

Act No. 317
Public Acts of 1996
Approved by the Governor
June 24, 1996
Filed with the Secretary of State
June 25, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Geake, Bennett, Dunaskiss, McManus, Gast, Bouchard, Dingell, DeBeaussiaert, Kolvisto, Cherry, Hoffman, Young, North, Berryman, Gougeon, Shugars, Stell, Emmons, Cisk, Stille, Conroy, Miller, Peters, Carl, Byrum, Rogers and Schuette

ENROLLED SENATE BILL No. 966

AN ACT to amend Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," as amended, being sections 324.101 to 324.90106 of the Michigan Compiled Laws, by adding section 47301a.

The People of the State of Michigan enact:

Section 1. Act No. 451 of the Public Acts of 1994, as amended, being sections 324.101 to 324.90106 of the Michigan Compiled Laws, is amended by adding section 47301a to read as follows:

Sec. 47301a. (1) A person shall not obstruct or interfere in the lawful taking of fish by a person licensed under this part.

(2) A person violates this section when the person intentionally or knowingly does any of the following:

(a) Operates a vessel or a device designed to be used on the water which does not meet the definition of vessel in a manner likely to significantly alter the behavior of aquatic species in order to hinder or prevent the lawful taking of an aquatic species.

(b) Wades or swims in a manner or at a location likely to cause a significant alteration in the behavior of aquatic species in order to hinder or prevent the lawful taking of an aquatic species.

(c) Tosses, drops, or throws any stone, rock, or other inert material in order to hinder or prevent the lawful taking of an aquatic species.

(d) Drives, herds, or disturbs any aquatic species in order to hinder or prevent the lawful taking of an aquatic species.

(e) Blocks, impedes, or harasses another person who is engaged in the process of lawfully taking fish.

(f) Uses a natural or artificial visual, aural, olfactory, gustatory, or physical stimulus to affect animal behavior in order to hinder or prevent the lawful taking of fish.

(g) Erects barriers to deny ingress or egress to waters where the lawful taking of fish may occur. This subdivision does not apply to a person who erects barriers to prevent trespassing on his or her property.

(h) Interjects himself or herself into the area where nets or fishing lines are cast by a person lawfully taking fish.

(i) Affects the condition or placement of personal or public property intended for use in the lawful taking of fish in order to impair the usefulness of the property or prevent the use of the property.

(j) Enters or remains upon private lands without the permission of the owner or the owner's agent, for the purpose of violating this section.

(k) Engages in any other act or behavior for the purpose of violating this section.

(3) Upon petition of an aggrieved person or a person who reasonably may be aggrieved by a violation of this section, a court of competent jurisdiction, upon a showing that a person was engaged in and threatens to continue to engage in illegal conduct under this section, may enjoin that conduct.

(4) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$500.00 or more than \$5,000.00, or both, and the costs of prosecution. A person who violates this section a second or subsequent time is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not less than \$1,000.00 or more than \$10,000.00, or both, and the costs of prosecution. In addition to the penalties provided in this subsection, any permit or license issued by the department authorizing the person to take aquatic species shall be revoked. A prosecution under this section does not preclude prosecution or other action under any other criminal or civil statute.

(5) This section does not apply to a peace officer while the peace officer performs his or her lawful duties.

(6) As used in this section:

(a) "Aquatic species" means fish, reptiles, mollusks, crustacea, minnows, wigglers, and amphibians of the class amphibia.

(b) "Take" and "taking" mean to fish for by any lawful method, catch, kill, capture, trap, or shoot any species of fish, reptiles, amphibians, mollusks, wigglers, or crustacea regulated by this part, or to attempt to engage in any such activity.

(c) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water.

Section 2. This amendatory act shall take effect July 1, 1996.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.