

HOUSE BILL NO. 4018

January 09, 2019, Introduced by Rep. Allor and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 48738 (MCL 324.48738), as amended by 2014 PA
541.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 (2) ~~A person~~ **An individual** convicted of using dynamite,
2 nitroglycerin, any other explosive substance, lime, electricity, or
3 poison for the purpose of taking or killing fish, convicted of
4 using nets not authorized by law for taking game fish, or convicted
5 of buying or selling game fish or any parts of game fish is guilty
6 of a misdemeanor punishable by imprisonment for not more than 90
7 days or a fine of not less than \$250.00 or more than \$1,000.00, or
8 both.

9 (3) ~~A person~~ **An individual** who takes or possesses sturgeon in
10 violation of this part or rules or orders issued to implement this
11 part is guilty of a misdemeanor and shall be punished by
12 imprisonment for not less than 30 days or more than 180 days and a
13 fine of ~~not less than \$500.00 or more than \$2,000.00, or both,~~
14 **\$5,000.00**, and the costs of prosecution.

15 (4) ~~A person~~ **An individual** who knowingly violates section
16 48735(2) or (4) or a permit issued under section 48735(2) or (4)
17 with respect to a genetically engineered variant of a fish species
18 is guilty of a felony punishable by imprisonment for not more than
19 5 years or a fine of not more than \$250,000.00, or both. In
20 addition, the ~~person~~ **individual** is liable for any damages to the
21 natural resources resulting from the violation, including, but not
22 limited to, costs incurred to prevent or minimize such damages.

23 (5) If ~~a person~~ **an individual** is convicted of a violation of
24 this part or rules or orders issued to implement this part and it
25 is alleged in the complaint and proved or admitted at trial or
26 ascertained by the court at the time of sentencing that the ~~person~~
27 **individual** has been previously convicted 3 or more times of a
28 violation of this part within the 5 years immediately preceding the
29 last violation of this part, the ~~person~~ **individual** is guilty of a

1 misdemeanor punishable by imprisonment for not more than 90 days or
2 a fine of not more than \$1,000.00, or both, and the costs of
3 prosecution. This subsection does not apply to the following
4 violations:

5 (a) Failing to possess or display a valid fishing license
6 issued ~~pursuant to~~**under** part 435.

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

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

10 (d) Fishing with too many lines.

11 (e) Failing to attach the ~~person's~~**individual's** name and
12 address to tip-ups or minnow traps.

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

14 (6) In addition to the penalties provided in this section, a
15 fishing license issued to ~~a person~~**an individual** sentenced ~~pursuant~~
16 ~~to~~**under** subsection (2), (3), (4), or (5) ~~shall~~**must** be revoked,
17 and the ~~person shall~~**individual must** not be issued a license during
18 the remainder of the year in which convicted or during the next 3
19 succeeding license years.

20 (7) Subject to subsection (8), if any permit or license under
21 this part is ordered to be suspended or revoked under section 41309
22 and if the department maintains a database of suspensions or
23 revocations of permits or licenses under this part, the department
24 shall not issue a permit or license under this part to the ~~person~~
25 **individual** for the period provided in the order.

26 (8) If a permit or license under this part is ordered to be
27 suspended under section 41309, the suspension remains in effect
28 until all of the following occur:

29 (a) The suspension period set forth in the court order has

1 elapsed.

2 (b) The ~~person~~**individual** pays the department a reinstatement
3 fee of \$125.00.

4 (9) Unless ~~a person's~~**an individual's** permit or license is
5 otherwise suspended, revoked, or denied, the permit or license is
6 immediately reinstated on satisfaction of the requirements of
7 subsection (8).