

SENATE BILL No. 928

January 25, 2000, Introduced by Senator JAYE and referred to the Committee on Hunting, Fishing and Forestry.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48703 (MCL 324.48703), as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 48703. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
2 PART, A person shall not take, catch, or kill or attempt to take,
3 catch, or kill a fish in the waters of this state with a spear or
4 grab hook, snag hook, or gaff hook ~~,~~ OR by the use of ~~jack or~~
5 AN artificial light, ~~by the use of~~ a set or night line, ~~or~~ a
6 net, ~~or~~ A firearm, or an explosive substance or combination of
7 substances that have a tendency to kill or stupefy fish, or by
8 any other means or device. ~~other than~~

9 (2) A PERSON MAY TAKE FISH IN THE WATERS OF THIS STATE WITH
10 a single line or a single rod and line while held in the hand or

1 under immediate control, and with a hook or hooks attached,
2 baited with a natural or artificial bait while being used for
3 still fishing, ice fishing, casting, or trolling for fish, which
4 is a means of the fish taking the bait or hook in the mouth. A
5 person shall not use more than ~~2~~ 3 single lines or ~~2~~ 3 single
6 rods and lines, or a single line and a single rod and line, and
7 shall not attach more than ~~4~~ 6 hooks on all lines. For the
8 purposes of this part, a hook is a single, double, or treble
9 pointed hook. A hook, single, double, or treble pointed,
10 attached to a manufactured artificial bait shall be counted as 1
11 hook. The department may designate waters where a treble hook
12 and an artificial bait or lure having more than 1 single pointed
13 hook shall not be used during the periods the department
14 designates. In recognized smelt waters, any numbers of hooks,
15 attached to a single line, may be used for the taking of smelt.

16 (3) ~~(2)~~ A person shall not set or use a tip-up, paddle, or
17 other similar device for the purpose of taking fish through the
18 ice unless the name and address of the person owning the tip-up,
19 paddle, or other similar device is marked in legible English on
20 the tip-up, paddle, or other similar device or securely fastened
21 to it by a plate or tag.

22 (4) ~~(3)~~ A spear or bow and arrow may be used from April 1
23 to May 31 in the Lower Peninsula and during the month of May in
24 the Upper Peninsula for taking carp, suckers, redhorse, mullet,
25 dogfish, and garpike in the rivers and streams of this state.
26 The department may designate a county, stream, or a portion of a
27 stream in which ~~a jack or other~~ AN artificial light may be used

1 in taking fish with a spear or bow and arrow only. A person
2 shall not use or possess a spear or bow and arrow in, upon, or
3 along any trout stream in this state, except in a stream or por-
4 tion of a stream that is designated by the department for the
5 taking of carp, suckers, redhorse, mullet, dogfish, and garpike.
6 A person may spear carp, suckers, mullet, redhorse, sheepshead,
7 lake trout, smelt, northern pike, muskellunge, whitefish, cis-
8 coes, pilot fish or Menominee whitefish, sturgeon, catfish, bull-
9 heads, dogfish, and garpike through the ice during the months of
10 January and February in the inland waters of this state not oth-
11 erwise closed to spearing. The department may designate certain
12 inland waters in which a spear or bow and arrow may be used, with
13 or without artificial light, for the taking of carp, dogfish, and
14 garpike during the periods from May 1 to August 15 in each year.
15 The department may designate a trout lake, trout stream, or a
16 portion of a trout stream in which a spear may be used through
17 the ice. The department may designate certain waters in which a
18 rubber or spring propelled spear may be used for the taking of
19 carp, dogfish, garpike, and suckers, but only when the person
20 using the spear is swimming or submerged in the water and has the
21 spear under control by means of an attached line not exceeding 20
22 feet in length. A person may use a spear or bow and arrow for
23 the taking of carp, suckers, mullet, redhorse, sheepshead, lake
24 trout, smelt, northern pike, muskellunge, sturgeon, whitefish,
25 ciscoes, pilot fish or Menominee whitefish, catfish, bullheads,
26 herring, perch, pike-perch, shad, dogfish, and garpike through
27 the ice with or without jack or other artificial lights in the

