

**SUBSTITUTE FOR
HOUSE BILL NO. 5866**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 48703, 48705, 48710, 48711, 48712, 48721,
48734, and 48735 (MCL 324.48703, 324.48705, 324.48710, 324.48711,
324.48712, 324.48721, 324.48734, and 324.48735), section 48703 as
amended by 2012 PA 471, sections 48705 and 48710 as amended by 2018
PA 36, sections 48711, 48712, and 48734 as added by 1995 PA 57,
section 48721 as amended by 2010 PA 30, and section 48735 as
amended by 2003 PA 270; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 48703. (1) ~~A person~~ **AN INDIVIDUAL** shall not take, catch,
2 or kill or attempt to take, catch, or kill a fish in the waters of
3 this state with a grab hook, snag hook, or gaff hook, by the use of
4 a set or night line or a net or firearm or an explosive substance

1 or combination of substances that have a tendency to kill or
2 stupefy fish, or by any other means or device other than a single
3 line or a single rod and line while held in the hand or under
4 immediate control, and with a hook or hooks attached, baited with a
5 natural or artificial bait while being used for still fishing, ice
6 fishing, casting, or trolling for fish, which is a means of the
7 fish taking the bait or hook in the mouth. ~~A person~~ **AN INDIVIDUAL**
8 shall not use more than 3 single lines or 3 single rods and lines,
9 or a single line and a single rod and line, and shall not attach
10 more than 6 hooks on all lines. The ~~department shall have the~~
11 ~~authority to~~ **COMMISSION MAY** decrease the number of rods per angler.
12 However, the ~~department~~ **COMMISSION** shall not reduce the number of
13 rods per angler to less than 2. For the purposes of this part, a
14 hook is a single, double, or treble pointed hook. A hook, single,
15 double, or treble pointed, attached to a manufactured artificial
16 bait ~~shall be~~ **IS** counted as 1 hook. The ~~department~~ **COMMISSION** may
17 designate waters where a treble hook and an artificial bait or lure
18 having more than 1 single pointed hook ~~shall~~ **MUST** not be used
19 during the periods the ~~department~~ **COMMISSION** designates. ~~In the~~
20 ~~Great Lakes or recognized smelt waters, any numbers of hooks,~~
21 ~~attached to a single line, may be used for the taking of smelt,~~
22 ~~alewife, or other bait fish.~~

23 (2) ~~A person~~ **AN INDIVIDUAL** shall not set or use a tip-up or
24 other similar device for the purpose of taking fish through the ice
25 unless the name and address of the ~~person~~ **INDIVIDUAL** owning the
26 tip-up or other similar device is marked in legible English on the
27 tip-up or other similar device or securely fastened to it by a

1 plate or tag.

2 (3) The ~~department~~**COMMISSION** may issue an order to regulate
3 the taking of fish with a spear, bow and arrow, or crossbow in the
4 waters of this state.

5 (4) The ~~department~~**COMMISSION** may issue an order to regulate
6 the taking of fish with nets in the waters of this state.

7 Sec. 48705. (1) Reptiles, amphibians, mollusks, and
8 crustaceans may only be taken in a manner and during those times
9 prescribed by the commission. An individual taking, trapping,
10 catching, or fishing for reptiles, amphibians, mollusks, or
11 crustaceans for ~~their~~**HIS OR HER** personal use shall have a valid
12 fishing license issued under part 435.

13 (2) An individual shall not take, trap, catch, or fish for
14 reptiles or amphibians for commercial purposes.

15 (3) The department may ~~, pursuant to part 13,~~ issue permits
16 **UNDER PART 13** to take amphibians and reptiles at any season of the
17 year for scientific or educational purposes. The department may
18 revoke a permit issued under this subsection.

19 Sec. 48710. This part does not prohibit the use of a gaff,
20 except on or along trout streams, or a landing net to assist in
21 landing fish already caught by a lawful device. This part does not
22 apply to ~~a person~~**AN INDIVIDUAL** engaged in the business of
23 propagating fish under part 459 or to fish caught by a device for
24 which a lawful permit or license is obtained from the department
25 under this part.

26 Sec. 48711. ~~A person~~**AN INDIVIDUAL** shall not have in his or
27 her possession any net, set lines, jack or other artificial light

1 of any kind, dynamite, giant powder, or other explosive substance
2 or combination of substances, hook and line, or any other
3 contrivance or device to be used for the purpose of taking fish in
4 violation of this part or any other act or part. Any such property,
5 contrivance, or device found in the possession of ~~a person~~ **AN**
6 **INDIVIDUAL** or found in a boat, boathouse, or any other place on any
7 of the waters of this state or along the shores of the waters of
8 this state ~~shall~~ **MUST** be confiscated and disposed of in the manner
9 provided by law. ~~A person~~ **AN INDIVIDUAL** shall not have a gaff in
10 his or her possession on or along any trout stream in this state or
11 use, except from June 1 to Labor Day, on any trout stream a single
12 hook of any kind that is more than 3/8 inches between the point of
13 the hook and the shank. This section does not prohibit the use or
14 possession of minnow seines, minnow traps, or dip nets as provided
15 in section 48730 or the use and possession of seines, nets, spears,
16 or artificial lights for the use of which a lawful permit or
17 license has been issued by the department. ~~A person may have in his~~
18 ~~or her possession an artificial light of any kind for taking white~~
19 ~~bass.~~ Commercial anglers who have licenses to take fish in the
20 Great Lakes may have in their possession nets or hook lines for
21 that purpose only. In prosecutions for the violations of this
22 section, and in proceedings for the confiscation of the property
23 described in this section, the possession of any such property,
24 contrivance, or device or, when not found in possession of any
25 ~~person,~~ **INDIVIDUAL**, the presence of any such property in a boat,
26 boathouse, or any other place on the waters of this state or along
27 the shores of the waters of this state is prima facie evidence that

1 the property is owned, possessed, or used for the purpose of
2 violating this part. The possession of any such property,
3 contrivance, or device on the waters of this state that are closed
4 to all fishing during the closed season on or along those waters is
5 prima facie evidence that the property is owned, possessed, or used
6 for the purpose of violating this part. This act or any other act
7 does not apply to the department in its program in fisheries
8 management or in the control of aquatic vegetation by individuals
9 under permit issued by the department when, in the opinion of the
10 department, that control is not inimical to the public interest.

11 Sec. 48712. ~~A person~~ **AN INDIVIDUAL** shall not catch any fish or
12 attempt to catch any fish in any manner in any lake, stream, or
13 pond or portion of any lake, stream, or pond that is used by the
14 state or federal government for the propagation of fish, except in
15 the portion or portions of the lake, stream, or pond ~~as may be~~
16 designated by the ~~department~~ **COMMISSION** as open to fishing.

17 Sec. 48721. (1) The ~~department~~ **COMMISSION** shall issue an order
18 under part 411 establishing possession limits of fish consistent
19 with this section. ~~A person~~ **AN INDIVIDUAL** shall not possess more
20 than the daily possession limit or aggregate daily possession
21 limit, as applicable, of fish at the place where the fish were
22 taken or in route from that place to either of the following:

23 (a) His or her automobile or other principal means of land
24 transportation.

25 (b) His or her residence or temporary place of lodging.

26 (2) In addition to 1 day's possession limit of fish, ~~a person~~
27 **AN INDIVIDUAL** may possess an additional 2 days' possession limit of

1 fish that are processed by any of the following methods:

2 (a) Canning in a sealed container.

3 (b) Curing by smoking or drying.

4 (c) Freezing in a solid state.

5 (3) ~~A person's~~ **AN INDIVIDUAL'S** processed fish aboard a vessel,
6 on the water or at dockside, ~~shall be~~ **ARE** considered to be in the
7 ~~person's~~ **INDIVIDUAL'S** possession for the purposes of subsection
8 (2).

9 (4) ~~A person~~ **AN INDIVIDUAL** shall not possess a fish illegally
10 taken.

11 Sec. 48734. (1) The department may issue permits for the
12 removal of ~~dogfish, carp, garfish, sheepshead, and other noxious~~
13 ~~fish, EXCEPT FOR GAME FISH, from all the waters over which this~~
14 ~~state has jurisdiction with seines, nets, spears, or in any other~~
15 ~~manner, TO MANAGE FISH and sell or authorize the sale of same for~~
16 ~~the purpose of paying THOSE FISH TO PAY the expense of the removal~~
17 ~~on terms that are in the best advantage of the THIS state. However,~~
18 ~~the department shall be present at the time and place of the taking~~
19 ~~and removal of the fish and a representative of the department~~
20 ~~shall personally superintend the taking and removal.~~

21 (2) **THE DEPARTMENT MAY ISSUE A PERMIT TO A PERSON THAT HAS**
22 **REGISTERED A FISHING TOURNAMENT UNDER ORDERS ISSUED BY THE**
23 **COMMISSION AUTHORIZING THAT ANY FISH TAKEN UNDER A SPORT FISHING**
24 **LICENSE, EXCEPT FOR GAME FISH, DURING A REGISTERED TOURNAMENT MAY**
25 **BE DONATED, NOT FOR PECUNIARY PROFIT, TO A PERSON. FISH DONATED**
26 **UNDER THIS SUBSECTION ARE NOT SUBJECT TO SECTION 48723 AND THE**
27 **PERSON ACCEPTING THE DONATED FISH MAY PROCESS, UTILIZE, AND SELL**

1 ANY FISH OR FISH PRODUCT RESULTING FROM THE DONATION.

2 (3) THE PERSON TAKING THE FISH OR ACCEPTING THE DONATED FISH
3 MUST RETAIN A COPY OF THE PERMIT WITH THE FISH FOR TRANSPORT AND
4 FINAL DISPOSITION. The department shall incorporate regulations and
5 restrictions in the permits as the department considers advisable,
6 ~~and any~~ INCLUDING THE AUTHORIZED METHOD OF TAKE. ANY person taking
7 fish under ~~such a~~ permit ISSUED UNDER THIS SECTION shall conform to
8 all the regulations and restrictions specified in the permit AND
9 ANY REPORTING STANDARDS ESTABLISHED BY THE DEPARTMENT. A

10 ~~nonresident who operates under a permit issued under this section~~
11 ~~shall, in addition to the percentage paid to the state, be required~~
12 ~~to pay the nonresident license fee as provided for nonresidents~~
13 ~~under the commercial fishing laws of this state.~~

14 Sec. 48735. (1) Subject to subsection (2), ~~a person~~ AN
15 INDIVIDUAL shall not take from any of the inland waters of this
16 state any fish in any manner for the purpose of fish culture or
17 scientific investigation without first obtaining a permit from the
18 department. ~~, except that a person who is operating a private fish~~
19 ~~pond may take fish from his or her own pond for the purpose of~~
20 ~~propagation, scientific investigation, or sale under part 459.~~

21 (2) ~~The~~ SUBJECT TO SUBSECTION (5), THE department may issue
22 permits to possess live game fish in public or private ponds,
23 pools, or aquariums under rules and regulations as the department
24 prescribes. ~~This subsection is subject to subsection (5).~~

25 (3) The department may cause to be taken from the inland
26 waters of this state any species of fish for the purpose of
27 obtaining spawn for fish culture or scientific investigation or for

1 the protection of the inland waters from ecological damage or
2 imbalance. In addition, the department may cause to be taken from
3 the inland waters of this state species of fish that are not
4 required to maintain the fishery resources of the inland waters.
5 All fish taken under this subsection ~~shall~~**MUST** be taken under the
6 supervision of a deputy of the department appointed for that
7 purpose and in accordance with the regulations of the department of
8 agriculture, and the fish may be sold or transferred by the
9 department.

10 (4) ~~A person~~**SUBJECT TO SUBSECTION (5), AN INDIVIDUAL** shall
11 not import or bring any live game fish, including viable eggs of
12 any game fish, from outside of this state except under a permit
13 from the department or under part 459 and the rules promulgated in
14 accordance with that part. ~~A person~~**AN INDIVIDUAL** shall not plant
15 any spawn, fry, or fish of any kind in any of the public waters of
16 this state or any other waters under the jurisdiction of this state
17 without first obtaining a permit from the department that states
18 the species, number, and approximate size or age of the spawn, fry,
19 or fish to be planted and the name and location of the waters where
20 the spawn, fry, or fish ~~shall~~**ARE TO** be planted. A permit is not
21 required to plant spawn, fry, or fish furnished by the federal or
22 state government. ~~This subsection is subject to subsection (5).~~

23 (5) A permit under subsection (2) or (4) does not include a
24 genetically engineered variant of a fish species identified in the
25 permit unless the genetically engineered variant is specifically
26 identified in the permit. A permit under subsection (2) or (4) may
27 be limited to a genetically engineered fish.

1 (6) A permit under this section ~~shall~~ **MUST** be exhibited upon
2 the request of any law enforcement officer.

3 (7) The department shall annually report to the legislature
4 all fish sold or transferred ~~pursuant to~~ **UNDER** this part.

5 Enacting section 1. Sections 48704, 48708, 48714, 48715,
6 48716, 48717, 48718, 48719, 48720, 48725, 48727, and 48733 of the
7 natural resources and environmental protection act, 1994 PA 451,
8 MCL 324.48704, 324.48708, 324.48714, 324.48715, 324.48716,
9 324.48717, 324.48718, 324.48719, 324.48720, 324.48725, 324.48727,
10 and 324.48733, are repealed.