

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

**PART 487
SPORT FISHING**

**SUBPART I
DEFINITIONS**

324.48701 Definitions.

Sec. 48701. As used in this part:

- (a) "Amphibian" means any frog, toad, or salamander of the class amphibia.
- (b) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order decapoda.
- (c) "Dip net" means a square net that is constructed from a piece of webbing of heavy twine, hung on heavy cord or frame so as to be without sides or walls, and suspended from the corners and attached in such a manner that when the net is lifted no part is more than 4 feet below the plane formed by the imaginary lines connecting the corners from which the net is suspended. As used in fishing, it shall be lowered and raised vertically as nearly as possible.
- (d) "Game fish" includes all of the following:
 - (i) Lake trout (*Salvelinus namaycush*).
 - (ii) Brook trout (*Salvelinus fontinalis*).
 - (iii) Brown trout (*Salmo trutta*).
 - (iv) Rainbow or steelhead trout (*Oncorhynchus mykiss*).
 - (v) Atlantic landlocked salmon (*Salmo salar sebago*).
 - (vi) Grayling (*Thymallus arcticus*).
 - (vii) Largemouth bass (*Micropterus salmoides*).
 - (viii) Smallmouth bass (*Micropterus dolomieu*).
 - (ix) Bluegill (*Lepomis macrochirus*).
 - (x) Pumpkinseed or common sunfish (*Lepomis gibbosus*).
 - (xi) Black crappie and white crappie, also known as calico bass and strawberry bass (*Pomoxis nigromaculatus* and *Pomoxis annularis*).
 - (xii) Yellow perch (*Perca flavescens*).
 - (xiii) Walleye (*Sander vitreus*).
 - (xiv) Northern pike (*Esox lucius*).
 - (xv) Muskellunge (*Esox masquinongy*).
 - (xvi) Lake sturgeon (*Acipenser fulvescens*).
 - (xvii) Splake (*Salvelinus namaycush* x *Salvelinus fontinalis*).
 - (xviii) Coho salmon (*Oncorhynchus kisutch*).
 - (xix) Chinook (King) salmon (*Oncorhynchus tshawytscha*).
 - (xx) Pink salmon (*Oncorhynchus gorbuscha*).
- (e) "Genetically engineered" refers to a fish whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques.
- (f) "Hand net" means a mesh bag of webbing or wire suspended from a circular, oval, or rectangular frame attached to a handle.
- (g) "Inland waters of this state" means the waters within the jurisdiction of the state except Saginaw river, Lakes Michigan, Superior, Huron, and Erie, and the bays and the connecting waters. The connecting waters between Lake Superior and Lake Huron are 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 Round Island to Point Aux Pins light, Ontario, to a line drawn due east and west from the most southerly point of Little Lime Island. The connecting waters of Lake Huron and Lake Erie are all of the St. Clair river, all of Lake St. Clair, and all of the Detroit river extending from Fort Gratiot light in Lake Huron to a line extending due east and west of the most southerly point of Celeron Island in the Detroit river.
- (h) "Mollusks" means any mollusk of the classes bivalvia and gastropoda.
- (i) "Nongame fish" includes all kinds of fish except game fish.
- (j) "Nonresident" means a person who is not a resident.
- (k) "Nontrout streams" means all streams or portions of streams other than trout streams.
- (l) "Open season" means the time during which fish may be legally taken or killed and includes both the

first and last day of the season or period designated by this part.

(m) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.

(n) "Reptiles" means any turtle, snake, or lizard of the class reptilia.

(o) "Resident" means either of the following:

(i) A person who resides in a settled or permanent home or domicile with the intention of remaining in this state.

(ii) A student who is enrolled in a full-time course at a college or university within this state.

(p) "Trout lake" means a lake designated by the department in which brook trout, brown trout, or rainbow trout are the predominating species of game fish. The department may designate certain trout lakes in which certain species of fish are not desired and in which it is unlawful to use live fish of any kind for bait.

(q) "Trout stream" means any stream or portion of a stream that contains a significant population of any species of trout or salmon as determined by the department. The department shall designate not more than 212 miles of trout streams in which only lures or baits as the department prescribes may be used in fishing, and the department may prescribe the size and number of fish that may be taken from those trout streams. The department shall not restrict children under 12 years old from taking a minimum of 1 fish, except for lake sturgeon (*Acipenser fulvescens*), in any trout stream. Any trout stream in a county that includes a city with a population of 750,000 or more shall be so designated. In addition, the department shall issue an order adopting criteria for determining which trout streams should be so designated. Before the department issues the order, the department shall submit the proposed order to the commission. The commission shall receive public comment on the proposed order. The department shall consider any guidance provided by the commission on the proposed order and may make changes to the proposed order based on that guidance.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2002, Act 434, Imd. Eff. June 10, 2002;—Am. 2003, Act 270, Eff. Mar. 30, 2004;—Am. 2008, Act 291, Imd. Eff. Oct. 6, 2008.

Popular name: Act 451

Popular name: NREPA

324.48702 Fish, reptiles, amphibians, mollusks, and crustaceans as property of state; exception; registration under Michigan aquaculture development act.

Sec. 48702. (1) Except as otherwise provided in subsection (2), all fish, reptiles, amphibians, mollusks, and crustaceans found in this state are the property of the state and may only be taken at times and in a manner as provided in this part.

(2) Fish, reptiles, amphibians, mollusks, crustaceans, and any other aquaculture species propagated, reared, produced, or possessed pursuant to a registration or permit issued under the Michigan aquaculture development act are not the property of the state and may be taken, produced, purchased, acquired, lawfully exported or imported, or possessed only in compliance with that act.

(3) The department shall consider a registration under the Michigan aquaculture development act as equivalent to a game fish breeders license for purposes of obtaining a planting permit under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 200, Imd. Eff. May 17, 1996.

Popular name: Act 451

Popular name: NREPA

324.48702a Definitions; obstruction or interference in lawful taking of aquatic species; prohibited conduct.

Sec. 48702a. (1) As used in this section and section 48702b:

(a) "Aquatic species" means fish, reptiles, mollusks, crustacea, minnows, wigglers, and amphibians of the class amphibia.

(b) "Take" and "taking" mean to fish for by any lawful method, catch, kill, capture, trap, or shoot any species of fish, reptiles, amphibians, mollusks, wigglers, or crustacea, regulated by this part, or to attempt to engage in any such activity.

(c) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water.

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

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

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

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

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

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

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

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

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

(h) Interjects himself or herself into the area where nets, fishing lines, or traps may be placed by a person lawfully taking aquatic species.

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

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

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

History: Add. 1996, Act 315, Eff. July 1, 1996.

Compiler's note: Enacting Section 3 of Act 315 of 1996, which provided:

"Section 3. This amendatory act shall not take effect unless Senate Bill No. 964 of the 88th Legislature is enacted into law."

Popular name: Act 451

Popular name: NREPA

324.48702b Violation of MCL 324.48702a.

Sec. 48702b. (1) Upon petition of an aggrieved person or a person who reasonably may be aggrieved by a violation of section 48702a, a court of competent jurisdiction, upon a showing that a person was engaged in and threatens to continue to engage in illegal conduct under section 48702a, may enjoin that conduct.

(2) A person who violates section 48702a is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$500.00 or more than \$1,000.00, or both, and the costs of prosecution. A person who violates section 48702a a second or subsequent time is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not less than \$1,000.00 or more than \$2,500.00, or both, and the costs of prosecution. In addition to the penalties provided for in this subsection, any permit or license issued by the department authorizing the person to take aquatic species shall be revoked. A prosecution under this subsection does not preclude prosecution or other action under any other criminal or civil statute.

(3) Section 48702a does not apply to a peace officer while the peace officer performs his or her lawful duties.

History: Add. 1996, Act 318, Eff. July 1, 1996.

Popular name: Act 451

Popular name: NREPA

SUBPART II FISHING DEVICES

324.48703 Fishing means or device; lines; hooks; tip-up or similar device; spear, bow and arrow, or crossbow; order to regulate nets.

Sec. 48703. (1) An individual shall not take, catch, or kill or attempt to take, catch, or kill a fish in the waters of this state with a grab hook, snag hook, or gaff hook, by the use of a set or night line or a net or firearm or an explosive substance or combination of substances that have a tendency to kill or stupefy fish, or by any other means or device other than a single line or a single rod and line while held in the hand or under immediate control, and with a hook or hooks attached, baited with a natural or artificial bait while being used for still fishing, ice fishing, casting, or trolling for fish, which is a means of the fish taking the bait or hook in the mouth. An individual shall not use more than 3 single lines or 3 single rods and lines, or a single line and a single rod and line, and shall not attach more than 6 hooks on all lines. The commission may decrease the number of rods per angler. However, the commission shall not reduce the number of rods per angler to less than 2. For the purposes of this part, a hook is a single, double, or treble pointed hook. A hook, single, double,

or treble pointed, attached to a manufactured artificial bait is counted as 1 hook. The commission may designate waters where a treble hook and an artificial bait or lure having more than 1 single pointed hook must not be used during the periods the commission designates.

