

**SENATE BILL NO. 769**

October 22, 1997, Introduced by Senators MC MANUS and GAST  
and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 47315, 47330, 47331, and 47362 (MCL  
324.47315, 324.47330, 324.47331, and 324.47362), as added by 1995  
PA 57, and by adding section 47330a; and to repeal acts and parts  
of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 47315. The department may take fish OR ISSUE PERMITS  
2 TO TAKE FISH in any manner, in any of the waters mentioned in  
3 this part, at any ~~and all seasons~~ SEASON of the year, for the  
4 purpose of fish culture, FISHERIES ASSESSMENT, FISHERIES UTILIZA-  
5 TION, FISHERIES MANAGEMENT, and scientific investigation. ~~THE~~  
6 DEPARTMENT may have and hold ripe and unripe fish in order to  
7 take spawn from the fish ~~AND~~ may sell all of those ripe and  
8 unripe fish. ~~and may devote the proceeds of the sales~~

1 ~~exclusively toward defraying the expenses incurred in taking the~~  
2 ~~fish and fertilizing and planting the spawn from the fish.~~

3       Sec. 47330. (1) The department, when application is made by  
4 any person ~~in accordance with~~ UNDER section 47329, shall issue  
5 the license provided for in this part upon payment by the appli-  
6 cant, if a resident of this state, of the following fees:

7       (a) For fishing with ~~set hook lines or nets, with or with-~~  
8 ~~out a boat not exceeding 16 feet in overall length, or a boat~~  
9 used in sport trolling for lake trout for hire, \$16.00 per year.  
10 ~~Any person using more than a single crew consisting of not more~~  
11 ~~than 4 people in fishing nets or hooks under the ice shall secure~~  
12 ~~a license for each crew member.~~ The department, upon proper  
13 application, shall issue with each license to fish nets or set  
14 hook lines ~~under the ice~~ 4 identification cards bearing the  
15 number of the license and the year for which issued. Each member  
16 of a single crew engaged in the setting, lifting, or pulling of  
17 nets, set hook lines, or other devices, set under the ice under  
18 authority of the license, shall carry the card on his or her  
19 person at all times while so engaged and upon demand of any  
20 ~~conservation~~ PEACE officer shall exhibit the card. Minnow  
21 seines and dip nets are exempt from this section.

22       (b) For each rowboat, sailboat, powerboat, motorboat, steam-  
23 boat, or scow used in catching, ~~killing,~~ taking, or transport-  
24 ing fish caught with nets ~~, OR set hook lines, or trolling~~  
25 ~~rigs,~~ \$3.00 per foot overall length, and \$1.00 per ton addi-  
26 tional for each ton over 10 gross tons. A license is not  
27 required for a scow used only in transporting nets. Each license

1 for a boat propelled by sail, steam, gas, or other mechanical  
2 power entitles the licensee to operate a rowboat not exceeding 16  
3 feet in overall length. Each rowboat shall bear the same identi-  
4 fication as the boat for which the license is issued and shall be  
5 used only while attending the boat. A resident person shall not  
6 pay less than ~~-\$50.00 or more than \$200.00~~ \$100.00 on any 1 boat  
7 in any 1 license year.

8 (C) FOR EACH NET OR SET HOOK LINE ON A LICENSE ISSUED BY THE  
9 DEPARTMENT AS AUTHORIZED BY SECTION 47302(2)(D), THE FOLLOWING:

10 (i) FOR EACH POUND NET OR TRAP NET AS DESCRIBED IN  
11 SECTION 47309(F) OR (H) FOR USE IN THE FOLLOWING WATERS, THE FOL-  
12 LOWING FEE:

13	LAKE HURON.....	\$100.00
14	LAKE MICHIGAN.....	\$100.00
15	LAKE SUPERIOR.....	\$25.00.

16 (ii) FOR EACH POUND NET OR TRAP NET AS DESCRIBED IN  
17 SECTION 47309(G) OR (I) FOR USE IN THE FOLLOWING WATERS, THE FOL-  
18 LOWING FEE:

19	LAKE HURON.....	\$30.00
20	LAKE MICHIGAN.....	\$10.00
21	LAKE SUPERIOR.....	\$10.00.

22 (iii) FOR EACH 1,000 FEET OF GILL NET AS DESCRIBED IN  
23 SECTION 47309(B) FOR USE IN THE FOLLOWING WATERS, THE FOLLOWING  
24 FEE:

25	LAKE HURON.....	\$15.00
26	LAKE MICHIGAN.....	\$15.00

1 LAKE SUPERIOR..... \$10.00.  
2 (iv) FOR EACH 1,000 FEET OF GILL NET AS DESCRIBED IN  
3 SECTION 47309(M) FOR USE IN LAKE HURON, \$5.00.  
4 (v) FOR EACH 1,000 FEET OF SEINE NET AS DESCRIBED IN  
5 SECTION 47309(K) FOR USE IN THE FOLLOWING WATERS, THE FOLLOWING  
6 FEE:  
7 LAKE HURON.....\$10.00  
8 LAKE ERIE..... \$35.00.  
9 (vi) FOR EACH 1,000 SET HOOKS FOR USE IN LAKE HURON,  
10 \$15.00.  
11 (D) THE FEE FOR EACH LICENSE ISSUED UNDER THIS SECTION FOR  
12 VESSELS, NETS, AND SET HOOKS COMBINED SHALL BE AT LEAST \$250.00  
13 PER YEAR.  
14 (2) For a nonresident of this state, the fee shall be 5  
15 times the fee required of a resident ~~in accordance with~~ UNDER  
16 the schedule prescribed in this section. A license ~~under sec-~~  
17 ~~tion 47329~~ PROVIDED FOR UNDER THIS PART shall not be issued to a  
18 nonresident for fishing in Lake Erie and Lake Huron except at the  
19 discretion of the department.  
20 (3) For the purpose of this part, a nonresident is any  
21 person who has not actually resided in this state for 3 years  
22 immediately prior to the date of application for a license, any  
23 person applying for a license for use of nets or a boat regis-  
24 tered or of record at a port outside of the state, or any firm,  
25 company, copartnership, partnership, association, or corporation  
26 ~~in which any of their~~ ANY OF THE stock, boats, nets, and  
27 fishing equipment OF WHICH has been owned by nonresident persons

1 at any time during the 3 years immediately prior to the date of  
2 application for a license.

3 (4) THE DEPARTMENT SHALL NOT ISSUE A LICENSE THAT AUTHORIZES  
4 ANY VESSELS, NETS, OR SET HOOKS FOR WHICH THE REQUIRED FEES HAVE  
5 NOT BEEN PAID.

6 (5) UNLESS A CHANGE IN THE TYPE AND AMOUNT OF NETS AND SET  
7 HOOKS IS APPROVED BY THE DEPARTMENT UNDER SECTION 47302(2), A  
8 LICENSE RENEWED FROM YEAR TO YEAR UNDER SECTION 47302(5) SHALL  
9 ONLY BE RENEWED FOR THE TYPE AND AMOUNT OF NETS AND SET HOOKS  
10 LICENSED IN THE PREVIOUS YEAR.

11 (6) THIS SECTION IS REPEALED 5 YEARS AFTER THE EFFECTIVE  
12 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

13 SEC. 47330A. (1) THE DEPARTMENT MAY ISSUE A PERMIT UNDER  
14 SECTION 47315 UPON PAYMENT OF THE FOLLOWING FEES:

15 (A) FOR EACH VESSEL USED IN CATCHING, TAKING, OR TRANSPORT-  
16 ING FISH OR PARTS OF FISH CAUGHT WITH NETS OR SET HOOK LINES,  
17 \$3.00 PER FOOT OVERALL LENGTH, AND \$1.00 PER TON FOR EACH TON  
18 OVER 10 GROSS TONS. HOWEVER, THE FEE UNDER THIS SUBDIVISION FOR  
19 ANY VESSEL IN A PERMIT YEAR SHALL BE AT LEAST \$100.00.

