

# HOUSE BILL No. 4225

February 7, 1991, Introduced by Rep. Alley and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 10 of chapter I, sections 1b, 10, and 11 of chapter III, and sections 9 and 12 of chapter V of Act No. 165 of the Public Acts of 1929, entitled as amended "Michigan sports fishing law,"

section 1b of chapter III as added by Act No. 249 of the Public Acts of 1988, section 11 of chapter III as amended by Act No. 93 of the Public Acts of 1990, section 9 of chapter V as amended by Act No. 165 of the Public Acts of 1986, and section 12 of chapter V as amended by Act No. 209 of the Public Acts of 1989, being sections 301.10, 303.1b, 303.10, 303.11, 305.9, and 305.12 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10 of chapter I, sections 1b, 10, and 11  
2 of chapter III, and sections 9 and 12 of chapter V of Act No. 165  
3 of the Public Acts of 1929, section 1b of chapter III as added by

1 Act No. 249 of the Public Acts of 1988, section 11 of chapter III  
2 as amended by Act No. 93 of the Public Acts of 1990, section 9 of  
3 chapter V as amended by Act No. 165 of the Public Acts of 1986,  
4 and section 12 of chapter V as amended by Act No. 209 of the  
5 Public Acts of 1989, being sections 301.10, 303.1b, 303.10,  
6 303.11, 305.9, and 305.12 of the Michigan Compiled Laws, are  
7 amended to read as follows:

8 CHAPTER I

9 Sec. 10. (1) A trout lake under ~~the terms of~~ this act  
10 ~~shall be deemed to be~~ IS a lake DESIGNATED BY THE COMMISSION OF  
11 CONSERVATION AND RECREATION in which brook trout, brown trout, or  
12 rainbow trout are the predominating species of game fish found  
13 ~~therein~~ IN THE LAKE, and WHICH IS commonly known as A trout  
14 LAKE. ~~lakes, such lakes to be designated by the conservation~~  
15 ~~commission: Provided, That the conservation commission may des-~~  
16 ~~ignate certain trout lakes in which certain species of fish are~~  
17 ~~not desired, in which lakes it~~

18 (2) IT shall be unlawful to use live fish of any kind for  
19 bait IN A TROUT LAKE FOR WHICH THE COMMISSION OF CONSERVATION AND  
20 RECREATION DESIGNATES THAT CERTAIN SPECIES OF FISH ARE NOT  
21 DESIRED.

22 CHAPTER III

23 Sec. 1b. Notwithstanding any other provision in this act or  
24 any order of the commission of ~~natural resources~~ CONSERVATION  
25 AND RECREATION or the director of the department of natural  
26 resources, the following ~~provisions~~ shall be applicable during  
27 the open season for trout in that portion of Duck Creek within

1 Gogebic County, Watersmeet Township, beginning at the old  
2 railroad bridge SE-SE section 16, T44N-R39W downstream to the  
3 Middle Branch of the Ontonagon River at NW-NW Section 27,  
4 T45N-R39W:

5 (a) Only artificial lures may be used to take trout.

6 (b) Trout must be at least 10 inches in length.

7 (c) Not more than 5 trout may be taken per day.

8 Sec. 10. The ~~conservation~~ commission OF CONSERVATION AND  
9 RECREATION may adopt ~~such~~ fishing rules and regulations as it  
10 ~~deems~~ CONSIDERS necessary for the harvest of new species of  
11 game fish including coho (silver) salmon, kokanee salmon, chinook  
12 salmon and striped bass in any of the waters of this state.

13 Sec. 11. (1) Notwithstanding any other provision of this  
14 act, coho (silver) salmon and chinook salmon may be taken from  
15 September 10 to October 25 by means of catching or snagging in  
16 the mouth of or on the body of the fish with unweighted double-  
17 or treble-pointed hooks not exceeding 3/8-inch from point to  
18 shank, unweighted single-pointed hooks not exceeding 1/2-inch  
19 from point to shank, or by artificial baits, in the following  
20 locations:

21 (a) The Sable river between Hamlin dam and the mouth of the  
22 Sable river in Mason county.

