

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Damoose and Filler

ENROLLED HOUSE BILL No. 4149

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 section 48738 (MCL 324.48738), as amended by 2020 PA 385.

The People of the State of Michigan enact:

Sec. 48738. (1) An individual who violates this part or rules or orders issued to implement this part, if a penalty is not otherwise provided for that violation in this section, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(2) An individual who uses dynamite, nitroglycerin, any other explosive substance, lime, electricity, or poison for the purpose of taking or killing fish, who uses nets not authorized by law for taking game fish, or who buys or sells game fish or any part of game fish is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$250.00 or more than \$1,000.00, or both.

(3) An individual who takes or possesses sturgeon in violation of this part or rules or orders issued to implement this part is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not less than \$500.00 or more than \$2,000.00, or both, and the costs of prosecution.

(4) An individual who knowingly violates section 48735(2) or (4), or a rule or permit issued under section 48735(2) or (4), with respect to a genetically engineered variant of a fish species is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$250,000.00, or both. In addition, the individual is liable for any damages to the natural resources resulting from the violation, including, but not limited to, costs incurred to prevent or minimize the damages.

(5) An individual who does either of the following is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$150.00:

- (a) Fails to attach the individual’s name and address to tip-ups in violation of section 48703(2).
- (b) Fishes with more than the authorized number of lines in violation of section 48703(1).

(6) If an individual is convicted of a violation of this part or a rule promulgated or order issued under this part and it is alleged in the complaint and proved or admitted at trial or ascertained by the court at the time of sentencing that the individual has been previously convicted 3 or more times of a violation of this part within the

5 years immediately preceding the last violation of this part, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both, and the costs of prosecution. This subsection does not apply to the following violations:

- (a) Failing to possess or display a valid fishing license issued under part 435.
- (b) Taking or possessing an overlimit of bluegill, sunfish, crappie, perch, or nongame fish.
- (c) Taking or possessing not more than 5 undersized fish.
- (d) Fishing with more than the authorized number of lines.
- (e) Failing to attach the individual's name and address to tip-ups or minnow traps.
- (f) Fishing with lines not under immediate control.

(7) In addition to the penalties provided in this section, a fishing license issued to an individual sentenced under subsection (2), (3), (4), or (6) must be revoked, and the individual must not be issued a license during the remainder of the year in which convicted or during the next 3 succeeding license years.

(8) Subject to subsection (9), if any permit or license under this part is ordered to be suspended or revoked under section 41309 and if the department maintains a database of suspensions or revocations of permits or licenses under this part, the department shall not issue a permit or license under this part to the individual for the period provided in the order.

(9) If a permit or license under this part is ordered to be suspended under section 41309, the suspension remains in effect until both of the following occur:

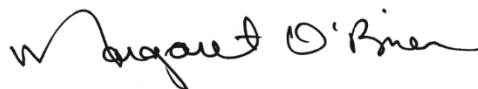
- (a) The suspension period set forth in the court order has elapsed.
- (b) The individual pays the department a reinstatement fee of \$125.00.

(10) Unless an individual's permit or license is otherwise suspended, revoked, or denied, the permit or license is immediately reinstated on satisfaction of the requirements of subsection (9).

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor