

# HOUSE BILL No. 5883

September 12, 2012, Introduced by Rep. Johnson and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48703 (MCL 324.48703), as amended by 2012 PA 245.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 48703. (1) A person shall not take, catch, or kill or  
2 attempt to take, catch, or kill a fish in the waters of this state  
3 with a grab hook, snag hook, or gaff hook, by the use of a set or  
4 night line or a net or firearm or an explosive substance or  
5 combination of substances that have a tendency to kill or stupefy  
6 fish, or by any other means or device other than a single line or a  
7 single rod and line while held in the hand or under immediate  
8 control, and with a hook or hooks attached, baited with a natural  
9 or artificial bait while being used for still fishing, ice fishing,  
10 casting, or trolling for fish, which is a means of the fish taking

1 the bait or hook in the mouth. A person shall not use more than 3  
2 single lines or 3 single rods and lines, or a single line and a  
3 single rod and line, and shall not attach more than 6 hooks on all  
4 lines. The department shall have the authority to decrease the  
5 number of rods per angler. However, the department shall not reduce  
6 the number of rods per angler to less than 2. For the purposes of  
7 this part, a hook is a single, double, or treble pointed hook. A  
8 hook, single, double, or treble pointed, attached to a manufactured  
9 artificial bait shall be counted as 1 hook. The department may  
10 designate waters where a treble hook and an artificial bait or lure  
11 having more than 1 single pointed hook shall not be used during the  
12 periods the department designates. In the Great Lakes or recognized  
13 smelt waters, any numbers of hooks, attached to a single line, may  
14 be used for the taking of smelt, alewife, or other bait fish.

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

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

23 ~~(4) A hand net may be used from March 1 to May 31 for taking~~  
24 ~~smelt, suckers, mullet, carp, dogfish, and garpike. The department~~  
25 ~~may designate the waters where the fish may be taken and the time~~  
26 ~~within the dates when the fish may be taken.~~ **THE DEPARTMENT MAY**  
27 **ISSUE AN ORDER TO REGULATE THE TAKING OF FISH WITH NETS IN THE**

1 **WATERS OF THIS STATE.**

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

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

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

25 ~~—— (8) A trammel net not exceeding 12 feet in length may be used~~  
26 ~~from April 1 to May 31 for taking carp, suckers, redhorse, mullet,~~  
27 ~~dogfish, and other nongame fish in the Tittabawassee river and its~~

1 ~~tributaries down from the dam at Sanford, down from the dam at St.~~  
2 ~~Louis, and down from the dam at Mt. Pleasant, and in the Shiawassee~~  
3 ~~river and its tributaries down from the dam at Chesaning in Saginaw~~  
4 ~~county. A person shall not take more than 100 of these fish in 1~~  
5 ~~day.~~

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