

Act No. 239
Public Acts of 2023
Approved by the Governor
November 29, 2023
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November 30, 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Shink, Chang and Bayer

ENROLLED SENATE BILL No. 441

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” 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:

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

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

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

(b) Advise on research priorities concerning the information gathered pursuant to this section.

(3) The department shall distribute to each charter boat operator in possession of a valid certificate of inspection, information related to any required catch activity report, and each charter boat operator shall complete the required report in the manner prescribed in subsection (5).

(4) The department shall compile an annual report based on information contained in catch activity reports submitted to the department under subsection (5). The annual report must not disclose the identity of a charter boat operator who provides information under subsection (5).

(5) A charter boat operator shall do each of the following:

(a) Maintain on board each charter boat under the operator’s control a daily record of all catch activity of that charter boat for the current and previous calendar month.

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

(c) Complete a catch activity report for each charter boat under the operator’s control. All charter boat operators regulated by this state shall provide the department with twice-monthly catch activity reports, except that all charter boat operators must report more frequently if a consent decree, decree, federal court order,

memorandum of understanding, or other legally binding agreement establishes more frequent reporting. The department may issue orders requiring catch activity reports to be submitted twice monthly and specifying the information required, consistent with any consent decree, decree, federal court order, memorandum of understanding, or other legally binding agreement.

(d) The operator of a charter boat that is used for fishing on 2 or more bodies of water within a reporting period shall complete for that charter boat a separate catch activity report for each body of water fished, and shall submit each report to the department in the manner prescribed by this section.

(e) If a charter boat operator in possession of a valid certificate of inspection issued under section 44507 does not submit to the department the required catch activity report within 30 days after being notified that the report is delinquent, the department may revoke the state certificate of inspection issued for that vessel.

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

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

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

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

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

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

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

Sec. 47325. (1) A person taking fish for the market in any of the waters mentioned in this part shall keep an accurate report of each day's catch in a format determined by the department. The department may issue orders requiring catch activity reports to be submitted twice monthly and specifying the information required, consistent with any consent decree, decree, federal court order, memorandum of understanding, or other legally binding agreement. Catch activity reports must be submitted twice monthly to the department, except that all commercial fishers must report more frequently if a consent decree, decree, federal court order, memorandum of understanding, or other legally binding agreement establishes more frequent reporting.

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

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

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

(3) The license of any person who fails to submit reports for 2 or more reporting periods, and who has been cited by the department for each violation, may be suspended by the department until the delinquent reports are submitted to the department. The boat and nets for which a license is suspended shall not be used for commercial fishing by any person until the suspension has been lifted and the license restored. A person shall not sell or transfer ownership of a license suspended by the department until the suspension has been lifted and the license restored. A person who fails to make the report or reports as described in this section must be denied a new license or a renewal of that person's license until this part has been complied with.

Sec. 47327. A person who violates sections 47301 to 47324, for the first offense, is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not less than \$25.00 or more than \$100.00, or both, and the costs of prosecution. A person who violates sections 47301 to 47324 a second or a subsequent time, if charged as a second or subsequent offense in the complaint, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50.00 or more than \$100.00, or both, and the costs of prosecution.

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

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

(3) A person licensed under this section may, at any time, sell, purchase, or barter, or have in the person's possession or under the person's control for the purpose of sale or barter, any commercial fish. However, the person shall comply with section 47319 at all times. A person licensed under this section shall keep a separate record of the purchase of fish in a form as required by the department.

(4) A person licensed under this section shall submit reports of all purchases of fish to the department in a format determined by the department. The department may issue orders requiring purchase reports to be submitted twice monthly and specifying the information required, consistent with any consent decree, decree, federal court order, memorandum of understanding, or other legally binding agreement. Purchase reports must be submitted twice monthly to the department, except that all commercial fish wholesalers must report more frequently if a consent decree, decree, federal court order, memorandum of understanding, or other legally binding agreement establishes more frequent reporting.

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

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

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

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

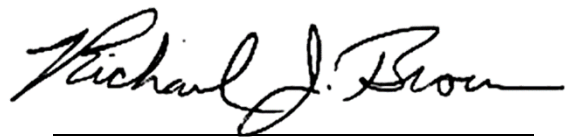
(7) The department shall deny a new wholesale fish dealer license or renewal of a wholesale fish dealer license to a person that fails to submit a record required under this section until the record is submitted.

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

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



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor