

IC 14-22-14

Chapter 14. Commercial Fishing License for Lake Michigan

IC 14-22-14-1

"Commercial fishing" defined

Sec. 1. As used in this chapter, "commercial fishing" means the taking of fish by means of commercial fishing gear.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-2

"Commercial fishing gear" defined

Sec. 2. As used in this chapter, "commercial fishing gear" means fishing equipment, including boats, nets, and other equipment, used to take fish from Lake Michigan to sell at wholesale or retail.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-3

"Commercial fishing license" defined

Sec. 3. As used in this chapter, "commercial fishing license" refers to a commercial fishing license issued under this chapter.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-4

"Lake Michigan" defined

Sec. 4. As used in this chapter, "Lake Michigan" refers to the waters of Lake Michigan that are within Indiana.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-5

License requirement

Sec. 5. A person must have a commercial fishing license to take fish from Lake Michigan with commercial fishing gear.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-6

Conditions

Sec. 6. To be eligible to hold a commercial fishing license, the following conditions must be met:

- (1) If the person is not a corporation, all individuals comprising the person must be residents of Indiana.
- (2) If the person is a corporation, the corporation must be an Indiana corporation and all shareholders in the corporation must be residents of Indiana.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-7

Renewal powers of department

Sec. 7. The department may renew a commercial fishing license, but may not issue an original commercial fishing license.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-8

Classes of licenses

Sec. 8. Commercial fishing licenses are designated as follows:

- (1) Class 1.
- (2) Class 2.
- (3) Class 3.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-9

Expiration, renewal, or reservation; report on yellow perch

Sec. 9. (a) A commercial fishing license:

- (1) expires December 31 of the year for which the license was issued or reserved;
- (2) may be renewed or reserved annually; however, if an application to renew or reserve a license is not received by the department before February 1 of the year following the expiration or reserved period of the license, the license may not be renewed, reserved, or reinstated;
- (3) that is reserved is inactive and may not be used, merged, transferred, or converted during the reserved year; and
- (4) may be reserved for one (1) year for a fee of twenty-five dollars (\$25).

(b) The department shall report annually to the natural resources committees of the house of representatives and the senate for the purpose of updating the status of yellow perch in Lake Michigan as it affects sport and commercial fishing and fishermen in Indiana.

As added by P.L.1-1995, SEC.15. Amended by P.L.136-1997, SEC.5.

IC 14-22-14-10

Renewal fees

Sec. 10. The renewal fees for commercial fishing licenses are as follows:

- (1) Class 1, three thousand dollars (\$3,000).
- (2) Class 2, six thousand dollars (\$6,000).
- (3) Class 3, nine thousand dollars (\$9,000).

As added by P.L.1-1995, SEC.15.

IC 14-22-14-11

Transfer of licenses

Sec. 11. Except as provided under section 9 of this chapter, and subject to section 12 of this chapter, a commercial fishing license may be transferred from one (1) person to another.

As added by P.L.1-1995, SEC.15. Amended by P.L.136-1997, SEC.6.

IC 14-22-14-12

Interest in more than one license

Sec. 12. (a) Except as provided in sections 13 and 14 of this chapter, a person may not hold or have an interest in more than one (1) commercial fishing license.

(b) If a person having an interest in one (1) commercial fishing

license acquires an interest in a second commercial fishing license:
(1) the second license is valid; and
(2) the person is considered to have surrendered the first license. The first license may not be reinstated.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-13

Merger of licenses

Sec. 13. A person holding a Class 1 or Class 2 license may acquire another license for the purpose of merging the licenses to form a Class 2 or Class 3 license as follows:

- (1) At the time a person holding a Class 1 license acquires another Class 1 license, the two (2) licenses merge and become a Class 2 license.
- (2) At the time a person holding:
 - (A) a Class 1 license acquires a Class 2 license; or
 - (B) a Class 2 license acquires a Class 1 license;the two (2) licenses merge and become a Class 3 license.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-14

Conversion of licenses

Sec. 14. A person holding a Class 1 license and a person holding a Class 3 license may convert the licenses to two (2) Class 2 licenses.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-15

Rules for transfer, merger, or conversion of licenses; fees

Sec. 15. (a) The commission may adopt rules to establish procedures for the:

- (1) transfer;
- (2) merger; or
- (3) exchange;

of commercial fishing licenses.

(b) The fee for processing:

- (1) a transfer;
- (2) a merger; or
- (3) an exchange;

of a commercial fishing license under this chapter is one hundred dollars (\$100).

As added by P.L.1-1995, SEC.15.

IC 14-22-14-16

Surrender and exchange of license

Sec. 16. A Class 2 or Class 3 commercial fishing license may be surrendered to the department in exchange for a Class 1 or Class 2 license. This is not considered to be the issuance of an original license.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-17

Documentation

Sec. 17. Each boat engaged in commercial fishing must carry documentation specified by rules adopted by the commission that the boat is operating under the authority of a commercial fishing license. *As added by P.L.1-1995, SEC.15.*

IC 14-22-14-18

Designation of captain

Sec. 18. (a) The holder of a commercial fishing license must, in the manner established by rules adopted by the commission, designate an individual as captain of a boat operated by the holder of a commercial fishing license. A designated captain must meet the following conditions:

- (1) Be a resident of Indiana.
- (2) Have experience as a commercial fisherman.
- (3) Possess other qualifications established by rules adopted by the commission.

(b) Except in an emergency, as defined under rules adopted by the commission, an individual who is designated as a captain by the holder of one (1) commercial fishing license may not:

- (1) be designated as a captain by; or
- (2) work for;

the holder of another commercial fishing license. Notice to the department of the emergency designation of a captain must be provided under rules adopted by the commission.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-19

Presence of captain on boat

Sec. 19. An individual designated as captain under section 18 of this chapter must be aboard each commercial fishing boat of the holder of the commercial fishing license while the boat is engaged in an activity related to commercial fishing.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-20

Powers of department to protect resources

Sec. 20. (a) The department shall regulate commercial fishing in Lake Michigan to protect the resource of fish for commercial and sport fishing.

(b) To protect the resource of fish in Lake Michigan, the department shall regulate the number of nets that may be used by persons who have been issued a commercial fishing license as follows:

- (1) Persons who have a Class 2 license are entitled to use two
- (2) times the number of nets as persons who have a Class 1 license.
- (2) Persons who have a Class 3 license are entitled to use three
- (3) times the number of nets as persons who have a Class 1

license.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-21

Rules to protect resources

Sec. 21. The commission may adopt rules to establish restrictions on the following:

- (1) Localities that may be fished.
- (2) The kind, mesh size, and quantity of fishing gear that may be used.
- (3) The quantity of fish that may be taken.
- (4) Other restrictions the commission considers necessary to protect the fishing resource in Lake Michigan.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-22

Gill nets prohibited

Sec. 22. (a) Fish may not be taken from Lake Michigan by means of a gill net.

(b) The commercial fishing license of a person who takes fish from Lake Michigan by means of a gill net:

- (1) terminates at the time of the violation; and
- (2) may not be reinstated.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-23

Records and reports

Sec. 23. (a) A person who has a commercial fishing license must keep accurate records of each day's catch showing the following:

- (1) The number of pounds of each kind of fish taken.
- (2) The locality fished.
- (3) The kind and amount of fishing gear employed.
- (4) The length of time each unit of gear was fished without being lifted.
- (5) Other information the commission considers to be relevant under this chapter.

(b) Before the sixteenth day of each month, each person holding a commercial fishing license shall report, under oath when requested to do so, all the data for the preceding month required under subsection (a) to the director upon forms furnished by the director. The reports required by this section shall be made each month whether or not any fish were taken during the preceding month. If no fish were taken, that fact shall be noted.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-24

Making reports condition of issuance of license

Sec. 24. A commercial fishing license is issued upon the condition that the licensee agrees to make all reports to the director required by the following:

- (1) This chapter.
- (2) Rules adopted under this chapter.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-25

Inadvertent noncompliance

Sec. 25. Inadvertent failure to comply with the terms of:

- (1) a license;
- (2) this chapter or IC 14-2-12 (before its repeal); or
- (3) rules adopted or orders issued under:
 - (A) IC 14-2-12 (before its repeal); or
 - (B) this chapter;

is grounds for suspension of the license for not more than one (1) year.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-26

Knowing or intentional noncompliance

Sec. 26. (a) Knowing or intentional failure to comply with the terms of:

- (1) a license;
- (2) this chapter or IC 14-2-12 (before its repeal); or
- (3) rules adopted or orders issued under:
 - (A) IC 14-2-12 (before its repeal); or
 - (B) this chapter;

is grounds for revocation of the license.

(b) A license revoked under this section may not be reinstated.

As added by P.L.1-1995, SEC.15.

IC 14-22-14-27

Implementation of chapter

Sec. 27. (a) The director may do all things necessary to carry out this chapter.

(b) The commission shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-1995, SEC.15.