

# SENATE BILL No. 308

March 8, 2001, Introduced by Senators NORTH, YOUNG and STEIL and referred to the Committee on Hunting, Fishing and Forestry.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 48738 (MCL 324.48738), as added by 1995 PA  
57.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7       (2) A person convicted of using dynamite, nitroglycerin, OR  
8 ANY OTHER EXPLOSIVE OR OF USING lime, electricity, ~~any other~~  
9 ~~explosive substance,~~ or poison for the purpose of taking or  
10 killing fish, convicted of using nets not authorized by law for

1 taking game fish, or convicted of buying or selling game fish or  
 2 any parts of game fish is guilty of a misdemeanor ~~—~~ punishable  
 3 by imprisonment for not more than 90 days ~~—~~ or a fine of not  
 4 less than \$250.00 or more than \$1,000.00, or both.

5 (3) A person who takes or possesses sturgeon in violation of  
 6 this part, ~~or rules or orders~~ A RULE PROMULGATED UNDER THIS  
 7 PART, OR AN ORDER issued to implement this part is guilty of a  
 8 misdemeanor ~~—, punishable~~ AND SHALL BE PUNISHED by imprisonment  
 9 for not less than ~~30~~ 90 days or more than ~~180 days, or~~ 1 YEAR  
 10 AND a fine of not less than ~~\$500.00~~ \$1,000.00 or more than  
 11 ~~\$2,000.00, or both~~ \$5,000.00, and the costs of prosecution.

12 (4) If a person is convicted of a violation of this part,  
 13 ~~or rules or orders~~ A RULE PROMULGATED UNDER THIS PART, OR AN  
 14 ORDER issued to implement this part and it is alleged in the com-  
 15 plaint and proved or admitted at trial or ascertained by the  
 16 court at the time of sentencing that the person ~~had been~~  
 17 ~~previously~~ WAS convicted 3 or more times of a violation of this  
 18 part within the 5 years immediately preceding the last violation  
 19 of this part, the person is guilty of a misdemeanor ~~—~~ punish-  
 20 able by imprisonment for not more than 90 days ~~—~~ or a fine of  
 21 not more than \$1,000.00, or both, and the costs of prosecution.  
 22 This subsection does not apply to the following violations:

23 (a) Failing to possess or display a valid fishing license or  
 24 trout and salmon license issued pursuant to part 435.

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

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

2 (d) Fishing with too many lines.

3 (e) Failing to attach the person's name and address to  
4 tip-ups or minnow traps.

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

6 (5) In addition to the penalties provided in this section, a  
7 fishing license issued to a person sentenced pursuant to subsec-  
8 tions (2), (3), or (4) shall be revoked ~~—~~ and the person shall  
9 not be issued a license during the remainder of the year in which  
10 convicted or during the next 3 succeeding license years.