

HOUSE BILL No. 4150

February 7, 2001, Introduced by Rep. Tabor and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 481; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 481 AQUATIC SPECIES CONSERVATION

2 SEC. 48101. AS USED IN THIS PART:

3 (A) "AMPHIBIAN" MEANS ANY SPECIES OF THE CLASS OF AMPHIBIA,
4 INCLUDING, BUT NOT LIMITED TO, FROGS, TOADS, OR SALAMANDERS, OR A
5 BODY PART OF SUCH A SPECIES.

6 (B) "AQUACULTURE" MEANS THAT TERM AS DEFINED IN SECTION 2 OF
7 THE MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199,
8 MCL 286.872.

9 (C) "AQUACULTURE FACILITY" MEANS A FACILITY REGISTERED AS AN
10 AQUACULTURE FACILITY BY THE DEPARTMENT OF AGRICULTURE UNDER THE

1 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.871 TO
2 286.884.

3 (D) "AQUACULTURE SPECIES" MEANS THAT TERM AS DEFINED IN
4 SECTION 2 OF THE MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996
5 PA 199, MCL 286.872.

6 (E) "AQUATIC INSECT" MEANS ANY SPECIES OF THE CLASS OF INSE-
7 CTA THAT REQUIRES AN AQUATIC HABITAT TO COMPLETE ALL OR A PORTION
8 OF ITS LIFE CYCLE, OR A BODY PART OF SUCH A SPECIES.

9 (F) "AQUATIC SPECIES" MEANS ANY FISH, REPTILE, AMPHIBIAN,
10 MOLLUSK, AQUATIC INSECT, OR CRUSTACEAN.

11 (G) "BUY" OR "SELL" MEANS TO EXCHANGE, OR ATTEMPT OR OFFER
12 TO EXCHANGE, FOR MONEY OR ANY OTHER THING OF VALUE.

13 (H) "CAPTIVE AQUATIC SPECIES" MEANS AQUATIC SPECIES THAT ARE
14 NOT PROHIBITED AQUATIC SPECIES AND THAT ARE PROPAGATED, FED, OR
15 GROWN WITHIN PRIVATELY CONTROLLED WATERS.

16 (I) "COMMERCIAL FISHING GUIDE" MEANS A PERSON WHO, FOR A FEE
17 OR OTHER CONSIDERATION OF VALUE, REGARDLESS OF WHETHER THE FEE OR
18 CONSIDERATION IS PAID DIRECTLY OR INDIRECTLY, IS PRESENT AND PRO-
19 VIDES ASSISTANCE TO ANOTHER PERSON IN TAKING FISH.

20 (J) "CRUSTACEA" MEANS ANY SPECIES OF THE ORDER DECAPODA
21 INCLUDING, BUT NOT LIMITED TO, CRAYFISH, SHRIMP, OR PRAWN OR A
22 BODY PART OF SUCH A SPECIES.

23 SEC. 48103. AS USED IN THIS PART:

24 (A) "FISH" MEANS ANY SPECIES OF THE CLASSES CHONDRICHTHYES,
25 OSTEICHTHYES, OR CEPHALASPIDOMORPHI, OR A BODY PART OF SUCH A
26 SPECIES.

1 (B) "FISH CLEANING STATION" MEANS AN OPERATION OR LOCATION
2 USED TO CLEAN SALMON FOR RECREATIONAL ANGLERS.

3 (C) "FISHING SHANTY" MEANS A FISHING HOUSE OR OTHER STRUC-
4 TURE OR SHELTER PLACED ON THE ICE ON THE WATERS OVER WHICH THIS
5 STATE HAS JURISDICTION.

6 (D) "INTERIM ORDER" MEANS AN ORDER OF THE DIRECTOR ISSUED
7 UNDER SECTION 48119.

8 (E) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, TOWN-
9 SHIP, VILLAGE, OR OTHER POLITICAL SUBDIVISION OF THIS STATE.

10 (F) "MOLLUSK" MEANS ANY SPECIES OF THE CLASSES PELECYPODA
11 AND GASTROPODA, OR A BODY PART OF SUCH A SPECIES.

12 (G) "NONRESIDENT" MEANS THAT TERM AS DEFINED IN SECTION
13 43505.

14 (H) "OPEN SEASON" MEANS THE DATES AND TIMES DURING WHICH
15 AQUATIC SPECIES MAY BE LEGALLY TAKEN.

16 (I) "ORDER" MEANS AN ORDER ISSUED UNDER SECTION 48113 OR
17 48115.

18 SEC. 48105. AS USED IN THIS PART:

19 (A) "PRIVATELY CONTROLLED WATER" MEANS A POND, TANK, CAGE,
20 OR OTHER STRUCTURE THAT IS LOCATED WHOLLY WITHIN PRIVATE LAND,
21 THAT HOLDS CAPTIVE AQUATIC SPECIES IN COMPLETE AND CONTINUOUS
22 CONFINEMENT, AND THAT EXCLUDES WILD AQUATIC SPECIES.

23 (B) "RECREATIONAL ANGLER" MEANS AN INDIVIDUAL WHO TAKES OR
24 POSSESSES AN AQUATIC SPECIES PURSUANT TO PART 435 FOR OTHER THAN
25 COMMERCIAL PURPOSES.

1 (C) "REPTILE" MEANS ANY AQUATIC OR TERRESTRIAL SPECIES OF
2 THE CLASS REPTILIA, INCLUDING, BUT NOT LIMITED TO, TURTLES,
3 SNAKES, OR LIZARDS, OR A BODY PART OF SUCH A SPECIES.

4 (D) "RESIDENT" MEANS THAT TERM AS DEFINED IN SECTION 43506.

5 (E) "TAKE" MEANS TO HARASS, HARM, TRAP, COLLECT, PURSUE,
6 CAPTURE, CATCH, OR KILL OR TO ATTEMPT TO ENGAGE IN SUCH AN
7 ACTIVITY.

8 (G) "THIS PART" INCLUDES AN ORDER, AN INTERIM ORDER, OR A
9 PERMIT ISSUED UNDER THIS PART.

10 SEC. 48107. (1) EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND
11 (3), AQUATIC SPECIES, WHETHER NATIVE OR INTRODUCED AND WHETHER
12 RESIDENT OR MIGRATORY, FOUND IN THIS STATE ARE HELD IN TRUST AS
13 THE PROPERTY OF THE PEOPLE OF THIS STATE. THE DEPARTMENT SHALL
14 REGULATE THE TAKING AND POSSESSION OF AQUATIC SPECIES AS PROVIDED
15 BY LAW.

16 (2) AQUATIC SPECIES LAWFULLY TAKEN, PRODUCED, PURCHASED, OR
17 ACQUIRED FROM WITHIN THIS STATE OR LAWFULLY IMPORTED INTO THIS
18 STATE ARE THE PROPERTY OF THE PERSON LAWFULLY POSSESSING THE
19 AQUATIC SPECIES.

20 (3) AQUACULTURE SPECIES ARE NOT THE PROPERTY OF THE PEOPLE
21 OF THIS STATE AND, EXCEPT AS PROVIDED IN SECTION 48127, AQUACUL-
22 TURE IS NOT SUBJECT TO THIS PART.

23 (4) THIS PART DOES NOT PREVENT A STATE DEPARTMENT OR OTHER
24 AGENCY OF THIS STATE FROM PERFORMING ITS DUTIES UNDER A STATE OR
25 FEDERAL STATUTE OR ITS DUTIES AS PUBLIC TRUSTEE UNDER THE COMMON
26 LAW OF THIS STATE.

1 SEC. 48109. (1) A RECREATIONAL ANGLER MAY TAKE AND POSSESS
2 AQUATIC SPECIES IN COMPLIANCE WITH THIS PART AND OTHER STATE LAW
3 FROM ANY WATERS OVER WHICH THIS STATE HAS JURISDICTION.

4 (2) THE TAKING AND POSSESSION OF AQUATIC SPECIES FOR THE
5 PURPOSES OF SALE IS A PRIVILEGE THAT MAY ONLY BE EXERCISED IN
6 COMPLIANCE WITH THIS PART AND OTHER STATE LAW.

7 SEC. 48111. (1) A PERSON SHALL NOT OBSTRUCT OR INTERFERE IN
8 THE LAWFUL TAKING OF AQUATIC SPECIES BY ANOTHER PERSON WITH THE
9 INTENT TO PREVENT THAT LAWFUL TAKING.

10 (2) A PERSON VIOLATES SUBSECTION (1) WHEN HE OR SHE INTEN-
11 TIONALLY OR KNOWINGLY DOES ANY OF THE FOLLOWING:

12 (A) DRIVES OR DISTURBS AQUATIC SPECIES FOR THE PURPOSE OF
13 DISRUPTING A LAWFUL TAKING.

14 (B) BLOCKS, IMPEDES, OR HARASSES ANOTHER PERSON WHO IS
15 ENGAGED IN THE PROCESS OF LAWFULLY TAKING AQUATIC SPECIES.

16 (C) USES NATURAL, ARTIFICIAL, OR PHYSICAL STIMULUS TO AFFECT
17 AN AQUATIC SPECIES' BEHAVIOR IN ORDER TO HINDER OR PREVENT THE
18 LAWFUL TAKING OF THE AQUATIC SPECIES.

19 (D) ERECTS BARRIERS WITH THE INTENT TO DENY INGRESS OR
20 EGRESS TO AREAS WHERE THE LAWFUL TAKING OF AQUATIC SPECIES MAY
21 OCCUR. THIS SUBDIVISION DOES NOT APPLY TO EITHER OF THE
22 FOLLOWING:

23 (i) A PERSON WHO LAWFULLY ERECTS BARRIERS TO PREVENT TRES-
24 PASSING ON HIS OR HER PROPERTY, SUBJECT TO PART 731.

25 (ii) THE OWNER OR OPERATOR OF A FACILITY LICENSED BY THE
26 FEDERAL ENERGY REGULATORY COMMISSION OR A SUCCESSOR AGENCY IF THE

1 OWNER OR OPERATOR ERECTS BARRIERS TO PROTECT THE PUBLIC FROM
2 SAFETY RISKS ASSOCIATED WITH THE FACILITY, SUBJECT TO PART 731.

3 (E) INTERJECTS HIMSELF OR HERSELF INTO THE ACT OF LAWFULLY
4 TAKING AN AQUATIC SPECIES.

5 (F) AFFECTS THE CONDITION OR PLACEMENT OF PRIVATE OR PUBLIC
6 PROPERTY INTENDED FOR USE IN THE LAWFUL TAKING OF AN AQUATIC SPE-
7 CIES IN ORDER TO IMPAIR THE USEFULNESS OF THE PROPERTY OR PREVENT
8 THE USE OF THE PROPERTY.

9 (G) ENTERS OR REMAINS UPON PRIVATE LAND WITHOUT THE PERMIS-
10 SION OF THE OWNER, OR HIS OR HER AGENT, WITH INTENT TO VIOLATE
11 THIS SECTION.

12 (H) REMOVES AQUATIC SPECIES FROM, OR TAMPERS WITH OR DAM-
13 AGES, ANY EQUIPMENT, DEVICE, OR OTHER PROPERTY, INCLUDING, BUT
14 NOT LIMITED TO, A NET OR FIXTURE, PLACED IN ANY WATERS OVER WHICH
15 THIS STATE HAS JURISDICTION FOR THE PURPOSE OF TAKING AQUATIC
16 SPECIES. THIS SUBDIVISION DOES NOT APPLY TO THE OWNER OF THE
17 EQUIPMENT, DEVICE, OR OTHER PROPERTY, HIS OR HER AGENT, OR THE
18 DEPARTMENT.

19 (3) UPON PETITION OF AN AGGRIEVED PERSON OR A PERSON WHO
20 REASONABLY MAY BE AGGRIEVED BY A VIOLATION OF THIS SECTION, A
21 COURT OF COMPETENT JURISDICTION, UPON A SHOWING THAT A PERSON
22 THREATENS TO CONTINUE TO ENGAGE IN ILLEGAL CONDUCT UNDER THIS
23 SECTION, MAY ENJOIN THAT CONDUCT.

24 (4) THIS SECTION DOES NOT APPLY TO A PEACE OFFICER PERFORM-
25 ING HIS OR HER LAWFUL DUTIES OR TO ACTIVITIES REQUIRED BY THE
26 FEDERAL ENERGY REGULATORY COMMISSION OR A SUCCESSOR AGENCY.

1 SEC. 48113. (1) THE COMMISSION AND DEPARTMENT SHALL MANAGE
2 AND PROTECT THE AQUATIC SPECIES IN THIS STATE FROM DEPLETION,
3 EXTIRPATION, AND DISEASE AND PREVENT THE INTRODUCTION AND PROLIF-
4 ERATION OF NONINDIGENOUS SPECIES.

5 (2) SUBJECT TO SUBSECTION (3)(A) AND SECTION 48117(2), FOR
6 THE PURPOSES OF SUBSECTION (1), THE COMMISSION MAY ISSUE ORDERS
7 TO DO 1 OR MORE OF THE FOLLOWING:

8 (A) ESTABLISH OPEN SEASONS FOR THE TAKING OR POSSESSING OF
9 AQUATIC SPECIES.

10 (B) ESTABLISH LIMITS ON THE QUANTITY OF AQUATIC SPECIES THAT
11 A PERSON MAY TAKE OR POSSESS IN A PERIOD OF TIME.

12 (C) ESTABLISH LIMITS ON THE SIZE OF AQUATIC SPECIES THAT MAY
13 BE TAKEN.

14 (D) ESTABLISH LAWFUL METHODS AND LAWFUL DEVICES FOR THE
15 TAKING OF AQUATIC SPECIES.

16 (E) ESTABLISH GEOGRAPHIC AREAS WITHIN THIS STATE WHERE CER-
17 TAIN REGULATIONS MAY APPLY TO THE TAKING OF AQUATIC SPECIES.

18 (3) FOR THE PURPOSES OF SUBSECTION (1), THE DIRECTOR MAY
19 ISSUE ORDERS TO DO 1 OR MORE OF THE FOLLOWING:

20 (A) EXERCISE THE AUTHORITY OF THE COMMISSION UNDER
21 SUBSECTION (2) IN ANY AREA OF THIS STATE SUBJECT TO A CONSENT
22 DECREE BETWEEN THE DEPARTMENT AND A FEDERALLY RECOGNIZED INDIAN
23 TRIBE, THE UNITED STATES, ANOTHER NATION, OR A PROVINCE OR
24 SUBJECT TO A RECIPROCAL AGREEMENT, AUTHORIZED BY STATUTE, BETWEEN
25 THIS STATE AND ANOTHER STATE, ANOTHER NATION, OR A PROVINCE IF
26 THE CONSENT DECREE OR RECIPROCAL AGREEMENT PERTAINS IN WHOLE OR
27 PART TO THE PURPOSES OF SUBSECTION (1).

1 (B) CLOSE WATERS OVER WHICH THIS STATE HAS JURISDICTION TO
2 THE TAKING OF AQUATIC SPECIES.

3 (C) PROHIBIT THE OPERATION OF VESSELS, OR OTHER ACTIONS,
4 WHICH MAY CAUSE MOLESTATION OF SPAWNING OR MIGRATING OF FISH.

5 (D) ESTABLISH CONDITIONS FOR THE POSSESSION OF AQUATIC SPE-
6 CIES, INCLUDING, BUT NOT LIMITED TO, POSSESSION IN PONDS, POOLS,
7 AND AQUARIA AND TRANSPORTATION OF AQUATIC SPECIES INTO OR WITHIN
8 THIS STATE.

9 (E) ESTABLISH CONDITIONS UNDER WHICH AN AQUATIC SPECIES MAY
10 BE DISPOSED OF.

11 (F) REGULATE THE BUYING AND SELLING OF AQUATIC SPECIES.

12 (G) ESTABLISH WHICH AQUATIC SPECIES MAY BE BOUGHT OR SOLD.

13 (H) ESTABLISH CONDITIONS UNDER WHICH AN AQUATIC SPECIES MAY
14 BE POSSESSED, TRANSPORTED, BOUGHT, OR SOLD BY A TAXIDERMIST
15 ISSUED A PERMIT UNDER PART 401.

16 (I) ESTABLISH CONDITIONS UNDER WHICH AN AQUATIC SPECIES IN A
17 PERSON'S POSSESSION MAY BE INSPECTED BY THE DEPARTMENT OR SHALL
18 BE MADE AVAILABLE FOR INSPECTION BY THE DEPARTMENT.

19 (J) ESTABLISH CONDITIONS FOR THE RELEASE OF AQUATIC
20 SPECIES.

21 (K) EXCEPT TO THE EXTENT OF THE COMMISSION'S AUTHORITY UNDER
22 SUBSECTION (2), ESTABLISH ANY OTHER REGULATIONS DETERMINED BY THE
23 DIRECTOR TO BE NECESSARY TO MANAGE OR PROTECT AQUATIC SPECIES.

24 SEC. 48115. (1) THE DIRECTOR MAY ISSUE AN ORDER REQUIRING A
25 PERMIT OR LICENSE TO UNDERTAKE ANY OF THE FOLLOWING ACTIVITIES:

1 (A) THE COLLECTION, TRANSPORTATION, POSSESSION, OR
2 DISPOSITION OF AQUATIC SPECIES FOR SCIENTIFIC, EDUCATIONAL,
3 REHABILITATION, OR CULTURAL PURPOSES.

4 (B) THE USE OF FIXED UNTENDED EQUIPMENT FOR THE TAKING OF
5 AQUATIC SPECIES FOR PERSONAL USE.

6 (C) THE APPLICATION OF CHEMICALS IN ANY WATERS FOR THE
7 TAKING OF AQUATIC SPECIES FROM, OR WHICH IMPACT AQUATIC SPECIES
8 IN, ANY WATERS OVER WHICH THIS STATE HAS JURISDICTION.

9 (D) THE OPERATION OF A FISH CLEANING STATION.

10 (E) THE RELEASE OF AQUATIC SPECIES.

11 (F) THE TAKING AND SALE OR TRANSFER OF AN AQUATIC SPECIES TO
12 PROTECT WATERS OVER WHICH THIS STATE HAS JURISDICTION WHEN THE
13 DEPARTMENT DETERMINES THAT THE AQUATIC SPECIES IS OVERABUNDANT,
14 DAMAGING, OR DELETERIOUS TO THE ECOLOGICAL BALANCE OR TO THIS
15 STATE'S AQUATIC RESOURCES.

16 (G) THE IMPORTATION OR EXPORTATION OF AQUATIC SPECIES OR
17 VIABLE EGGS OF AN AQUATIC SPECIES.

18 (H) THE TAKING, POSSESSION, TRANSPORTATION, IMPORTATION, OR
19 EXPORTATION OF AQUATIC SPECIES FOR THE PURPOSE OF BUYING OR SELL-
20 ING THOSE AQUATIC SPECIES.

21 (I) THE DISPOSITION OF ACCIDENTALLY OR UNLAWFULLY TAKEN OR
22 INJURED AQUATIC SPECIES, OR AQUATIC SPECIES THAT ARE UNLAWFULLY
23 POSSESSED. THIS SUBDIVISION DOES NOT APPLY TO THE DISPOSITION OF
24 AQUATIC SPECIES PURSUANT TO CONDITIONS OF A PERMIT ISSUED UNDER
25 THE FEDERAL WATER POLLUTION CONTROL ACT, CHAPTER 758, 86
26 STAT. 816, 33 U.S.C. 1251 TO 1252, 1253 TO 1254, 1255 TO 1257,
27 1258 TO 1263, 1265 TO 1270, 1281, 1282 TO 1293, 1294 TO 1299,

1 1311 TO 1313, 1314 TO 1330, 1341 TO 1345, 1361 TO 1377, AND 1381
2 TO 1387.

3 (J) THE TAKING OF VIABLE EGGS FROM AQUATIC SPECIES FOR THE
4 PURPOSE OF RAISING AQUATIC SPECIES FOR COMMERCIAL PURPOSES.

5 (2) THE DIRECTOR MAY BY ORDER ESTABLISH CONDITIONS UNDER
6 WHICH A PERMIT OR LICENSE AUTHORIZED UNDER SUBSECTION (1) MAY BE
7 ISSUED BY THE DEPARTMENT, INCLUDING, BUT NOT LIMITED TO, THE
8 FOLLOWING:

9 (A) THE QUALIFICATIONS REQUIRED FOR A PERSON TO BE ISSUED A
10 PERMIT OR LICENSE.

11 (B) RESIDENT AND NONRESIDENT FEES FOR A PERMIT OR LICENSE.

12 (C) ASSESSMENT METHODS AND FEES TO PROVIDE FINANCIAL REMU-
13 NERATION FOR AQUATIC SPECIES TAKEN UNDER THE AUTHORITY OF A
14 PERMIT OR LICENSE THAT ALLOWS FOR THE SALE OF THOSE AQUATIC
15 SPECIES.

16 (D) THE NUMBER OF PERMITS OR LICENSES TO BE ISSUED.

17 (3) A PERMIT OR LICENSE ISSUED BY THE DEPARTMENT UNDER THIS
18 SECTION MAY SPECIFY 1 OR MORE OF THE FOLLOWING:

19 (A) THE AREAS, LOCATIONS, TIME, AND CONDITIONS UNDER WHICH
20 THE PERMITTEE OR LICENSEE MAY TRANSPORT, POSSESS, IMPORT, EXPORT,
21 SELL, DISPOSE OF, OR RELEASE AQUATIC SPECIES.

22 (B) THE AMOUNT OF AQUATIC SPECIES TO BE TAKEN, TRANSPORTED,
23 EXPORTED, IMPORTED, SOLD, DISPOSED OF, OR RELEASED BY SPECIES AND
24 KIND.

25 (C) THE METHODS AND EQUIPMENT WHICH THE PERMITTEE OR
26 LICENSEE MAY USE TO TRANSPORT, POSSESS, IMPORT, EXPORT, SELL,
27 DISPOSE OF, OR RELEASE AQUATIC SPECIES.

1 (D) THE DISPOSAL METHODS FOR UNLAWFUL AQUATIC SPECIES
2 ACCIDENTLY TAKEN.

3 (E) RECORD-KEEPING AND REPORTING REQUIREMENTS.

4 (F) OTHER CONDITIONS, TERMS, AND RESTRICTIONS THAT ARE CON-
5 sidered NECESSARY BY THE DEPARTMENT TO CARRY OUT THE PURPOSES OF
6 THIS PART.

7 (4) A PERMIT OR LICENSE ISSUED UNDER THIS SECTION MAY BE
8 SUSPENDED, REVOKED, ANNULLED, WITHDRAWN, RECALLED, OR AMENDED
9 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969
10 PA 306, MCL 24.201 TO 24.328. IF THE HOLDER OF A PERMIT OR
11 LICENSE IS CONVICTED OF VIOLATING THIS SECTION, HIS OR HER PERMIT
12 OR LICENSE MAY BE REVOKED AND ANY AQUATIC SPECIES IN HIS OR HER
13 POSSESSION SHALL BE DISPOSED OF IN A MANNER APPROVED BY THE
14 DEPARTMENT.

15 (5) A PERSON ISSUED A PERMIT OR LICENSE UNDER THIS SECTION
16 IS SUBJECT TO INSPECTIONS CONSIDERED NECESSARY BY THE DEPARTMENT
17 TO CARRY OUT THE PROVISIONS OF THIS PART, INCLUDING, BUT NOT
18 LIMITED TO, INSPECTIONS OF ANY OF THE FOLLOWING:

19 (A) A PERMITTEE'S OR LICENSEE'S OPERATIONS IN THE WATERS, ON
20 BOARD A VESSEL, OR ASHORE.

21 (B) ANY PERMITTED OR LICENSED PREMISES.

22 (C) RECORDS AND DOCUMENTS.

23 (D) ANY VEHICLE, VESSEL, OR OTHER MEANS OF CONVEYANCE USED
24 IN EXERCISING THE PRIVILEGES GRANTED BY A PERMIT OR LICENSE.

25 (6) ALL FEES RECEIVED FOR PERMITS OR LICENSES ISSUED UNDER
26 THIS SECTION AND ANY FINANCIAL RESTITUTION RECEIVED UNDER SECTION
27 48135 SHALL BE FORWARDED BY THE DEPARTMENT TO THE STATE TREASURER

1 TO BE CREDITED TO THE GAME AND FISH PROTECTION FUND CREATED IN
2 SECTION 43553.

3 SEC. 48117. (1) TO ISSUE AN ORDER, THE COMMISSION OR DIREC-
4 TOR SHALL COMPLY WITH THE FOLLOWING PROCEDURE IN A MANNER THAT
5 ENSURES ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC
6 COMMENT:

7 (A) THE ORDER SHALL BE PREPARED BY THE DEPARTMENT AFTER COM-
8 MENTS HAVE BEEN SOLICITED AND CONSIDERED.

9 (B) THE ORDER SHALL BE PUBLISHED ON THE COMMISSION AGENDA
10 FOR AT LEAST 30 DAYS BEFORE ITS CONSIDERATION BY THE COMMISSION
11 OR DIRECTOR.

12 (C) THE COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC
13 COMMENT ON THE ORDER.

14 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, AT
15 LEAST 30 DAYS BEFORE ISSUANCE OF AN ORDER, THE DEPARTMENT SHALL
16 PROVIDE A COPY OF THE ORDER TO EACH MEMBER OF THE SENATE AND THE
17 HOUSE OF REPRESENTATIVES STANDING COMMITTEES THAT CONSIDER LEGIS-
18 LATION PERTAINING TO CONSERVATION, AGRICULTURE, ENVIRONMENT, REC-
19 REATION, TOURISM, OR NATURAL RESOURCES AND TO THE DIRECTOR OF THE
20 DEPARTMENT OF AGRICULTURE. THE MEMBERS OF THE STANDING COMMIT-
21 TEES MAY REVIEW THE ORDER AND SUBMIT COMMENTS TO THE COMMISSION
22 OR DIRECTOR, AS APPROPRIATE, REGARDING THE ORDER. THIS SUBDIVI-
23 SION DOES NOT APPLY TO AN ORDER THAT DOES NOT, WHEN IT IS PRE-
24 PARED, ALTER THE SUBSTANCE OF A LAWFUL PROVISION THAT EXISTS IN
25 THE FORM OF A STATUTE, RULE, OR ORDER.

26 (E) THE COMMISSION OR DIRECTOR, AS APPROPRIATE, SHALL
27 APPROVE, REJECT, OR MODIFY THE ORDER.

1 (2) NOT LATER THAN APRIL 1, 2001, THE DIRECTOR SHALL ISSUE
2 ORDERS PURSUANT TO SUBSECTION (1) THAT THE DIRECTOR CONSIDERS
3 SUFFICIENT TO TAKE THE PLACE OF ACTS AND PARTS OF THIS ACT
4 REPEALED BY THIS PART AND ADMINISTRATIVE RULES RESCINDED BY THIS
5 PART. THE DIRECTOR SHALL FILE THE ORDERS WITH THE SECRETARY OF
6 STATE AND SHALL DESIGNATE THE ORDERS AS BEING THE ORDERS THAT ARE
7 INTENDED TO RESULT IN THE REPEAL OF THOSE ACTS AND PARTS OF ACTS
8 LISTED IN SECTION 48141 AND THE RESCISSION OF THE ADMINISTRATIVE
9 RULES PROMULGATED UNDER THE AUTHORITY OF THOSE ACTS AND PARTS OF
10 ACTS LISTED IN SECTION 48141. THE ORDERS FILED WITH THE SECRE-
11 TARY OF STATE PURSUANT TO THIS SUBSECTION SHALL STATE THAT THE
12 ORDERS TAKE EFFECT UPON FILING WITH THE SECRETARY OF STATE.

13 (3) AFTER THE ORDERS HAVE BEEN FILED WITH THE SECRETARY OF
14 STATE PURSUANT TO SUBSECTION (2), THE COMMISSION OR DIRECTOR, AS
15 APPROPRIATE UNDER SECTIONS 48113 AND 48115, MAY REVISE AN ORDER
16 ISSUED PURSUANT TO THIS SECTION. THE PROCEDURE SET FORTH IN SUB-
17 SECTION (1) APPLIES TO THE REVISION OF AN ORDER.

18 SEC. 48119. (1) THE DIRECTOR MAY ISSUE AN INTERIM ORDER IF
19 THE DIRECTOR DETERMINES THAT 1 OR MORE OF THE FOLLOWING CONDI-
20 TIONS APPLY:

21 (A) A POPULATION OF AN AQUATIC SPECIES IS AT RISK OF BEING
22 DEPLETED OR EXTIRPATED OR BECOMING DISEASED.

23 (B) AN AQUATIC SPECIES IS DAMAGING PROPERTY OR THREATENING
24 PUBLIC HEALTH, AS DETERMINED BY THE DEPARTMENT OF COMMUNITY
25 HEALTH, OR PUBLIC SAFETY.

1 (C) THE TAKING OF AQUATIC SPECIES IS NECESSARY IN AN AREA
2 WHERE EXCESSIVE MORTALITY OF AQUATIC SPECIES IS OCCURRING OR IS
3 THREATENED.

4 (2) IN ISSUING AN INTERIM ORDER, THE DIRECTOR MAY EXERCISE
5 ANY OF THE AUTHORITY OF THE DIRECTOR OR COMMISSION UNDER SECTION
6 48113 OR 48115 AND MAY ALSO REQUIRE QUARANTINE, TREATMENT, OR
7 DESTRUCTION OF CAPTIVE AQUATIC SPECIES.

8 (3) AN INTERIM ORDER SHALL BE ISSUED IN A MANNER THAT
9 ENSURES THAT INTERESTED PERSONS ARE PROVIDED NOTICE OF THE PRO-
10 POSED INTERIM ORDER, THE REASONS FOR THE MODIFICATIONS, AND THE
11 EFFECTIVE DATE OF THE ORDER. IN ADDITION, THE DIRECTOR SHALL
12 PROVIDE A COPY OF AN INTERIM ORDER TO EACH MEMBER OF THE SENATE
13 AND THE HOUSE OF REPRESENTATIVES STANDING COMMITTEES THAT CON-
14 sider LEGISLATION PERTAINING TO CONSERVATION, AGRICULTURE, ENVI-
15 RONMENT, RECREATION, TOURISM, OR NATURAL RESOURCES AND TO THE
16 DIRECTOR OF THE DEPARTMENT OF AGRICULTURE. AN INTERIM ORDER
17 SHALL BE IN EFFECT FOR NOT LONGER THAN 6 MONTHS.

18 SEC. 48121. (1) A PERSON SHALL NOT POSSESS ON WATERS OVER
19 WHICH THIS STATE HAS JURISDICTION AN AQUATIC SPECIES THAT IS SO
20 MUTILATED THAT THE AQUATIC SPECIES IS NOT READILY IDENTIFIABLE OR
21 CANNOT BE READILY MEASURED.

