



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 288
[2005 Assembly Bill 581]

Regulation of Commercial Fishing

The Department of Natural Resources (DNR) regulates commercial fishing under current statutes. 2005 Wisconsin Act 288 makes a variety of changes in the statutes relating to licensing and recordkeeping requirements for wholesale fish dealers and commercial fishers, inspection of wholesale fish dealer and commercial fishing records and premises, commercial fishing boats, periods when commercial fishers may fish on Green Bay, fees, seizure of certain fishing devices, establishment of a commercial fish reporting system, and a number of other provisions. The following are the key provisions of Act 288:

Wholesale fish dealers. The requirement for tagging a lake trout with a tag issued by DNR is eliminated. The requirement for a wholesale fish dealer to label boxes containing any fish with the name, address, and license number of the consignor is eliminated, and replaced by a requirement that the box be accompanied by an invoice with the necessary information. Wholesale fish dealers must use a vehicle that is marked so as to identify the vehicle's ownership and confirm that it contains fish when fish are transported, although this requirement does not apply when transporting fish from the boat to a processing facility. The Act creates a new requirement for an annual inventory of Great Lakes fish that the wholesale fish dealer must undertake and provide to the DNR. The inventory must describe fish that are in the dealer's possession and control at the time the inventory is prepared, including fish in cold storage facilities. The Act requires a wholesale fish dealer to retain all records for at least five years. The DNR is required to keep confidential the value or weight of any fish listed in the records upon request of the wholesale fish dealer. The wholesale fish dealer is required to produce all records relating to the fish at the request of the DNR, within 24 hours of the request, for inspection or copying. The DNR is prohibited from issuing a wholesale fish dealer license or renewing a license for any person who is convicted of violating the statute that requires production of records.

Commercial fishing. The Act allows DNR to permit the transfer of a license for a commercial fishing boat to a different boat. The time when commercial fishers may fish on Green Bay is changed from the period beginning one hour after sunset and ending three hours after sunrise to the "nighttime." Commercial fishers are required to maintain records for at least five years and to notify the DNR

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

annually of the location of the records. The DNR is required to maintain confidentiality of the records upon written request of a commercial fisher. A commercial fishing licensee is required to prepare an annual inventory of Great Lakes fish in the licensee's possession and control at the time the inventory is prepared, including fish in cold storage facilities. The statutes that authorize DNR to enter and inspect buildings in which fish and records are kept are clarified. A commercial fisher is required to produce all records within 24 hours after a request by the DNR.

Sale of trout or salmon eggs. Eggs from trout and salmon that are not farm-raised fish may be sold or purchased if the eggs are removed from the whole fish in the presence of the buyer.

Searches and seizures. The Act modifies the current statutes related to access to storage places where any wild animals or their carcasses are kept, to clarify that the search may be undertaken if the department or its wardens have reasonable cause to believe that the wild animal is possessed or was taken in violation of the law, and to require that the owner or occupant of the storage place must permit the DNR to examine and copy records pertaining to the storage of any wild animal either when the owner or occupant is present or upon 24 hours' notice. The statute regarding seizures of nets and similar fishing devices is amended to require the owner to reimburse the DNR for costs associated with the seizure, and imposes a forfeiture of not more than \$1,000 in addition to reimbursement costs if the owner fails to reimburse the DNR.

Penalties. The Act establishes a minimum fine of \$1,000 for possessing fish in violation of the statutes, if the value of the fish exceed \$300 but do not exceed \$1,000, in addition to the maximum fine under current statutes of \$5,000 or imprisonment for not more than 30 days. The Act modifies the method for determining the value of fish. The Act deletes the mandatory revocation of fishing and fish dealing licenses upon a second conviction; the court continues under current statutes to have authority to revoke all hunting and fishing licenses for a period of up to three years. The Act imposes a commercial fish protection surcharge and a Great Lakes resource surcharge that are in addition to the penalties for violations of statutes related to taking and possessing Great Lakes fish, and places the amount of any surcharges received in a fund for research relating to Great Lakes fish.

Commercial fish reporting systems. The DNR is required to establish a commercial fish reporting system that includes information about any person who has committed a certain number of violations of statutes as determined by DNR and any person who harvests a specified amount over the annual quota or who fail to report a specified excess catch or other violations.

Effective Date: April 21, 2006.

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