

SENATE BILL No. 1331

May 20, 2008, Introduced by Senators PRUSI, BARCIA and BASHAM and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 48701 and 48703 (MCL 324.48701 and 324.48703), section 48701 as amended by 2003 PA 270 and section 48703 as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 48701. As used in this part:

2 (a) "Amphibian" means any frog, toad, or salamander of the
3 class amphibia.

4 (b) "Crustacea" means any freshwater crayfish, shrimp, or
5 prawn of the order decapoda.

6 (c) "DIP NET" MEANS A SQUARE NET THAT IS CONSTRUCTED FROM A
7 PIECE OF WEBBING OF HEAVY TWINE, HUNG ON HEAVY CORD OR FRAME SO AS
8 TO BE WITHOUT SIDES OR WALLS, AND SUSPENDED FROM THE CORNERS AND

1 ATTACHED IN SUCH A MANNER THAT WHEN THE NET IS LIFTED NO PART IS
2 MORE THAN 4 FEET BELOW THE PLANE FORMED BY THE IMAGINARY LINES
3 CONNECTING THE CORNERS FROM WHICH THE NET IS SUSPENDED. AS USED IN
4 FISHING, IT SHALL BE LOWERED AND RAISED VERTICALLY AS NEARLY AS
5 POSSIBLE.

6 (D) ~~(e)~~—"Game fish" includes all of the following:

7 (i) Mackinaw or lake trout (*Salvelinus namaycush*).

8 (ii) Brook or speckled trout (*Salvelinus fontinalis*).

9 (iii) Brown and Loch Leven trout (*Salmo trutta*).

10 (iv) Rainbow and steelhead trout (*Oncorhynchus mykiss*).

11 (v) Landlocked salmon (*Salmo salar sebago*).

12 (vi) Grayling (*Thymallus arcticus*).

13 (vii) Largemouth black bass (*Micropterus salmoides*).

14 (viii) Smallmouth black bass (*Micropterus dolomieu*).

15 (ix) Bluegill (*Lepomis macrochirus*).

16 (x) Pumpkinseed or common sunfish (*Lepomis gibbosus*).

17 (xi) Black crappie and white crappie, also known as calico bass
18 and strawberry bass (*Pomoxis nigromaculatus* and *Pomoxis annularis*).

19 (xii) Yellow perch, commonly called perch (*Perca flavescens*).

20 (xiii) Pike-perch, commonly called walleyed pike (*Stizostedion*
21 *vitreum*).

22 (xiv) Northern pike, also known as grass pike or pickerel (*Esox*
23 *lucius*).

24 (xv) Muskellunge (*Esox masquinongy*).

25 (xvi) Sturgeon (*Acipenser fulvescens*).

26 (xvii) Splake (*Salvelinus namaycush* x *Salvelinus fontinalis*).

27 (xviii) Coho salmon (*Oncorhynchus kisutch*).

1 (xix) Chinook (King) salmon (*Oncorhynchus tshawytscha*).

2 (xx) Pink salmon (*Oncorhynchus gorbuscha*).

3 (E) ~~(d)~~—"Genetically engineered" refers to a fish whose
4 genome, chromosomal or extrachromosomal, is modified permanently
5 and heritably, using recombinant nucleic acid techniques.

6 (F) **"HAND NET" MEANS A MESH BAG OF WEBBING OR WIRE SUSPENDED**
7 **FROM A CIRCULAR, OVAL, OR RECTANGULAR FRAME ATTACHED TO A HANDLE.**

8 (G) ~~(e)~~—"Inland waters of this state" means the waters within
9 the jurisdiction of the state except Saginaw river, Lakes Michigan,
10 Superior, Huron, and Erie, and the bays and the connecting waters.
11 The connecting waters between Lake Superior and Lake Huron are that
12 part of the Straits of St. Mary in this state extending from a line
13 drawn from Birch Point Range front light to the most westerly point
14 of Round Island, thence following the shore of Round Island to the
15 most northerly point thereof, thence from the most northerly point
16 of Round Island to Point Aux Pins light, Ontario, to a line drawn
17 due east and west from the most southerly point of Little Lime
18 Island. The connecting waters of Lake Huron and Lake Erie are all
19 of the St. Clair river, all of Lake St. Clair, and all of the
20 Detroit river extending from Fort Gratiot light in Lake Huron to a
21 line extending due east and west of the most southerly point of
22 Celeron Island in the Detroit river.

23 (H) ~~(f)~~—"Mollusks" means any mollusk of the classes bivalvia
24 and gastropoda.

