

Act No. 643
Public Acts of 2018
Approved by the Governor
December 28, 2018
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December 28, 2018
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STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018

Introduced by Rep. Cole

ENROLLED HOUSE BILL No. 6355

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 48729 (MCL 324.48729), as amended by 2012 PA 337.

The People of the State of Michigan enact:

Sec. 48729. (1) Except as otherwise provided in subsection (2), a person shall not do any of the following:

(a) Take or possess minnows, wigglers, or crayfish for commercial purposes from any of the waters over which this state has jurisdiction; import minnows, wigglers, or crayfish for commercial purposes from outside of this state; or transport minnows, wigglers, or crayfish without having first procured a license as provided in section 48732. A license, except a license to fish in the waters of this state as provided in part 435, is not required of persons taking minnows, wigglers, or crayfish for their individual use for bait. A person shall not set or use minnow traps for the taking of minnows, wigglers, or crayfish for any purpose unless the name and address of the user is on the trap.

(b) Export out of this state any minnows, wigglers, or crayfish, dead or alive, taken either in or outside of this state unless that person holds a permit issued under this subdivision. The department, upon receipt of a payment of \$25.00, may issue a permit, revocable by the department, under any regulations the department prescribes, to any resident licensed as provided for in section 48732, enabling that person to transport outside of this state minnows, wigglers, or crayfish that were harvested from waters outside of this state's jurisdictional border and imported wholesale across that border. Minnows, wigglers, and crayfish taken from waters over which this state has jurisdiction may not be exported from this state. Imported wholesale minnows, wigglers, and crayfish must be held separately from any minnows, wigglers, or crayfish taken from waters over which this state has jurisdiction. A person holding a permit as provided in this subdivision and transporting wholesale minnows, wigglers, or crayfish shall produce documentation that contains the origin of the shipment, registration or permit copies, documentation demonstrating the shipment's destination, and any other proof required by the department, upon demand of the director or a law enforcement officer. The department may revoke a permit issued under this subdivision upon good cause. A permit issued under this subdivision expires on December 31 following the date the license is issued unless the license is revoked before that date.

(c) Use or attempt to use live goldfish or carp for bait in fishing.

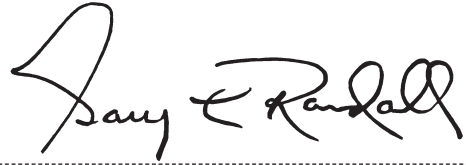
(d) Offer for sale or use lamprey for bait in fishing.

(e) Take, possess, or transport minnows, wigglers, or crayfish for commercial purposes from any of the waters over which this state has jurisdiction unless the taker is a resident of this state and holds a permit or license as required by law.

(2) A person who operates as a charter fishing guide on either the Great Lakes or the inland waters of this state may transport and possess minnows, wigglers, and crayfish for exclusive use by their clients as bait while on a fishing trip without an additional permit or license if that person has purchased the minnows, wigglers, or crayfish from a wholesale or retail outlet that holds a permit or license as provided in section 48732 to take, possess, or transport minnows, wigglers, or crayfish for commercial purposes. A person who operates as a charter fishing guide that purchases and provides live minnows, wigglers, or crayfish to their clients, must retain a receipt showing the quantity purchased and the wholesale or retail establishment the minnows, wigglers, or crayfish were purchased from and must possess and present that receipt upon request of a peace officer until the minnows, wigglers, or crayfish are no longer in possession of that person. A person who operates as a charter fishing guide may not sell or furnish minnows, wigglers, or crayfish for any other purpose outside the context described in this subsection without having first procured a license as provided in section 48732.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor