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Am. Sub. S. B. No. 77

Senator Grendell

**Cosponsors: Senators Spada, Mumper, Harris, Miller, D., Niehaus, Roberts,
Sawyer, Schaffer, Schuler, Smith, Buehrer, Morano, Padgett, Miller, R.,
Wilson, Mason, Faber**

**Representatives Aslanides, Distel, Blessing, Bulp, Collier, Evans, Hagan, J.,
Mandel, McGregor, J., Patton, Schindel, Seitz**

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A B I L L

To amend sections 1531.10, 1533.34, 1533.341, 1
1533.342, 1533.35, 1533.36, 1533.42, 1533.62, 2
1533.63, 1533.631, and 1533.64 and to enact 3
sections 1533.343 and 1533.641 of the Revised Code 4
to make changes to the law governing commercial 5
fishing and to create the Ohio Lake Erie Fishing 6
Regulatory Reform Task Force to evaluate certain 7
fisheries management practices with respect to 8
Lake Erie and to make recommendations to the 9
General Assembly and the Division of Wildlife in 10
the Department of Natural Resources regarding 11
statutory, rulemaking, and regulatory changes. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1531.10, 1533.34, 1533.341, 13
1533.342, 1533.35, 1533.36, 1533.42, 1533.62, 1533.63, 1533.631, 14
and 1533.64 be amended and sections 1533.343 and 1533.641 of the 15
Revised Code be enacted to read as follows: 16

Sec. 1531.10. In accordance with Chapter 119. of the Revised Code, the chief of the division of wildlife shall adopt, and may amend and rescind, rules that are necessary for the administration and enforcement of this chapter and Chapter 1533. of the Revised Code. Each such rule shall be given publicity by advertising or otherwise as the chief considers necessary or expedient. With respect to any proposed adoption of or change to a rule that regulates the taking of commercial fish or establishes related provisions, the chief shall provide, by certified mail, notification of the proposal to each holder of a valid commercial fishing license issued under section 1533.35 of the Revised Code. As long as a rule of the division of wildlife remains in effect, a copy of it shall be included and printed in any authorized compilation of the division lawbook. All such rules shall be under the seal of the division and shall bear the signature, or a facsimile thereof, of the chief.

Sec. 1533.34. No person shall use or operate, for the purpose of taking fish, a boat, net, or device other than a minnow net or hook and line with bait or lure, in any of the waters of the state wherein fishing with nets is licensed by law, without a license for that gear from the chief of the division of wildlife. The application for a license and all licenses required by section 1533.35 of the Revised Code shall be in such form as the chief prescribes.

When a person applies to the chief for a license, the chief, ~~upon receiving the proper fees,~~ may issue the license if the person satisfies the qualifications established in division (C) of section 1533.342 of the Revised Code and the chief receives the proper fees. Upon proof of violation of this section, the chief may refuse to issue or renew any license. A license shall remain in force and entitle the holder thereof to fish as permitted by

law from the date of issuance to and including the last day of the 48
season for which the license was issued. The license shall be 49
carried by the operator of a boat, net, or other device while the 50
boat, net, or other device is being used in fishing and shall be 51
exhibited on demand to any wildlife officer, constable, sheriff, 52
deputy sheriff, or other police officer, or the chief. No licensee 53
shall fail to exhibit the license on demand to any proper officer. 54
Each boat, net, or other device used in fishing contrary to this 55
section and each net or other device used or operated without 56
having the metal license tag attached thereto as provided by law 57
constitutes a separate offense. 58

Nonresident commercial ~~fishermen~~ fishers and their fishing 59
gear shall not be licensed to fish in this state unless a 60
reciprocal agreement is in force. A resident who purchases 61
commercial fishing gear from out of state, or purchases a boat 62
that has been registered less than a year in the state, shall give 63
bona fide evidence of ownership of at least fifty-one per cent of 64
the boat or gear whenever requested to do so by the chief or ~~his~~ 65
the chief's designated representative. 66

No person shall fail to comply with any provision of this 67
section or division rules adopted pursuant thereto. 68

Sec. 1533.341. The chief of the division of wildlife with the 69
approval of the wildlife council, in managing the Lake Erie 70
fishery resources, may utilize and establish by division rule a 71
quota management system that shall consist of determining on a 72
scientific basis by species and number or pounds the maximum 73
allowable annual taking of those fishery resources or part thereof 74
in order to prevent over exploitation of any species and assure 75
the conservation and wise use of all species, and the 76
determination on an equitable basis of the distribution of that 77
maximum allowable annual taking between and within the sport and 78

commercial ~~interests~~ fisheries. 79

The chief and the council, in determining and establishing 80
the apportionment of the maximum allowable annual taking of a 81
species between the sport and commercial ~~interests~~ fisheries, 82
shall be guided by ~~the proportional sport and commercial taking of~~ 83
~~the species during the immediately preceding five years and other~~ 84
pertinent scientific, economic, and social data. 85

The chief and the council, in determining the distribution of 86
the apportionment within the commercial ~~industry~~ fishery, also 87
shall consider ~~the proportional commercial taking of the species~~ 88
~~within the commercial industry during the immediately preceding~~ 89
~~five years and other~~ pertinent scientific, economic, and social 90
data. 91

No person shall fail to comply with any quota set pursuant to 92
this section, other provisions of this section, or division rule 93
adopted pursuant thereto. 94

~~In addition to other penalties provided in the Revised Code,~~ 95
~~the license of any person who is convicted of two violations of~~ 96
~~this section that occurred within a twelve month period is~~ 97
~~suspended upon the second such conviction by operation of law for~~ 98
~~a period of sixty fishing season days immediately following that~~ 99
~~conviction.~~ 100

~~In addition to other penalties provided in the Revised Code,~~ 101
~~the license of any person who is convicted of three or more~~ 102
~~violations of this section that occurred within a twelve month~~ 103
~~period is suspended upon the third or subsequent such conviction~~ 104
~~by operation of law for a period of eighteen fishing season months~~ 105
~~immediately following that conviction.~~ 106

~~During any period of suspension, no person shall use or~~ 107
~~engage in fishing with commercial gear owned, used, or controlled~~ 108
~~at the time of conviction by the licensee whose license has been~~ 109

~~suspended.~~ 110

~~Any person whose license has been suspended or revoked by 111
operation of law pursuant to any provision of this chapter or 112
Chapter 1531. of the Revised Code is not eligible to apply for or 113
receive a new license during the period of the suspension or 114
revocation.~~ 115

No person who holds a commercial fishing license issued under 116
section 1533.35 of the Revised Code and who uses trap nets shall 117
harvest a quantity of yellow perch that is in excess of the amount 118
of yellow perch that is allocated for the person's commercial 119
fishing license in accordance with the quota set pursuant to this 120
section. In addition, no person who holds a commercial fishing 121
license and no employee of such a person shall possess at the same 122
time on a boat on the waters of Lake Erie any yellow perch that 123
have been taken from more than one statistical district 124
established under division rule for the purpose of implementing 125
the quota set pursuant to this section. 126

Sec. 1533.342. (A) The chief of the division of wildlife, 127
with the approval of the wildlife council, may limit the type and 128
number of commercial fishing licenses to be issued for fishing in 129
the Lake Erie fishing district and other water wherein nets are 130
licensed by law, except that such limitations shall not prohibit 131
any person who was issued an Ohio commercial fishing license in 132
the prior fishing season from being issued, upon satisfaction of 133
the qualifications established in division (C) of this section and 134
proper application, a license of the same type for the current 135
fishing season unless the issuance of such a license is prohibited 136
by this chapter or Chapter 1531. of the Revised Code or division 137
rule. 138

In limiting the number and type of licenses, the chief and 139
the council shall give consideration to the number and type of 140

licenses needed to harvest the fish determined to be harvestable; 141
the capacity of the boats and characteristics of the equipment 142
owned or used by the applicant; and any other facts or data 143
relating to the protection, preservation, management, and 144
utilization of fish species in a biologically sound manner. 145

(B) The chief, in prescribing forms for license applications, 146
may require the applicant to list information relating to the kind 147
and condition of boats and fishing equipment proposed to be used 148
by the applicant, port or ports of entry, years of commercial 149
fishing experience, quantity and kinds of fish taken during the 150
previous five years, conviction records relating to Chapter 1531. 151
and this chapter of the Revised Code and division rules, and any 152
other facts the chief determines necessary to assist ~~him~~ the chief 153
in determining whether or not the applicant may engage in 154
commercial fishing in accordance with those chapters and division 155
rules. All questions shall be answered fully and completely by the 156
applicant. The application shall be sworn to and signed by the 157
applicant before a person authorized to administer oaths. 158

(C) Any person, ~~other than persons licensed during the prior~~ 159
~~fishing season,~~ prior to making application for an Ohio commercial 160
fishing license, first shall satisfy the following qualifications 161
to the satisfaction of the chief: over eighteen years of age; no 162
prior conviction of or plea of guilty on or after the effective 163
date of this amendment to a felony concerning commercial fishing 164
activities for a violation of state or federal law; ninety days 165
Ohio residency immediately preceding application; two years 166
commercial fishing gear experience or holder of an Ohio commercial 167
license of another gear; and posting of a one thousand dollar 168
performance bond or cash deposit in a like amount. In the event 169
the person does not meet these pre-application qualifications or 170
does meet those qualifications, but a license is not granted, the 171
bond or cash deposit immediately shall be returned by the 172

division. In the event the person is granted a license, the bond 173
or cash deposit shall be held by the division during the term of 174
the license. 175

(D) In determining the terms and conditions of any commercial 176
fishing license, the chief, with the approval of the wildlife 177
council, may do both of the following: 178

~~(A)~~(1) Fix by species, the weight, number, or size of fish to 179
be taken; 180

~~(B)~~(2) Specify the home port and up to two alternate ports at 181
which the licensee shall land ~~his~~ the licensee's catch, as listed 182
on the licensee's application. 183

(E) Any wildlife officer, or other division employee 184
designated by the chief to inspect commercial fishing operations, 185
may enter upon any property used, owned, or leased by the holder 186
of a commercial fishing license and may inspect any boat, net, 187
seine, or other equipment used in commercial fishing; any building 188
or premises used to hold, store, repair, or build commercial 189
fishing gear or equipment; and any building or premises used in 190
boxing, storing, or processing fish. No person shall assault, 191
threaten, abuse, or interfere with any wildlife officer or 192
designated inspector when carrying out an inspection under 193
authority of this section, nor shall any person prohibit such an 194
inspection. 195

(F) No person shall fail to comply with this section or a 196
division rule adopted pursuant thereto. 197

(G) No person having been issued a commercial fishing license 198
shall fail to comply with all terms, specifications, and 199
conditions set forth in the license. 200

(H)(1) In addition to other penalties provided in the Revised 201
Code, the license of any person who is convicted of assaulting, 202
threatening, abusing, or interfering with any person inspecting by 203

authority of this section is suspended upon such conviction by 204
operation of law for a period of eighteen fishing season months 205
immediately following that conviction. 206

(2) In addition to other penalties provided in the Revised 207
Code, the license of any person who is convicted of two violations 208
of provisions of this section relating to inspection or terms and 209
conditions of any commercial fishing license that occurred within 210
a twelve-month period is suspended upon the second such conviction 211
by operation of law for a period of sixty fishing season days 212
immediately following that conviction. 213

(3) In addition to other penalties provided in the Revised 214
Code, the license of any person who is convicted of three or more 215
violations of provisions of this section relating to inspection or 216
terms and conditions of any commercial fishing licenses that 217
occurred within a twelve-month period is suspended upon the third 218
or subsequent such conviction by operation of law for a period of 219
eighteen fishing season months immediately following that 220
conviction. 221

(I) During any period of suspension, no person shall use or 222
engage in fishing with commercial gear owned, used, or controlled 223
at the time of conviction by the licensee whose license has been 224
suspended. 225

Sec. 1533.343. On and after March 1, 2008, no commercial 226
fishing licensee shall use or engage in fishing with commercial 227
gear unless the licensee uses vessel and catch monitoring devices 228
in accordance with requirements and procedures established by the 229
chief of the division of wildlife. The chief shall establish 230
requirements and procedures concerning vessel and catch monitoring 231
devices by division rule. A licensee shall pay the costs of 232
purchasing, installing, and maintaining the devices. 233

Sec. 1533.35. (A) Commercial fishing devices shall be	234
annually licensed as follows:	235
(1) Trap and fyke nets, for the first twenty nets or any	236
portion thereof, eight hundred dollars; and for each additional	237
group of ten such nets or any portion thereof, four hundred	238
dollars;	239
(2) For each seine of one hundred fifty rods or less in	240
length other than an inland fishing district seine, four hundred	241
dollars;	242
(3) For each seine over one hundred fifty rods in length	243
other than an inland fishing district seine, six hundred dollars;	244
(4) For each inland fishing district seine, one hundred	245
dollars;	246
(5) For each carp apron, one hundred dollars;	247
(6) For one trotline with seventy hooks or less attached	248
thereto, twenty dollars;	249
(7) For each trotline, or trotlines, with a total of more	250
than seventy hooks attached thereto, one hundred dollars;	251
 (8) For each dip net, one hundred dollars.	252
The license fee for other commercial fishing gear not	253
mentioned in this section, as approved by the chief of the	254
division of wildlife, shall be set by the chief with approval of	255
the wildlife council.	256
Commercial fishing gear owned or used by a nonresident may be	257
licensed in this state only if a reciprocal agreement is in effect	258
as provided for in section 1533.352 of the Revised Code.	259
All commercial license fees shall be paid upon application or	260
shall be paid one-fourth upon application with the balance due and	261
owing within ninety days of the date of application, except that	262

those license fees of one hundred dollars or less shall be paid in 263
full at the time of application. 264

(B) Royalty fees are hereby established on the following 265
species of fish when taken commercially: catfish, white bass, and 266
yellow perch. 267

The amount of the royalty fees shall be as follows: on the 268
species taken for which an allowable catch or quota has been 269
established by division rule, five cents per pound. On the species 270
taken for which an allowable catch or quota has not been 271
established by division rule, two cents per pound. 272

All royalty fees established or provided for in this section 273
shall be paid by the license holder to the division. No person may 274
be issued a commercial fishing license until all royalty fees due 275
from that person for the preceding fishing season have been paid 276
in full. The chief may request the attorney general to recover any 277
royalty fee or amount thereof that is not paid by the opening date 278
of the next fishing season, and the attorney general shall 279
commence appropriate legal proceedings to recover the unpaid fee 280
or amount. 281

All commercial fishing license moneys and all other fees 282
collected from commercial fishers shall be deposited in the state 283
treasury in accordance with section 1533.33 of the Revised Code. 284

No person shall fail to comply with any provision of this 285
section or a division rule adopted pursuant to it. 286

~~In addition to other penalties provided in the Revised Code,~~ 287
~~the license of any person who is convicted of one or more~~ 288
~~violations of this section shall be suspended upon the conviction~~ 289
~~by operation of law for a period of eighteen fishing season months~~ 290
~~immediately following the conviction.~~ 291

~~During any period of suspension, no person shall use or~~ 292
~~engage in fishing with commercial gear owned, used, or controlled~~ 293

~~at the time of conviction by the licensee whose license has been~~ 294
~~suspended.~~ 295

Sec. 1533.36. (A) No fishing license issued pursuant to 296
section 1533.32 of the Revised Code is transferable, and no 297
~~fisherman~~ fisher shall carry a license that was issued in the name 298
of another person or that does not contain the signature of the 299
agent issuing it. 300

(B) Notwithstanding any other provision in the Revised Code 301
and except as otherwise provided by division rule, a licensee 302
holding a commercial fishing license issued pursuant to section 303
1533.35 of the Revised Code may transfer that license to a person 304
holding a license issued under that section or to a person meeting 305
the qualifications set forth in section 1533.342 of the Revised 306
Code. Such a transfer is subject to all of the following 307
conditions: 308

(1) The transferred license shall not be sold, offered for 309
sale, or bartered to any person. 310

(2) The chief of the division of wildlife, with the approval 311
of the director of natural resources, shall determine if any quota 312
species of fish are transferable with the transferred license. In 313
making the determination, the chief shall use biological, social, 314
and economic data. 315

(3) The transferred license is limited to the type of 316
commercial fishing gear for which the original license was 317
issued. 318

~~(2)~~(4) The transfer does not affect any other commercial 319
fishing license privilege possessed by the transferor, ~~and the~~ 320
~~transferor, as permitted by law, may continue to renew and use any~~ 321
~~license not transferred.~~ 322

~~(3)~~(5) Application for the transfer may be made at any time 323

and shall be made simultaneously by the transferor and transferee 324
on forms provided by the division of wildlife~~+~~. 325

~~(4)~~(6) When a commercial fishing license is transferred 326
during the open commercial fishing season, the transferee may be 327
issued a license only upon receipt by the division of payment in 328
an amount equal to the annual fees set forth in section 1533.35 of 329
the Revised Code for the type of commercial fishing gear to be 330
transferred plus any unpaid fees that have not been paid by the 331
transferor at the time of transfer. The division shall not refund 332
fees previously paid by a transferor. 333

~~(5)~~(7) A commercial fishing license shall be transferred only 334
upon payment to the division of the royalty fees imposed by 335
section 1533.35 of the Revised Code that have accrued to the date 336
of transfer. Royalty fees that accrue with regard to the license 337
on or after the date of transfer are solely the responsibility of 338
the transferee. 339

~~(6)~~(8) A commercial fishing license may be transferred at any 340
time, but it shall not be transferred if the license is suspended 341
at the time transfer is sought, or if the licensee has been 342
charged with a violation that could result in license suspension~~+~~. 343

~~(7)~~(9) After determining that the transfer of a commercial 344
fishing license is proper, the chief ~~of the division of wildlife~~ 345
shall effect the transfer by revocation of the license of the 346
transferor and simultaneous issuance of the appropriate license to 347
the transferee. 348

Sec. 1533.42. Except as otherwise provided by division rule, 349
every licensee taking fish with commercial fishing gear, except a 350
trotline of seventy hooks or less, in any of the waters mentioned 351
in this chapter and Chapter 1531. of the Revised Code or division 352
rule, shall keep accurate reports for each day's catch upon forms 353
provided, and in the manner prescribed, by the chief of the 354

division of wildlife. The reports shall be open for inspection by 355
a wildlife officer at all reasonable hours. 356

Every commercial fishing licensee shall keep an accurate 357
record of each day's catch as prescribed upon a ~~monthly~~ daily 358
report form. The report shall include at least the number of 359
pounds of each kind of fish taken, the ~~locality~~ grid fished, the 360
kind and amount of fishing gear lifted, ~~the number of fishing~~ 361
~~nights~~, the number of lifts, and any other data the biologists 362
employed by the division of wildlife require in following the 363
trend of the fisheries. The licensee shall report each ~~month~~ day, 364
under oath when requested to do so, those data to the chief. 365

The daily catch data shall be recorded accurately ~~on the~~ 366
~~respective date upon a report form approved by the chief no later~~ 367
~~than twelve noon on the day following the day in which the fish~~ 368
~~were taken. The monthly report and any other report required~~ 369
~~pursuant to this section shall be submitted to the division no~~ 370
~~later than the fifteenth day of the month following the end of the~~ 371
~~calendar month in which the fish were taken~~ in a manner and on a 372
form prescribed by the chief in division rule. 373

A licensee shall contact the chief or the chief's designee 374
when the licensee is in transit to the licensee's trap nets to 375
lift, move, pull, remove, clean, or maintain the trap nets for any 376
reason and also shall contact the chief or the chief's designee 377
when returning to land with a daily catch of fish from a trap net 378
indicating the licensee's estimated time of arrival at a specific 379
port and any other information required by the chief. The licensee 380
shall contact the chief or the chief's designee by using a 381
cellular telephone, radio, or other communication device in a 382
manner prescribed by the chief. 383

No person shall fail to comply with any report procedure 384
provided for in this section, other provisions of this section, or 385
division rule adopted pursuant thereto. 386

~~In addition to other penalties provided in the Revised Code, 387
the license of any person who is convicted of two violations of 388
this section that occurred within a twelve month period is 389
suspended upon the second such conviction by operation of law for 390
a period of sixty fishing season days immediately following that 391
conviction. 392~~

~~In addition to other penalties provided in the Revised Code, 393
the license of any person who is convicted of three or more 394
violations of this section that occurred within a twelve month 395
period is suspended upon the third or subsequent such conviction 396
by operation of law for a period of eighteen fishing season months 397
immediately following that conviction. 398~~

~~During any period of suspension, no person shall use or 399
engage in fishing with commercial gear owned, used, or controlled 400
at the time of conviction by the licensee whose license has been 401
suspended. 402~~

Sec. 1533.62. The dimensions and specifications for seines 403
provided in this section shall apply except as otherwise provided 404
by division rule. 405

Carp, buffalo fish, ~~mullett~~, suckers, sheepshead, goldfish, 406
bowfin, and gizzard shad may be taken with a seine only in the 407
bays, marshes, estuaries, or inlets bordering upon, flowing into, 408
or in any manner connected with Lake Erie, except in any of these 409
waters that are in the Lake Erie fishing district where they may 410
be taken with other nets as provided in this chapter and Chapter 411
1531. of the Revised Code. The meshes of one-third of each wing of 412
such a seine, next to the brails, shall measure not less than five 413
inches stretched mesh, and the meshes of the next one-third of 414
each wing shall measure not less than four and one-half inches 415
stretched mesh. The balance of the seine shall measure not less 416
than four inches stretched mesh. All measurements shall be made on 417

the bar as provided in section 1533.52 of the Revised Code. Such 418
fish may be taken only with the seine prescribed in this section 419
in the Ottawa river, no farther up than the Ann Arbor bridge; in 420
the Maumee river, no farther up than the Toledo Cherry street 421
bridge; in the Portage river and in Portage bay, no farther up 422
than one-half mile west of the junction of the Portage and Little 423
Portage rivers; in the Sandusky river, no farther up than an 424
imaginary line running from the west point of Squaw island 425
straight across Sandusky river to Teal Pond Point, thence straight 426
south to the mainland; in Mud creek and in Mud creek bay, no 427
farther up than an imaginary line running straight across Mud 428
creek at a right angle with the course of the stream one-half mile 429
west of the Mud Creek bridge on Port Clinton road; and in the 430
Lacarbe creek, Little Portage river, Tousaint river, Turtle creek, 431
Crane Creek, and Ward's canal, no farther up than the water level 432
of Lake Erie extends in these streams. No person shall set and 433
leave stationary a seine, net, or other device that will tend to 434
interfere with the free movement of fish into or out of the mouth 435
of any stream flowing into or in any manner connected with Lake 436
Erie, wherein fishing with nets is permitted by law, or up or down 437
any section of such streams. In the Lake Erie fishing district, a 438
smaller mesh may be used in the bag of a seine, but such a small 439
mesh bag shall not exceed three hundred fifty feet in length, of 440
which two hundred feet shall be made of twine with meshes not less 441
than three inches stretched mesh, fishing measure, measured on the 442
bar as provided in section 1533.52 of the Revised Code. 443

No seine shall be used in fishing or had in possession in 444
this state of a greater length than three hundred rods. 445

This section does not permit the use of any net in any stream 446
flowing into Lake Erie east of the mouth of Sandusky bay, except a 447
minnow net as provided in section 1533.57 of the Revised Code. 448

No person shall draw, set, place, locate, or maintain any net 449

or seine except a minnow net in that portion of Sandusky bay or 450
Lake Erie lying within the area starting at the northeast end of 451
the Cedar Point jetty, thence on a line drawn straight from the 452
northeast end of Cedar Point jetty to Shafer's dock on Marblehead, 453
thence to the western extremity of Johnson's island, thence to the 454
loading dock of the Baltimore and Ohio Railroad, and back to the 455
point of origin. 456

No person shall draw, set, place, locate, or maintain any net 457
except a minnow net in that portion of Sandusky bay lying between 458
Cedar Point and the mainland and east of an imaginary line running 459
straight across Sandusky bay from the extreme west point of Cedar 460
Point to the Baltimore and Ohio elevator dock. 461

No person shall fail to comply with any provisions of this 462
section or division rule adopted pursuant thereto. 463

~~In addition to other penalties provided in the Revised Code 464
the license of any person who is convicted of two violations of 465
this section that occurred within a twelve month period is 466
suspended upon the second such conviction by operation of law for 467
a period of five fishing days immediately following that 468
conviction. 469~~

~~In addition to other penalties provided in the Revised Code 470
the license of any person who is convicted of three or more 471
violations of this section that occurred within a twelve month 472
period is suspended upon the third or subsequent such conviction 473
by operation of law for a period of twenty fishing season days 474
immediately following that conviction. 475~~

~~During any period of suspension, no person shall use or 476
engage in fishing with commercial gear owned, used, or controlled 477
at the time of conviction by the licensee whose license has been 478
suspended. 479~~

Sec. 1533.63. Except as otherwise provided by division rule, 480
no person shall take, catch, buy, sell, transport, or possess a 481
whitefish less than seventeen inches in length, a sturgeon less 482
than forty-eight inches in length, a catfish less than fourteen 483
and one-half inches in length, a yellow perch less than eight and 484
one-half inches in length, a yellow perch fillet or part fillet of 485
not less than five and five-eighths inches in length, a headless 486
yellow perch less than six and seven-eighths inches in length, a 487
white bass or white bass hybrid less than eleven inches in length, 488
a headless white bass or white bass hybrid less than eight and 489
three-fourths inches in length, a white bass or white bass hybrid 490
fillet or part thereof less than six and one-half inches in 491
length, a bullhead less than nine inches in length, or a cisco 492
less than eleven inches in length, ~~a buffalo fish less than~~ 493
~~fifteen inches in length, a sucker less than ten inches in length,~~ 494
~~or a coho less than twenty five inches in round length or~~ 495
~~twenty one and one half inches when headless.~~ All such fish caught 496
or taken of a weight or length less than that prescribed in this 497
section or as may be provided by the chief of the division of 498
wildlife immediately shall be released with as little injury as 499
possible while the net, seine, trotline, dip net, or other fishing 500
device is being lifted, pulled, or hauled. 501

No person shall release such undersized fish or species 502
protected by this chapter and Chapter 1531. of the Revised Code or 503
division rule into a privately owned pond, lake, live car, or 504
other enclosure. No person shall bring ashore, or possess aboard a 505
boat used in commercial fishing ~~when going to or returning from~~ 506
~~nets or other fishing devices,~~ a fish with its head or tail 507
removed or in such condition that its length, weight, or species 508
cannot be determined. 509

This section does not prohibit the catching, taking, or 510
possession of such undersized fish when caught or taken with hook 511

and line, other than a commercially licensed trotline, but when 512
such fish are so taken, they cannot be bought or sold. No person 513
shall possess such undersized fish or a species of fish that is 514
not permitted to be taken commercially aboard a boat when going 515
to, while on, or when returning from nets or other devices used in 516
commercial fishing. 517

No licensed commercial fishers, or person required to have a 518
commercial fishing license under section 1533.34 of the Revised 519
Code, shall take walleye, sauger, whitefish, mooneye, cisco, 520
burbot, sturgeon, and blue pike; brook, brown, rainbow, and lake 521
trout; coho, chinook, and kokanne salmon; or other species 522
protected by this chapter and Chapter 1531. of the Revised Code or 523
division rule, from Lake Erie or its tributaries or possess such 524
fish aboard a boat used in commercial fishing when going to or 525
returning from nets or other fishing devices. All such fish caught 526
or taken from a commercial fishing device immediately shall be 527
released with as little injury as possible while the fishing 528
device is being lifted, pulled, or hauled. 529