(2) An individual shall not set or use a tip-up or other similar device for the purpose of taking fish through the ice unless the name and address of the individual owning the tip-up or other similar device is marked in legible English on the tip-up or other similar device or securely fastened to it by a plate or tag.

(3) The commission may issue an order to regulate the taking of fish with a spear, bow and arrow, or crossbow in the waters of this state.

(4) The commission may issue an order to regulate the taking of fish with nets in the waters of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2008, Act 291, Imd. Eff. Oct. 6, 2008;—Am. 2012, Act 245, Imd. Eff. July 2, 2012;—Am. 2012, Act 471, Imd. Eff. Dec. 27, 2012;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48703a Sport fishing; regulation by commission; issuance of orders; providing copy of order to legislature; appropriation.

Sec. 48703a. (1) The legislature finds and declares that aquatic invasive species, including Asian carp, represent a significant threat to the state's fisheries, aquatic resources, outdoor recreation and tourism economies, and public safety.

(2) The commission has the exclusive authority to regulate sport fishing under this part. The commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the regulation of sport fishing under this part. The commission may take testimony from department personnel, independent experts, and others, and review scientific literature and data, among other sources, in support of the commission's duty to use principles of sound scientific management. The commission shall issue orders regarding the regulation of sport fishing under this part following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission shall provide a copy of the order to each of the following:

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

(3) For the fiscal year ending September 30, 2017, there is appropriated for the department the sum of \$1,000,000.00 to implement management practices necessary for rapid response, prevention, control, or elimination of aquatic invasive species, including Asian carp. Any portion of the amount under this section that is not expended in the fiscal year ending September 30, 2017 shall not lapse to the general fund but shall be carried forward in a work project account that is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

History: Add. 2013, Act 21, Imd. Eff. May 8, 2013;—Am. 2014, Act 281, Eff. Mar. 31, 2015;—Am. 2015, Act 12, Eff. July 13, 2015;—Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016.

Compiler's note: Enacting section 1 of Act 281 of 2014 provides:

"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."

Enacting section 2 of Act 281 of 2014 provides:

"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, § 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.

In *Keep Michigan Wolves Protected v State of Michigan*, an unpublished opinion issued November 22, 2016, (Docket No. 328604), the Michigan Court of Appeals held that 2014 PA 281, which amended sections of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, is unconstitutional as it violates the title-object clause of section 24 of article IV of the state constitution of 1963.

Popular name: Act 451

Popular name: NREPA

324.48704 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed section pertained to restrictions on taking cisco with a gill net.

Popular name: Act 451

Popular name: NREPA

324.48705 Reptiles, amphibians, mollusks, and crustaceans; manner and times of taking; fishing license; taking for commercial purposes prohibited; taking for scientific or educational purposes; permit required.

Sec. 48705. (1) Reptiles, amphibians, mollusks, and crustaceans may only be taken in a manner and during those times prescribed by the commission. An individual taking, trapping, catching, or fishing for reptiles, amphibians, mollusks, or crustaceans for his or her personal use shall have a valid fishing license issued under part 435.

(2) An individual shall not take, trap, catch, or fish for reptiles or amphibians for commercial purposes.

(3) The department may issue permits under part 13 to take amphibians and reptiles at any season of the year for scientific or educational purposes. The department may revoke a permit issued under this subsection.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2018, Act 36, Imd. Eff. Feb. 21, 2018;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48706 Seines or nets; prohibited use near dams; definition.

Sec. 48706. Except as otherwise provided by law, a person shall not fish with any kind of seines or nets within a radius of 100 feet of or from any dam, frighten or hinder fish from the free passage up or down a fish chute or ladder, or place any obstruction or device in or across any race, stream, or river in this state in a manner that obstructs the free passage of fish up and down the race, stream, or river. For the purpose of this part, a dam is an artificial barrier or obstruction placed in a river or stream in this state which changes the natural elevation of the water level more than 2 feet.

