

State of Wisconsin



1997 Senate Bill 181

Date of enactment: April 27, 1998
Date of publication*: May 11, 1998

1997 WISCONSIN ACT 189

AN ACT to amend 29.33 (1) and 29.33 (7) of the statutes; relating to: establishment of species harvest limits and allotment of individual licensee catch quotas among holders of commercial fishing licenses and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.33 (1) of the statutes is amended to read:

29.33 (1) LICENSE AUTHORIZED. Any person desiring to conduct commercial fishing operations on any of the outlying waters shall first obtain a commercial fishing license. The department may limit the number of licenses issued under this section and designate the areas in the outlying waters under the jurisdiction of this state where commercial fishing operations shall be restricted. The After giving due consideration to the recommendations made by the commercial fishing boards under sub. (7), the department may establish species harvest limits and promulgate rules to establish formulas for the allocation of the species harvest limits among commercial fishing licensees or for the allotment of individual licensee catch quotas. The department may allocate the harvest limits among commercial fishing licensees. The department may designate the kind, size and amount of gear to be used in the harvest. The limitations on licenses, restricted fishing areas, harvests and gear shall be based on the available harvestable population of fish and in the wise use and conservation of the fish so as to prevent overexploitation. The department may promulgate rules defining the qualifications of licensees in the reasonable exer-

cise of this authority, giving due consideration to residency, past record including compliance with the reporting requirements of sub. (5), fishing and navigation ability and quantity and quality of equipment possessed. Rules relating to licensing commercial fishers shall be based on criteria provided by the commercial fishing boards under sub. (7). The application for the license shall be made to the department on a blank provided for that purpose, accompanied by the fee specified in s. 29.092 (7). The application shall state the name, birthdate, description and residence of the applicant, the manner in which he or she proposes to fish, the name or number and overall length of his or her boats, the name of the hailing port from which the boats will operate, and the number and kind of nets or other gear he or she intends to use in connection with commercial fishing and any other information required by the department for statistical purposes. The applicant shall provide an itemized listing of commercial fishing gear and equipment with the current values of those items of commercial fishing equipment, sufficient to meet the investment requirements for licensing as established in rules promulgated under this section. "Overall length" means the minimum distance between the extreme outside end of the bow and the stern using the nearest whole number of feet. The license shall be issued in accordance with s. 29.09. No out-

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

lying waters commercial fishing license may be issued to a person under the age of 18 years.

SECTION 2. 29.33 (7) of the statutes is amended to read:

29.33 (7) COMMERCIAL FISHING BOARDS. The Lake Superior and Lake Michigan commercial fishing boards established under s. 15.345 (2) and (3) shall review and consider applications for a transfer of license under this section and shall approve or deny applications on the basis of rules promulgated by the department. The boards shall ~~establish criteria~~ recommend to the department species harvest limits and formulas for the allotment of individual licensee catch quotas ~~and shall allot the catch quotas~~ when the department establishes species ~~harvests~~ harvest limits for allocation among licensees. The boards shall assist the department in establishing criteria for identifying inactive licensees. The criteria established for identifying inactive licensees shall be the basis for

rules governing the issuance of licenses. The boards may also advise the department on all other commercial fishing matters relating to Lake Michigan and Lake Superior.

SECTION 3t. Nonstatutory provisions.

(1) EXISTING CRITERIA. For the purpose of implementing the rule-making authority in the department of natural resources under section 29.33 (1) of the statutes, as affected by this act, to establish formulas for the allocation of the species harvest limits among commercial fishing licensees or for the allotment of individual licensee catch quotas, the criteria for the allotment of individual licensee catch quotas established by the Lake Superior commercial fishing board and the Lake Michigan commercial fishing board under section 29.33 (7), 1995 stats., that are in effect on the day before the effective date of this subsection shall become rules of the department of natural resources on the effective date of this subsection.