

HOUSE BILL NO. 4567

May 07, 2019, Introduced by Reps. O'Malley and Lilly 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 sections 47301, 47302, 47303, 47305, 47306, 47307, and
47308 (MCL 324.47301, 324.47302, 324.47303, 324.47305, 324.47306,
324.47307, and 324.47308), sections 47301, 47302, 47305, 47306,
47307, and 47308 as added by 1995 PA 57 and section 47303 as
amended by 2004 PA 587, and by adding section 47304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 47301. ~~All fish of whatever kind found in the waters of~~
- 2 ~~Lakes Superior, Michigan, Huron, and Erie, commonly known as the~~



~~Great Lakes, the bays of the Great Lakes, and the connecting waters between those lakes within the jurisdiction of this state are the property of the state, and taking the fish from those waters is a privilege. All fish in waters described in this section shall be taken, transported, sold, and possessed only in accordance with this part.~~ As used in this part:

(a) "Abandoned gear" means any commercial net, hooks, or other gear found on the waters of this state with which a licensee has done any of the following:

(i) Discarded, disowned, or dispossessed.

(ii) Failed to recover within a reasonable period of time following knowledge of the gear's location.

(iii) Intentionally altered or removed the gear's ownership identification tags or similar markings.

(iv) Failed to immediately restore the gear's lost or destroyed ownership identification tags or similar markings following knowledge of the absence or destruction of the tags or markings.

(b) "Aquatic species" means fish, reptiles, amphibians, mollusks, and crustaceans, including their parts, eggs, and products.

(c) "Bycatch" means the nontarget, nonlegal, or undersized fish that are inadvertently caught in commercial fishing gear while in the act of fishing for legal commercial fish species.

(d) "Commercial" means buying, offering for sale, selling, bartering, giving, or furnishing to others any aquatic species or its parts, including roe, for anything of value.

(e) "Commercial fish species" means those aquatic species that are explicitly authorized for commercial harvest under this part.

(f) "Commercial net" means any of the following:



1 (i) A fyke net.

2 (ii) A hoop net.

3 (iii) A gill net.

4 (iv) An impoundment net.

5 (v) A pound net.

6 (vi) A seine net.

7 (vii) A trap net.

8 (viii) A trawl net.

9 (g) "Department" means the department of natural resources.

10 (h) "Director" means the director of the department of natural
11 resources.

12 (i) "Dressed fish" means a fish with the head and tail
13 attached but with the gills and the entire gut or viscera removed.

14 (j) "Fish" means any fish, fish parts, roe, or fish products.

15 (k) "Fish in the round" means a fish that is entirely intact
16 as it was taken out of the water with no part or insides removed.

17 (l) "Fyke net" and "hoop net" mean a long, bag-shaped
18 impoundment net held open by hoops or frames and having 1 or more
19 internal funnel-shaped throats that taper from the mouth of the net
20 toward the pot.

21 (m) "Game fish" means, except as otherwise provided in this
22 subdivision, that term as defined in section 48701. Game fish does
23 not include black crappie (*Pomoxis nigromaculatus*) or white crappie
24 (*Pomoxis annularis*).

25 (n) "Gill net" means a vertical stationary wall of net in
26 which fish are caught by entanglement.

27 (o) "Great Lakes" means those portions of Lake Superior, Lake
28 Michigan, Lake Huron, and Lake Erie, including the bays of those



1 lakes, that fall within the boundaries of this state.

2 (p) "Great Lakes connecting waters" means those portions of
3 Lake St. Clair, the St. Clair River, the St. Marys River, and the
4 Detroit River that fall within the boundaries of this state.

5 (q) "Harvest quota" means a specific limit on the amount of
6 fish in pounds that may be harvested by a licensed commercial
7 fisher. The harvest quota is established by specific condition on
8 the person's license or permit.

9 (r) "Illegal fish" means any fish taken or possessed in
10 violation of this part or not authorized by the laws of the tribes
11 of this state or, if imported, not authorized by the laws of the
12 state, country, or tribal authority where imported from. Illegal
13 fish includes fish that have not been reported or for which a
14 record has not been created as required. Species listed as a
15 prohibited transgenic or nonnative organism in part 413 may not be
16 possessed or sold live and are considered illegal.

17 (s) "Impoundment net" means a net designed to capture fish by
18 deflection and to retain them in a live condition until removed.

19 (t) "Licensed commercial fisher" means a person that has been
20 issued a commercial fishing license under section 47304.

21 (u) "Live car" or "live fish car" means a nonmotorized and
22 nonsteerable floating box or hold that is towed behind the licensed
23 commercial vessel for the exclusive purpose of holding or
24 transporting live fish.

25 (v) "Overall vessel length" means the minimum distance between
26 the extreme outside end of the bow and the stern rounded to the
27 nearest whole foot.

28 (w) "Person" means an individual, firm, company, partnership,
29 copartnership, association, or corporation.

1 (x) "Pound net" means a stationary impoundment net consisting
2 of a lead, heart, tunnels, and pot, supported by a series of stakes
3 or pilings, that traps fish inside a box-like net enclosure that is
4 open above the surface of the water.

5 (y) "Processed condition" means the physical form of the fish
6 and is referred to as dressed, round, fillet, dressed headed, or
7 roe.

8 (z) "Purchase" means to buy, acquire, or obtain or attempt to
9 buy, acquire, or obtain for exchange of value, goods, or services.

10 (aa) "Record" includes any material on which information is
11 recorded or preserved, regardless of physical form, that relates to
12 the production, storage, transportation, purchase, sale, trade,
13 barter, or other acquisition or disposition of fish by a licensed
14 commercial fisher or wholesale fish dealer.

15 (bb) "Retail fish dealer" means a person or retail store,
16 locker plant, restaurant, hotel, tavern, meat market, grocery
17 store, or other establishment, or club, that sells fish to the
18 final consumer or sells fish for resale at no reduction in retail
19 price.

20 (cc) "Roe" means the eggs of any species of fish.

21 (dd) "Saginaw Bay" means the area south and west of a straight
22 line from Point Lookout in Arenac County to Sand Point in Huron
23 County and inclusive of an area north and east of Sand Point within
24 the following boundaries: commencing at the monument on the
25 westerly end of Sand Point (lat 43.54.58 long 083.24.19), thence
26 easterly to the section line between section 7, T17N, R10E and
27 section 12, T17N, R9E (lat 43.54.81 long 083.21.65); thence on a
28 line due north for 2 miles (lat 43.56.55 long 083.21.65); thence on
29 a line due west to a point due north of the monument on Sand Point



1 (lat 43.56.56 long 083.24.19); thence southerly to the point of
2 beginning.

3 (ee) "Seine net" means a mesh net with weights on 1 edge and
4 floats on the opposite edge that hangs vertically in the water and
5 is used to enclose fish when its ends are either pulled together or
6 drawn ashore.

7 (ff) "Set hook lines" means a long fishing line with a series
8 of hooks on short separate leaders attached to the main line.

9 (gg) "Take" and "taking" means to fish for by any method,
10 catch, kill, capture, trap, harvest, or shoot any aquatic species
11 or to attempt to engage in any such activity.

12 (hh) "Trap net" means a stationary impoundment net consisting
13 of a lead, heart, tunnels, and pot, held in place by anchors and
14 floats, that traps fish inside a box-like net enclosure that is not
15 open above the surface of the water.

16 (ii) "Trawl net" means any net that is actively towed through
17 the water by a vessel in order to capture fish.

18 (jj) "Unattended gear" means any commercial net, hooks, or
19 other gear that has not been utilized or lifted and cleared of fish
20 by the licensed commercial fisher for a period of 10 days or that
21 contains decayed fish in amounts that indicate a prolonged period
22 without being tended. This does not pertain to nets that have been
23 properly reported and rendered unfishable as prescribed by the
24 department.

25 (kk) "Undersized fish" means a fish of a smaller than legal
26 size as established by this act, by administrative rule, by order
27 of the director, or as set by specific license condition.

28 (ll) "Unfishable" means any commercial net, hook, or other gear
29 that has been rendered inoperable as prescribed by the department.



(mm) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water, including, but not limited to, any rowboat, sailboat, powerboat, motorboat, scow, tug, or launch.

(nn) "Wholesale fish dealer" means a person that buys, barter, obtains, sells, solicits, or processes fish in any manner, for itself or any other person, for sale to someone other than the final consumer. Wholesale fish dealer includes any of the following:

(i) A fish or food broker that acquires, solicits, obtains, buys, sells, or trades fish on behalf of another person.

(ii) A fish processor that processes fish for itself or someone else, for sale or trade by the owner of the fish to someone other than the final consumer.

(iii) A crew member of a licensed commercial fisher who sells fish received as his or her share of the catch, received as payment for his or her work, or who retains part or all of the sale proceeds.

(oo) Wholesale fish dealer does not include:

(i) A licensed commercial fisher if that licensed commercial fisher is only selling the fish that it catches.

(ii) A retail store or locker plant if that retail store or locker plant is only selling fish to a restaurant, hotel, or tavern at no reduction in the retail price charged other retail customers.

~~Sec. 47302. (1) Notwithstanding the provisions of this or any other part or act, the department, when in the department's opinion it is necessary for the better protection, preservation, management, harvesting, and utilization of the fisheries in the waters described in section 47301 may limit the number of fishing~~



~~licenses to be issued under this part and fix and determine the qualifications of persons to whom licenses are issued. In determining the number of licenses that the department issues during any license year, the department shall consider the number of persons holding licenses, the number of licensees needed to harvest the fish known or believed to be harvestable, the capacity of the boats and equipment owned and used by licensees to harvest those fish, and any other facts that may bear upon the allowing of a limited number of licensed persons to engage in commercial fishing in an economical and profitable manner. In determining the qualifications of the licensees, the department shall consider the kind, nature, and condition of the boats and fishing equipment and gear to be used by the applicant, the years of experience the applicant has had in commercial fishing, and the quantity and kinds of fish that the applicant has caught during the previous 5 years, and other facts that may assist the department in determining that the applicant is capable of engaging in commercial fishing in a proper and profitable manner and will comply with the laws applicable to commercial fishing.~~

~~(2) In addition to the requirements of this part and rules promulgated under this part, the license issued by the department may contain provisions that do 1 or more of the following:~~

~~(a) Establish the amount of fish to be taken by species and kind.~~

~~(b) Designate the areas in which the licensee is permitted to fish.~~

~~(c) Specify the season when and the depths where the licensee may conduct commercial fishing operations.~~

~~(d) Specify the methods and gear that the licensee shall use.~~



~~(e) Specify other conditions, terms, and restrictions that are considered necessary in implementing this part, including, but not limited to, the right to inspect the licensee's fishing operations in the waters, on board, or ashore.~~

~~(3) All licenses issued by the department pursuant to this part expire on December 31 of the year in which issued.~~

~~(4) The department may suspend or revoke any license issued under this part if the licensee fails to fulfill or violates any of the conditions, terms, or restrictions of the license. The department shall afford the licensee a hearing in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. Any person whose license has been suspended or revoked is not eligible to apply for or receive a license for the ensuing 2 calendar years following the suspension or revocation.~~

~~(5) Any licensee licensed on November 15, 1968 has the right to have his or her license renewed from year to year by the department if the licensee continues to meet the qualifications set forth in this section and the qualifications specified in any rules promulgated under this section regardless of the determination of the number of licenses to be issued under this part. Licenses described in this section are not transferable without the permission of the department.~~

(1) All fish found in the waters of the Great Lakes and the Great Lakes connecting waters are the property of the state, and taking fish from those waters is a privilege. All fish in waters described in this section must be taken, transported, sold, and possessed only in accordance with this part. This part does not



1 apply to sport fishing regulated under part 487.

2 (2) The department may do either of the following:

3 (a) Take fish or issue permits for others to take fish in any
4 manner, in any of the waters mentioned in this part, during any
5 season of the year, for the purpose of scientific investigation,
6 fisheries assessment, fisheries utilization, fisheries management,
7 or fish culture; have and hold ripe and unripe fish; sell some or
8 all of those ripe and unripe fish; direct the sale of those ripe
9 and unripe fish; and devote the proceeds of sales toward defraying
10 the expenses incurred.

11 (b) Take fish for the purpose of scientific investigation,
12 fisheries assessment, fisheries utilization, fisheries management,
13 or fish culture harvested by any person licensed under this part to
14 commercially fish in the waters mentioned in this part. If the
15 department takes fish under this subdivision, the fish must be
16 weighed and paid for. The price paid for the fish must be based on
17 the fair market value or at any other price as may be agreed upon
18 by the person or persons taking the fish and the department, plus
19 the cost of transportation, if any.

20 (3) The department shall not authorize a person licensed under
21 this part to take fish under any license except as provided under
22 section 47304.

23 ~~Sec. 47303. The department shall provide financial~~
24 ~~remuneration to the state for fish taken for commercial purposes by~~
25 ~~collection from the licensee of not more than 5% of the price~~
26 ~~received by the licensee. Money received shall be credited to the~~
27 ~~game and fish protection account of the Michigan conservation and~~
28 ~~recreation legacy fund provided for in section 2010 to be used in~~
29 ~~the development and management of the fisheries resource.~~



1 (1) A person shall not obstruct or interfere in the lawful
2 taking of an aquatic species.

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

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

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

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

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

18 (e) Blocks, impedes, or harasses another person who is engaged
19 in the process of lawfully taking an aquatic species.

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

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

27 (h) Interjects himself or herself into the area where nets or
28 fishing lines are cast by a person lawfully taking an aquatic
29 species.



1 (i) Affects the condition or placement of personal or public
2 property intended for use in the lawful taking of an aquatic
3 species in order to impair the usefulness of the property or
4 prevent the use of the property.

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

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

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

15 (4) A person who violates this section is guilty of a
16 misdemeanor punishable by imprisonment for not more than 93 days or
17 a fine of not less than \$500.00 or more than \$5,000.00, or both,
18 and the costs of prosecution. A person who violates this section a
19 second or subsequent time is guilty of a misdemeanor punishable by
20 imprisonment for not more than 1 year or a fine of not less than
21 \$1,000.00 or more than \$10,000.00, or both, and the costs of
22 prosecution. In addition to the penalties provided in this
23 subsection, any person who violates this section while holding a
24 permit or license issued by the department authorizing the person
25 to take aquatic species shall have it revoked for 1 year. A
26 prosecution under this section does not preclude prosecution or
27 other action under any other criminal or civil statute.

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



1 Sec. 47304. (1) A person shall not use any kind of vessel, net
2 or nets, set hook lines, or other commercial device authorized in
3 this section for the purpose of taking or transporting fish for a
4 commercial purpose or for personal use in any of the waters of the
5 state without having first applied for and having been issued a
6 license for that activity by the department.

7 (2) Notwithstanding the provisions of this part, any other
8 part, or any other act, the department, when in the department's
9 opinion it is necessary for the better protection, preservation,
10 management, harvesting, and utilization of the fisheries in the
11 waters described in section 47302(1), may limit the number of
12 fishing licenses to be issued under this part and fix and determine
13 the qualifications of persons to whom licenses are issued under
14 this part. In determining the number of licenses that the
15 department issues during any license year, the department shall
16 consider the number of persons holding licenses, the number of
17 licensees needed to harvest the fish known or believed to be
18 harvestable, the capacity of the vessels and equipment owned and
19 used by licensees to harvest those fish, and any other facts that
20 may bear upon the allowing of a limited number of licensed persons
21 to engage in commercial fishing in an economical and profitable
22 manner.

23 (3) To obtain a license under this part, a person shall submit
24 an application for that license to the department on a form
25 provided for that purpose by the department, accompanied by the fee
26 required under this part. The application must state the name and
27 residence of the applicant, the manner in which he or she proposes
28 to fish, the name or number of the vessel, the overall length of
29 the vessel, the name of the port from which the vessel will



1 operate, the number and kind of net or nets and hooks or other gear
2 which he or she intends to use, and any other information required
3 by the department.

4 (4) An applicant for a commercial fishing license shall submit
5 an application annually not less than 30 days before fishing
6 operations are expected to commence or electronically submit the
7 application on or before November 15 of the current license year.
8 In addition to the qualifications in this part, to be eligible for
9 a license an applicant must have been issued a commercial fishing
10 license in this state for the immediately preceding year or legally
11 transferred the ownership of a commercial fishing license in this
12 state that was issued for the immediately preceding year.

13 (5) In addition to the requirements of this part and rules
14 promulgated under this part, a license issued by the department may
15 contain provisions that do 1 or more of the following:

16 (a) Establish the amount of fish to be taken by species and
17 kind.

18 (b) Designate the areas where the licensee is authorized to
19 fish. If not specifically designated by license condition, a
20 licensee may fish waters open to commercial fishing within a
21 maximum radius of 50 miles of the home port specified on the
22 license.

23 (c) Specify the season when and the depths where the licensee
24 may conduct commercial fishing operations.

25 (d) Specify the type and amount of gear that the licensee is
26 allowed to use.

27 (e) Designate the ports where fish may be landed and vessels
28 must be docked while in the act of commercial fishing. Unless
29 specifically stated otherwise, all fish must be landed at the ports



1 listed on the license.

2 (f) Specify other conditions, terms, and restrictions that are
3 considered necessary in implementing this part, including, but not
4 limited to, the right to inspect the licensee's fishing operations
5 in the waters, on board, or ashore.

6 (g) List the authorized vessels to be used. Single or multiple
7 vessels may be added to a license upon application by the license
8 holder and approval of the director. However, individual vessels
9 may not be listed on more than 1 license at a time.

10 (h) Specify the time period required for tending or lifting
11 commercial fishing gear. If a commercial fisher cannot tend nets
12 within the specified time frame, the commercial fisher must contact
13 the department with the location of the gear and an estimated lift
14 date.

15 (6) All licenses issued by the department under this part
16 expire on December 31 of the year the license was issued.

17 (7) A violation of a license condition is a violation of this
18 part. In addition to applicable fines or restitution as described
19 in this part, the department may suspend or revoke any license
20 issued under this part if the licensee fails to fulfill or violates
21 any of the conditions, terms, or restrictions of the license. The
22 department may also suspend or revoke any license issued under this
23 part if the licensee violates any statute, administrative rule, or
24 fisheries order pertaining to commercial fishing. The department
25 shall afford the licensee a hearing in accordance with the
26 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
27 24.328. Any person whose license has been suspended or revoked is
28 not eligible to apply for or receive a commercial fishing license
29 under this section for the ensuing 2 calendar years following the

1 suspension or revocation.

2 (8) A license described in this section is not transferable
3 without the permission of the department. In determining the
4 qualifications of any new transferee to which a license transfer is
5 being proposed, the department may consider any of the following:

6 (a) Any violations of this act by the transferee during the
7 previous 5 years.

8 (b) Any violations of a law of the United States, another
9 state, or another country by the transferee substantially
10 corresponding to a violation of this act during the previous 5
11 years.

12 (c) Any other facts that may assist the department in
13 determining that the transferee is capable of engaging in
14 commercial fishing in a proper and profitable manner and will
15 comply with the laws applicable to commercial fishing.

16 Sec. 47305. ~~For the purpose of carrying out this section and~~
17 ~~sections 47302 and 47303, the department may promulgate rules as~~
18 ~~may be necessary.~~

19 (1) The department shall establish a commercial fishing
20 advisory committee, consisting of the following 9 members:

21 (a) A licensed commercial fisher that holds a license to
22 commercially fish in Lake Superior.

23 (b) A licensed commercial fisher that holds a license to
24 commercially fish in Lake Michigan.

25 (c) A licensed commercial fisher that holds a license to
26 commercially fish in Lake Erie.

27 (d) A licensed commercial fisher that holds a license to
28 commercially fish in Lake Huron but not in Saginaw Bay.

29 (e) A licensed commercial fisher that holds a license to



1 commercially fish in Saginaw Bay.

2 (f) The president of the Michigan Fish Producers Association
3 or his or her designee.

4 (g) A wholesale fish dealer that is not also a licensed
5 commercial fisher.

6 (h) The president of the Michigan Charter Boat Association.

7 (i) A sport fishing angler representing the sport fishing
8 community.

9 (2) The department may, with the support of the majority of
10 the members of the commercial fishing advisory committee, issue
11 orders for the purpose of carrying out this part.

12 (3) If a majority of the members of the commercial fishing
13 advisory committee do not support an order proposed by the
14 department, the department may promulgate rules for the purpose of
15 carrying out this part.

16 (4) The department may issue orders without the approval of a
17 majority of the commercial fishing advisory committee considered
18 necessary by the department to protect any species of fish that
19 may, in the opinion of the department, after a thorough
20 investigation, be threatened from any cause or causes with
21 depletion or extermination in the waters of the state. Orders
22 issued under this subsection expire 1 year after the effective date
23 of the order.

24 Sec. 47306. ~~A person shall not place or set any kind of a net~~
25 ~~or set hook lines or take or attempt to take any kind of fish with~~
26 ~~a net or set hook lines, except minnow seines as provided in~~
27 ~~section 47309, in any of the connecting waters between Lake~~
28 ~~Superior and Lake Huron and the connecting waters between Lake~~
29 ~~Huron and Lake Erie. For the purposes of this part, the connecting~~



~~waters between Lake Superior and Lake Huron are all of that part of the straits of St. Mary in this state, extending from a line drawn from Birch point range front light to the most westerly point of Round island, thence following the shore of Round island to the most northerly point thereof, thence from the most northerly point of said Round island to Point Aux Pins light, Ontario, to a line drawn east and west from the most southerly point of Little Lime island; and the connecting waters of Lake Huron and Lake Erie are all of the St. Clair river and all of lake St. Clair and all of the Detroit river extending from fort Gratiot light in Lake Huron to a point in the lower Detroit river where the center line of Oak street, city of Wyandotte, Wayne county, Michigan, extended due east, would intersect the international boundary line. The boundary line between Lake Michigan and Lake Huron is a line extending due north from old Mackinac point lighthouse across the straits of Mackinac.~~

(1) A person shall not take or catch fish with any commercial gear from the following waters:

(a) In any connecting waters of Lake Superior and Lake Huron and the connecting waters of Lake Huron and Lake Erie. As used in this subdivision:

(i) "Connecting waters of Lake Huron and Lake Erie" means all of the St. Clair River and all of Lake St. Clair and all of the Detroit River extending from Fort Gratiot Light in Lake Huron to a point in the lower Detroit River where the center line of Oak Street, city of Wyandotte, Wayne County, Michigan, extended due east, would intersect the international boundary line.

(ii) "Connecting waters of Lake Superior and Lake Huron" means that part of the straits of the St. Marys River in this state



1 extending from a line drawn from Birch Point Range Front Light to
2 the most westerly point of Round Island, then following the shore
3 of Round Island to its most northerly point, then from the most
4 northerly point of Round Island to Point Aux Pins Light, Ontario,
5 to a line drawn east and west from the most southerly point of
6 Little Lime Island.

7 (b) Around any stream, river, or outlet of an inland lake
8 emptying into the Great Lakes or bays of the Great Lakes, as
9 follows:

10 (i) Within 1/2 mile on either side of the mouth of any stream,
11 river, or outlet capable of supporting navigable vessels drawing 10
12 feet or more, leaving an open channel of 1 mile in width and
13 extending at right angles from the shoreline 1 mile out from shore
14 and 2 miles in width for the second mile from shore, for the free
15 passage of fish and vessel traffic. For the purpose of this
16 subparagraph, the shore commences at the average low-water mark. If
17 the location of the open channel or the average low-water mark is
18 in dispute, the department shall determine the location of the open
19 channel or low-water mark.

20 (ii) Within 1/8 mile on either side of the mouth of all
21 remaining rivers, streams, or outlets not covered in subparagraph
22 (i), leaving an open channel of 1/4 mile in width and extending at
23 right angles from the shoreline 1/2 mile out from shore for the
24 free passage of fish. For the purpose of this subparagraph, the
25 shore commences at the average low-water mark. If the location of
26 the open channel or the average low-water mark is in dispute, the
27 department shall determine the location of the open channel or low-
28 water mark.

29 (c) Within a radius of 1/2 mile of any public dock or pier.



1 (d) In the waters of Lake Superior within a radius of 1/2 mile
2 from the mouth of the Two Hearted River located in T50N, R9W, Luce
3 County.

4 (e) In the waters of Lake Michigan within a radius of 2 miles
5 from Charlevoix South Pierhead Light, located at the mouth of the
6 Pine River in Charlevoix County.

7 (f) In the waters of Marquette Bay, beginning with a line from
8 the Presque Isle breakwater on the south southeast period line to
9 the east side of section 8 opposite the mouth of the Chocolay
10 River.

11 (g) In the waters of the East Bay and West Bay, Grand Marais
12 Harbor, and in the waters of Lake Superior within 2 miles on either
13 side of the range lights at the entrance to Grand Marais Harbor,
14 extending out to 180 feet of water, all in Alger County, Michigan.

15 (h) In the waters of False Presque Isle Bay west of a line
16 commencing at the 1/4 post between sections 13 and 24 in T33N, R8E;
17 then north across the Bay of False Presque Isle to 1/4 post between
18 sections 12 and 13, T33N, R8E, in Presque Isle County.

19 (i) In the waters of Presque Isle Harbor and that portion of
20 Lake Huron within a line between Presque Isle Light in section 8,
21 T34N, R8E, and South Albany Point in section 22, T34N, R8E, in
22 Presque Isle County.

