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Comments in support of HB-4242 for The Natural Resources Committee:

My name is Benjamin Gollon and I am a fourth generation live baitfish producer, harvester, and wholesaler in Central Wisconsin. My company has been supplying wholesale fishing bait distributors across the entire State of Michigan, Indiana, Ohio, Pennsylvania and New York with weekly truck routes that haul live minnows for over 30 years, and my family has had a history of doing the same dating back to the 1960's in Michigan.

Michigan has very little production of farm raised baitfish because of climate and terrain, but there is an abundant supply of wild baitfish in the Great Lakes, mainly the Emerald Shiner, which is harvested to supply the Michigan sportfish industry. When conditions for harvest are not optimal, or when other species of baitfish are needed, that is where I supplement.

The Michigan DNR prohibition of baitfish export has always seemed restrictive to me. No other State that I am aware of prohibits export of properly health tested and procured baitfish. Clearly it can be a States right to regulate what is

imported, and that does vary from State to State. Yet I've often asked myself what other product or commodity that one has legal possession of is limited to where you can take it by the residing State when the receiving State accepts it. This is key.

Which brings us to our review of Hughes v. Oklahoma decision by the US Supreme Court. In my opinion this is exactly what we have here in Michigan, a State law prohibiting the export of legally obtained baitfish, without a sound environmental reason. This decision backs up my long-standing opinion that this Michigan DNR law is unconstitutional and should be retracted. I highly suspect this rule originated as a tool for individual economic protectionism.

When this section was amended in 2012, I urged my counterparts in the Michigan baitfish industry to push for a total repeal, but with the political climate at the time, I believe they felt it easiest to compromise with DNR.

When specifically looking at Section 48729 it becomes clear part (b) should be struck in its entirety as Unconstitutional in light of Hughes v. Oklahoma.

As written in 48729(b) a Permit structure is still at the whim of DNR, whereas a License structure similar to what DNR uses for non-residents for import would allow export, give DNR some oversight, and not infringe upon interstate commerce. The current MI DNR Non Resident Wholesale Commercial Minnow Dealer License is \$500 annually. As an example, the State of MN offers a Commercial Baitfish Export Annual License for \$700, and South Dakota's is \$400.

I must also note that technically there isn't a restriction on personal use baitfish export, most likely as it would be impossible to enforce. Can't imagine a border checkpoint for minnows.

The Great Lakes baitfish industry depends on all the States to keep supplies available. Many times, especially in winter, there is a surplus of baitfish held by Michigan harvesters and suppliers and a shortage in other States. These fish are health tested and are acceptable to the neighboring States for import. We would gladly purchase baitfish from Michigan harvesters at those times, bringing money into the State, and revenue into this industry hard hit by overregulation from the VHS virus scare that basically turned out to be an overblown non issue. There is NO biological or natural resource management reason to LIMIT the export of baitfish. Again, no other States natural resource agency does. And make no mistake, there is an export market for Michigan at times.

Please consider moving this Bill along by striking this unconstitutional section limiting commerce and allowing needed money coming in to hardworking Michigan residents.

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