23 (b) The Pere Marquette river between signs located 1/4 mile  
24 upstream and 3/4 mile downstream from Scottville bridge in Mason  
25 county.

1 (c) The big Manistee river between the Tippy dam and signs  
2 posted approximately 1 mile downstream from the Tippy dam in  
3 Manistee county.

4 (2) Following the 1985 and 1986 snagging season, the depart-  
5 ment of natural resources shall conduct a study examining the  
6 economic impact caused by the elimination of snagging on the Au  
7 Sable river. A copy of the study shall be submitted to the leg-  
8 islature not later than January 25 of 1986 and 1987.

9 (3) Requirements for permits, licensing, and fees, and  
10 limits on the number of coho (silver) salmon and chinook salmon  
11 which may be caught, killed, or in possession pursuant to this  
12 section shall be the same as requirements provided for the taking  
13 of those fish in this act and rules adopted by the commission of  
14 ~~natural resources~~ CONSERVATION AND RECREATION pursuant to  
15 section 10 of this chapter and in the hunting and fishing license  
16 act, Act No. 86 of the Public Acts of 1980, being sections  
17 316.101 to 316.902 of the Michigan Compiled Laws. In addition,  
18 commencing with the 1985 salmon snagging season, a person taking  
19 any salmon pursuant to this section shall obtain an annual salmon  
20 snagging stamp. The fee for the stamp shall be \$7.25. The pro-  
21 ceeds of the sale of the salmon snagging stamp shall be credited  
22 to the game and fish protection fund.

23 (4) The department of natural resources shall manage fish-  
24 eries on the Pere Marquette river at or above the site of the  
25 lamprey blocking weir.

26 (5) The department of natural resources shall establish coho  
27 (silver) salmon and chinook salmon stocking programs in salmon

1 snagging locations to maintain the salmon population and insure  
2 the availability of spawning salmon in the salmon snagging loca-  
3 tions prescribed in this section.

4 (6) As used in this section:

5 (a) "Artificial bait" means a fish lure or fly that is manu-  
6 factured in imitation of or as a substitute for natural bait, and  
7 used to attract and to catch fish.

8 (b) "Unweighted hook" means a hook to which no weight is  
9 attached. Unweighted hook does not include a hook fastened rig-  
10 idly to an artificial bait by soldering, gluing, wrapping, or  
11 similar means.

12 (7) This section shall not apply beginning 3 years after the  
13 effective date of this section.

14 CHAPTER V

15 Sec. 9. (1) It shall be unlawful for any person to take  
16 from any of the inland waters of this state any fish in any  
17 manner for the purpose of fish culture or scientific investiga-  
18 tion, without first obtaining a permit from the director of the  
19 department of natural resources, except that persons who are  
20 operating a private fish pond may take such fish from their own  
21 ponds for the purpose of propagation, scientific investigation,  
22 or sale under the provisions of Act No. 196 of the Public Acts  
23 of 1957, being sections 308.111 to 308.119 of the Michigan  
24 Compiled Laws. The director of the department of natural  
25 resources may issue permits to possess live game fish in public  
26 or private ponds, pools, or aquariums under such rules and  
27 regulations as the commission of ~~natural resources~~ CONSERVATION

1 AND RECREATION may prescribe. The director of the department may  
2 cause to be taken from the inland waters of this state, any spe-  
3 cies of fish for the purpose of obtaining spawn for fish culture  
4 or scientific investigation or for the protection of the inland  
5 waters from ecological damage or imbalance. In addition, the  
6 director may cause to be taken from the inland waters of this  
7 state species of fish that are not required to maintain the fish-  
8 ery resources of the inland waters. All fish taken under this  
9 section shall be taken under the supervision of a deputy of the  
10 department appointed for that purpose and in accordance with the  
11 regulations of the ~~Michigan~~ department of agriculture, and the  
12 fish may be sold or transferred by the department. No person  
13 shall import or bring any live game fish or viable eggs of any  
14 game fish from outside of the state except under authority of a  
15 permit from the director of the department of natural resources  
16 or under authority of Act No. 196 of the Public Acts of 1957, as  
17 amended, and the rules promulgated in accordance with that act.  
18 No person shall plant any spawn, fry, or fish of any kind in any  
19 of the public waters of this state, or any other waters under the  
20 jurisdiction of this state without first obtaining a permit from  
21 the director that states the species, number, and the approximate  
22 size or age of the spawn, fry, or fish to be planted and the name  
23 and location of the waters where such spawn, fry, or fish shall  
24 be planted. No permit shall be required to plant spawn, fry, or  
25 fish furnished by the federal or state government.

26 All permits shall be exhibited upon the request of any law  
27 enforcement officer.

1       (2) The department of natural resources shall annually  
2 report to the legislature all fish sold or transferred pursuant  
3 to this act.

4       Sec. 12. (1) A person who violates this act or rules, com-  
5 mission OF CONSERVATION AND RECREATION orders, or orders of the  
6 director issued to implement this act, if a penalty is not pro-  
7 vided for that violation in this section, is guilty of a misde-  
8 meanor, punishable by imprisonment for not more than 90 days, or  
9 a fine of not more than \$500.00, or both.

10       (2) A person convicted of using dynamite, nitroglycerin,  
11 lime, electricity, any other explosive substance, or poison for  
12 the purpose of taking or killing fish, or a person convicted of  
13 using nets not authorized by law for taking game fish; or buying  
14 or selling game fish or any parts of game fish is guilty of a  
15 misdemeanor punishable by imprisonment for not more than 90 days,  
16 or a fine of not less than \$250.00 or more than \$1,000.00, or  
17 both.

18       (3) A person who takes or possesses sturgeon in violation of  
19 this act or rules, commission orders, or orders of the director  
20 issued to implement this act is guilty of a misdemeanor punish-  
21 able by imprisonment for not less than 30 days or more than 180  
22 days, or a fine of not less than \$500.00 or more than \$2,000.00,  
23 or both, and the costs of prosecution.

24       (4) If a person is convicted of a violation of this act or  
25 rules, commission OF CONSERVATION AND RECREATION orders, or  
26 orders of the director issued to implement this act and it is  
27 alleged in the complaint and proved or admitted at trial or

1 ascertained by the court at the time of sentencing that the  
2 person had been previously convicted 3 or more times of a viola-  
3 tion of this act within the 5 years immediately preceding the  
4 last violation of this act, the person is guilty of a misdemean-  
5 or, punishable by imprisonment for not more than 90 days, or a  
6 fine of not more than \$1,000.00, or both, and the costs of  
7 prosecution. This subsection shall not apply to the following  
8 violations:

9       (a) Failing to possess or display a valid fishing license or  
10 trout and salmon stamp issued pursuant to the hunting and fishing  
11 license act, Act No. 86 of the Public Acts of 1980, being sec-  
12 tions 316.101 to 316.902 of the Michigan Compiled Laws.

13       (b) Taking or possessing an overlimit of bluegill, sunfish,  
14 crappie, perch, or nongame fish.

15       (c) Taking or possessing not more than 5 undersized fish.

16       (d) Fishing with too many lines.

17       (e) Failing to attach name and address to tip-ups or minnow  
18 traps.

19       (f) Fishing with lines not under immediate control.

20       (5) In addition to the penalties provided in this section, a  
21 fishing license issued to a person sentenced pursuant to subsec-  
22 tions (2), (3), or (4) shall be revoked and the person shall not  
23 be issued a license during the remainder of the year in which  
24 convicted or during the next 3 succeeding license years.

25       Section 2. This amendatory act shall not take effect unless  
26 all of the following bills of the 86th Legislature are enacted  
27 into law:



1 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4177 (request  
2 no. 00827'91).

3 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4173 (request  
4 no. 00827'91a).