



**House
Legislative
Analysis
Section**

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PENALTIES FOR ILLEGALLY TAKING STURGEON

House Bill 4449 as passed by the House
Second Analysis (7-27-89)

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SEP 06 1989

Sponsor: Rep. John D. Pridnia

Committee: Tourism, Fisheries, & Wildlife

Mich. State Law Library

THE APPARENT PROBLEM:

The sturgeon is a prehistoric fish averaging in length from three to six feet and found in the Great Lakes and large inland lakes, particularly Black Lake and Mullett Lake located in Presque Isle and Cheboygan Counties, among other areas. The species found in Michigan, the lake sturgeon, can live to be 100 years old and weigh 100 pounds. Normally the fish does not sexually mature until its later years, approximately twenty to forty years. Once the sturgeon matures, the spawning season for the fish usually begins in mid-April or shortly after the snow melts, depending upon the water temperature. During the spawning season, the fish makes its way from the lakes into clear, gravel streams. The fish are very vulnerable when they spawn because they are very large and easily detected in the shallow stream water, approximately two to three feet deep. Since sturgeon are considered a delicacy and very valuable for their spawn, poaching pressure has been extremely intense. Today, the lake sturgeon is close to becoming an endangered species in Michigan because of poaching pressure. Efforts by the Department of Natural Resources to apprehend poachers have been hampered by the very large areas encompassed by spawning streams. In addition, the current fines for the poaching of sturgeon are paltry when compared to the amount of money that can be made from illegal uses of the fish. In order to provide sufficient deterrent to poachers, the fines for sturgeon poaching should be increased to match fines for the poaching of other endangered species.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Sports Fishing Law to provide that the taking or possession of sturgeon in violation of the act, its rules, or orders issued to implement the act would constitute a misdemeanor punishable by imprisonment for between 30 and 180 days, a fine of not less than \$500 or more than \$2,000, or both, and the costs of prosecution. (Currently, the penalty is up to 90 days imprisonment, a fine of up to \$500, or both.) In addition to the penalties provided for in the act, the act assesses a \$10 fine per pound or fraction of pound of game fish illegally taken or possessed for fish weighing more than one pound and \$10 per fish for fish that weigh less than one pound. The bill would assess a fine of \$1,500 per sturgeon for each fish illegally taken or possessed and would clarify that the \$10 fines would be effective for fish other than sturgeon.

MCL 305.12 and 305.13

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill is expected to generate minimal revenue for the state and is not expected to increase costs for the state. (7-27-89)

ARGUMENTS:

For:

Size, season, and catch limits and fines are needed to ensure the protection and continuation of different animal species. Currently, there is a limited spring season for the taking of sturgeon. Since most sturgeon are taken by spear through ice holes, it can be very difficult to catch the fish. The fact that the sturgeon is very rare and is a bottom feeder increases its elusiveness. The minimum size of the fish allowed to be taken is fifteen inches, and two sturgeon can be taken per season. Although the size, season and catch limits for the sturgeon are very restrictive, the fines for sturgeon poaching are obviously not high enough to serve as a deterrent to the taking of the fish. DNR law enforcement officers have noticed that the public seems to be more willing to help officers catch poachers when fines increase for a species. Since the bill sets a fine for sturgeon that is equal to fines for other endangered species, such as the hawk, elk, bear, wolf and moose, the department expects that there will be a stronger deterrent to sturgeon poaching and more public participation to help detect poachers.

POSITIONS:

The Department of Natural Resources supports the bill. (7-27-89)

H.B. 4449 (7-27-89)