

HOUSE BILL No. 4750

April 25, 1991, Introduced by Reps. Bartnik, Weeks, Brackenridge, Hoffman, Horton, Hoekman, Leland, Alley, Dobronski, DeMars, Harder, Bodem, Nye and Bobier and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend section 8a of Act No. 244 of the Public Acts of 1986, entitled as amended "Charter and livery boat safety act," as added by Act No. 22 of the Public Acts of 1989, being section 281.578a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8a of Act No. 244 of the Public Acts of
2 1986, as added by Act No. 22 of the Public Acts of 1989, being
3 section 281.578a of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 8a. (1) The department may ~~conduct~~ research ~~into~~
6 the availability of fish in the waters of this state that are
7 utilized by charter boats.

8 (2) The department shall form a catch activity committee
9 that is composed of 2 individuals from the department and 2

1 representatives from the Michigan charter boat association. The
2 catch activity committee shall do all of the following:

3 (a) Develop a form that pertains to the number, type, and
4 location of fish taken from charter boats in this state.

5 (b) Participate in research regarding information contained
6 in the catch activity forms.

7 (3) The DEPARTMENT SHALL DISTRIBUTE TO ALL CHARTER BOAT
8 OPERATORS IN THIS STATE THE catch activity form developed under
9 subsection (2). ~~shall be made available by the department to~~
10 ~~all charter boat operators in this state.~~

11 (4) Following ~~the availability and~~ distribution of the
12 catch activity form PURSUANT TO SUBSECTION (3), the department
13 shall require EACH CHARTER BOAT OPERATOR TO COMPLETE AND RETURN
14 the form ~~to be completed and returned~~ to the department ~~prior~~
15 ~~to issuing~~ BEFORE THE DEPARTMENT ISSUES TO THAT PERSON a certif-
16 icate of inspection. The department shall develop ~~a system that~~
17 ~~insures that each~~ PROCEDURES THAT ENSURE EACH OF THE FOLLOWING:

18 (A) THAT A charter boat operator completes a catch activity
19 form monthly. ~~but that protects the confidentiality of the~~
20 ~~identity of the contributing charter boat operator.~~

21 (B) THAT A CHARTER BOAT OPERATOR MAINTAINS A DAILY TRIP
22 RECORD OF FISHING ACTIVITIES.

23 (C) THAT THE IDENTITY OF EACH CHARTER BOAT OPERATOR WHO PRO-
24 VIDES THE DEPARTMENT WITH INFORMATION UNDER THIS SECTION REMAINS
25 CONFIDENTIAL.

26 (5) A CHARTER BOAT OPERATOR SHALL COMPLETE A CATCH ACTIVITY
27 FORM AND RETURN THAT COMPLETED FORM TO THE DEPARTMENT ON OR

1 BEFORE THE FINAL DAY OF EACH MONTH. IF A CHARTER BOAT OPERATOR
2 DOES NOT RETURN THAT COMPLETED FORM WITHIN 30 DAYS AFTER THAT
3 FORM IS REQUIRED TO BE DELIVERED TO THE DEPARTMENT, THE DEPART-
4 MENT SHALL NOTIFY THAT CHARTER BOAT OPERATOR OF HIS OR HER NON-
5 COMPLIANCE WITH THIS SECTION. IF A CHARTER BOAT OPERATOR FAILS
6 TO RETURN A COMPLETED CATCH ACTIVITY FORM WITHIN 60 DAYS AFTER
7 THAT FORM IS REQUIRED TO BE DELIVERED TO THE DEPARTMENT, THE
8 DEPARTMENT SHALL REVOKE THAT CHARTER BOAT OPERATOR'S STATE
9 PILOT'S LICENSE.

10 (6) ~~(5)~~ The department shall ~~utilize the returned catch~~
11 ~~activity forms to~~ compile a report based ~~on the reported~~ UPON
12 RETURNED catch activity ~~. The~~ FORMS, AND MAKE THAT report
13 ~~shall be made~~ available to the public ~~by the department. The~~
14 ~~report shall not disclose~~ WITHOUT DISCLOSING the identity of
15 charter boat operators who ~~disclosed~~ PROVIDED specific informa-
16 tion required under this section.

17 ~~(6) This section is repealed 2 years after the effective~~
18 ~~date of the amendatory act that added this section.~~

19 (7) A CHARTER BOAT OPERATOR AGGRIEVED BY DEPARTMENT ACTION
20 UNDER THIS SECTION MAY APPEAL THAT ACTION TO THE NATURAL
21 RESOURCES COMMISSION PURSUANT TO THE ADMINISTRATIVE PROCEDURES
22 ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SEC-
23 TIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.