25 (I) ~~(g)~~—"Nongame fish" includes all kinds of fish except game
26 fish.

27 (J) ~~(h)~~—"Nonresident" means a person who is not a resident.

1 (K) ~~(i)~~—"Nontrout streams" means all streams or portions of
2 streams other than trout streams.

3 (L) ~~(j)~~—"Open season" means the time during which fish may be
4 legally taken or killed and includes both the first and last day of
5 the season or period designated by this part.

6 (M) ~~(k)~~—"Recombinant nucleic acid techniques" means laboratory
7 techniques through which genetic material is isolated and
8 manipulated in vitro and then inserted into an organism.

9 (N) ~~(l)~~—"Reptiles" means any turtle, snake, or lizard of the
10 class reptilia.

11 (O) ~~(m)~~—"Resident" means either of the following:

12 (i) A person who resides in a settled or permanent home or
13 domicile with the intention of remaining in this state.

14 (ii) A student who is enrolled in a full-time course at a
15 college or university within this state.

16 (P) ~~(n)~~—"Trout lake" means a lake designated by the department
17 in which brook trout, brown trout, or rainbow trout are the
18 predominating species of game fish. The department may designate
19 certain trout lakes in which certain species of fish are not
20 desired and in which it is unlawful to use live fish of any kind
21 for bait.

22 (Q) ~~(o)~~—"Trout stream" means any stream or portion of a stream
23 that contains a significant population of any species of trout or
24 salmon as determined by the department. The department shall
25 designate not more than 212 miles of trout streams in which only
26 lures or baits as the department prescribes may be used in fishing,
27 and the department may prescribe the size and number of fish that

1 may be taken from those trout streams. The department shall not
2 restrict children under 12 years old from taking a minimum of 1
3 fish, except for sturgeon (*Acipenser fulvescens*), in any trout
4 stream. Any trout stream in a county that includes a city with a
5 population of 750,000 or more shall be so designated. In addition,
6 the department shall issue an order adopting criteria for
7 determining which trout streams should be so designated. Before the
8 department issues the order, the department shall submit the
9 proposed order to the commission. The commission shall receive
10 public comment on the proposed order. The department shall consider
11 any guidance provided by the commission on the proposed order and
12 may make changes to the proposed order based on that guidance.

13 Sec. 48703. (1) A person shall not take, catch, or kill or
14 attempt to take, catch, or kill a fish in the waters of this state
15 with a spear or grab hook, snag hook, or gaff hook, by the use of
16 jack or artificial light, by the use of a set or night line or a
17 net or firearm or an explosive substance or combination of
18 substances that have a tendency to kill or stupefy fish, or by any
19 other means or device other than a single line or a single rod and
20 line while held in the hand or under immediate control, and with a
21 hook or hooks attached, baited with a natural or artificial bait
22 while being used for still fishing, ice fishing, casting, or
23 trolling for fish, which is a means of the fish taking the bait or
24 hook in the mouth. A person shall not use more than 2 single lines
25 or 2 single rods and lines, or a single line and a single rod and
26 line, and shall not attach more than 4 hooks on all lines. For the
27 purposes of this part, a hook is a single, double, or treble

1 pointed hook. A hook, single, double, or treble pointed, attached
2 to a manufactured artificial bait shall be counted as 1 hook. The
3 department may designate waters where a treble hook and an
4 artificial bait or lure having more than 1 single pointed hook
5 shall not be used during the periods the department designates. In
6 recognized smelt waters, any numbers of hooks, attached to a single
7 line, may be used for the taking of smelt.

8 (2) A person shall not set or use a tip-up, paddle, or other
9 similar device for the purpose of taking fish through the ice
10 unless the name and address of the person owning the tip-up,
11 paddle, or other similar device is marked in legible English on the
12 tip-up, paddle, or other similar device or securely fastened to it
13 by a plate or tag.

14 (3) A spear or bow and arrow may be used from April 1 to May
15 31 in the Lower Peninsula and during the month of May in the Upper
16 Peninsula for taking carp, suckers, redhorse, mullet, dogfish, and
17 garpike in the rivers and streams of this state. The department may
18 designate a county, stream, or a portion of a stream in which a
19 jack or other artificial light may be used in taking fish with a
20 spear or bow and arrow only. A person shall not use or possess a
21 spear or bow and arrow in, upon, or along any trout stream in this
22 state, except in a stream or portion of a stream that is designated
23 by the department for the taking of carp, suckers, redhorse,
24 mullet, dogfish, and garpike. A person may spear carp, suckers,
25 mullet, redhorse, sheepshead, lake trout, smelt, northern pike,
26 muskellunge, whitefish, ciscoes, pilot fish or Menominee whitefish,
27 sturgeon, catfish, bullheads, dogfish, and garpike through the ice

