

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 441**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 44508, 44524, 47325, 47327, and 47333 (MCL
324.44508, 324.44524, 324.47325, 324.47327, and 324.47333),
sections 44508, 47325, and 47333 as added by 1995 PA 57, section
44524 as amended by 2012 PA 249, and section 47327 as amended by
2020 PA 385.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 44508. (1) The department may research the availability
2 of fish in the waters of this state that are utilized by charter
3 boats.

4 (2) The department shall form a catch activity committee that
5 is composed of 2 individuals from the department and 2

1 representatives from the Michigan charter boat association. The
2 catch activity committee shall do all of the following:

3 (a) ~~Develop a monthly~~ **Advise on changes to the** catch activity
4 report form that pertains to the number, type, and location of fish
5 taken from charter boats in this state.

6 (b) ~~Plan and prioritize~~ **Advise on** research **priorities**
7 concerning the information gathered pursuant to this section.

8 (3) The department shall distribute to each charter boat
9 operator in ~~this state the monthly~~ **possession of a valid**
10 **certificate of inspection, information related to any required**
11 catch activity report, ~~form developed under subsection (2), and~~
12 each charter boat operator engaged in ~~fishing~~ shall complete and
13 ~~maintain that form~~ **the required report** in the manner prescribed in
14 subsection (5).

15 (4) The department shall compile an annual report based ~~upon~~
16 **on** information contained in ~~those monthly catch activity report~~
17 ~~forms~~ **reports** submitted to the department ~~pursuant to~~ **under**
18 subsection (5). The annual report ~~shall~~ **must** not disclose the
19 identity of a charter boat operator who provides information
20 ~~pursuant to~~ **under** subsection (5).

21 (5) A charter boat operator ~~engaged in fishing~~ shall do each
22 of the following:

23 (a) Maintain on board each charter boat under ~~his or her~~ **the**
24 **operator's** control a daily record of all catch activity of that
25 charter boat for the current **and previous** calendar month.

26 (b) Make available for inspection the daily catch activity
27 records required to be maintained under this subsection ~~upon~~ **on** the
28 request of a peace officer.

29 (c) Complete a ~~monthly catch activity report form provided by~~

1 ~~the department~~ for each charter boat under ~~his or her~~ **the**
 2 **operator's** control. **All charter boat operators regulated by this**
 3 **state shall provide the department with twice-monthly catch**
 4 **activity reports, except that all charter boat operators must**
 5 **report more frequently if a consent decree, decree, federal court**
 6 **order, memorandum of understanding, or other legally binding**
 7 **agreement establishes more frequent reporting. The department may**
 8 **issue orders requiring catch activity reports to be submitted twice**
 9 **monthly and specifying the information required, consistent with**
 10 **any consent decree, decree, federal court order, memorandum of**
 11 **understanding, or other legally binding agreement.**

12 ~~(d) Sign, date, and submit to the department, on or before the~~
 13 ~~tenth day of each month, a monthly catch activity report form~~
 14 ~~completed by that charter boat operator for each charter boat under~~
 15 ~~his or her control that was engaged in fishing during the previous~~
 16 ~~month.~~

17 **(d)** ~~(e)~~ The operator of a charter boat that is used for
 18 fishing on 2 or more bodies of water within a ~~calendar month~~
 19 **reporting period** shall complete for that charter boat a separate
 20 ~~monthly catch activity report form~~ for each body of water fished,
 21 and shall ~~sign, date, and submit each form~~ **report** to the department
 22 in the manner prescribed by this section.

23 **(e)** ~~(f)~~ If a charter boat operator ~~engaged in fishing in~~
 24 **possession of a valid certificate of inspection issued under**
 25 **section 44507** does not submit to the department a ~~completed monthly~~
 26 **the required** catch activity report ~~form~~ within 30 days after **being**
 27 **notified** that ~~form is required to be delivered to the department,~~
 28 ~~the department shall notify that charter boat operator of his or~~
 29 ~~her noncompliance with this section. If a charter boat operator~~

1 ~~engaged in fishing fails to return a completed monthly catch~~
2 ~~activity report form for a vessel within 60 days after that form is~~
3 ~~required to be delivered to the department, **the report is**~~
4 **delinquent**, the department may revoke the state certificate of
5 inspection issued for that vessel.

