

Act No. 291  
Public Acts of 2008  
Approved by the Governor  
October 6, 2008  
Filed with the Secretary of State  
October 6, 2008  
EFFECTIVE DATE: October 6, 2008

**STATE OF MICHIGAN**  
**94TH LEGISLATURE**  
**REGULAR SESSION OF 2008**

**Introduced by Reps. Lindberg, Lahti, McDowell, Brown, Gillard, Sheltroun, Casperson, Huizenga, Hansen and Booher**

# **ENROLLED HOUSE BILL No. 6271**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," 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; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 48701. As used in this part:

- (a) "Amphibian" means any frog, toad, or salamander of the class amphibia.
- (b) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order decapoda.
- (c) "Dip net" means a square net that is constructed from a piece of webbing of heavy twine, hung on heavy cord or frame so as to be without sides or walls, and suspended from the corners and attached in such a manner that when the net is lifted no part is more than 4 feet below the plane formed by the imaginary lines connecting the corners from which the net is suspended. As used in fishing, it shall be lowered and raised vertically as nearly as possible.
- (d) "Game fish" includes all of the following:
  - (i) Lake trout (*Salvelinus namaycush*).
  - (ii) Brook trout (*Salvelinus fontinalis*).
  - (iii) Brown trout (*Salmo trutta*).
  - (iv) Rainbow or steelhead trout (*Oncorhynchus mykiss*).
  - (v) Atlantic landlocked salmon (*Salmo salar sebago*).
  - (vi) Grayling (*Thymallus arcticus*).
  - (vii) Largemouth bass (*Micropterus salmoides*).
  - (viii) Smallmouth bass (*Micropterus dolomieu*).
  - (ix) Bluegill (*Lepomis macrochirus*).
  - (x) Pumpkinseed or common sunfish (*Lepomis gibbosus*).
  - (xi) Black crappie and white crappie, also known as calico bass and strawberry bass (*Pomoxis nigromaculatus* and *Pomoxis annularis*).
  - (xii) Yellow perch (*Perca flavescens*).

- (xiii) Walleye (*Sander vitreus*).
- (xiv) Northern pike (*Esox lucius*).
- (xv) Muskellunge (*Esox masquinongy*).
- (xvi) Lake sturgeon (*Acipenser fulvescens*).
- (xvii) Splake (*Salvelinus namaycush* x *Salvelinus fontinalis*).
- (xviii) Coho salmon (*Oncorhynchus kisutch*).
- (xix) Chinook (King) salmon (*Oncorhynchus tshawytscha*).
- (xx) Pink salmon (*Oncorhynchus gorbuscha*).

(e) “Genetically engineered” refers to a fish whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques.

(f) “Hand net” means a mesh bag of webbing or wire suspended from a circular, oval, or rectangular frame attached to a handle.

(g) “Inland waters of this state” means the waters within the jurisdiction of the state except Saginaw river, Lakes Michigan, Superior, Huron, and Erie, and the bays and the connecting waters. The connecting waters between Lake Superior and Lake Huron are that part of the Straits of St. Mary in this state extending from a line drawn from Birch Point Range front light to the most westerly point of Round Island, thence following the shore of Round Island to the most northerly point thereof, thence from the most northerly point of Round Island to Point Aux Pins light, Ontario, to a line drawn due east and west from the most southerly point of Little Lime Island. The connecting waters of Lake Huron and Lake Erie are all of the St. Clair river, all of Lake St. Clair, and all of the Detroit river extending from Fort Gratiot light in Lake Huron to a line extending due east and west of the most southerly point of Celeron Island in the Detroit river.

(h) “Mollusks” means any mollusk of the classes bivalvia and gastropoda.

(i) “Nongame fish” includes all kinds of fish except game fish.

(j) “Nonresident” means a person who is not a resident.

(k) “Nontrout streams” means all streams or portions of streams other than trout streams.

(l) “Open season” means the time during which fish may be legally taken or killed and includes both the first and last day of the season or period designated by this part.

(m) “Recombinant nucleic acid techniques” means laboratory techniques through which genetic material is isolated and manipulated *in vitro* and then inserted into an organism.

(n) “Reptiles” means any turtle, snake, or lizard of the class reptilia.

(o) “Resident” means either of the following:

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

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

(p) “Trout lake” means a lake designated by the department in which brook trout, brown trout, or rainbow trout are the predominating species of game fish. The department may designate certain trout lakes in which certain species of fish are not desired and in which it is unlawful to use live fish of any kind for bait.

(q) “Trout stream” means any stream or portion of a stream that contains a significant population of any species of trout or salmon as determined by the department. The department shall designate not more than 212 miles of trout streams in which only lures or baits as the department prescribes may be used in fishing, and the department may prescribe the size and number of fish that may be taken from those trout streams. The department shall not restrict children under 12 years old from taking a minimum of 1 fish, except for lake sturgeon (*Acipenser fulvescens*), in any trout stream. Any trout stream in a county that includes a city with a population of 750,000 or more shall be so designated. In addition, the department shall issue an order adopting criteria for determining which trout streams should be so designated. Before the department issues the order, the department shall submit the proposed order to the commission. The commission shall receive public comment on the proposed order. The department shall consider any guidance provided by the commission on the proposed order and may make changes to the proposed order based on that guidance.

Sec. 48703. (1) A person shall not take, catch, or kill or attempt to take, catch, or kill a fish in the waters of this state with a grab hook, snag hook, or gaff hook, by the use of a set or night line or a net or firearm or an explosive substance or combination of substances that have a tendency to kill or stupefy fish, or by any other means or device other than a single line or a single rod and line while held in the hand or under immediate control, and with a hook or hooks attached, baited with a natural or artificial bait while being used for still fishing, ice fishing, casting, or trolling for fish, which is a means of the fish taking the bait or hook in the mouth. A person shall not use more than 3 single lines or 3 single rods and lines, or a single line and a single rod and line, and shall not attach more than 6 hooks on all lines. The department shall have the authority to decrease the number of rods per angler. However, the department shall not reduce the number of rods per angler to less than 2. For the purposes of this part, a hook is a single, double, or treble pointed hook.

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

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

(3) The department may issue an order to regulate the taking of fish with a spear or bow and arrow in the waters of this state.

(4) A hand net may be used from March 1 to May 31 for taking smelt, suckers, mullet, carp, dogfish, and garpike. The department may designate the waters where the fish may be taken and the time within the dates when the fish may be taken.

(5) A dip net without sides or walls and not exceeding 9 feet square may be used in the nontrout rivers and streams and in other rivers and streams or portions of the rivers and streams designated by the department from April 1 to May 31 in the Lower Peninsula and during the month of May in the Upper Peninsula for the purpose of taking suckers, mullet, smelt, carp, dogfish, and garpike.

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

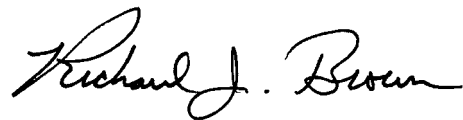
(7) A setover net not exceeding 5 feet in diameter may be used from March 15 to May 15 for the purpose of taking suckers from an inland lake designated by the department.

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

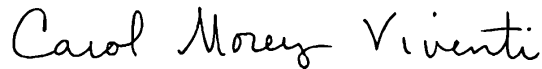
(9) A hoop net may be used between the dates of December 15 and February 28 in the river or stream or portion of a river or stream designated by the department for the taking of burbot (lawyers).

Enacting section 1. Section 48726 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.48726, is repealed.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved .....

.....  
Governor