

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

SUBPART V
LICENSES AND PERMITS

324.48732 "Place of business" defined; limited retail minnow dealer's license; wholesale minnow dealer's license; minnow catcher's license; fees; prohibited imports; separate licenses; size of crew; identification cards; license application forms; display of placard and license number; display of license or identification card on demand; inspection of records and equipment; revocation or expiration of license.

Sec. 48732. (1) As used in this section, "place of business" means a single location designated in a license application.

(2) The department, upon receipt of a fee of \$25.00, may issue a limited retail minnow dealer's license to entitle the licensee to operate 1 place of business and 1 motor vehicle and to buy, transport, and retail minnows, wigglers, and crayfish.

(3) The department, upon receipt of a fee of \$100.00, may issue to a resident a wholesale minnow dealer's license to entitle the licensee to operate 1 place of business, to transport, using up to 3 motor vehicles, and to sell at wholesale to licensed minnow dealers minnows, wigglers, and crayfish.

(4) The department, upon receipt of a fee of \$50.00, may issue to the holder of a limited retail minnow dealer's license or a wholesale minnow dealer's license a minnow catcher's license to permit the taking, collecting, transporting, and possessing of live or fresh minnows, wigglers, or crayfish to be used for commercial purposes in accordance with this part. Each minnow catcher's license entitles the licensee to operate up to 3 crews consisting of not more than 4 persons and 4 motor vehicles for the purpose of taking, collecting, and transporting live or fresh minnows, wigglers, or crayfish.

(5) The department, upon receipt of a fee of \$500.00, may issue to a nonresident of the state a wholesale minnow dealer's license to entitle the licensee to operate 1 place of business, to transport, using up to 3 motor vehicles, and to sell at wholesale to licensed minnow dealers minnows, wigglers, and crayfish.

(6) Crayfish shall not be imported for commercial purposes from outside of this state without a special permit from the department. Minnows and wigglers not native to the waters of this state shall not be imported from outside of this state.

(7) The holder of a license issued pursuant to this section who possesses minnows, wigglers, or crayfish for commercial purposes at more than 1 place of business shall obtain a separate license for each place of business. The holder of a license issued pursuant to this section may use more than 3 crews not to exceed 4 crew members in taking, collecting, and transporting minnows, wigglers, and crayfish, or use additional motor vehicles in collecting and transporting minnows, wigglers, or crayfish, for a fee of \$15.00 for each additional crew of not more than 4 persons and for each additional motor vehicle.

(8) With each minnow catcher's license issued under this section, the department shall issue 12 identification cards bearing the number of the license and the year for which the license is issued. Each member of a crew engaged in taking, collecting, and transporting minnows, wigglers, or crayfish for commercial purposes shall carry an identification card at all times while taking, collecting, or transporting minnows, wigglers, or crayfish. The department shall supply license application forms which shall state the name and address of the licensee and the lakes and streams and parts of lakes and streams from which minnows, wigglers, or crayfish may be taken. A person to whom a limited retail or wholesale minnow dealer's license has been issued under this part shall prominently display at the place of business designated in that license a placard to be furnished by the department which will contain the words "Licensed Minnow Dealer" and the license number and the year for which the license was issued. Any person to whom such a license has been issued under this section shall permanently display the license number in 4-inch block letters on each side of the tanks on the motor vehicle or on the front doors of the motor vehicle and on the back of the motor vehicle.

(9) Upon demand of a conservation officer or any other peace officer, a person found taking, collecting, possessing, or transporting any live or fresh minnows, wigglers, or crayfish for commercial purposes shall display a license or identification card provided for in this section. The records, seines, nets, minnow traps, transporting equipment, and other equipment of every kind utilized in the handling of minnows, wigglers, and crayfish and the tanks and ponds where minnows, wigglers, and crayfish are held shall be open to inspection at any reasonable time by a conservation officer or any other peace officer.

(10) All licenses issued pursuant to this section are revocable upon just cause and, if not revoked, expire on December 31 following the date of issuance. Any person whose license has been revoked shall not be issued a

commercial minnow, wiggler, and crayfish license within a period of 1 year from the date of revocation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48733 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed section pertained to the designation of certain waters for spear fishing.

Popular name: Act 451

Popular name: NREPA

324.48734 Permit to remove fish from waters or donate fish taken during fishing tournament; exception for game fish; issuance.

Sec. 48734. (1) The department may issue permits for the removal of fish, except for game fish, from all the waters over which this state has jurisdiction to manage fish and sell or authorize the sale of those fish to pay the expense of the removal on terms that are in the best advantage of this state.

(2) The department may issue a permit to a person that has registered with the department as a fishing tournament or event authorizing that any fish taken under a sport fishing license, except for game fish, during a registered tournament may be donated, not for pecuniary profit, to a person. Fish donated under this subsection are not subject to section 48723 and the person accepting the donated fish may process, utilize, and sell any fish or fish product resulting from the donation.

(3) The person taking the fish or accepting the donated fish must retain a copy of the permit with the fish for transport and final disposition. The department shall incorporate regulations and restrictions in the permits as the department considers advisable, including the authorized method of take. Any person taking fish under a permit issued under this section shall conform to all the regulations and restrictions specified in the permit and any reporting standards established by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48735 Permit to take fish for fish culture or scientific investigation; exception; permit to possess live game fish in ponds, pools, and aquariums; taking fish to obtain spawn or for protection from ecological damage or imbalance; taking fish not required to maintain fishery resources; supervision; sale or transfer of fish; importing or bringing fish or eggs from outside state; permit to plant spawn, fry, or fish in public waters; exhibiting permits.

Sec. 48735. (1) Subject to subsection (2), a person shall not take from any of the inland waters of this state any fish in any manner for the purpose of fish culture or scientific investigation without first obtaining a permit from the department, except that a person who is operating a private fish pond may take fish from his or her own pond for the purpose of propagation, scientific investigation, or sale under part 459.

(2) The department may issue permits to possess live game fish in public or private ponds, pools, or aquariums under rules and regulations as the department prescribes. This subsection is subject to subsection (5).

(3) The department may cause to be taken from the inland waters of this state any species of fish for the purpose of obtaining spawn for fish culture or scientific investigation or for the protection of the inland waters from ecological damage or imbalance. In addition, the department may cause to be taken from the inland waters of this state species of fish that are not required to maintain the fishery resources of the inland waters. All fish taken under this subsection shall be taken under the supervision of a deputy of the department appointed for that purpose and in a manner consistent with the regulations of the department of agriculture and rural development, and the fish may be sold or transferred by the department.

(4) A person shall not import or bring any live game fish, including viable eggs of any game fish, from outside of this state except under a permit from the department or under part 459 and the rules promulgated under that part. A person shall not plant any spawn, fry, or fish of any kind in any of the public waters of this state or any other waters under the jurisdiction of this state without first obtaining a permit from the department that states the species, number, and approximate size or age of the spawn, fry, or fish to be planted and the name and location of the waters where the spawn, fry, or fish shall be planted. A permit is not required to plant spawn, fry, or fish furnished by the federal or state government. This subsection is subject to subsection (5).

(5) A permit under subsection (2) or (4) does not include a genetically engineered variant of a fish species

identified in the permit unless the genetically engineered variant is specifically identified in the permit. A permit under subsection (2) or (4) may be limited to a genetically engineered fish.

(6) A permittee under this section shall exhibit the permit upon the request of any law enforcement officer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2018, Act 237, Eff. Sept. 25, 2018.

Popular name: Act 451

Popular name: NREPA

324.48736 Removal of caddis fly larvae or other insect larvae from trout streams; prohibition; exception.

Sec. 48736. Except as provided in this section, a person shall not take or remove or attempt to take or remove any caddis fly larvae or other insect larvae or insects of any kind from any trout stream of this state. The department may designate trout streams or portions of trout streams from which caddis fly larvae or other insect larvae or insects may be taken for commercial purposes by persons licensed in accordance with section 48732. This section does not prohibit the taking of any caddis fly larvae or other insect larvae or insects from any trout stream of the state for personal use in fishing the stream from which taken.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48737 Sale of licenses and stamps; disposition of proceeds.

Sec. 48737. All money collected from the sale of licenses and stamps as provided in this part shall be paid over to the state treasurer by the department and held to the credit of the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010, and shall be used for the purposes necessary to the protection, propagation, and distribution of fish and game and as otherwise provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.48738 Violations as misdemeanors; violation as felony; violation as civil infraction; penalties; suspension or revocation of permit or license; issuance or reinstatement.

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

(2) An individual who uses dynamite, nitroglycerin, any other explosive substance, lime, electricity, or poison for the purpose of taking or killing fish, who uses nets not authorized by law for taking game fish, or who buys or sells game fish or any part of game fish is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$250.00 or more than \$1,000.00, or both.

(3) An individual who takes or possesses sturgeon in violation of this part or rules or orders issued to implement this part is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not less than \$500.00 or more than \$2,000.00, or both, and the costs of prosecution.

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

(5) An individual who does either of the following is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$150.00:

(a) Fails to attach the individual's name and address to tip-ups in violation of section 48703(2).

(b) Fishes with more than the authorized number of lines in violation of section 48703(1).