6 Sec. 44524. (1) ~~A~~**Except as otherwise provided in this**
7 **section**, a person who violates this part or a rule promulgated
8 under this part is guilty of a misdemeanor punishable by
9 imprisonment for not more than 1 year or a fine of not more than
10 \$1,000.00, or both.

11 (2) **A person who fails to submit catch activity reports as**
12 **required under section 44508(5)(c) and (d) is responsible for a**
13 **state civil infraction and shall be ordered to pay a civil fine as**
14 **follows:**

15 (a) **For the first violation during a calendar year, \$100.00.**

16 (b) **For a second or subsequent violation during a calendar**
17 **year, \$200.00.**

18 (3) **If a person fails to submit catch activity reports for 2**
19 **or more reporting periods, and has been cited by the department for**
20 **each violation, the department shall not authorize the person to**
21 **operate a charter boat until the delinquent reports are submitted**
22 **to the department.**

23 (4) ~~(2)~~**When a vessel is operated in violation of section**
24 **44502, 44509, or 44516(1) or (2), the vessel may be seized as**
25 **evidence, and upon conviction of the owner, the vessel may be**
26 **condemned and confiscated in the same manner as provided for under**
27 **part 16.**

28 (5) ~~(3)~~**A peace officer may issue an appearance ticket to any**
29 **person violating this part or a rule promulgated under this part.**

1 Sec. 47325. **(1)** ~~Every~~**A** person taking fish for the market in
2 any of the waters mentioned in this part shall keep an accurate
3 report of each day's catch ~~upon forms furnished in a format~~
4 **determined** by the department. ~~of the number of pounds of each kind~~
5 ~~of fish taken, of the locality fished, of the kind and amount of~~
6 ~~fishing gear employed, of the length of time (number of nights)~~
7 ~~each unit of gear employed fished without being lifted, of the kind~~
8 ~~and amount of spawn taken, of the kind and amount of caviar taken,~~
9 ~~and of such other data as the biologists may require in following~~
10 ~~the trend of the fisheries, and shall each month report, under oath~~
11 ~~when requested, the above data to the department. Any person whose~~
12 ~~report for the last preceding month is not received by the~~
13 ~~department at its office in Lansing, Michigan, on or before the~~
14 ~~fifteenth day of the month following, is delinquent, and notice to~~
15 ~~that effect shall be mailed to the delinquent person by the~~
16 ~~department. Failure to submit a report within 30 days after the~~
17 ~~close of the month for which a report is required shall be~~
18 ~~considered as intent to violate this section.~~ **The department may**
19 **issue orders requiring catch activity reports to be submitted twice**
20 **monthly and specifying the information required, consistent with**
21 **any consent decree, decree, federal court order, memorandum of**
22 **understanding, or other legally binding agreement. Catch activity**
23 **reports must be submitted twice monthly to the department, except**
24 **that all commercial fishers must report more frequently if a**
25 **consent decree, decree, federal court order, memorandum of**
26 **understanding, or other legally binding agreement establishes more**
27 **frequent reporting.**

28 **(2)** A person who fails to submit a report required under this
29 section is responsible for a state civil infraction and shall be

1 ordered to pay a civil fine as follows:

2 (a) For the first violation during a calendar year, \$100.00.

3 (b) For a second or subsequent violation during a calendar
4 year, \$200.00.

