

Act No. 529
Public Acts of 2018
Approved by the Governor
December 27, 2018
Filed with the Secretary of State
December 28, 2018
EFFECTIVE DATE: December 28, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Bellino, Barrett and Noble

ENROLLED HOUSE BILL No. 5866

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” 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:

Sec. 48703. (1) An individual shall not take, catch, or kill or attempt to take, catch, or kill a fish in the waters of this state with a grab hook, snag hook, or gaff hook, by the use of a set or night line or a net or firearm or an explosive substance or combination of substances that have a tendency to kill or stupefy fish, or by any other means or device other than a single line or a single rod and line while held in the hand or under immediate control, and with a hook or hooks attached, baited with a natural or artificial bait while being used for still fishing, ice fishing, casting, or trolling for fish, which is a means of the fish taking the bait or hook in the mouth. An individual shall not use more than 3 single lines or 3 single rods and lines, or a single line and a single rod and line, and shall not attach more than 6 hooks on all lines. The commission may decrease the number of rods per angler. However, the commission shall not reduce the number of rods per angler to less than 2. For the purposes of this part, a hook is a single, double, or treble pointed hook. A hook, single, double, or treble pointed, attached to a manufactured artificial bait is counted as 1 hook. The commission may designate waters where a treble hook and an artificial bait or lure having more than 1 single pointed hook must not be used during the periods the commission designates.

(2) An individual shall not set or use a tip-up or other similar device for the purpose of taking fish through the ice unless the name and address of the individual owning the tip-up or other similar device is marked in legible English on the tip-up or other similar device or securely fastened to it by a plate or tag.

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

(4) The commission may issue an order to regulate the taking of fish with nets in the waters of this state.

Sec. 48705. (1) Reptiles, amphibians, mollusks, and crustaceans may only be taken in a manner and during those times prescribed by the commission. An individual taking, trapping, catching, or fishing for reptiles, amphibians, mollusks, or crustaceans for his or her personal use shall have a valid fishing license issued under part 435.

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

(3) The department may issue permits under part 13 to take amphibians and reptiles at any season of the year for scientific or educational purposes. The department may revoke a permit issued under this subsection.

Sec. 48710. This part does not prohibit the use of a gaff, except on or along trout streams, or a landing net to assist in landing fish already caught by a lawful device. This part does not apply to an individual engaged in the business of propagating fish under part 459 or to fish caught by a device for which a lawful permit or license is obtained from the department under this part.

Sec. 48711. An individual shall not have in his or her possession any net, set lines, jack or other artificial light of any kind, dynamite, giant powder, or other explosive substance or combination of substances, hook and line, or any other contrivance or device to be used for the purpose of taking fish in violation of this part or any other act or part. Any such property, contrivance, or device found in the possession of an individual or found in a boat, boathouse, or any other place on any of the waters of this state or along the shores of the waters of this state must be confiscated and disposed of in the manner provided by law. An individual shall not have a gaff in his or her possession on or along any trout stream in this state or use, except from June 1 to Labor Day, on any trout stream a single hook of any kind that is more than 3/8 inches between the point of the hook and the shank. This section does not prohibit the use or possession of minnow seines, minnow traps, or dip nets as provided in section 48730 or the use and possession of seines, nets, spears, or artificial lights for the use of which a lawful permit or license has been issued by the department. Commercial anglers who have licenses to take fish in the Great Lakes may have in their possession nets or hook lines for that purpose only. In prosecutions for the violations of this section, and in proceedings for the confiscation of the property described in this section, the possession of any such property, contrivance, or device or, when not found in possession of any individual, the presence of any such property in a boat, boathouse, or any other place on the waters of this state or along the shores of the waters of this state is prima facie evidence that the property is owned, possessed, or used for the purpose of violating this part. The possession of any such property, contrivance, or device on the waters of this state that are closed to all fishing during the closed season on or along those waters is prima facie evidence that the property is owned, possessed, or used for the purpose of violating this part. This act or any other act does not apply to the department in its program in fisheries management or in the control of aquatic vegetation by individuals under permit issued by the department when, in the opinion of the department, that control is not inimical to the public interest.

Sec. 48712. An individual shall not catch any fish or attempt to catch any fish in any manner in any lake, stream, or pond or portion of any lake, stream, or pond that is used by the state or federal government for the propagation of fish, except in the portion or portions of the lake, stream, or pond designated by the commission as open to fishing.

Sec. 48721. (1) The commission shall issue an order under part 411 establishing possession limits of fish consistent with this section. An individual shall not possess more than the daily possession limit or aggregate daily possession limit, as applicable, of fish at the place where the fish were taken or in route from that place to either of the following:

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

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

(2) In addition to 1 day's possession limit of fish, an individual may possess an additional 2 days' possession limit of fish that are processed by any of the following methods:

(a) Canning in a sealed container.

(b) Curing by smoking or drying.

(c) Freezing in a solid state.

(3) An individual's processed fish aboard a vessel, on the water or at dockside, are considered to be in the individual's possession for the purposes of subsection (2).

(4) An individual shall not possess a fish illegally taken.

Sec. 48734. (1) The department may issue permits for the removal of fish, except for game fish, from all the waters over which this state has jurisdiction to manage fish and sell or authorize the sale of those fish to pay the expense of the removal on terms that are in the best advantage of this state.

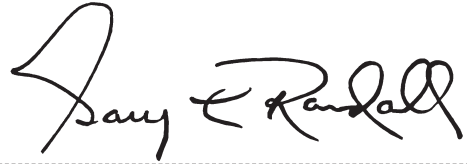
(2) The department may issue a permit to a person that has registered with the department as a fishing tournament or event authorizing that any fish taken under a sport fishing license, except for game fish, during a registered tournament may be donated, not for pecuniary profit, to a person. Fish donated under this subsection are not subject to section 48723 and the person accepting the donated fish may process, utilize, and sell any fish or fish product resulting from the donation.

(3) The person taking the fish or accepting the donated fish must retain a copy of the permit with the fish for transport and final disposition. The department shall incorporate regulations and restrictions in the permits as the

department considers advisable, including the authorized method of take. Any person taking fish under a permit issued under this section shall conform to all the regulations and restrictions specified in the permit and any reporting standards established by the department.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor