

HOUSE BILL No. 4452

March 6, 1997, Introduced by Reps. Prusi, Callahan, Anthony, Gire, Hanley, Agee, Kelly, Tesanovich, Leland, Varga, Scott and Parks and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amended sections 46503, 46506, 46507, and 46508 (MCL 324.46503, 324.46506, 324.46507, and 324.46508) as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 46503. A person who sets, places, erects, or causes to
2 be set, placed, or erected a fishing shanty upon the ice of any
3 waters of counties located within the Upper Peninsula, or the
4 waters of the Great Lakes adjacent to the Upper Peninsula, shall
5 remove the fishing shanty before ice conditions are unsafe for
6 its removal. However, except as provided in section 46506, the
7 ~~fishing shanty shall not remain on the ice beyond~~ PERSON SHALL
8 REMOVE THE FISHING SHANTY BY 12 midnight, ~~March 31~~ APRIL 21, of
9 any year.

1 Sec. 46506. (1) BASED ON WEATHER CONDITIONS, THE DEPARTMENT
2 MAY ISSUE AN ORDER EXTENDING THE DATE AFTER WHICH A FISHING
3 SHANTY MAY NOT REMAIN ON THE ICE UNDER SECTION 46503, 46504,
4 46505, OR 46507. THE ORDER SHALL ONLY APPLY TO A SINGLE ICE
5 FISHING SEASON. THE DEPARTMENT MAY SUBSEQUENTLY ISSUE AN ORDER
6 AMENDING OR REVOKING THE EXTENSION ORDER. AN ORDER ISSUED UNDER
7 THIS SECTION DOES NOT RELIEVE THE PERSON PLACING A FISHING SHANTY
8 OF THE RESPONSIBILITY OF ASSURING THAT ICE CONDITIONS ARE SAFE.
9 THE STATE IS NOT LIABLE FOR DAMAGES THAT RESULT FROM SETTING,
10 PLACING, OR ERECTING A FISHING SHANTY, OR CAUSING OR ATTEMPTING
11 THE SETTING, PLACING, OR ERECTING OF A FISHING SHANTY PURSUANT TO
12 AN ORDER ISSUED UNDER THIS SECTION.

13 (2) After the ~~dates~~ DATE listed in ~~sections~~ SECTION
14 46503, 46504, ~~and~~ 46505, OR 46507, AS APPLICABLE, AND SUBJECT
15 TO ANY EXTENSION OF THAT DATE UNDER SUBSECTION (1), a person may
16 place and use a fishing shanty for the purposes of fishing if the
17 fishing shanty is removed from the ice at the conclusion of each
18 day's fishing activity.

19 Sec. 46507. A person who sets, places, erects, or causes to
20 be set, placed, or erected any fishing shanty upon the ice of
21 lake St. Clair within the jurisdiction of this state shall remove
22 the fishing shanty before ice conditions are unsafe for its
23 removal. ~~or~~ HOWEVER, EXCEPT AS PROVIDED IN SECTION 46506, THE
24 PERSON SHALL REMOVE THE FISHING SHANTY before sundown on the
25 first Sunday after February 20. ~~and on a daily basis following~~
26 ~~that date. Failure to remove a fishing shanty within the time~~
27 ~~specified in this section is a violation of this part, and the~~

~~1 department or the local unit of government may then authorize the
2 removal and storage or destruction of the fishing shanty.~~

3 Sec. 46508. (1) A local unit of government shall not pass
4 an ordinance, rule, or regulation regulating the placement, use,
5 marking, or removal of a fishing shanty on the ice of any waters
6 over which this state has jurisdiction. An ordinance, rule, or
7 regulation described in this section that is in effect on
8 April 1, 1994 is void. ~~However, if~~

9 (2) IF a person fails to remove a fishing shanty ~~within the~~
10 ~~time~~ BY THE DATE specified in ~~sections~~ SECTION 46503, 46504,
11 ~~and~~ 46505, OR 46507, AS APPLICABLE, AND SUBJECT TO ANY EXTEN-
12 SION OF THAT DATE UNDER SECTION 46506(1), a local unit of govern-
13 ment OR THE DEPARTMENT may remove the fishing shanty from the ice
14 or water and store or destroy the fishing shanty.