

# SENATE BILL NO. 441

June 28, 2023, Introduced by Senators SHINK, CHANG and BAYER and referred to the Committee on Natural Resources and Agriculture.

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

1 boats.

2 ~~(2) The department shall form a catch activity committee that~~  
3 ~~is composed of 2 individuals from the department and 2~~  
4 ~~representatives from the Michigan charter boat association. The~~  
5 ~~catch activity committee shall do all of the following:~~

6 ~~(a) Develop a monthly catch activity report form that pertains~~  
7 ~~to the number, type, and location of fish taken from charter boats~~  
8 ~~in this state.~~

9 ~~(b) Plan and prioritize research concerning the information~~  
10 ~~gathered pursuant to this section.~~

11 ~~(2) (3)~~The department shall distribute to each charter boat  
12 operator in this state the **monthly possession of a valid**  
13 **certificate of inspection, information related to any required**  
14 catch activity report, ~~form developed under subsection (2), and~~  
15 each charter boat operator engaged in fishing shall complete and  
16 maintain that form **the required report** in the manner prescribed in  
17 subsection ~~(5)~~. **(4)**.

18 ~~(3) (4)~~The department shall compile an annual report based  
19 ~~upon~~ **on** information contained in ~~those monthly catch activity~~  
20 ~~report forms~~ **reports** submitted to the department ~~pursuant to~~ **under**  
21 subsection ~~(5)~~. **(4)**. The annual report ~~shall~~ **must** not disclose the  
22 identity of a charter boat operator who provides information  
23 ~~pursuant to~~ **under** subsection ~~(5)~~. **(4)**.

24 ~~(4) (5)~~A charter boat operator engaged in fishing shall do  
25 each of the following:

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

29 (b) Make available for inspection the daily catch activity

1 records required to be maintained under this subsection ~~upon~~**on** the  
2 request of a peace officer.

3 (c) Complete a ~~monthly~~ catch activity report ~~form~~ provided by  
4 ~~the department~~ for each charter boat under ~~his or her~~ **the**  
5 **operator's** control. **The department shall determine the manner,**  
6 **frequency, and information contained in a catch activity report.**

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

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

18 (e) ~~(f)~~If a charter boat operator ~~engaged in fishing in~~  
19 **possession of a valid certificate of inspection issued under**  
20 **section 44507** does not submit to the department a ~~completed monthly~~  
21 **the required** catch activity report ~~form~~ within 30 days after **being**  
22 **notified** that ~~form is required to be delivered to the department,~~  
23 ~~the department shall notify that charter boat operator of his or~~  
24 ~~her noncompliance with this section. If a charter boat operator~~  
25 ~~engaged in fishing fails to return a completed monthly catch~~  
26 ~~activity report form for a vessel within 60 days after that form is~~  
27 ~~required to be delivered to the department,~~**the report is**  
28 **delinquent,** the department may revoke the state certificate of  
29 inspection issued for that vessel.

1           Sec. 44524. (1) ~~A~~ **Except as otherwise provided in this**  
2 **section, a** person who violates this part or a rule promulgated  
3 under this part is guilty of a misdemeanor punishable by  
4 imprisonment for not more than 1 year or a fine of not more than  
5 \$1,000.00, or both.

6           (2) **A person who fails to submit catch activity reports as**  
7 **required under section 44508(4)(c) and (d) is responsible for a**  
8 **state civil infraction and shall be ordered to pay a civil fine as**  
9 **follows:**

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

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

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

18           (4) ~~(2)~~ **When a vessel is operated in violation of section**  
19 **44502, 44509, or 44516(1) or (2), the vessel may be seized as**  
20 **evidence, and upon conviction of the owner, the vessel may be**  
21 **condemned and confiscated in the same manner as provided for under**  
22 **part 16.**

23           (5) ~~(3)~~ **A peace officer may issue an appearance ticket to any**  
24 **person violating this part or a rule promulgated under this part.**

25           Sec. 47325. (1) ~~Every~~ **A** person taking fish for the market in  
26 any of the waters mentioned in this part shall keep an accurate  
27 report of each day's catch ~~upon forms furnished in a format~~  
28 **determined** by the department. ~~of the number of pounds of each kind~~  
29 ~~of fish taken, of the locality fished, of the kind and amount of~~

1 ~~fishing gear employed, of the length of time (number of nights)~~  
 2 ~~each unit of gear employed fished without being lifted, of the kind~~  
 3 ~~and amount of spawn taken, of the kind and amount of caviar taken,~~  
 4 ~~and of such other data as the biologists may require in following~~  
 5 ~~the trend of the fisheries, and shall each month report, under oath~~  
 6 ~~when requested, the above data to the department. Any person whose~~  
 7 ~~report for the last preceding month is not received by the~~  
 8 ~~department at its office in Lansing, Michigan, on or before the~~  
 9 ~~fifteenth day of the month following, is delinquent, and notice to~~  
 10 ~~that effect shall be mailed to the delinquent person by the~~  
 11 ~~department. Failure to submit a report within 30 days after the~~  
 12 ~~close of the month for which a report is required shall be~~  
 13 ~~considered as intent to violate this section. **The department may**~~  
 14 **issue orders to specify the information required in each report and**  
 15 **the frequency at which reports must be submitted to the department.**

16 (2) A person who fails to submit a report required under this  
 17 section is responsible for a state civil infraction and shall be  
 18 ordered to pay a civil fine as follows:

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

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

22 (3) The license of any person who fails to submit reports for  
 23 2 or more months, **reporting periods**, and who has been ~~duly notified~~  
 24 ~~by the department each following month as provided in this section,~~  
 25 **cited by the department for each violation**, may be suspended by the  
 26 department until ~~such time as the delinquent reports are submitted~~  
 27 to the department. The boat and nets for which a license is  
 28 suspended shall not be used for commercial fishing by any person  
 29 until the suspension has been lifted and the license restored. **A**

1 **person shall not sell or transfer ownership of a license suspended**  
2 **by the department until the suspension has been lifted and the**  
3 **license restored.** ~~However, any~~ **A** person who fails to make the  
4 report or reports as described in this section shall ~~must~~ be denied  
5 a new license or a renewal of ~~his or her~~ **that person's** license  
6 until this part has been complied with. ~~Any person engaged in~~  
7 ~~fishing operations shall submit a monthly form to the department~~  
8 ~~regardless of whether fishing was discontinued for 1 or more~~  
9 ~~months, noting the facts.~~

10 Sec. 47327. A person who violates sections 47301 to ~~47325,~~  
11 **47324**, for the first offense, is guilty of a misdemeanor punishable  
12 by imprisonment for not more than 30 days or a fine of not less  
13 than \$25.00 or more than \$100.00, or both, and the costs of  
14 prosecution. ~~For the~~ **A person who violates sections 47301 to 47324**  
15 **a second or a subsequent offense, time**, if charged as a second or  
16 subsequent offense in the complaint, ~~the person~~ is guilty of a  
17 misdemeanor punishable by imprisonment for not more than 90 days or  
18 a fine of not less than \$50.00 or more than \$100.00, or both, and  
19 the costs of prosecution.

20 Sec. 47333. (1) ~~Every~~ **A** person who deals in fish by operating  
21 a wholesale fish market or fish house, or who solicits the purchase  
22 of or buys fish for wholesale distribution, shall secure a license  
23 from the department. Each license ~~shall expire~~ **expires** on December  
24 31, and the fee for the license is \$5.00.

25 (2) A person holding a license under ~~the provisions of this~~  
26 section shall not transport or cause to be transported, or deliver  
27 or receive for transportation, any package or parcel containing any  
28 fish or carcass or part of any fish or carcass unless the package  
29 or parcel is labeled in plain English on the address side of the

1 package or parcel so as to disclose the name and address of the  
2 consignor, the name and address of the consignee, and the number of  
3 pounds of each kind of fish contained in the package or parcel.

4 (3) ~~Any~~ **A person licensed under this section** may, at any time,  
5 sell, purchase, or barter, or have in ~~his or her~~ **the person's**  
6 possession or under ~~his or her~~ **the person's** control for the purpose  
7 of sale or barter, any commercial fish. However, the ~~provisions of~~  
8 **person shall comply with** section 47319 ~~shall at all times. be~~  
9 ~~observed. Each~~ **A person licensed under this section** shall keep a  
10 separate record of the purchase of fish in a form as required by  
11 the department. ~~The record shall at all times be open to inspection~~  
12 ~~by the department.~~

13 (4) **A person licensed under this section shall submit reports**  
14 **of all purchases of fish to the department in a format determined**  
15 **by the department. The department may issue orders to specify the**  
16 **information required in each report and the frequency at which**  
17 **reports are submitted to the department.**

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

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

22 (b) **For a second or subsequent violation during a license**  
23 **year, \$200.00.**

24 (6) **If a wholesale fish dealer fails to submit 2 or more**  
25 **records required under this section and has been cited by the**  
26 **department for each violation, the department may suspend the**  
27 **person's wholesale fish dealer license until the delinquent reports**  
28 **are submitted to the department. The department shall send**  
29 **notification of the suspension to the wholesale fish dealer.**

1           (7) The department shall deny a new wholesale fish dealer  
2 license or renewal of a wholesale fish dealer license to a person  
3 that fails to submit a record required under this section until the  
4 record is submitted.

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

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