23 (j) In the waters of Thunder Bay west of a line from north
24 point in section 6, T30N, R10E, to south point in section 26, T29N,
25 R9E, in Alpena County.

26 (k) In the waters of Whitney Bay or any waters' tributary to
27 that bay in the township of Drummond, Chippewa County.

28 (l) In the waters of northern Lake Huron known as Pike Bay and
29 Island Harbor within a line drawn from the most southerly point of



1 section 17, T41N, R5E, on Drummond Island to the most westerly
2 point of Espanore Island; then southerly and easterly along the
3 shore to the most southerly point of Espanore Island; then due east
4 to the mainland of Drummond Island.

5 (m) In the waters of that part of the Straits of Mackinac,
6 within 1 mile from the shoreline, from a point where the section
7 line between sections 22 and 23, T40N, R4W, intersects the Straits
8 of Mackinac, and running from there easterly to where the west line
9 of the city limits of the city of St. Ignace intersects the Straits
10 of Mackinac, and with 1/2 mile from there easterly and northerly to
11 where the north line of the city of St. Ignace intersects Lake
12 Huron or the Straits of Mackinac.

13 (n) In the waters of Houghton County, commencing at the
14 northerly entrance to Portage Lake Ship Canal and within 1/2 mile
15 in all directions from the canal entrance inside of the
16 breakwaters.

17 (o) In the waters of Huron Bay. As used in this subdivision,
18 "waters of Huron Bay" means the area south of an east and west line
19 beginning at the meander corner between sections 14 and 23, T52N,
20 R31W, and running west to the meander corner between sections 15
21 and 22, T52N, R31W, in Baraga County.

22 (p) In the waters of Duncan Bay, Lake Huron, lying south of a
23 line drawn west from Cheboygan Point Lighthouse on Lighthouse Point
24 to a point where the easterly boundary line of Beau Grand Township
25 meeting the westerly boundary line of the corporate limits of the
26 city of Cheboygan extended due north would intersect the waters of
27 Lake Huron.

28 (q) In the waters of Munising and Murray Bays of Lake
29 Superior. As used in this subdivision, "waters of Munising and



1 Murray Bays of Lake Superior" means those waters of Munising and
2 Murray Bays of Lake Superior lying westerly of a line drawn from
3 Sand Point in section 19, T47N, R18W, to the eastern end of the
4 eighth line dividing lots 1 and 2 in the northeast quarter of
5 section 24, T47N, R19W, and easterly of a line drawn from the
6 southern end of the quarter line between lots 2 and 3 of section
7 22, T47N, R19W, to the northern end of the quarter line between
8 lots 2 and 3 in section 27, T47N, R19W.

9 (r) Lake Superior waters of depth less than 360 feet between
10 the mouth of the Montreal River in section 10, T48N, R49W, Gogebic
11 County, and the mouth of the Fire Steel River in section 1, T52N,
12 R39W, Ontonagon County.

13 (s) Lake Superior waters south of a line from Traverse Point
14 in section 22, T55N, R31W, Houghton County, to the mouth of the
15 Huron River, section 18, T52N, R30W, Marquette County.

16 (t) Lake Superior waters within 4-1/2 miles of the shoreline
17 of Isle Royale and surrounding islands.

18 (u) Lake Superior waters of depths less than 360 feet between
19 Au Sable Point in section 2, T50N, R15W, Alger County, and Crisp
20 Point in section 1, T50N, R8W, Luce County, extending to the
21 international boundary.

22 (v) Lake Michigan waters south and east of a line from Grand
23 Traverse Light Station in section 6, T32N, R10W, Leelanau County,
24 to the village of Good Hart in section 25, T37N, R6W, Emmet County.

25 (w) Lake Huron waters southwest of a line from Hammond Bay
26 Harbor Light in section 25, T37N, R2E, to Forty Mile Point Light
27 Station in section 23, T36N, R4E, Presque Isle County.

28 (x) Lake Huron waters west of a line from Tawas Point in
29 section 34, T22N, R8E, Iosco County, to Point Lookout in section



1 13, T19N, R7E, Arenac County.

2 (y) Lake Huron waters in Saginaw Bay, commonly referred to as
3 Wild Fowl Bay, east of a line extending from Fish Point, Tuscola
4 County, to the westerly point of Heisterman Island, to the westerly
5 point of North Island; thence to the westerly end of Sand Point in
6 Huron County.

7 (z) From June 10 to September 10, waters of Lake Huron less
8 than 18 feet in depth along that portion of the shore lying between
9 the south line of section 12, T26N, R9E, extended east into the
10 waters of Lake Huron near Harrisville, to the south line of section
11 6, T18N, R7E, extended east into the waters of Lake Huron near Au
12 Gres Point.

13 (2) A person shall not take any of the species of fish known
14 as perch with gill nets, pound nets, trap nets, seines, setlines,
15 or set hooks, or any other device except a hook and line, and a
16 person shall not set any nets of any description for the taking of
17 perch within 200 feet of any dock in the waters of Northport Harbor
18 and within a line beginning at the extreme southern end of lot 3,
19 section 36, T32N, R11W of Northpoint Point at the water's edge;
20 thence on a line southerly across Northport Bay to Bellows Island;
21 thence southerly on a line from Bellows Island to most northerly
22 point of lot 3, section 25, T31N, R11W; thence due west to the east
23 shore of lot 1, section 25, T31N, R11W; thence northerly following
24 the bay shore to the place of beginning. A person shall not set any
25 trap or pound net in that part of Northport Harbor north of a line
26 beginning at the extreme southern end of lot 3, section 36, T32N,
27 R11W of Northport Point at the water's edge and extending west to
28 the town line between 31 north and 32 north in the village of
29 Northport.



(3) A person shall not place or set any kind of net or set hook lines or take or attempt to take any kind of fish with a net or set hook lines, except minnow seines, as provided in section 47307, in the connecting waters of Lake Superior and Lake Huron, Whaiska Bay, and also including all waters lying southerly to a line drawn from the most southeasterly point of lot 1, section 32, T47N, R2W, and extending easterly to the most westerly point of Round Island.

~~Sec. 47307. A person shall not set any net, set hook lines, or other device for the purpose of taking or catching fish within 160 rods on either side of the thread of the stream at the mouth of any river or outlet of an inland lake emptying into Lakes Superior, Michigan, Huron, or Erie, commonly known as the Great Lakes, or the bays of the Great Lakes, navigable for vessels drawing 10 feet or more, leaving an open channel of 1 mile in width for the free passage of fish, extending at right angles from the shoreline as near as may be, 2 miles from shore. However, within the next 1/2 mile on either side of any such rivers or outlets of inland lakes, nets, set hook lines, or other devices shall not be used for the purpose of taking fish that will extend a greater distance than 1 mile from shore. The purpose of the limitations in this section is to leave an open channel of 1 mile in width 1 mile out, and 2 miles in width for the second mile out, for the free passage of fish. No net or other device for taking fish shall be set or used within 40 rods on either side of the thread of the stream at the mouth of any other river or the outlet of any other inland lake leaving an open channel of 80 rods in width for the free passage of fish, extending at right angles with the shoreline as near as may be 2 miles out from shore. For the purpose of this section, the shore commences at~~



~~the average low water mark. If the location of the open channel or the average low water mark is in dispute, this location shall be determined by the department. Except as provided in sections 47311 and 47313, a person may at all times catch any kind of fish in all of the waters named in this part, and from the docks, harbors of refuge, or breakwaters, with a hook and line except largemouth black bass, smallmouth black bass, bluegills, sunfish, brook or speckled trout, rainbow and steelhead trout, brown and Loch Leven trout, northern pike, pike-perch, perch, or muskellunge, which shall only be taken or possessed in the manner and at the time specified by the laws of this state protecting those fish. A person may also spear carp, suckers, mullet, redhorse, sheepshead, lake trout, herring, smelt, perch, pike-perch, northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot fish or menominee white fish, catfish, dogfish, and garpike through the ice in the connecting waters as defined in this part.~~

(1) Except as otherwise prohibited by law, a person specifically authorized by license condition may use set hook lines for the purpose of taking fish in the waters of the Great Lakes.

(2) The director may authorize by license condition the use of trawls, and regulate their use, including, but not limited to, the kind and size of the trawls, the size of mesh in the trawls, and the areas, depths of water, and time and manner in which the trawls may be used. The director may regulate the use of trawls for taking any commercial species of fish he or she may designate.

(3) A person shall not possess or use on board any commercial vessel, in the waters, or on the ice of the Great Lakes any pound or trap net, gill net, seine net, or any fixed, set, or movable net of any kind or description, with meshes that are different than the



1 following:

2 (a) Gill nets with meshes from 2-3/8 inches to 3 inches,
3 inclusive, may be set in depths to be determined at the discretion
4 of the director for the purpose of taking chubs, menominee, and
5 other commercial species designated by the director. These nets may
6 be used in open waters wherever and whenever their incidental take
7 of game fish will not exceed 10% by weight of the total fish
8 harvested, that percentage to be determined by the department, by
9 inspection of the fish taken in the nets. The department shall
10 remove or cause to be removed any net if the department determines
11 that the net is taking more fish of species other than chubs,
12 menominee, or any other commercial species designated by the
13 director than allowed by this section.

14 (b) Gill nets with meshes greater than or equal to 8 inches
15 may be used in the waters of Saginaw Bay for taking carp or other
16 commercial species to be designated by the director.

17 (c) Pound nets with meshes greater than or equal to 4-1/2
18 inches in the lifting pot or crib and in the heart and tunnel, and
19 with meshes greater than or equal to 5 inches in the lead, may be
20 used for taking whitefish. In the pound nets, meshes less than or
21 equal to 3-1/2 inches may be used in 1 side of the pot or in the
22 back, being that part of the pot opposite the tunnel entrance. In
23 fishing with the pound nets, or any other pound nets permitted by
24 this part, the crib or pot and hearts and lead must extend to or
25 above the surface of the water, the crib or pot and hearts must be
26 entirely open at the top, and the sides or walls of the pot or crib
27 and of the hearts must be held vertically as near as possible and
28 have 5 or more stakes driven into the earth at the bottom of the
29 lake to hold the net in place. A person shall not set a pound net

1 or any part of the webbing permitted under this part in water of a
2 depth greater than 80 feet. Pound nets fished through the ice may
3 be held in place by fastening them to the ice without the use of
4 stakes.