5 (3) The license of any person who fails to submit reports for
6 2 or more ~~months, reporting periods,~~ and who has been ~~duly notified~~
7 ~~by the department each following month as provided in this section,~~
8 **cited by the department for each violation,** may be suspended by the
9 department until ~~such time as the delinquent reports are submitted~~
10 to the department. The boat and nets for which a license is
11 suspended shall not be used for commercial fishing by any person
12 until the suspension has been lifted and the license restored. **A**
13 **person shall not sell or transfer ownership of a license suspended**
14 **by the department until the suspension has been lifted and the**
15 **license restored.** ~~However, any~~ **A** person who fails to make the
16 report or reports as described in this section ~~shall~~ **must** be denied
17 a new license or a renewal of ~~his or her~~ **that person's** license
18 until this part has been complied with. ~~Any person engaged in~~
19 ~~fishing operations shall submit a monthly form to the department~~
20 ~~regardless of whether fishing was discontinued for 1 or more~~
21 ~~months, noting the facts.~~

22 Sec. 47327. A person who violates sections 47301 to ~~47325,~~
23 **47324,** for the first offense, is guilty of a misdemeanor punishable
24 by imprisonment for not more than 30 days or a fine of not less
25 than \$25.00 or more than \$100.00, or both, and the costs of
26 prosecution. ~~For the~~ **A person who violates sections 47301 to 47324**
27 **a second or a subsequent offense, time,** if charged as a second or
28 subsequent offense in the complaint, ~~the person is~~ guilty of a
29 misdemeanor punishable by imprisonment for not more than 90 days or

1 a fine of not less than \$50.00 or more than \$100.00, or both, and
2 the costs of prosecution.

3 Sec. 47333. (1) ~~Every~~**A** person who deals in fish by operating
4 a wholesale fish market or fish house, or who solicits the purchase
5 of or buys fish for wholesale distribution, shall secure a license
6 from the department. Each license ~~shall expire~~**expires** on December
7 31, and the fee for the license is \$5.00.

8 (2) A person holding a license under ~~the provisions of this~~
9 section shall not transport or cause to be transported, or deliver
10 or receive for transportation, any package or parcel containing any
11 fish or carcass or part of any fish or carcass unless the package
12 or parcel is labeled in plain English on the address side of the
13 package or parcel so as to disclose the name and address of the
14 consignor, the name and address of the consignee, and the number of
15 pounds of each kind of fish contained in the package or parcel.

16 (3) ~~Any~~**A** person licensed under this section may, at any time,
17 sell, purchase, or barter, or have in ~~his or her~~**the person's**
18 possession or under ~~his or her~~**the person's** control for the purpose
19 of sale or barter, any commercial fish. However, ~~the provisions of~~
20 **person shall comply with** section 47319 ~~shall at all times. be~~
21 ~~observed.~~ **Each A person licensed under this section** shall keep a
22 separate record of the purchase of fish in a form as required by
23 the department. ~~The record shall at all times be open to inspection~~
24 ~~by the department.~~

25 (4) **A person licensed under this section shall submit reports**
26 **of all purchases of fish to the department in a format determined**
27 **by the department. The department may issue orders requiring**
28 **purchase reports to be submitted twice monthly and specifying the**
29 **information required, consistent with any consent decree, decree,**

1 federal court order, memorandum of understanding, or other legally
2 binding agreement. Purchase reports must be submitted twice monthly
3 to the department, except that all commercial fish wholesalers must
4 report more frequently if a consent decree, decree, federal court
5 order, memorandum of understanding, or other legally binding
6 agreement establishes more frequent reporting.

7 (5) A wholesale fish dealer that fails to submit a complete
8 record as required under this section is responsible for a state
9 civil infraction and subject to the following fines:

10 (a) For the first violation during a license year, \$100.00.

11 (b) For a second or subsequent violation during a license
12 year, \$200.00.

13 (6) If a wholesale fish dealer fails to submit 2 or more
14 records required under this section and has been cited by the
15 department for each violation, the department may suspend the
16 person's wholesale fish dealer license until the delinquent reports
17 are submitted to the department. The department shall send
18 notification of the suspension to the wholesale fish dealer.

19 (7) The department shall deny a new wholesale fish dealer
20 license or renewal of a wholesale fish dealer license to a person
21 that fails to submit a record required under this section until the
22 record is submitted.

23 (8) A person shall not falsify any information contained in a
24 record required under this section.

25 (9) The department shall not issue a wholesale fish dealer
26 license to a person that would occupy the same business location as
27 a wholesale fish dealer whose license is suspended.