



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 966 (Substitute S-2 as reported)
Sponsor: Senator Robert Geake
Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 473 (Commercial Fishing) of the Natural Resources and Environmental Protection Act to prohibit a person from obstructing or interfering in the lawful taking of fish by a person licensed under the part, and provide penalties for a violation of the prohibition. A person would be in violation of this prohibition if he or she knowingly or intentionally:

- Operated a vessel in a manner likely to alter significantly the behavior of aquatic species; waded or swam in a manner or at a location likely to affect aquatic species; dropped or threw inert material; or drove, herded, or disturbed any aquatic species to disrupt a lawful taking.
- Impeded or harassed another person who was lawfully taking an aquatic species, or interjected himself or herself into the area where nets, fishing lines, or traps lawfully could be placed.
- Used a natural or artificial visual, aural, olfactory, gustatory, or physical stimulus to affect aquatic species behavior in order to hinder or prevent the lawful taking of an aquatic species.
- Erected barriers to areas where the lawful taking of aquatic species could occur.
- Affected the condition or placement of property intended for use in the lawful taking of an aquatic species in order to impair its usefulness or prevent its use.
- Entered or remained upon private lands without the permission of the owner or the owner's agent, with intent to violate these provisions.

A violation of this prohibition would be punishable by up to 93 days in jail, a fine of at least \$500 but not more than \$5,000, or both plus the costs of prosecution. A second or subsequent violation would be punishable by up to one year in jail, a fine of at least \$1,000 but not more than \$10,000, or both plus costs. Further, any permit or license issued by the Department of Natural Resources authorizing the person to take aquatic species would have to be revoked.

Proposed MCL 324.47301a

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill would have no fiscal impact on the Department of Corrections, yet could result in increased local costs for prosecuting and sanctioning convicted violators of the bill. There are no data currently available that might indicate the expected number of annual violations. The bills could generate increased revenues to the State from criminal fines and penalties.

The bill would have an indeterminate fiscal impact on the Department of Natural Resources, depending on the number of potential violations and the amount of fishing law enforcement activities required.

Date Completed: 4-24-96

Fiscal Analyst: G. Cutler
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.