1 during the months of **DECEMBER**, January, and February **AND THE FIRST**
2 **2 WEEKS OF MARCH** in the inland waters of this state not otherwise
3 closed to spearing. The department may designate certain inland
4 waters in which a spear or bow and arrow may be used, with or
5 without artificial light, for the taking of carp, dogfish, and
6 garpike during the periods from May 1 to August 15 in each year.
7 The department may designate a trout lake, trout stream, or a
8 portion of a trout stream in which a spear may be used through the
9 ice. The department may designate certain waters in which a rubber
10 or spring propelled spear may be used for the taking of carp,
11 dogfish, garpike, and suckers, but only when the person using the
12 spear is swimming or submerged in the water and has the spear under
13 control by means of an attached line not exceeding 20 feet in
14 length. A person may use a spear or bow and arrow for the taking of
15 carp, suckers, mullet, redhorse, sheepshead, lake trout, smelt,
16 northern pike, muskellunge, sturgeon, whitefish, ciscoes, pilot
17 fish or Menominee whitefish, catfish, bullheads, herring, perch,
18 pike-perch, shad, dogfish, and garpike through the ice with or
19 without jack or other artificial lights in the connecting waters of
20 the Great Lakes, except that a jack or other artificial light shall
21 not be used in the connecting waters between Lake Erie and Lake
22 Huron. In the connecting waters between Lakes Huron and Erie, a
23 person may take carp, dogfish, and garpike with a spear or bow and
24 arrow without the use of artificial light. All species of fish
25 except largemouth and smallmouth black bass, crappies, bluegills,
26 sunfish, brook or speckled trout, rainbow and steelhead trout,
27 brown and Loch Leven trout, muskellunge, or sturgeon may be taken

1 with a spear or bow and arrow with or without the use of a jack or
2 other artificial light from the waters of the Great Lakes not
3 otherwise closed to spearing except that species of commercial fish
4 shall not be taken in this manner during a closed season
5 established under the laws governing commercial fishing. Other than
6 with seines for the taking of carp, a person shall not fish in the
7 waters of ~~the~~ Lake Huron between Pointe-Aux Barques light and
8 Harbor Beach within 1 mile of the shoreline except with a hook and
9 line.

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

16 (5) A dip net without sides or walls and not exceeding 9 feet
17 square may be used in the nontrout rivers and streams and in other
18 rivers and streams or portions of the rivers and streams designated
19 by the department from April 1 to May 31 in the Lower Peninsula and
20 during the month of May in the Upper Peninsula for the purpose of
21 taking suckers, mullet, smelt, carp, dogfish, and garpike. ~~For the~~
22 ~~purpose of this part, "dip net" means a square net that is~~
23 ~~constructed from a piece of webbing of heavy twine, hung on heavy~~
24 ~~eord or a frame so as to be without sides or walls, and suspended~~
25 ~~from the corners and attached in such a manner that when the net is~~
26 ~~lifted no part is more than 4 feet below the plane formed by the~~
27 ~~imaginary lines connecting the corners from which the net is~~

1 ~~suspended. As used in fishing, it shall be lowered and raised~~
2 ~~vertically as nearly as possible.~~

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

17 (7) A setover net not exceeding 5 feet in diameter may be used
18 from March 15 to May 15 for the purpose of taking suckers from an
19 inland lake designated by the department.

20 (8) A trammel net not exceeding 12 feet in length may be used
21 from April 1 to May 31 for taking carp, suckers, redhorse, mullet,
22 dogfish, and other nongame fish in the Tittabawassee river and its
23 tributaries down from the dam at Sanford, down from the dam at St.
24 Louis, and down from the dam at Mt. Pleasant, and in the Shiawassee
25 river and its tributaries down from the dam at Chesaning in Saginaw
26 county. A person shall not take more than 100 of these fish in 1
27 day.

1 (9) A spear or bow and arrow may be used during the daytime
2 and with a light at night from May 15 to June 24 for the taking of
3 carp and suckers in the Tittabawassee river and its tributaries,
4 and in the Tobacco river and its tributaries, not previously
5 designated by the department as a trout stream in Gladwin and
6 Midland counties.

7 (10) A hoop net may be used between the dates of December 15
8 and February 28 in the river or stream or portion of a river or
9 stream designated by the department for the taking of burbot
10 (lawyers).