

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

Subpart IV

MINNOWS

324.48728 Definitions.

Sec. 48728.

As used in this part:

- (a) "Commercial purposes" means offering for sale, selling, giving, or furnishing to others.
- (b) "Crayfish" means any arthropod of the decapoda family.
- (c) "Minnows" means chubs, shiners, suckers, when of a size ordinarily used for bait in hook and line fishing, dace, stonerollers, muddlers, and mudminnows.
- (d) "Wigglers" means Mayfly nymphs or any other aquatic insect nymphs or larvae.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.48729 Prohibited conduct; exception for charter fishing guide.

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 \$500.00, may issue a permit, revocable by the department with reason, under any regulations the department prescribes, to any person licensed as provided for in section 48732, enabling that person to transport outside of this state minnows, wigglers, or crayfish. A person holding a permit as provided in this subdivision shall provide a monthly report in a manner and format determined by the department that includes, but is not limited to, the quantity of exported minnows, wigglers, or crayfish by species that were taken from waters over which this state has jurisdiction. 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.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2012, Act 337, Imd. Eff. Oct. 16, 2012 ;-- Am. 2018, Act 643, Eff. Mar. 28, 2019 ;-- Am. 2022, Act 30, Imd. Eff. Mar. 15, 2022

Popular Name: Act 451

Popular Name: NREPA

324.48730 Powers of department.

Sec. 48730.

(1) The department may designate the lakes and streams and parts of lakes and streams from which minnows, wigglers, and crayfish may be taken for commercial purposes and make rules, regulations, and restrictions for taking, possessing, and transporting minnows, wigglers, and crayfish.

(2) A person shall not take or attempt to take minnows, wigglers, or crayfish for commercial purposes from any waters of the state not designated by the department or violate any of the rules, regulations, or restrictions established pursuant to this section.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.48731 Minnow seines; glass or wire traps; hand nets; hook and line; dip nets.

Sec. 48731.

(1) Except as otherwise provided in this subsection, minnow seines of not more than 125 feet in length and 16 feet in width may be used in the Great Lakes and their connecting waterways and in the inland lakes, streams, and rivers of this state. Minnows may only be taken from trout streams during open season with glass or wire traps. Minnow seines shall not be used in trout streams at any time.

(2) Hand nets not exceeding 8 feet square without sides or walls, minnow traps not exceeding 2 feet in length, minnow seines not exceeding 12 feet in length and 4 feet in width, and hook and line may be used for taking minnows for personal use in any of the waters designated by the department, as provided in section 48730. However, a person shall not take minnows in trout streams with hand or dip nets.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA