

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, and
48734 (MCL 324.48703, 324.48705, 324.48710, 324.48711, 324.48712,
324.48721, and 324.48734), 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, and section 48721 as
amended by 2010 PA 30; 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
5 or combination of substances that have a tendency to kill or

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

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

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

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

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

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

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

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

25 Sec. 48711. ~~A person~~**AN INDIVIDUAL** shall not have in his or
26 her possession any net, set lines, jack or other artificial light
27 of any kind, dynamite, giant powder, or other explosive substance

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

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

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

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

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

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

25 (2) In addition to 1 day's possession limit of fish, ~~a person~~
26 **AN INDIVIDUAL** may possess an additional 2 days' possession limit of
27 fish that are processed by any of the following methods:

1 (a) Canning in a sealed container.

2 (b) Curing by smoking or drying.

3 (c) Freezing in a solid state.

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

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

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

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

1 **(3) THE PERSON TAKING THE FISH OR ACCEPTING THE DONATED FISH**
2 **MUST RETAIN A COPY OF THE PERMIT WITH THE FISH FOR TRANSPORT AND**
3 **FINAL DISPOSITION.** The department shall incorporate regulations and
4 restrictions in the permits as the department considers advisable,
5 ~~and any~~ **INCLUDING THE AUTHORIZED METHOD OF TAKE. ANY** person taking
6 fish under ~~such a~~ permit **ISSUED UNDER THIS SECTION** shall conform to
7 all the regulations and restrictions specified in the permit **AND**
8 **ANY REPORTING STANDARDS ESTABLISHED BY THE DEPARTMENT. A**
9 ~~nonresident who operates under a permit issued under this section~~
10 ~~shall, in addition to the percentage paid to the state, be required~~
11 ~~to pay the nonresident license fee as provided for nonresidents~~
12 ~~under the commercial fishing laws of this state.~~

13 Enacting section 1. Sections 48704, 48708, 48714, 48715,
14 48716, 48717, 48718, 48719, 48720, 48725, 48727, and 48733 of the
15 natural resources and environmental protection act, 1994 PA 451,
16 MCL 324.48704, 324.48708, 324.48714, 324.48715, 324.48716,
17 324.48717, 324.48718, 324.48719, 324.48720, 324.48725, 324.48727,
18 and 324.48733, are repealed.