

SENATE BILL NO. 672

June 17, 1999, Introduced by Senators NORTH, KOIVISTO, SIKKEMA,
DUNASKISS, MC COTTER and MC MANUS and referred to the
Committee on Government Operations.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 48738 (MCL 324.48738), as added by 1995 PA
57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 48738. (1) A person who violates this part, ~~or~~ rules
2 PROMULGATED UNDER THIS PART, or orders issued to implement this
3 part, if a penalty is not otherwise provided for that violation
4 in this section, is guilty of a misdemeanor ~~—~~ punishable by
5 imprisonment for not more than 90 days ~~—~~ or a fine of not more
6 than \$500.00, or both.

7 (2) A person convicted of using dynamite, nitroglycerin, OR
8 ANY OTHER EXPLOSIVE OR OF USING lime, electricity, ~~any other~~
9 ~~explosive substance,~~ or poison for the purpose of taking or
10 killing fish, convicted of using nets not authorized by law for

1 taking game fish, or convicted of buying or selling game fish or
 2 any parts of game fish is guilty of a misdemeanor ~~—~~ punishable
 3 by imprisonment for not more than 90 days ~~—~~ or a fine of not
 4 less than \$250.00 or more than \$1,000.00, or both.

5 (3) A person who takes or possesses sturgeon in violation of
 6 this part, ~~or rules or orders~~ A RULE PROMULGATED UNDER THIS
 7 PART, OR AN ORDER issued to implement this part is guilty of a
 8 misdemeanor ~~—, punishable~~ AND SHALL BE PUNISHED by imprisonment
 9 for not less than ~~30~~ 90 days or more than ~~180 days, or~~ 1 YEAR
 10 AND a fine of not less than ~~\$500.00~~ \$1,000.00 or more than
 11 ~~\$2,000.00, or both~~ \$5,000.00, and the costs of prosecution.

12 (4) If a person is convicted of a violation of this part,
 13 ~~or rules or orders~~ A RULE PROMULGATED UNDER THIS PART, OR AN
 14 ORDER issued to implement this part and it is alleged in the com-
 15 plaint and proved or admitted at trial or ascertained by the
 16 court at the time of sentencing that the person ~~had been~~
 17 ~~previously~~ WAS convicted 3 or more times of a violation of this
 18 part within the 5 years immediately preceding the last violation
 19 of this part, the person is guilty of a misdemeanor ~~—~~ punish-
 20 able by imprisonment for not more than 90 days ~~—~~ or a fine of
 21 not more than \$1,000.00, or both, and the costs of prosecution.
 22 This subsection does not apply to the following violations:

23 (a) Failing to possess or display a valid fishing license or
 24 trout and salmon license issued pursuant to part 435.

25 (b) Taking or possessing an overlimit of bluegill, sunfish,
 26 crappie, perch, or nongame fish.

1 (c) Taking or possessing not more than 5 undersized fish.

2 (d) Fishing with too many lines.

3 (e) Failing to attach the person's name and address to
4 tip-ups or minnow traps.

5 (f) Fishing with lines not under immediate control.

6 (5) In addition to the penalties provided in this section, a
7 fishing license issued to a person sentenced pursuant to subsec-
8 tions (2), (3), or (4) shall be revoked ~~—~~ and the person shall
9 not be issued a license during the remainder of the year in which
10 convicted or during the next 3 succeeding license years.