULT IN THE PAYMENT OF THE FORFEITURE OR AN  
24 INSTALLMENT PAYMENT MAY BE COLLECTED BY ANY MEANS AUTHORIZED FOR  
25 THE ENFORCEMENT OF A JUDGMENT UNDER CHAPTER 60 OF THE REVISED  
26 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6001 TO 600.6098.

1 (7) A COURT RECEIVING A FORFEITURE PAYMENT SHALL REMIT THE  
2 MONEY TO THE COUNTY TREASURER. THE COUNTY TREASURER SHALL  
3 DEPOSIT THE MONEY WITH THE STATE TREASURER, WHO SHALL DEPOSIT THE  
4 MONEY IN THE GAME AND FISH PROTECTION FUND CREATED IN SECTION  
5 43553.

6 SEC. 48137. SECTIONS 48107 TO 48111, 48119 TO 48127, AND  
7 48131 TO 48135 SHALL TAKE EFFECT WHEN THE ORDERS REQUIRED UNDER  
8 SECTION 48117(2) ARE FILED WITH THE SECRETARY OF STATE.

9 SEC. 48139. ALL SUITS, ACTIONS, OR PROCEEDINGS FOR THE VIO-  
10 LATION OF ANY LAW IN EFFECT BEFORE FILING OF THE ORDERS REQUIRED  
11 BY SECTION 48117(2), WHICH MAY BE INSTITUTED BEFORE FILING OF THE  
12 ORDERS REQUIRED BY SECTION 48117(2), SHALL NOT BE ABATED BUT MAY  
13 BE PROSECUTED IN THE SAME MANNER AND WITH THE SAME EFFECT AS IF  
14 THIS PART HAD NOT BEEN ENACTED.

15 SEC. 48141. THE FOLLOWING ACTS AND PARTS OF ACTS ARE  
16 REPEALED AND THE ADMINISTRATIVE RULES PROMULGATED UNDER THE  
17 AUTHORITY OF THE FOLLOWING ACTS AND PARTS OF ACTS ARE RESCINDED  
18 WHEN THE ORDERS REQUIRED UNDER SECTION 48117(2) ARE FILED WITH  
19 THE SECRETARY OF STATE AND BECOME EFFECTIVE:

- 20 (A) PARTS 411, 451 TO 479, 485 TO 491.  
21 (B) 1929 PA 22, MCL 317.241 TO 317.245.  
22 (C) 1935 PA 179, MCL 308.141 TO 308.143.