(6) If an individual is convicted of a violation of this part or a rule promulgated or order issued under this part and it is alleged in the complaint and proved or admitted at trial or ascertained by the court at the time of sentencing that the individual has been previously convicted 3 or more times of a violation of this part within the 5 years immediately preceding the last violation of this part, the individual is guilty of a misdemeanor

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

- (a) Failing to possess or display a valid fishing license issued under part 435.
- (b) Taking or possessing an overlimit of bluegill, sunfish, crappie, perch, or nongame fish.
- (c) Taking or possessing not more than 5 undersized fish.
- (d) Fishing with more than the authorized number of lines.
- (e) Failing to attach the individual's name and address to tip-ups or minnow traps.
- (f) Fishing with lines not under immediate control.

(7) In addition to the penalties provided in this section, a fishing license issued to an individual sentenced under subsection (2), (3), (4), or (6) must be revoked, and the individual must not be issued a license during the remainder of the year in which convicted or during the next 3 succeeding license years.

(8) Subject to subsection (9), if any permit or license under this part is ordered to be suspended or revoked under section 41309 and if the department maintains a database of suspensions or revocations of permits or licenses under this part, the department shall not issue a permit or license under this part to the individual for the period provided in the order.

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

- (a) The suspension period set forth in the court order has elapsed.
- (b) The individual pays the department a reinstatement fee of \$125.00.

(10) Unless an individual's permit or license is otherwise suspended, revoked, or denied, the permit or license is immediately reinstated on satisfaction of the requirements of subsection (9).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2014, Act 541, Eff. Apr. 15, 2015;—Am. 2020, Act 385, Eff. Mar. 24, 2021;—Am. 2022, Act 14, Imd. Eff. Feb. 23, 2022.

Popular name: Act 451

Popular name: NREPA

324.48739 Violation of part as misdemeanor; possession or sale of multipointed hook with weight permanently attached as misdemeanor; penalties.

Sec. 48739. (1) A person who snags fish in violation of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$250.00 or more than \$500.00, or both, and costs of prosecution.

(2) A person who is convicted of a second violation of snagging fish in violation of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$500.00 or more than \$1,000.00, or both, and costs of prosecution. In addition, the court shall suspend a sports fishing license issued to a person sentenced under this subsection for not less than 2 years and order that the person shall not secure a fishing license during that 2-year period.

(3) A person who is convicted of a third or subsequent violation of snagging fish in violation of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$1,000.00 or more than \$2,000.00, or both, and costs of prosecution. In addition, the court shall suspend a sports fishing license issued to a person sentenced under this subsection for not less than 3 years and order that the person shall not secure a fishing license during that 3-year period.

(4) A person who possesses or sells in this state any multipointed hook with a weight permanently attached is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 or more than \$300.00, or both, and costs of prosecution.

(5) A person who is convicted of a second violation of subsection (4) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$300.00 or more than \$500.00, or both, and costs of prosecution.

(6) A person who is convicted of a third or subsequent violation of subsection (4) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$500.00 or more than \$1,000.00, or both, and costs of prosecution.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48740 Additional penalties; forfeitures; probation; default; disposition of forfeitures.

Sec. 48740. (1) In addition to the penalties provided in this part, a person convicted of taking game fish during a closed season; taking or possessing game fish in excess of lawful limits; taking game fish or

nongame fish by use of an unlawful device; or buying or selling game fish, nongame fish, or any parts of game or nongame fish taken by use of an unlawful device shall forfeit to the state for the fish unlawfully taken or possessed as follows:

(a) For each game fish other than sturgeon, of an individual weight of 1 pound or more, \$10.00 for each pound or fraction of a pound of fish illegally taken or possessed.

(b) For each game fish other than sturgeon, of an individual weight of less than 1 pound, \$10.00 for each fish illegally taken or possessed.

(c) For sturgeon, \$1,500.00 for each fish illegally taken or possessed.

(d) For each nongame fish, \$5.00 for each pound or fraction of a pound of fish illegally taken or possessed.

(2) In every conviction for a violation described in subsection (1), the court before which the conviction is obtained shall order the defendant to forfeit to the state the sums provided in subsection (1). If 2 or more defendants are convicted of the illegal taking or possession of the fish, the forfeiture shall be declared against them jointly and severally.

(3) If a defendant fails to pay the sums forfeited for a violation of subsection (1), upon conviction, the court shall either impose a sentence of probation, and as a condition of sentence require the defendant to satisfy the forfeiture in the amount prescribed and fix the manner and time of payment, or make a written order permitting the defendant to pay the forfeited sums in installments at the times and in the amounts as the court determines the defendant is able to pay.

(4) A default in the payment of forfeiture or an installment of the forfeiture may be collected by any means authorized for the enforcement of a judgment under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

(5) All courts collecting forfeitures as provided in this section shall promptly remit the forfeiture to the county treasurer, who shall transmit it to the state treasurer to be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA