

# HOUSE BILL No. 5866

April 24, 2018, Introduced by Reps. Bellino, Barrett and Noble and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 48703, 48703a, 48705, 48710, 48711, 48712, 48721, 48727, and 48735 (MCL 324.48703, 324.48703a, 324.48705, 324.48710, 324.48711, 324.48712, 324.48721, 324.48727, and 324.48735), section 48703 as amended by 2012 PA 471, section 48703a as amended by 2016 PA 382, sections 48705 and 48710 as amended by 2018 PA 36, sections 48711, 48712, and 48727 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

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

25 (2) ~~A person~~ **AN INDIVIDUAL** shall not set or use a tip-up or  
26 other similar device for the purpose of taking fish through the ice  
27 unless the name and address of the ~~person~~ **INDIVIDUAL** owning the

1 tip-up or other similar device is marked in legible English on the  
2 tip-up or other similar device or securely fastened to it by a  
3 plate or tag.

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

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

9 Sec. 48703a. (1) The legislature finds and declares that  
10 aquatic invasive species, including Asian carp, represent a  
11 significant threat to the state's fisheries, aquatic resources,  
12 outdoor recreation and tourism economies, and public safety.

13 (2) The commission has the exclusive authority to regulate  
14 sport fishing under this part. The commission shall, to the  
15 greatest extent practicable, utilize principles of sound scientific  
16 management in making decisions regarding the regulation of sport  
17 fishing under this part. The commission may take testimony from  
18 department personnel, independent experts, and others, and review  
19 scientific literature and data, among other sources, in support of  
20 the commission's duty to use principles of sound scientific  
21 management. The commission shall issue orders regarding the  
22 regulation of sport fishing under this part following a public  
23 meeting and an opportunity for public input. Not less than 30 days  
24 before issuing an order, the commission shall provide a copy of the  
25 order to each of the following:

26 (a) Each member of each standing committee of the senate or  
27 house of representatives that considers legislation pertaining to

1 conservation, the environment, natural resources, recreation,  
2 tourism, or agriculture.

3 (b) The chairperson of the senate appropriations committee and  
4 the chairperson of the house of representatives appropriations  
5 committee.

6 (c) The members of the subcommittee of the senate  
7 appropriations committee and the subcommittee of the house of  
8 representatives appropriations committee that consider the budget  
9 of the department of natural resources.

10 ~~— (3) For the fiscal year ending September 30, 2017, there is~~  
11 ~~appropriated for the department the sum of \$1,000,000.00 to~~  
12 ~~implement management practices necessary for rapid response,~~  
13 ~~prevention, control, or elimination of aquatic invasive species,~~  
14 ~~including Asian carp. Any portion of the amount under this section~~  
15 ~~that is not expended in the fiscal year ending September 30, 2017~~  
16 ~~shall not lapse to the general fund but shall be carried forward in~~  
17 ~~a work project account that is in compliance with section 451a of~~  
18 ~~the management and budget act, 1984 PA 431, MCL 18.1451a.~~

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

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

27 (3) The department may ~~, pursuant to part 13,~~ issue permits

1 **UNDER PART 13** to take amphibians and reptiles at any season of the  
2 year for scientific or educational purposes. The department may  
3 revoke a permit issued under this subsection.

4 Sec. 48710. This part does not prohibit the use of a gaff,  
5 except on or along trout streams, or a landing net to assist in  
6 landing fish already caught by a lawful device. This part does not  
7 apply to ~~a person~~ **AN INDIVIDUAL** engaged in the business of  
8 propagating fish under part 459 or to fish caught by a device for  
9 which a lawful permit or license is obtained from the department  
10 under this part.

11 Sec. 48711. ~~A person~~ **AN INDIVIDUAL** shall not have in his or  
12 her possession any net, set lines, jack or other artificial light  
13 of any kind, dynamite, giant powder, or other explosive substance  
14 or combination of substances, hook and line, or any other  
15 contrivance or device to be used for the purpose of taking fish in  
16 violation of this part or any other act or part. Any such property,  
17 contrivance, or device found in the possession of ~~a person~~ **AN**  
18 **INDIVIDUAL** or found in a boat, boathouse, or any other place on any  
19 of the waters of this state or along the shores of the waters of  
20 this state ~~shall~~ **MUST** be confiscated and disposed of in the manner  
21 provided by law. ~~A person~~ **AN INDIVIDUAL** shall not have a gaff in  
22 his or her possession on or along any trout stream in this state or  
23 use, except from June 1 to Labor Day, on any trout stream a single  
24 hook of any kind that is more than 3/8 inches between the point of  
25 the hook and the shank. This section does not prohibit the use or  
26 possession of minnow seines, minnow traps, or dip nets as provided  
27 in section 48730 or the use and possession of seines, nets, spears,

1 or artificial lights for the use of which a lawful permit or  
2 license has been issued by the department. ~~A person may have in his~~  
3 ~~or her possession an artificial light of any kind for taking white~~  
4 ~~bass.~~ Commercial anglers who have licenses to take fish in the  
5 Great Lakes may have in their possession nets or hook lines for  
6 that purpose only. In prosecutions for the violations of this  
7 section, and in proceedings for the confiscation of the property  
8 described in this section, the possession of any such property,  
9 contrivance, or device or, when not found in possession of any  
10 ~~person,~~ **INDIVIDUAL**, the presence of any such property in a boat,  
11 boathouse, or any other place on the waters of this state or along  
12 the shores of the waters of this state is prima facie evidence that  
13 the property is owned, possessed, or used for the purpose of  
14 violating this part. The possession of any such property,  
15 contrivance, or device on the waters of this state that are closed  
16 to all fishing during the closed season on or along those waters is  
17 prima facie evidence that the property is owned, possessed, or used  
18 for the purpose of violating this part. This act or any other act  
19 does not apply to the department in its program in fisheries  
20 management or in the control of aquatic vegetation by individuals  
21 under permit issued by the department when, in the opinion of the  
22 department, that control is not inimical to the public interest.

23 Sec. 48712. ~~A person~~ **AN INDIVIDUAL** shall not catch any fish or  
24 attempt to catch any fish in any manner in any lake, stream, or  
25 pond or portion of any lake, stream, or pond that is used by the  
26 state or federal government for the propagation of fish, except in  
27 the portion or portions of the lake, stream, or pond ~~as may be~~

1 designated by the ~~department~~**COMMISSION** as open to fishing.

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

8       (a) His or her automobile or other principal means of land  
9 transportation.

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

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

14       (a) Canning in a sealed container.

15       (b) Curing by smoking or drying.

16       (c) Freezing in a solid state.

17       (3) ~~A person's~~**AN INDIVIDUAL'S** processed fish aboard a vessel,  
18 on the water or at dockside, ~~shall be~~**ARE** considered to be in the  
19 ~~person's~~**INDIVIDUAL'S** possession for the purposes of subsection  
20 (2).

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

23       Sec. 48727. ~~(1)~~On and after October 26, 1993, the snagging of  
24 fish is illegal in this state.

25 ~~— (2) The department shall manage fisheries on the Pere~~  
26 ~~Marquette river at or above the site of the lamprey blocking weir.~~

27       Sec. 48735. (1) Subject to subsection (2), ~~a person~~**AN**

1 **INDIVIDUAL** shall not take from any of the inland waters of this  
2 state any fish in any manner for the purpose of fish culture or  
3 scientific investigation without first obtaining a permit from the  
4 department. ~~, except that a person who is operating a private fish~~  
5 ~~pond may take fish from his or her own pond for the purpose of~~  
6 ~~propagation, scientific investigation, or sale under part 459.~~

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

11 (3) The department may cause to be taken from the inland  
12 waters of this state any species of fish for the purpose of  
13 obtaining spawn for fish culture or scientific investigation or for  
14 the protection of the inland waters from ecological damage or  
15 imbalance. In addition, the department may cause to be taken from  
16 the inland waters of this state species of fish that are not  
17 required to maintain the fishery resources of the inland waters.  
18 All fish taken under this subsection ~~shall~~ **MUST** be taken under the  
19 supervision of a deputy of the department appointed for that  
20 purpose and in accordance with the regulations of the department of  
21 agriculture, and the fish may be sold or transferred by the  
22 department.

23 (4) ~~A person~~ **SUBJECT TO SUBSECTION (5), AN INDIVIDUAL** shall  
24 not import or bring any live game fish, including viable eggs of  
25 any game fish, from outside of this state except under a permit  
26 from the department or under part 459 and the rules promulgated in  
27 accordance with that part. ~~A person~~ **AN INDIVIDUAL** shall not plant



1 any spawn, fry, or fish of any kind in any of the public waters of  
2 this state or any other waters under the jurisdiction of this state  
3 without first obtaining a permit from the department that states  
4 the species, number, and approximate size or age of the spawn, fry,  
5 or fish to be planted and the name and location of the waters where  
6 the spawn, fry, or fish ~~shall~~**ARE TO** be planted. A permit is not  
7 required to plant spawn, fry, or fish furnished by the federal or  
8 state government. ~~This subsection is subject to subsection (5).~~

9 (5) A permit under subsection (2) or (4) does not include a  
10 genetically engineered variant of a fish species identified in the  
11 permit unless the genetically engineered variant is specifically  
12 identified in the permit. A permit under subsection (2) or (4) may  
13 be limited to a genetically engineered fish.

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

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

18 Enacting section 1. Sections 48704, 48708, 48714, 48715,  
19 48716, 48717, 48718, 48719, 48720, 48725, and 48733 of the natural  
20 resources and environmental protection act, 1994 PA 451, MCL  
21 324.48704, 324.48708, 324.48714, 324.48715, 324.48716, 324.48717,  
22 324.48718, 324.48719, 324.48720, 324.48725, and 324.48733, are  
23 repealed.