1 connecting waters of the Great Lakes, except that a jack or other
2 artificial light shall not be used in the connecting waters
3 between Lake Erie and Lake Huron. In the connecting waters
4 between Lakes Huron and Erie, a person may take carp, dogfish,
5 and garpike with a spear or bow and arrow without the use of
6 artificial light. All species of fish except largemouth and
7 smallmouth black bass, crappies, bluegills, sunfish, brook or
8 speckled trout, rainbow and steelhead trout, brown and Loch Leven
9 trout, muskellunge, or sturgeon may be taken with a spear or bow
10 and arrow with or without the use of ~~a jack or other~~ AN artifi-
11 cial light from the waters of the Great Lakes not otherwise
12 closed to spearing except that species of commercial fish shall
13 not be taken in this manner during a closed season established
14 under the laws governing commercial fishing. ~~Other than with~~
15 ~~seines for the taking of carp, a~~ A person shall not fish in the
16 waters of the Lake Huron between Pointe-Aux Barques light and
17 Harbor Beach within 1 mile of the shoreline except WITH SEINES
18 FOR THE TAKING OF CARP OR with a hook and line.

19 (5) ~~(4)~~ A hand net may be used from March 1 to May 31 for
20 taking smelt, suckers, mullet, carp, dogfish, and garpike. The
21 department may designate the waters where the fish may be taken
22 and the time within the dates when the fish may be taken. For
23 the purpose of this part, "hand net" means a mesh bag of webbing
24 or wire suspended from a circular, oval, or rectangular frame
25 attached to a handle.

26 (6) ~~(5)~~ A dip net without sides or walls and not exceeding
27 9 feet square may be used in the nontrout rivers and streams and

1 in other rivers and streams or portions of the rivers and streams
2 designated by the department from April 1 to May 31 in the Lower
3 Peninsula and during the month of May in the Upper Peninsula for
4 the purpose of taking suckers, mullet, smelt, carp, dogfish, and
5 garpike. For the purpose of this part, "dip net" means a square
6 net that is constructed from a piece of webbing of heavy twine,
7 hung on heavy cord or a frame so as to be without sides or walls,
8 and suspended from the corners and attached in such a manner that
9 when the net is lifted no part is more than 4 feet below the
10 plane formed by the imaginary lines connecting the corners from
11 which the net is suspended. As used in fishing, it shall be low-
12 ered and raised vertically as nearly as possible.

13 (7) ~~(6)~~ A person desiring to fish with a dip net shall
14 first obtain a permit from the department. A dip net shall not
15 be erected or fished within 100 feet of a dam. The name and
16 address of the person setting, using, or having control over the
17 dip net equipment, including frame, boom, supporting members, and
18 temporary buildings, shall be plainly marked in legible English
19 on the dip net equipment or securely fastened to it by a plate or
20 tag. Dip net equipment and a temporary building erected and used
21 pursuant to this subsection that are located on public land or
22 the land of another person shall be removed prior to June 10 of
23 each year unless maintained with ~~proper~~ permission of the
24 landowner. This subsection does not authorize the erection or
25 fishing of a dip net on the land or premises of another person
26 without proper permission from the landowner.

1 (8) ~~-(7)-~~ A setover net not exceeding 5 feet in diameter may
2 be used from March 15 to May 15 for the purpose of taking suckers
3 from an inland lake designated by the department.

4 (9) ~~-(8)-~~ A trammel net not exceeding 12 feet in length may
5 be used from April 1 to May 31 for taking carp, suckers, red-
6 horse, mullet, dogfish, and other nongame fish in the
7 Tittabawassee river and its tributaries down from the dam at
8 Sanford, down from the dam at St. Louis, and down from the dam at
9 Mt. Pleasant, and in the Shiawassee river and its tributaries
10 down from the dam at Chesaning in Saginaw county. A person shall
11 not take more than 100 of these fish in 1 day.

12 (10) ~~-(9)-~~ A spear or bow and arrow may be used during the
13 daytime and with a light at night from May 15 to June 24 for the
14 taking of carp and suckers in the Tittabawassee river and its
15 tributaries, and in the Tobacco river and its tributaries, not
16 previously designated by the department as a trout stream in
17 Gladwin and Midland counties.

18 (11) ~~-(10)-~~ A hoop net may be used between the dates of
19 December 15 and February 28 in the river or stream or portion of
20 a river or stream designated by the department for the taking of
21 burbot (lawyers).