

Legislative Analysis



INCREASE MAXIMUM FINE FOR ILLEGALLY TAKING OR POSSESSING LAKE STURGEON

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<http://www.house.mi.gov/hfa>

House Bill 4470 (H-2) as referred to second committee

Sponsor: Rep. Sue Allor

1st Committee: Natural Resources and Outdoor Recreation

2nd Committee: Judiciary

Complete to 8-23-21

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4470 would amend Part 487 (Sport Fishing) of the Natural Resources and Environmental Protection Act (NREPA) to increase the maximum fine for illegally taking or possessing lake sturgeon.

FISCAL IMPACT: The bill would not affect costs or revenues for the Department of Natural Resources. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

THE APPARENT PROBLEM:

Lake sturgeon are native Michigan fish that have been around for 136 million years. Unfortunately, these prehistoric fish are considered a threatened species today. Even though sturgeon can live up to 150 years, they grow slowly and do not reach sexual maturity until 12 to 24 years of age. Their slow growth and late maturity, coupled with the high value of sturgeon and their eggs (up to \$200 per ounce of sturgeon caviar), leave sturgeon highly vulnerable as a species. Some believe that because the value of sturgeon and their eggs is much greater than the current penalties for poaching sturgeon, the potential benefits of poaching far outweigh the cost of being punished for doing so. Legislation has been offered to deter poaching by increasing the penalties for illegally taking or possessing lake sturgeon.

THE CONTENT OF THE BILL:

Currently under NREPA, an individual who takes or possesses sturgeon in violation of Part 487 or the rules or orders issued to implement Part 487¹ is guilty of a misdemeanor punishable by imprisonment for up to 180 days or a fine of \$500 to \$2,000, plus the costs of prosecution.

The bill would increase the fine that may be imposed for illegally taking or possessing lake sturgeon to a range of \$500 to \$5,000.

MCL 324.48738

¹ For current sturgeon season and limit information, see: https://www.michigan.gov/dnr/0,4570,7-350-79119_79146_82434---,00.html

BACKGROUND:

In addition to the penalty described above, section 48740 of NREPA requires a person who is convicted of any of the following to forfeit to the state \$1,500 for each sturgeon illegally taken or possessed:

- Taking sturgeon during a closed season.
- Taking or possessing sturgeon in excess of lawful limits.
- Taking sturgeon by use of an unlawful device.
- Buying or selling sturgeon, or any parts of a sturgeon, that is taken by use of an unlawful device.

ARGUMENTS:

For:

Supporters argue that the current penalties for illegally taking or possessing lake sturgeon are not enough to deter poaching. While volunteer service groups have created programs to guard against the poaching of sturgeon, they are unable to monitor the many streams and lakes that sturgeon inhabit. It is hoped that increasing the penalties would decrease poaching and help stabilize populations of Michigan’s great prehistoric fish.

Against:

A concern was raised during committee testimony that, because the penalties imposed for illegally taking or possessing lake sturgeon are based on strict liability, anyone, including a minor, can face jail time and fines for inadvertently catching a lake sturgeon out of season while otherwise lawfully fishing. Some worried that the increased penalty could be applied to innocent teenagers instead of the bad actors who purposefully poach sturgeon.

POSITIONS:

Representatives of the following entities testified in support of the bill (4-22-21):

- Sturgeon for Tomorrow
- St. Clare-Detroit River Sturgeon for Tomorrow
- Michigan United Conservation Clubs

The following entities indicated support for the bill (4-29-21):

- Department of Natural Resources
- The Conservation Fund
- National Wildlife Federation
- Michigan League of Conservation Voters
- Black Lake Preservation Society
- Burt Lake Preservation Authority
- Mullet Lake Area Preservation Society

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.