5 (d) Trap nets, fyke nets, and hoop nets with meshes greater
6 than or equal to 4-1/2 inches in the lifting pot or crib and in the
7 heart and tunnel and with meshes greater than or equal to 5 inches
8 in the lead may be used for taking whitefish. In trap nets, fyke
9 nets, and hoop nets with meshes greater than or equal to 4-1/2
10 inches in the lifting pot, meshes less than or equal to 3-1/2
11 inches may be used in that part of the tunnel inside the pot, in
12 the entire front of the pot, and in the front portion of the pot
13 including the connecting side, top, and bottom walls for a distance
14 up to 16 feet, but not to exceed 1/3 of the length of the pot from
15 front to back, for the purpose of shoaling fish.

16 (e) Seines having wings with meshes of not less than 4 inches,
17 and the pocket or bag, the bag of which must be not more than 1/4
18 the length of the seine, with meshes of not less than 2-1/4 inches,
19 may be used to take carp, suckers, and other commercial species to
20 be designated by the director. All seines in use or set along the
21 shores of the Great Lakes, when unattended, must have a metal tag
22 securely attached to the seine bearing the commercial fishing
23 license number of the owner or user of the seine.

24 (f) The measurement of the mesh of all nets and seines as
25 prescribed in this section must be by extension measure, more
26 commonly referred to as stretch mesh. The size of the mesh of all
27 nets or netting used in fishing as provided by this part must be
28 determined by extension measure, and the measurement must be made
29 of meshes irrespective of where the net or netting is found,



1 whether in the water, on vessel, on reel, on dock, or in any other
2 place on land. The net must be wet or wetted before the measuring
3 of the mesh. Extension measure means the distance between the
4 extreme angles of any single mesh, and the measurements must be
5 taken between and inside the knots when the mesh is pulled taut by
6 hand. The mesh size of gill net must be measured with a certified
7 ruler by lining up consecutive knots perpendicular to the float
8 line and measuring on the diamond, inside knot to knot. All other
9 nets must be measured by a wedge-shaped gauge having a taper of 2
10 centimeters in 8 centimeters and a thickness of 2.3 millimeters,
11 inserted into the meshes under a pressure or pull of 5 kilograms.
12 Stretch mesh is to be measured by placing the wedge gauge along the
13 diagonal line that connects the largest opening between opposite
14 corners of the square. If the majority of 10 or more meshes
15 selected at random by the peace officer from any part or parts of
16 any commercial net being measured are found to be unlawful, the
17 net, if found in use or upon any licensed commercial fishing
18 vessel, is considered illegal and must be seized.

19 (4) The director may evaluate and authorize by order the use
20 of commercial gear types in addition to those specifically listed
21 in this part and regulate their use by specific license condition,
22 including, but not limited to, the kind and size of the gear; the
23 size of mesh in the gear; the areas, depths of water, time, and
24 manner in which the gear may be used; and the commercial species of
25 fish that the gear may harvest.

26 (5) The gear described in this section or further designated
27 by the director must be specifically authorized by license
28 condition for legal use by any licensed commercial fisher, and each
29 licensed commercial fisher shall conduct its commercial fishing



1 operation only with the type and amount of gear specified on the
2 license. Any gear not specifically listed by license condition
3 possessed or used on board any commercial vessel or in the waters
4 or on the ice of the Great Lakes is prohibited.

5 (6) The director may evaluate and authorize by order the depth
6 at which the commercial gear listed in this section or further
7 designated by order under the authority established in this section
8 may be fished.

9 Sec. 47308. ~~Except as otherwise provided by law, a person may~~
10 ~~use in the waters of Lakes Michigan, Superior, Huron, and Erie, and~~
11 ~~the bays of those lakes, within the jurisdiction of this state, set~~
12 ~~hook lines or spears for the purpose of taking fish; and for the~~
13 ~~purpose of securing bait for use in baiting said hook lines, a~~
14 ~~person may use gill nets as provided in section 47309. However, a~~
15 ~~person shall not market or possess for the purpose of marketing any~~
16 ~~fish taken in bait nets. All unused bait, fresh or old, shall be~~
17 ~~taken ashore.~~ A person shall not set or use a net or set hook line
18 in any of the waters mentioned in this part without marking its
19 location in accordance with the specifications laid out under the
20 uniform waterway marking system set forth in R 281.1101 to R
21 281.1114 of the Michigan Administrative Code. If any net or set
22 hook line is set under the ice, its location must be marked by a
23 stake extending not less than 4 feet above the ice at each end of
24 the net or set hook line, and the license number, in legible
25 figures, must be attached to each stake or to the ends of the net
26 or set hook line. A person setting or using a net or hook line in
27 any waters of the state shall provide GPS coordinates of all gear
28 to the department. This information must be updated every time gear
29 is lifted or moved.



1 Enacting section 1. This amendatory act does not take effect
2 unless all of the following bills of the 100th Legislature are
3 enacted into law:

4 (a) Senate Bill No. _____ or House Bill No. 4568 (request no.
5 02654'19).

6 (b) Senate Bill No. _____ or House Bill No. 4569 (request no.
7 02655'19).