20 (B) FOR EACH POUND NET OR TRAP NET AS DESCRIBED IN  
21 SECTION 47309(F) OR (H) AUTHORIZED IN A PERMIT, \$400.00 IN A  
22 PERMIT YEAR.

23 (C) FOR EACH WHITEFISH TRAWL AUTHORIZED IN A PERMIT,  
24 \$9,600.00 IN A PERMIT YEAR.

25 (2) THIS SECTION IS REPEALED 5 YEARS AFTER THE EFFECTIVE  
26 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

1           Sec. 47331. (1) Upon the payment of the fee provided for in  
2 ~~section~~ SECTIONS 47330 AND 47330A, the department shall have  
3 prepared and shall issue to a person entitled to the same, a  
4 printed or written license OR PERMIT signed by the department  
5 setting forth the date of issuing the license OR PERMIT, to whom  
6 issued, the date on which it will expire, the name or number, and  
7 the kind of boat, tug, or launch, including the number of and  
8 kind of net or nets for which the license OR PERMIT was issued.  
9 ~~The department shall also issue, with the license, a suitable~~  
10 ~~tag bearing the license number and the year for which issued~~  
11 ~~which must be attached to the boat to facilitate identification.~~

12 The department, upon application and the payment of a fee of  
13 ~~\$1.00~~ \$25.00, may do 1 or more of the following:

14           (a) Permit the transfer of a license OR PERMIT to a larger  
15 or a smaller boat or to any boat, tug, or launch during a period  
16 of time that the licensed boat, tug, or launch is disabled and  
17 undergoing repairs.

18           (b) In case of the sale or the transfer of the title of any  
19 licensed OR PERMITTED boat, transfer the license to the new owner  
20 or owners. ~~However, if the sale or transfer is to a nonresident~~  
21 ~~as determined by the preceding sections, then the difference~~  
22 ~~between the fee for a resident license and a nonresident license~~  
23 ~~shall also be paid.~~

24           (c) ~~In case of the loss of a vessel~~ IF A LICENSED OR PER-  
25 MITTED VESSEL IS LOST by fire, collision, or otherwise, ~~for~~  
26 ~~which a license has been issued,~~ transfer the license OR PERMIT

1 to any similar boat to which the licensee OR PERMITTEE may  
2 acquire title.

3 (2) Whenever a license OR PERMIT is transferred to a larger  
4 boat, the difference between the fee paid for the license OR  
5 PERMIT and the fee required by this part for ~~that~~ THE LARGER  
6 boat shall also be paid. A refund shall not be made when a  
7 license OR PERMIT is transferred to a smaller boat. However, any  
8 boat to which a license OR PERMIT has been transferred as pro-  
9 vided in this section shall be used in the taking ~~,~~ OR catching  
10 ~~,~~ ~~or killing~~ of fish or in the setting or pulling of nets, set  
11 hook lines, or other commercial fishing devices, only within a  
12 radius of 50 miles of the port designated in the license OR  
13 PERMIT as originally issued, and not more than 1 license OR  
14 PERMIT shall be issued for any 1 boat in any 1 calendar year.  
15 ~~The owner of any licensed boat acquired from the estate of a~~  
16 ~~deceased licensee or as a result of bankruptcy proceedings may,~~  
17 ~~in addition to having the license transferred in his or her name,~~  
18 ~~have a port of his or her choice designated in the license.~~

19 Sec. 47362. (1) This part shall not be construed to repeal  
20 part 479.

21 (2) AS USED IN THIS PART:

22 (A) "LICENSE", "LICENSED", AND "LICENSEE" MEAN, RESPECTIVE-  
23 LY, LICENSE OR PERMIT, LICENSED OR PERMITTED, AND LICENSEE OR  
24 PERMITTEE.

25 (B) "OATH" MEANS OATH OR AFFIRMATION.