No person shall take, buy, sell, ~~barter, give away, deliver,~~ 530
~~ship,~~ transport, cause to be transported, or possess ~~any package,~~ 531
a container, or quantity, boat load, catch, or haul with more than 532
ten per cent by weight of undersized fish or any other species 533
either round ~~or,~~ filleted, or headless mentioned in this section 534
or division rule. The entire quantity of fish containing more than 535
ten per cent by weight of undersized fish shall be confiscated 536
along with its containers. No person shall buy, sell, offer for 537
sale, transport, give away, barter, or possess a fish caught or 538
taken out of season or in any manner prohibited or a fish caught 539
or taken unlawfully from waters in or outside the state. All fish 540
brought into the state from another state or country shall be 541
subject to the laws of this state. 542

All fish taken or caught from Ohio waters shall be brought 543

into an Ohio port for inspection. No person shall ship, carry, 544
transport, or cause to be transported any fish taken or caught 545
from Ohio waters directly to a point outside the state. 546

Walleye or sauger originating from outside of this state may 547
be possessed for sale, bought, or sold subject to division rule. 548

No person shall trade, buy, sell, possess, or transport for 549
sale walleye or sauger taken from waters in this state. In 550
addition, no person shall take, possess, buy, sell, deliver, 551
transport, ship, trade, or give away walleye or any part of a 552
walleye, including roe, that is taken from the Ohio waters of Lake 553
Erie or its tributaries and that is taken with the aid of a 554
commercial fishing device. 555

Each person who holds a permit under section 1533.301 or 556
1533.631 of the Revised Code shall keep accurate written records 557
in the English language of all sales and purchases of freshwater 558
fish. The records shall include the name and address of the buyer 559
and seller, the name of fish, the amount of fish in pounds, and 560
the date of sale or purchase. Records for trout, bullhead, 561
herring, whitefish, sauger, walleye, yellow perch, white bass, 562
sturgeon, and channel catfish shall be kept on forms provided by 563
the chief. In lieu of keeping the written records concerning sales 564
of freshwater fish as required under this section, a permit 565
holder, upon applying to and receiving the approval of the chief, 566
may keep the sales information required under this section on 567
normal business records, including, but not limited to, receipts 568
and invoices. All records shall be maintained for at least one 569
year and shall be open to inspection to all division of wildlife 570
officers at all reasonable hours. A buyer who purchases fish for 571
the buyer's own consumption shall not be required to keep records, 572
and persons selling fish for personal consumption shall not be 573
required to record the names and addresses of persons purchasing 574
the fish. 575

No person shall fail to comply with any provision of this 576
section or division rule adopted pursuant thereto. 577

~~In addition to other penalties provided in the Revised Code,~~ 578
~~the license of any person who is convicted of two violations of~~ 579
~~this section, other than those relating to ten per cent by weight~~ 580
~~of undersized fish, that occurred within a twelve month period, is~~ 581
~~suspended upon the second such conviction by operation of law for~~ 582
~~a period of sixty fishing season days immediately following that~~ 583
~~conviction.~~ 584

~~In addition to other penalties provided in the Revised Code,~~ 585
~~the license of any person who is convicted of three or more~~ 586
~~violations of this section, other than those relating to ten per~~ 587
~~cent by weight of undersized fish, that occurred within a~~ 588
~~twelve month period is suspended upon the third or subsequent such~~ 589
~~conviction by operation of law for a period of eighteen fishing~~ 590
~~season months immediately following that conviction.~~ 591

~~In addition to other penalties provided in the Revised Code,~~ 592
~~the license or permit of any person who is convicted of two~~ 593
~~violations of this section relating to walleye or sauger is~~ 594
~~suspended upon the second such conviction by operation of law for~~ 595
~~a period of twenty days immediately following that conviction.~~ 596

~~In addition to other penalties provided in the Revised Code,~~ 597
~~the license or permit of any person who is convicted of three~~ 598
~~violations of this section relating to walleye or sauger is~~ 599
~~suspended upon the third such conviction by operation of law for a~~ 600
~~period of sixty days immediately following that conviction.~~ 601

~~In addition to other penalties provided in the Revised Code,~~ 602
~~any person who is convicted of four violations of this section~~ 603
~~relating to walleye or sauger imported from without the state that~~ 604
~~occurred within a period of thirty six months is prohibited upon~~ 605
~~the fourth such conviction by operation of law from transporting,~~ 606

~~buying, selling, or dealing in walleye and sauger for a period of 607
sixty months immediately following that conviction. 608~~

~~In addition to other penalties provided in the Revised Code, 609
the license or permit of any person who is convicted of four 610
violations of this section relating to walleye or sauger, other 611
than walleye or sauger imported from without the state, is revoked 612
upon the fourth such conviction by operation of law, and the 613
person is permanently barred from obtaining another license or 614
permit of the type revoked. 615~~

~~In addition to other penalties provided in the Revised Code, 616
the license of any person who is convicted of three or more 617
violations of this section relating to ten per cent by weight of 618
undersized fish that occurred within a twelve month period is 619
suspended upon the third or subsequent such conviction by 620
operation of law for a period of twenty fishing season days 621
immediately following that conviction. 622~~

~~During any period of suspension or revocation, no person 623
shall use or engage in fishing with commercial gear owned, used, 624
or controlled at the time of conviction by the licensee whose 625
license or permit has been suspended or revoked. 626~~

~~As used in this section, "sale of fish" includes, but is not 627
limited to, fish sold in the round or part thereof and fish sold 628
as part of a meal or service, but does not include canned fish. 629~~

~~For purposes of determining any license or permit suspension 630
or revocation required by this section, multiple convictions 631
resulting from violations of this section that occurred at the 632
same time, on the same day, and at the same location, are deemed 633
to be a single conviction of one violation. 634~~

Sec. 1533.631. Any person may apply for a permit to handle 635
commercial fish, or other fish that may be bought or sold under 636

the Revised Code or division rule, at wholesale. Prior to making 637
application for such a permit, a person first shall satisfy the 638
following qualifications to the satisfaction of the chief of the 639
division of wildlife: over eighteen years of age, no prior 640
conviction of or plea of guilty on or after the effective date of 641
this amendment to a felony concerning commercial fishing 642
activities for a violation of state or federal law, and ninety 643
days Ohio residency immediately preceding application. The chief 644
~~of the division of wildlife~~ shall issue an annual permit granting 645
the applicant the privilege to handle such fish at wholesale at 646
one or more designated premises upon satisfaction of the 647
pre-application qualifications, filing of an application on a form 648
prescribed by the chief, and payment of a fee of sixty-five 649
dollars. No person or a person's agent shall handle at wholesale 650
any fresh water fish or part thereof unless a permit has been 651
issued for the calendar year in which the fish is handled at 652
wholesale for the premises at which the fish is handled. 653

A fish is handled at wholesale for purposes of this section 654
when it is on a premises within the state and is being held, 655
stored, handled, or processed for the purpose of sale to a person 656
who ~~ordinarily~~ resells the fish. 657

The permit required by this section shall be issued subject 658
to the right of entry and inspection of the designated premises of 659
the permittee by any law enforcement officer authorized by section 660
1531.13 of the Revised Code to enforce the laws and rules of the 661
division of wildlife. Such an officer may enter and inspect the 662
designated premises and any box, package, or receptacle, and the 663
contents thereof, for the purpose of determining whether any 664
provision of this chapter or Chapter 1531. of the Revised Code or 665
division rule is being violated. 666

No person holding a permit under this section shall remove a 667
label required by section 1533.301 of the Revised Code unless the 668

box, package, or receptacle bearing the label has been opened or 669
unless the label is replaced with another label that meets the 670
requirements of that section. 671

No person shall fail to comply with any provision of this 672
section or division rule adopted pursuant to it. 673

~~In addition to other penalties provided in the Revised Code,~~ 674
~~the permit of any person who is convicted of two violations of~~ 675
~~this section that occurred within a twelve month period is~~ 676
~~suspended upon the second such conviction by operation of law for~~ 677
~~a period of five fishing season days immediately following that~~ 678
~~conviction.~~ 679

~~In addition to other penalties provided in the Revised Code,~~ 680
~~the permit of any person who is convicted of three or more~~ 681
~~violations of this section that occurred within a twelve month~~ 682
~~period is suspended upon the third or subsequent such conviction~~ 683
~~by operation of law for a period of twenty fishing season days~~ 684
~~immediately following that conviction.~~ 685

~~During any period of suspension, no person shall use or~~ 686
~~engage in handling commercial fish at wholesale with equipment or~~ 687
~~facilities owned, used, or controlled at the time of conviction by~~ 688
~~the permittee whose permit has been suspended.~~ 689

Sec. 1533.64. Fish lawfully confined in a net, or by a device 690
authorized by law, are the property of the owner or person 691
operating the net or other device, ~~and no.~~ No person other than 692
the owner or person in control of the net or other device shall 693
take or catch from it or possess a fish that is or has been so 694
confined unless the person so taking, catching, or possessing the 695
fish has been authorized in writing to do so by the owner or 696
person in control of the net or other device. Each fish taken from 697
and each fish had in possession that was taken from any net or 698
other device legally operated in any of the waters of this state 699

by any person other than the owner or ~~his~~ the owner's agent 700
operating the net or other device constitutes a separate offense. 701

No person shall fail to comply with this section or a 702
division rule adopted pursuant thereto. 703

~~In addition to other penalties provided in the Revised Code,~~ 704
~~the license of any person who is convicted of two violations of~~ 705
~~this section that occurred within a twelve month period is~~ 706
~~suspended upon the second such conviction by operation of law for~~ 707
~~a period of sixty fishing season days immediately following that~~ 708
~~conviction.~~ 709

~~In addition to other penalties provided in the Revised Code,~~ 710
~~the license of any person who is convicted of three or more~~ 711
~~violations of this section that occurred within a twelve month~~ 712
~~period is suspended upon the third or subsequent such conviction~~ 713
~~by operation of law for a period of eighteen fishing season months~~ 714
~~immediately following that conviction.~~ 715

~~During any period of suspension, no person shall use or~~ 716
~~engage in fishing with commercial gear owned, used, or controlled~~ 717
~~at the time of conviction by the licensee whose license has been~~ 718
~~suspended.~~ 719

Sec. 1533.641. (A) If a person is convicted of or pleads 720
guilty on or after the effective date of this section to a felony 721
related to commercial fishing activities for a violation of state 722
or federal law, all commercial fishing licenses issued under 723
section 1533.35 of the Revised Code and all permits to handle 724
commercial fish or other fish at wholesale issued under section 725
1533.631 of the Revised Code to that person are permanently 726
revoked by operation of law. 727

(B)(1) If a commercial fishing licensee, such a licensee's 728
authorized representative, a person that has been issued a permit 729

under section 1533.631 of the Revised Code to handle commercial 730
fish or other fish at wholesale, or such a permittee's authorized 731
representative is convicted of or pleads guilty to a violation of 732
section 1533.341, 1533.343, 1533.41, 1533.42, 1533.62, 1533.63, 733
1533.631, or 1533.64 of the Revised Code or any division rule 734
pertaining to those sections, the licensee's license or the 735
permittee's permit, as applicable, shall be suspended for a period 736
of thirty fishing season days. Not later than seven days after 737
receipt of a notification under division (F) of this section, the 738
chief of the division of wildlife shall suspend the license or 739
permit. 740

(2) If a person is convicted of or pleads guilty to a second 741
violation of a section of the Revised Code that is listed in 742
division (B)(1) of this section or any division rule pertaining to 743
those sections within ten years after being convicted of or 744
pleading guilty to the first violation, the applicable licensee's 745
license or permittee's permit shall be suspended for a period of 746
sixty fishing season days. Not later than seven days after receipt 747
of a notification under division (F) of this section, the chief 748
shall suspend the license or permit. 749

(3) If a person is convicted of or pleads guilty to a third 750
violation of a section of the Revised Code that is listed in 751
division (B)(1) of this section or any division rule pertaining to 752
those sections within ten years after being convicted of or 753
pleading guilty to the first violation, the applicable licensee's 754
license or permittee's permit shall be permanently revoked. Not 755
later than seven days after receipt of a notification under 756
division (F) of this section, the chief shall revoke the license 757
or permit. 758

(C) During any period of suspension of a license or permit 759
under this section, no person shall use or engage in fishing with 760
commercial gear, or in handling commercial fish or other fish at 761

wholesale with equipment, owned, used, or controlled at the time 762
of conviction or plea by the licensee or the licensee's authorized 763
representative or by the permittee or the permittee's authorized 764
representative, as applicable. 765

(D) A person whose license has been suspended by operation of 766
law pursuant to any provision of this chapter or Chapter 1531. of 767
the Revised Code or division rule is not eligible to apply for or 768
receive a new commercial fishing license issued under section 769
1533.35 of the Revised Code or a permit to handle commercial fish 770
or other fish at wholesale issued under section 1533.631 of the 771
Revised Code during the period of the suspension. 772

(E) For purposes of determining a license or permit 773
suspension or revocation for a violation of section 1533.63 of the 774
Revised Code, multiple convictions resulting from violations of 775
that section that occurred at the same time, on the same day, and 776
at the same location are deemed to be a single conviction of one 777
violation. 778

(F) The clerk of the court before which a person is convicted 779
of or pleads guilty to a violation of state or federal law as 780
described in division (A) of this section or a section of the 781
Revised Code that is listed in division (B)(1) of this section or 782
any division rule pertaining to those sections shall send written 783
notification to the chief of the conviction or plea together with 784
the person's name and address not later than ten days after the 785
date of conviction or plea. 786

Section 2. That existing sections 1531.10, 1533.34, 1533.341, 787
1533.342, 1533.35, 1533.36, 1533.42, 1533.62, 1533.63, 1533.631, 788
and 1533.64 of the Revised Code are hereby repealed. 789

Section 3. It is the intent of the General Assembly, by 790
amending sections 1531.10, 1533.34, 1533.341, 1533.342, 1533.35, 791

1533.36, 1533.42, 1533.62, 1533.63, 1533.631, and 1533.64 and 792
enacting sections 1533.343 and 1533.641 of the Revised Code in 793
this act, to protect the resources of Lake Erie and provide for 794
the reasonable regulation of commercial fishing and not to 795
eliminate commercial fishing in this state. 796

Section 4. (A) There is hereby created the Ohio Lake Erie 797
Fishing Regulatory Reform Task Force. The Task Force shall consist 798
of three members of the House of Representatives appointed by the 799
Speaker of the House of Representatives, two of whom shall be from 800
the majority party and one of whom shall be from the minority 801
party, three members of the Senate appointed by the President of 802
the Senate, two of whom shall be from the majority party and one 803
of whom shall be from the minority party, and the following 804
members appointed by the Governor: 805

(1) Two members representing the commercial fishing industry, 806
one of whom shall be a fish wholesaler; 807

(2) Two members representing the sport fishing industry, one 808
of whom shall be a charter boat operator; 809

(3) Two members representing academia with expertise in 810
fisheries management; 811

(4) Two members from the Department of Natural Resources; 812

(5) One member representing the Governor's office. 813

Appointments to the Task Force shall be made not later than 814
fifteen days after the effective date of this section. The 815
Governor shall designate a chairperson of the Task Force. The Task 816
Force shall meet as often as necessary to complete the 817
requirements of this section, but shall meet not less than once 818
each month. 819

(B) The Task Force shall conduct an evaluation of all of the 820
following: 821

(1) Catch quota allocations associated with various species of fish in Lake Erie;	822 823
(2) Size limitations for species of game fish in Lake Erie;	824
(3) Existing vessel monitoring devices and electronic reporting devices for charter and commercial fishing vessels;	825 826
(4) Possible incentives for catching rough fish;	827
(5) Fisheries resource management practices in Lake Erie;	828
(6) Current practices relating to the transfer of commercial fishing licenses;	829 830
(7) Fisheries resource management practices utilized by other states bordering the Great Lakes.	831 832
(C) Not later than December 31, 2007, the Task Force shall prepare and submit a report of its findings to the General Assembly and the Division of Wildlife in the Department of Natural Resources. The report shall include recommendations for statutory, rulemaking, and regulatory changes to Ohio's commercial fishing laws governing commercial fishing.	833 834 835 836 837 838
(D) After the submission of the report under division (C) of this section, the Task Force ceases to exist.	839 840