

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).~~