22 (2) A PERSON SHALL NOT POSSESS ON OR ALONG ANY WATERS OVER
23 WHICH THIS STATE HAS JURISDICTION ANY EQUIPMENT, DEVICE, OR OTHER
24 PROPERTY TO BE USED FOR THE TAKING OF AQUATIC SPECIES WHEN THE
25 TAKING OF AQUATIC SPECIES WITH THAT EQUIPMENT, DEVICE, OR OTHER
26 PROPERTY IS PROHIBITED BY THIS PART. THE POSSESSION OF ANY
27 EQUIPMENT, DEVICE, OR OTHER PROPERTY ON OR ALONG WATERS OVER

1 WHICH THIS STATE HAS JURISDICTION IS, IF THE TAKING OF AQUATIC
2 SPECIES WITH THAT EQUIPMENT, DEVICE, OR OTHER PROPERTY IS PROHIB-
3 ITED BY THIS PART, PRIMA FACIE EVIDENCE THAT THE EQUIPMENT,
4 DEVICE, OR OTHER PROPERTY IS POSSESSED OR USED FOR THE PURPOSE OF
5 VIOLATING THIS PART.

6 SEC. 48123. (1) A PERSON SHALL NOT USE, SET, PLACE, OR
7 ERECT, OR CAUSE TO BE SET, PLACED, OR ERECTED, OR LEAVE A FISHING
8 SHANTY ON THE ICE OF ANY WATERS OVER WHICH THIS STATE HAS JURIS-
9 DICTION EXCEPT AS PROVIDED IN AN ORDER OR INTERIM ORDER.

10 (2) IF A PERSON FAILS TO REMOVE A FISHING SHANTY AS REQUIRED
11 BY AN ORDER OR INTERIM ORDER, THE DEPARTMENT OR A LOCAL UNIT OF
12 GOVERNMENT MAY AUTHORIZE THE REMOVAL AND STORAGE OR DESTRUCTION
13 OF THE FISHING SHANTY.

14 (3) EXCEPT AS PROVIDED IN SUBSECTION (2), A LOCAL UNIT OF
15 GOVERNMENT SHALL NOT REGULATE THE PLACEMENT, USE, MARKING, OR
16 REMOVAL OF A FISHING SHANTY ON THE ICE OF ANY WATERS OVER WHICH
17 THIS STATE HAS JURISDICTION.

18 SEC. 48125. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A
19 PERSON SHALL NOT USE WATERS OVER WHICH THIS STATE HAS JURISDIC-
20 TION TO PROPAGATE, RAISE, FEED, OR GROW ANY AQUATIC SPECIES.

21 (2) IF AUTHORIZED BY THE DEPARTMENT, A PERSON MAY TEMPORAR-
22 ILY HOLD AQUATIC SPECIES IN CAGES OR PENS IN WATERS OVER WHICH
23 THIS STATE HAS JURISDICTION TO IMPRINT THE AQUATIC SPECIES TO
24 THOSE WATERS PENDING RELEASE OF THOSE AQUATIC SPECIES TO WATERS
25 OVER WHICH THIS STATE HAS JURISDICTION, OR FOR SUCH OTHER PUR-
26 POSES AS AUTHORIZED BY THE DEPARTMENT.

1 SEC. 48127. (1) THE PROVISIONS OF THIS PART PERTAINING TO
2 THE TAKING, EXPORTING, TRANSPORTING, BUYING, SELLING, OR
3 POSSESSION OF AQUATIC SPECIES DO NOT APPLY TO CAPTIVE AQUATIC
4 SPECIES AT AN AQUACULTURE FACILITY. THE PROVISIONS OF THIS PART
5 PERTAINING TO THE EXPORTING, TRANSPORTING, BUYING, SELLING, OR
6 POSSESSION OF AQUATIC SPECIES DO NOT APPLY TO CAPTIVE AQUATIC
7 SPECIES ORIGINATING FROM AN AQUACULTURE FACILITY IF 1 OF THE FOL-
8 LOWING CONDITIONS IS MET:

9 (A) A PERSON IS EXPORTING, TRANSPORTING, BUYING, SELLING, OR
10 POSSESSING DEAD AQUATIC SPECIES AND PRESENTS DOCUMENTATION
11 APPROVED BY THE DEPARTMENT OF AGRICULTURE TO SHOW THAT THE DEAD
12 AQUATIC SPECIES WERE CAPTIVE AQUATIC SPECIES ORIGINATING FROM AN
13 AQUACULTURE FACILITY.

14 (B) ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

15 (i) THE PERSON IS IMPORTING OR TRANSPORTING LIVE AQUATIC
16 SPECIES.

17 (ii) ALL THE LIVE AQUATIC SPECIES IN THE VEHICLE ORIGINATE
18 FROM AN AQUACULTURE FACILITY.

19 (iii) THE PERSON POSSESSES ALL DOCUMENTATION REQUIRED UNDER
20 THE MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199,
21 MCL 286.871 TO 286.884, AND THE ANIMAL INDUSTRY ACT OF 1987, 1988
22 PA 466, MCL 287.701 TO 287.745, AND IMMEDIATELY PRODUCES SUCH
23 DOCUMENTATION UPON THE DEMAND OF A PEACE OFFICER.

24 (C) A PERSON IS EXPORTING, TRANSPORTING, BUYING, OR POSSESS-
25 ING 1 GALLON OR LESS OF LIVE CAPTIVE AQUATIC SPECIES WHICH ARE
26 NOT FOR RESALE.

1 (2) AN AQUACULTURE FACILITY SHALL NOT TAKE AQUATIC SPECIES
2 FROM ANY WATERS OVER WHICH THIS STATE HAS JURISDICTION OR IMPORT
3 AQUATIC SPECIES, EXCEPT AS AUTHORIZED BY THIS ACT AND OTHER STATE
4 LAWS.

5 SEC. 48129. A NONRESIDENT WHO RESIDES IN A STATE OR COUNTRY
6 THAT DOES NOT ALLOW RESIDENTS OF THIS STATE TO ACT AS COMMERCIAL
7 FISHING GUIDES WITHIN THAT STATE OR COUNTRY SHALL NOT ACT AS A
8 COMMERCIAL FISHING GUIDE ON THE INLAND WATERS OF THIS STATE.

9 SEC. 48131. IN A PROSECUTION FOR A VIOLATION OF THIS PART,
10 THE POSSESSION OF AN AQUATIC SPECIES IS PRIMA FACIE EVIDENCE THAT
11 THE AQUATIC SPECIES WAS TAKEN BY THE PERSON IN POSSESSION OF THE
12 AQUATIC SPECIES.

13 SEC. 48133. (1) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS
14 SECTION, A PERSON WHO VIOLATES THIS PART IS GUILTY OF A
15 MISDEMEANOR. THE PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS
16 THAN \$50.00 OR MORE THAN \$500.00 AND THE COSTS OF PROSECUTION AND
17 MAY BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

18 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OR (6), A
19 PERSON WHO VIOLATES A PROVISION OF THIS PART REGARDING THE TAKING
20 OR POSSESSION OF AN AQUATIC SPECIES, OTHER THAN AN AQUATIC SPE-
21 CIES THAT APPEARS ON A LIST PREPARED PURSUANT TO SECTION 36503,
22 IS GUILTY OF A MISDEMEANOR. THE PERSON SHALL BE PUNISHED BY A
23 FINE OF NOT LESS THAN \$100.00 OR MORE THAN \$1,000.00 AND THE
24 COSTS OF PROSECUTION AND MAY BE PUNISHED BY IMPRISONMENT FOR NOT
25 MORE THAN 90 DAYS.

26 (3) A PERSON WHO TAKES OR POSSESSES STURGEON IN VIOLATION OF
27 THIS PART IS GUILTY OF A MISDEMEANOR. THE PERSON SHALL BE

1 PUNISHED BY A FINE OF NOT LESS THAN \$500.00 OR MORE THAN
2 \$2,000.00 AND THE COSTS OF PROSECUTION AND MAY BE PUNISHED BY
3 IMPRISONMENT FOR NOT MORE THAN 180 DAYS. A FINE UNDER THIS SUB-
4 SECTION SHALL NOT BE SUSPENDED.

5 (4) A PERSON WHO BUYS OR SELLS AQUATIC SPECIES IN VIOLATION
6 OF THIS PART, OTHER THAN A VIOLATION DESCRIBED IN SUBSECTION (6),
7 IS GUILTY OF A MISDEMEANOR. THE PERSON SHALL BE PUNISHED BY A
8 FINE OF NOT LESS THAN \$250.00 OR MORE THAN \$1,000.00 AND THE
9 COSTS OF PROSECUTION AND MAY BE PUNISHED BY IMPRISONMENT FOR NOT
10 MORE THAN 90 DAYS. HOWEVER, FOR EACH SUBSEQUENT OFFENSE, THE
11 PERSON IS GUILTY OF A FELONY AND SHALL BE PUNISHED BY IMPRISON-
12 MENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
13 \$2,000.00, OR BOTH, AND THE COSTS OF PROSECUTION.

14 (5) A PERSON WHO VIOLATES A PROVISION OF THIS PART REGULAT-
15 ING THE REMOVAL OF FISHING SHANTIES FROM THE WATER OR ICE IS
16 GUILTY OF A MISDEMEANOR. THE PERSON SHALL BE PUNISHED BY A FINE
17 OF NOT LESS THAN \$100.00 OR MORE THAN \$500.00 AND THE COSTS OF
18 PROSECUTION AND MAY BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN
19 30 DAYS. IN ADDITION, UPON CONVICTION THE COURT SHALL ORDER THE
20 DEFENDANT TO REIMBURSE THE GOVERNMENTAL ENTITY THAT REMOVES OR
21 PROVIDES FOR THE REMOVAL OF THE FISHING SHANTY FROM THE WATER OR
22 ICE AN AMOUNT EQUAL TO 3 TIMES THE COST OF REMOVAL.

23 (6) A PERSON WHO VIOLATES A CONDITION OR PROVISION OF A
24 PERMIT OR LICENSE ISSUED UNDER SECTION 48115 IS GUILTY OF A
25 MISDEMEANOR. THE PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS
26 THAN \$500.00 OR MORE THAN \$1,000.00 AND THE COSTS OF PROSECUTION
27 AND MAY BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

1 (7) IF A PERSON IS CONVICTED OF A VIOLATION OF THIS PART,
2 OTHER THAN A VIOLATION DESCRIBED IN SUBSECTION (4), AND IT IS
3 ALLEGED IN THE COMPLAINT AND PROVED OR ADMITTED AT TRIAL OR
4 ASCERTAINED BY THE COURT AFTER CONVICTION THAT THE PERSON HAS
5 BEEN PREVIOUSLY CONVICTED 2 TIMES WITHIN THE PRECEDING 5 YEARS
6 FOR A VIOLATION OF THIS PART, THE PERSON IS GUILTY OF A MISDE-
7 MEANOR AND SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS THAN 10
8 DAYS OR MORE THAN 180 DAYS, AND A FINE OF NOT LESS THAN \$500.00
9 OR MORE THAN \$2,000.00, AND THE COSTS OF PROSECUTION. THE COURT
10 SHALL ORDER THE PERSON'S FISHING LICENSE UNDER PART 435 REVOKED,
11 IF THE PERSON IS LICENSED TO FISH UNDER PART 435, AND SHALL ORDER
12 THE PERSON NOT TO SEEK OR POSSESS A FISHING LICENSE UNDER PART
13 435 FOR THE NEXT 3 SUCCEEDING CALENDAR YEARS.

14 SEC. 48135. (1) IN ADDITION TO THE PENALTIES PROVIDED IN
15 SECTION 48133 FOR VIOLATING THIS PART AND THE PENALTY PROVIDED IN
16 SECTION 36507, IF APPLICABLE, A PERSON CONVICTED OF TAKING OR
17 POSSESSING AN AQUATIC SPECIES DURING A CLOSED SEASON; TAKING OR
18 POSSESSING AN AQUATIC SPECIES IN EXCESS OF LAWFUL LIMITS; TAKING
19 OR POSSESSING AN UNDERSIZED AQUATIC SPECIES; UNLAWFULLY BUYING OR
20 SELLING AN AQUATIC SPECIES; OR TAKING AN AQUATIC SPECIES BY USE
21 OF AN UNLAWFUL DEVICE SHALL MAKE RESTITUTION TO THE STATE FOR THE
22 VALUE OF THE AQUATIC SPECIES SO TAKEN, BOUGHT, SOLD, OR POSSESSED
23 IN WHOLE OR IN PART, AS FOLLOWS:

24 (A) FOR EACH AQUATIC SPECIES, EXCEPT THOSE AQUATIC SPECIES
25 DESCRIBED IN SUBDIVISION (C) OR (D) OF AN INDIVIDUAL WEIGHT OF 1
26 POUND OR MORE, \$10.00 FOR EACH POUND OR FRACTION OF A POUND.

1 (B) FOR EACH AQUATIC SPECIES, EXCEPT THOSE AQUATIC SPECIES
2 DESCRIBED IN SUBDIVISION (C) OR (D) OF AN INDIVIDUAL WEIGHT OF
3 LESS THAN 1 POUND, \$10.00 FOR EACH INDIVIDUAL ANIMAL.

4 (C) FOR EACH AQUATIC SPECIES, EXCEPT THOSE AQUATIC SPECIES
5 DESCRIBED IN SUBDIVISION (D), THAT IS DESIGNATED BY ORDER OF THE
6 DEPARTMENT AS A SPECIES THAT SHALL NOT BE TAKEN, \$25.00 FOR EACH
7 POUND OR FRACTION OF A POUND.

8 (D) FOR EACH THREATENED OR ENDANGERED AQUATIC SPECIES,
9 LISTED UNDER PART 365, OR STURGEON, \$1,500.00 FOR EACH INDIVIDUAL
10 ANIMAL.

11 (2) IF A PERSON IS CONVICTED OF A VIOLATION LISTED IN SUB-
12 SECTION (1), THE COURT IN WHICH THE CONVICTION IS OBTAINED SHALL
13 ORDER THE DEFENDANT TO FORFEIT TO THE STATE THE SUMS PROVIDED IN
14 SUBSECTION (1). IF 2 OR MORE DEFENDANTS ARE CONVICTED OF THE
15 ILLEGAL TAKING, BUYING, SELLING, OR POSSESSION OF THE SAME
16 AQUATIC SPECIES, THE COURT SHALL DECLARE THE FORFEITURE AGAINST
17 THEM JOINTLY.

18 (3) IF A DEFENDANT FAILS TO PAY UPON CONVICTION THE SUM
19 ORDERED BY THE COURT TO BE FORFEITED, THE COURT SHALL IMPOSE A
20 SENTENCE AND, AS A CONDITION OF THE SENTENCE, REQUIRE THE
21 DEFENDANT TO SATISFY THE FORFEITURE IN THE AMOUNT PRESCRIBED AND
22 FIX THE MANNER AND TIME OF PAYMENT OR SHALL MAKE A WRITTEN ORDER
23 PERMITTING THE DEFENDANT TO PAY THE SUM TO BE FORFEITED IN
24 INSTALLMENTS AT THOSE TIMES AND IN THOSE AMOUNTS THAT, IN THE
25 OPINION OF THE COURT, THE DEFENDANT IS ABLE TO PAY.

26 (4) IF A DEFENDANT DEFAULTS IN PAYMENT OF THE SUM FORFEITED
27 OR OF AN INSTALLMENT, THE COURT ON MOTION OF THE DEPARTMENT OR

1 UPON ITS OWN MOTION MAY REQUIRE THE DEFENDANT TO SHOW CAUSE WHY
2 THE DEFAULT SHOULD NOT BE TREATED AS A CIVIL CONTEMPT, AND THE
3 COURT MAY ISSUE A SUMMONS OR WARRANT OF ARREST FOR HIS OR HER
4 APPEARANCE. UNLESS THE DEFENDANT SHOWS THAT THE DEFAULT WAS NOT
5 DUE TO AN INTENTIONAL REFUSAL TO OBEY THE ORDER OF THE COURT OR A
6 FAILURE TO MAKE A GOOD FAITH EFFORT TO OBTAIN THE FUNDS REQUIRED
7 FOR THE PAYMENT, THE COURT SHALL FIND THAT THE DEFAULT CONSTI-
8 TUTES A CIVIL CONTEMPT.

9 (5) IF IT APPEARS THAT THE DEFENDANT'S DEFAULT IN THE PAY-
10 MENT OF THE FORFEITURE DOES NOT CONSTITUTE CIVIL CONTEMPT, THE
11 COURT MAY ENTER AN ORDER ALLOWING THE DEFENDANT ADDITIONAL TIME
12 FOR PAYMENT, REDUCING THE AMOUNT OF THE FORFEITURE OR OF EACH
13 INSTALLMENT, OR REVOKING THE FORFEITURE OR THE UNPAID PORTION OF
14 THE FORFEITURE, IN WHOLE OR IN PART.

15 (6) A DEFAULT IN THE PAYMENT OF THE FORFEITURE OR AN
16 INSTALLMENT PAYMENT MAY BE COLLECTED BY ANY MEANS AUTHORIZED FOR
17 THE ENFORCEMENT OF A JUDGMENT UNDER CHAPTER 60 OF THE REVISED
18 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6001 TO 600.6098.

19 (7) A COURT RECEIVING A FORFEITURE PAYMENT SHALL REMIT THE
20 MONEY TO THE COUNTY TREASURER. THE COUNTY TREASURER SHALL
21 DEPOSIT THE MONEY WITH THE STATE TREASURER, WHO SHALL DEPOSIT THE
22 MONEY IN THE GAME AND FISH PROTECTION FUND CREATED IN SECTION
23 43553.

24 SEC. 48137. SECTIONS 48107 TO 48111, 48119 TO 48127, AND
25 48131 TO 48135 SHALL TAKE EFFECT WHEN THE ORDERS REQUIRED UNDER
26 SECTION 48117(2) ARE FILED WITH THE SECRETARY OF STATE.

1 SEC. 48139. ALL SUITS, ACTIONS, OR PROCEEDINGS FOR THE
2 VIOLATION OF ANY LAW IN EFFECT BEFORE THE FILING OF THE ORDERS
3 REQUIRED BY SECTION 48117(2), AND INSTITUTED BEFORE THE FILING OF
4 THOSE ORDERS, SHALL NOT BE ABATED BUT MAY BE PROSECUTED IN THE
5 SAME MANNER AND WITH THE SAME EFFECT AS IF THIS PART HAD NOT BEEN
6 ENACTED.

7 SEC. 48141. THE FOLLOWING ACTS AND PARTS OF ACTS ARE
8 REPEALED AND THE ADMINISTRATIVE RULES PROMULGATED UNDER THE
9 AUTHORITY OF THE FOLLOWING ACTS AND PARTS OF ACTS ARE RESCINDED
10 WHEN THE ORDERS REQUIRED UNDER SECTION 48117(2) TAKE EFFECT:

11 (A) PARTS 411, 451 TO 479, 485 TO 491.

12 (B) 1929 PA 22, MCL 317.241 TO 317.245.

13 (C) 1935 PA 179, MCL 308.141 TO 308.143.