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

Popular name: Act 451

Popular name: NREPA

324.48707 Lamprey control weir; prohibited waters for fishing.

Sec. 48707. A person shall not fish within a distance of 100 feet upstream or downstream from a lamprey control weir installed by the department or the United States fish and wildlife service and designated by the department.

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

Popular name: Act 451

Popular name: NREPA

324.48708 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed section pertained to restrictions on smelt nets.

Popular name: Act 451

Popular name: NREPA

324.48709 Dam or barrier; destruction or interference prohibited.

Sec. 48709. A person shall not destroy or attempt to destroy, or interfere with in any manner, any artificial dam or barrier placed in a trout stream under the direction of the department.

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

Popular name: Act 451

Popular name: NREPA

324.48710 Applicability of part to gaff, landing net, person propagating fish, or fish caught by device.

Sec. 48710. This part does not prohibit the use of a gaff, except on or along trout streams, or a landing net to assist in landing fish already caught by a lawful device. This part does not apply to an individual engaged in the business of propagating fish under part 459 or to fish caught by a device for which a lawful permit or license is obtained from the department under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2018, Act 36, Imd. Eff. Feb. 21, 2018;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48711 Possession of fishing devices; prohibition; confiscation; exceptions; evidence; certain controls not affected.

Sec. 48711. An individual shall not have in his or her possession any net, set lines, jack or other artificial light of any kind, dynamite, giant powder, or other explosive substance or combination of substances, hook and line, or any other contrivance or device to be used for the purpose of taking fish in violation of this part or any other act or part. Any such property, contrivance, or device found in the possession of an individual or found in a boat, boathouse, or any other place on any of the waters of this state or along the shores of the waters of this state must be confiscated and disposed of in the manner provided by law. An individual shall not have a gaff in his or her possession on or along any trout stream in this state or use, except from June 1 to Labor Day, on any trout stream a single hook of any kind that is more than 3/8 inches between the point of the hook and the shank. This section does not prohibit the use or possession of minnow seines, minnow traps, or dip nets as provided in section 48730 or the use and possession of seines, nets, spears, or artificial lights for the use of which a lawful permit or license has been issued by the department. Commercial anglers who have licenses to take fish in the Great Lakes may have in their possession nets or hook lines for that purpose only. In prosecutions for the violations of this section, and in proceedings for the confiscation of the property described in this section, the possession of any such property, contrivance, or device or, when not found in possession of any individual, the presence of any such property in a boat, boathouse, or any other place on the waters of this state or along the shores of the waters of this state is prima facie evidence that the property is owned, possessed, or used for the purpose of violating this part. The possession of any such property, contrivance, or device on the waters of this state that are closed to all fishing during the closed season on or along those waters is prima facie evidence that the property is owned, possessed, or used for the purpose of violating this part. This act or any other act does not apply to the department in its program in fisheries management or in the control of aquatic vegetation by individuals under permit issued by the department when, in the opinion of the department, that control is not inimical to the public interest.

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

324.48712 Fishing in propagating beds prohibited; exception.

Sec. 48712. An individual shall not catch any fish or attempt to catch any fish in any manner in any lake, stream, or pond or portion of any lake, stream, or pond that is used by the state or federal government for the propagation of fish, except in the portion or portions of the lake, stream, or pond designated by the commission as open to fishing.

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

324.48713 Fishing to remove eggs prohibited.

Sec. 48713. A person shall not catch any game or nongame fish in any manner in any lake, stream, or pond or in the Great Lakes for the purpose of removing its eggs.

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

Popular name: Act 451

Popular name: NREPA

324.48714 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed section pertained to a commercial fishing guide.

Popular name: Act 451

Popular name: NREPA

324.48714a Sport fishing guide; license requirements; commercial forestland prohibition; revocation; monthly reports; failure to file penalties; exhibition of license upon demand; violations; civil fines; definitions.

Sec. 48714a. (1) Beginning March 1, 2024, an individual shall not act as a sport fishing guide on an inland

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lake or stream, as that term is defined in section 30101, unless that individual possesses both of the following:

- (a) A valid license issued under subsection (2).
- (b) A valid fishing license.

(2) To obtain a license to act as a sport fishing guide, an individual shall submit the application fee described in section 48714b and an application to the department. The application must be in a format determined by the department. The department shall grant a license to an individual only if the department determines all of the following:

(a) That the individual holds a valid certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or a comparable organization as approved by the department, and that the individual can provide to the department, upon request, a copy of the certification.

(b) The individual has a valid, lawfully obtained Michigan driver license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or a sportcard issued under section 43522.

(c) The individual has not been convicted of any of the following within the past 3 years:

(i) A violation of any of the following:

- (A) Section 40112.
- (B) Section 40118(2), (3), (4), (5), (6), (14), (15), (16), or (17).
- (C) Section 41105.
- (D) Section 44524.
- (E) Section 48738(2) or (3).
- (F) Section 48739(1), (2), or (3).

(ii) Any felony.

(iii) A violation of a law of a participating state substantially corresponding to a violation described in subparagraphs (i) to (ii).

(d) The individual is eligible to purchase a license for the fish species for which the individual is acting as a sport fishing guide.

(e) Unless the individual indicates in writing to the department that sport fishing guiding activities will occur without the use of a watercraft, the individual has either a valid state pilot's license issued by the department under section 44510 or a valid captain's license issued by the United States Coast Guard.

(3) An individual shall not act as a sport fishing guide unless that individual, when acting as a sport fishing guide, carries a basic first aid kit that includes, but is not limited to, all of the following:

- (a) Tourniquet, chest seals, and compression gauze.
- (b) CPR mask.
- (c) Trauma shears.
- (d) Sterile eyewash.
- (e) Mylar emergency blanket.
- (f) Bandages.
- (g) Moleskin.
- (h) Tweezers.

(4) An individual shall not act as a sport fishing guide on commercial forestland.

(5) A license issued under this section is valid for 3 years after the date it is issued. The department shall allow an individual to obtain a public boating access entry pass required under section 78105(3) with any sport fishing guide license issued under this section for each year that the sport fishing guide license is valid. The department may revoke a license under this section, after notice and opportunity for hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for either of the following reasons:

(a) The department determines that an individual is not eligible to hold a license under this section.

(b) The individual provides false information under this section.

(6) A sport fishing guide shall file monthly reports to the department, in a format determined by the department, that contain information related to all of the following:

(a) The species of fish for which the individual acted as a sport fishing guide.

(b) The number of clients that the sport fishing guide had for each fishing trip and the number of hours fished for each fishing trip.

(c) The number of fish caught and released and the number of fish harvested by the clients of the sport fishing guide.

(d) The bodies of water where the individual acted as a sport fishing guide.

(e) Any additional information the department requires regarding the fishing activity or biological characteristics of the fish caught and released or harvested.

(f) For any month that the guide did not act as a sport fishing guide, a report stating that the individual did not act as a sport fishing guide during that month.

(7) If an individual fails to file a monthly report under subsection (6) and that report remains unfiled for more than 90 days after the date it is due, the individual is subject to the following:

(a) For a first violation, a \$100.00 civil fine.

(b) For a second violation, a \$200.00 civil fine.

(c) For a third violation, a \$500.00 civil fine.

(d) For a fourth violation, after notice and an opportunity for hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a revocation of the individual's license under this section.

(8) Information submitted in reports under subsection (6) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) The department shall annually post on its website all of the following:

(a) The number of applications submitted under subsection (2) in the previous year.

(b) The number of licenses issued under this section in the previous year.

(c) A list of individuals who have valid licenses under this section.

(10) An individual shall carry that individual's sport fishing guide license and shall exhibit the license upon the demand of a conservation officer, a peace officer, a tribal conservation officer, a park and recreation officer if sport fishing guiding takes place on property regulated under part 741 or 781, or the owner or occupant of any land where the individual is acting as a sport fishing guide.

(11) An individual who acts as a sport fishing guide without a valid license issued under this section or who acts as a sport fishing guide on commercial forestland is subject to a civil fine of not more than \$500.00. An individual who acts as a sport fishing guide without a valid license issued under this section or who acts as a sport fishing guide on commercial forestland a second or subsequent time is subject to a civil fine of not more than \$1,000.00. A civil fine collected under this subsection or subsection (7) must be deposited in the game and fish protection account established in section 2010.

(12) An individual who provides false information to the department under this section is subject to a civil fine of not more than \$500.00 and the costs of prosecution.

(13) As used in this section:

(a) "Consideration" means an economic benefit, inducement, right, or profit, including monetary payment accruing to an individual or person. Consideration does not include a voluntary sharing of the actual expenses of the guiding activity, by monetary contribution or donation of fuel, food, beverage, or other supplies.

(b) "Participating state" means that term as defined in section 1615.

(c) "Sport fishing guide" means an individual who, for a fee or other consideration, provides assistance to another individual in pursuing, capturing, catching, killing, taking, or attempting to take fish. Sport fishing guide does not include any of the following:

(i) An employee or member of an organization conducting a not-for-profit activity to recruit, retain, or promote fishing, while providing assistance to another individual in taking fish during that activity.

(ii) The owner of private land while providing assistance to another individual in pursuing, capturing, catching, killing, taking, or attempting to take fish on that private land.

(iii) An individual who complies with subsection (2)(c) and who is working under the direct supervision of a licensed sport fishing guide. As used in this subparagraph, "direct supervision" means that visual and vocal contact is constantly maintained between the individual and the licensed sport fishing guide.

History: Add. 2023, Act 220, Eff. Feb. 20, 2024.

Popular name: Act 451

Popular name: NREPA

324.48714b Application fee for sport fishing guide license; public boating access entry pass fee.

Sec. 48714b. (1) Except as otherwise provided in this section, the department shall charge a resident applying for a sport fishing guide license under section 48714a an application fee of \$150.00. The department shall charge a nonresident applying for a sport fishing guide license under section 48714a an application fee of \$300.00. The operator of a charter boat licensed under part 445 is not required to pay an application fee under this section. Money collected under this section must be deposited in the game and fish protection account established in section 2010.

(2) If an individual elects to obtain a public boating access entry pass with the sport fishing guide license under section 48714a, the department shall charge that individual a \$300.00 fee. Money collected for a public boating access entry pass under this section must be deposited in the waterways account established in section

2035.

History: Add. 2023, Act 220, Eff. Feb. 20, 2024.

Popular name: Act 451

Popular name: NREPA

SUBPART III OPEN SEASONS

324.48715-324.48720 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed sections pertained to and open and closed seasons based on location and fish species.

Popular name: Act 451

Popular name: NREPA

324.48721 Possession limits of fish.

Sec. 48721. (1) The commission shall issue an order under part 411 establishing possession limits of fish consistent with this section. An individual shall not possess more than the daily possession limit or aggregate daily possession limit, as applicable, of fish at the place where the fish were taken or in route from that place to either of the following:

(a) His or her automobile or other principal means of land transportation.

(b) His or her residence or temporary place of lodging.

(2) In addition to 1 day's possession limit of fish, an individual may possess an additional 2 days' possession limit of fish that are processed by any of the following methods:

(a) Canning in a sealed container.

(b) Curing by smoking or drying.

(c) Freezing in a solid state.

(3) An individual's processed fish aboard a vessel, on the water or at dockside, are considered to be in the individual's possession for the purposes of subsection (2).

(4) An individual shall not possess a fish illegally taken.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2010, Act 30, Eff. Apr. 1, 2011;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48722 Game fish; carried as open hand baggage; transportation.

Sec. 48722. A resident or nonresident who holds an unexpired fishing license issued in his or her name may carry as open hand baggage not more than 1 day's legal catch of fish. However, any person holding an unexpired fishing license may obtain only 1 permit from the department authorizing that person to ship 1 day's legal catch of any species of game fish or combination of species. The catch of 2 or more licensed anglers may be combined in a single package. However, the permit of each angler whose catch is combined in the package shall be attached to the package.

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

Popular name: Act 451

Popular name: NREPA

324.48723 Purchase, sale, transportation or possession of certain fish prohibited; exceptions.

Sec. 48723. A person shall not purchase, buy, or sell, attempt to purchase, buy, or sell, transport to any point outside of this state at any time, or possess during the periods in which the taking or catching of the fish is prohibited, any species of fish taken on a sport fishing license or any species of fish taken without a commercial fishing license. Any lawfully taken fish may be possessed for 60 days after the close of the respective open seasons. A person possessing a nonresident fishing license may take from this state a day's legal catch of fish in accordance with his or her license. This section does not apply to or conflict with the possession, sale, or transportation of fish taken legally under the commercial fishing laws and regulations of this state.

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

Popular name: Act 451

Popular name: NREPA

324.48724 "Fish cleaning station" defined; license to purchase, sell, or exchange anything of value for raw or unprocessed salmon eggs; prohibited conduct; compliance with requirements; selling or buying chemically treated salmon eggs; violation; order; injunctive relief.

Sec. 48724. (1) As used in this section, "fish cleaning station" means an operation or location used to clean salmon for sport fishers.

(2) Except as provided in subsection (3)(c), a person shall not purchase, sell, or otherwise exchange anything of value for raw or unprocessed salmon eggs unless the person is licensed pursuant to section 47333 and the sale, purchase, or exchange of the raw or unprocessed salmon eggs is made with another person who is also licensed pursuant to section 47333.

(3) A person who operates or is the agent of an operator of a fish cleaning station shall not do any of the following:

(a) Accept raw or unprocessed salmon eggs except from whole salmon, known as salmon in the round, or eggs salvaged from salmon cleaned at the station.

(b) Operate a fish cleaning station that sells raw or unprocessed salmon eggs without a current and valid permit issued by the department.

(c) Buy, barter, or otherwise exchange anything of value for raw or unprocessed salmon eggs. This subdivision does not prohibit the operator of a fish cleaning station or his or her agents from exchanging the service of cleaning salmon in exchange for the eggs in the salmon's carcasses or from charging a fee for cleaning salmon.

(d) Buy or sell salmon carcasses taken by a person licensed under part 435.

(4) A person issued a permit to operate a fish cleaning station shall comply with all of the following requirements:

(a) Raw or unprocessed salmon eggs may only be collected and stored at the location of the fish cleaning station specified in the permit.

(b) The fish cleaning station shall be licensed in accordance with the food processing act of 1977, Act No. 328 of the Public Acts of 1978, being sections 289.801 to 289.810 of the Michigan Compiled Laws, and operated in compliance with the Michigan food law of 1968, Act No. 39 of the Public Acts of 1968, being sections 289.701 to 289.727 of the Michigan Compiled Laws, only when the salmon eggs or salmon, or both, are sold or given to another person for human consumption.

(c) Disposal of offal and unwanted salmon carcasses shall be in a manner approved by the local health department.

(d) A permit holder shall accept from sport fishers all salmon carcasses that are brought to the station and shall hold and dispose of them and their offal only in a manner approved by the local health department.

(e) As a condition of his or her permit, a permit holder whose fish cleaning station is located on state owned land shall provide free access to the fish cleaning station facilities to anglers who wish to use the facilities to clean their own salmon catch.

(5) This section shall not be construed to prohibit the selling or buying of chemically treated salmon eggs in the form of spawn sacks or spawn bags.

(6) If the department finds that a person is in violation of this section or a permit issued under this section, the department may issue an order requiring the person to comply with the permit. In addition to the penalties provided for in this part, the department or its agent, the attorney general, or a person may seek injunctive relief for a violation of this section or a permit issued under this section.

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

Popular name: Act 451

Popular name: NREPA

324.48725 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48726 Repealed. 2008, Act 291, Imd. Eff. Oct. 6, 2008.

Compiler's note: The repealed section pertained to adoption of orders relating to harvesting of salmon and trout.

Popular name: Act 451

Popular name: NREPA

324.48727 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed section pertained to snagging fish and management of fisheries on Pere Marquette river.

Popular name: Act 451

Popular name: NREPA

SUBPART IV

MINNOWS

324.48728 Definitions.

Sec. 48728. As used in this part:

- (a) "Commercial purposes" means offering for sale, selling, giving, or furnishing to others.
- (b) "Crayfish" means any arthropod of the decapoda family.
- (c) "Minnows" means chubs, shiners, suckers, when of a size ordinarily used for bait in hook and line fishing, dace, stonerollers, muddlers, and mudminnows.
- (d) "Wigglers" means Mayfly nymphs or any other aquatic insect nymphs or larvae.

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

Popular name: Act 451

Popular name: NREPA

324.48729 Prohibited conduct; exception for charter fishing guide.

Sec. 48729. (1) Except as otherwise provided in subsection (2), a person shall not do any of the following:

(a) Take or possess minnows, wigglers, or crayfish for commercial purposes from any of the waters over which this state has jurisdiction; import minnows, wigglers, or crayfish for commercial purposes from outside of this state; or transport minnows, wigglers, or crayfish without having first procured a license as provided in section 48732. A license, except a license to fish in the waters of this state as provided in part 435, is not required of persons taking minnows, wigglers, or crayfish for their individual use for bait. A person shall not set or use minnow traps for the taking of minnows, wigglers, or crayfish for any purpose unless the name and address of the user is on the trap.

(b) Export out of this state any minnows, wigglers, or crayfish, dead or alive, taken either in or outside of this state unless that person holds a permit issued under this subdivision. The department, upon receipt of a payment of \$500.00, may issue a permit, revocable by the department with reason, under any regulations the department prescribes, to any person licensed as provided for in section 48732, enabling that person to transport outside of this state minnows, wigglers, or crayfish. A person holding a permit as provided in this subdivision shall provide a monthly report in a manner and format determined by the department that includes, but is not limited to, the quantity of exported minnows, wigglers, or crayfish by species that were taken from waters over which this state has jurisdiction. Imported wholesale minnows, wigglers, and crayfish must be held separately from any minnows, wigglers, or crayfish taken from waters over which this state has jurisdiction. A person holding a permit as provided in this subdivision and transporting wholesale minnows, wigglers, or crayfish shall produce documentation that contains the origin of the shipment, registration or permit copies, documentation demonstrating the shipment's destination, and any other proof required by the department, upon demand of the director or a law enforcement officer. The department may revoke a permit issued under this subdivision upon good cause. A permit issued under this subdivision expires on December 31 following the date the license is issued unless the license is revoked before that date.

(c) Use or attempt to use live goldfish or carp for bait in fishing.

(d) Offer for sale or use lamprey for bait in fishing.

(e) Take, possess, or transport minnows, wigglers, or crayfish for commercial purposes from any of the waters over which this state has jurisdiction unless the taker is a resident of this state and holds a permit or license as required by law.

(2) A person who operates as a charter fishing guide on either the Great Lakes or the inland waters of this state may transport and possess minnows, wigglers, and crayfish for exclusive use by their clients as bait while on a fishing trip without an additional permit or license if that person has purchased the minnows, wigglers, or crayfish from a wholesale or retail outlet that holds a permit or license as provided in section 48732 to take, possess, or transport minnows, wigglers, or crayfish for commercial purposes. A person who operates as a charter fishing guide that purchases and provides live minnows, wigglers, or crayfish to their clients, must retain a receipt showing the quantity purchased and the wholesale or retail establishment the minnows, wigglers, or crayfish were purchased from and must possess and present that receipt upon request of a peace officer until the minnows, wigglers, or crayfish are no longer in possession of that person. A person

who operates as a charter fishing guide may not sell or furnish minnows, wigglers, or crayfish for any other purpose outside the context described in this subsection without having first procured a license as provided in section 48732.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2012, Act 337, Imd. Eff. Oct. 16, 2012;—Am. 2018, Act 643, Eff. Mar. 28, 2019;—Am. 2022, Act 30, Imd. Eff. Mar. 15, 2022.

Popular name: Act 451

Popular name: NREPA

324.48730 Powers of department.

Sec. 48730. (1) The department may designate the lakes and streams and parts of lakes and streams from which minnows, wigglers, and crayfish may be taken for commercial purposes and make rules, regulations, and restrictions for taking, possessing, and transporting minnows, wigglers, and crayfish.

(2) A person shall not take or attempt to take minnows, wigglers, or crayfish for commercial purposes from any waters of the state not designated by the department or violate any of the rules, regulations, or restrictions established pursuant to this section.

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

Popular name: Act 451

Popular name: NREPA

324.48731 Minnow seines; glass or wire traps; hand nets; hook and line; dip nets.

Sec. 48731. (1) Except as otherwise provided in this subsection, minnow seines of not more than 125 feet in length and 16 feet in width may be used in the Great Lakes and their connecting waterways and in the inland lakes, streams, and rivers of this state. Minnows may only be taken from trout streams during open season with glass or wire traps. Minnow seines shall not be used in trout streams at any time.

(2) Hand nets not exceeding 8 feet square without sides or walls, minnow traps not exceeding 2 feet in length, minnow seines not exceeding 12 feet in length and 4 feet in width, and hook and line may be used for taking minnows for personal use in any of the waters designated by the department, as provided in section 48730. However, a person shall not take minnows in trout streams with hand or dip nets.

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

Popular name: Act 451

Popular name: NREPA

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
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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