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BILL ANALYSIS

Senate Fiscal Agency

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House Bill 4449 (as reported without amendment)

Sponsor: Representative John D. Pridnia

House Committee: Tourism, Fisheries, and Wildlife

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 10-16-89

RATIONALE

Recently, concern has been expressed over apparent increases in the incidence of sturgeon poaching. The sturgeon, a large fish with prehistoric origins, is found in small numbers in the Great Lakes and in greater concentrations in large inland lakes in the upper Lower Peninsula, particularly Black and Mullett Lakes. The species found in Michigan, the lake sturgeon, normally does not sexually mature until it is between 20 and 40 years old. (Reportedly, the fish can live to be over 100 years old.)

Once the sturgeon matures, its spawning season 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 lakes into clear, gravel streams. Sturgeon are vulnerable to poachers when they spawn because they are very large (from three to six feet in length and up to 100 pounds) and easily detected in the shallow stream water. Since sturgeon are considered a delicacy and valuable for the spawn, poaching pressure reportedly has been increasing, and the lake sturgeon is close to becoming an endangered species in Michigan. Efforts by the Department of Natural Resources to apprehend poachers have been hampered by the large areas encompassed by spawning streams. In addition, the current fines for the poaching of sturgeon are small when compared to the amount of money that can be made from illegal uses of the fish. In order to provide a sufficient deterrent to poachers, it has been suggested that the fines and penalties for sturgeon poaching be increased to levels similar to those that were enacted in 1988 for game such as moose and elk.

CONTENT

The bill would amend the Michigan Sports Fishing Law to increase the penalties for illegally taking or possessing sturgeon. The bill provides that the taking or possession of sturgeon in violation of the Act, its rules, or an order issued to implement the Act would constitute a misdemeanor punishable by at least 30 but not more than 180 days' imprisonment, a fine of at least \$500 but not more than \$2,000, or both, and the costs of prosecution. Currently, the penalty is up to 90 days' imprisonment, a maximum fine of \$500, or both; this provision would be retained for other violations of the Act. In addition to those penalties, the Act imposes a \$10 fine per pound or fraction of a pound of game fish illegally taken or possessed for fish weighing more than one pound and \$10 per fish weighing less than one pound. The bill would impose a \$1,500 fine per sturgeon for each fish taken or possessed illegally and specifies that the \$10 fines would be effective for game fish other than sturgeon.

MCL 305.12 and 305.13

FISCAL IMPACT

The bill would have an indeterminate fiscal impact, depending on the number of sturgeon poachers apprehended and fines assessed.

ARGUMENTS**Supporting Argument**

Size, season, and catch limits, as well as adequate fines, are needed to ensure the

H.B. 4449 (10-16-89)

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 difficult to catch the fish. The fact that the sturgeon is rare and is a bottom feeder increases its elusiveness, and results in relatively few fish legally caught each year. (The minimum size of the fish allowed to be taken is 15 inches, and two sturgeon per person can be taken per season.) Although the size, season and catch limits for the sturgeon are restrictive, the fines for sturgeon poaching are not high enough to serve as a deterrent to the illegal taking of the fish. Department of Natural Resources law enforcement officers have reported that the public seems to be more willing to help officers catch poachers when fines increase for a species. Since the bill would set a fine for sturgeon that is similar to fines for other endangered species, such as the hawk, elk, bear, wolf and moose, it is expected that the bill would be a stronger deterrent to sturgeon poaching, and result in more public participation in detecting poachers.

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