

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

SUBPART II
FISHING DEVICES

324.48703 Fishing means or device; lines; hooks; tip-up or similar device; spear, bow and arrow, or crossbow; order to regulate nets.

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.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2008, Act 291, Imd. Eff. Oct. 6, 2008;—Am. 2012, Act 245, Imd. Eff. July 2, 2012;—Am. 2012, Act 471, Imd. Eff. Dec. 27, 2012;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48703a Sport fishing; regulation by commission; issuance of orders; providing copy of order to legislature; appropriation.

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

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

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

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

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

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

History: Add. 2013, Act 21, Imd. Eff. May 8, 2013;—Am. 2014, Act 281, Eff. Mar. 31, 2015;—Am. 2015, Act 12, Eff. July 13, 2015;—Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016.

Compiler's note: Enacting section 1 of Act 281 of 2014 provides:

"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."

Enacting section 2 of Act 281 of 2014 provides:

"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, § 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.

In *Keep Michigan Wolves Protected v State of Michigan*, an unpublished opinion issued November 22, 2016, (Docket No. 328604), the Michigan Court of Appeals held that 2014 PA 281, which amended sections of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, is unconstitutional as it violates the title-object clause of section 24 of article IV of the state constitution of 1963.

Popular name: Act 451

Popular name: NREPA

324.48704 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed section pertained to restrictions on taking cisco with a gill net.

Popular name: Act 451

Popular name: NREPA

324.48705 Reptiles, amphibians, mollusks, and crustaceans; manner and times of taking; fishing license; taking for commercial purposes prohibited; taking for scientific or educational purposes; permit required.

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.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2018, Act 36, Imd. Eff. Feb. 21, 2018;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48706 Seines or nets; prohibited use near dams; definition.

Sec. 48706. Except as otherwise provided by law, a person shall not fish with any kind of seines or nets within a radius of 100 feet of or from any dam, frighten or hinder fish from the free passage up or down a fish chute or ladder, or place any obstruction or device in or across any race, stream, or river in this state in a manner that obstructs the free passage of fish up and down the race, stream, or river. For the purpose of this part, a dam is an artificial barrier or obstruction placed in a river or stream in this state which changes the natural elevation of the water level more than 2 feet.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48707 Lamprey control weir; prohibited waters for fishing.

Sec. 48707. A person shall not fish within a distance of 100 feet upstream or downstream from a lamprey control weir installed by the department or the United States fish and wildlife service and designated by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48708 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed section pertained to restrictions on smelt nets.

Popular name: Act 451

Popular name: NREPA

324.48709 Dam or barrier; destruction or interference prohibited.

Sec. 48709. A person shall not destroy or attempt to destroy, or interfere with in any manner, any artificial dam or barrier placed in a trout stream under the direction of the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48710 Applicability of part to gaff, landing net, person propagating fish, or fish caught by device.

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.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2018, Act 36, Imd. Eff. Feb. 21, 2018;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48711 Possession of fishing devices; prohibition; confiscation; exceptions; evidence; certain controls not affected.

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.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48712 Fishing in propagating beds prohibited; exception.

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.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Popular name: Act 451

Popular name: NREPA

324.48713 Fishing to remove eggs prohibited.

Sec. 48713. A person shall not catch any game or nongame fish in any manner in any lake, stream, or pond or in the Great Lakes for the purpose of removing its eggs.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48714 Repealed. 2018, Act 529, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed section pertained to a commercial fishing guide.

Popular name: Act 451

Popular name: NREPA

324.48714a Sport fishing guide; license requirements; commercial forestland prohibition; revocation; monthly reports; failure to file penalties; exhibition of license upon demand; violations; civil fines; definitions.

Sec. 48714a. (1) Beginning March 1, 2024, an individual shall not act as a sport fishing guide on an inland lake or stream, as that term is defined in section 30101, unless that individual possesses both of the following:

(a) A valid license issued under subsection (2).

(b) A valid fishing license.

(2) To obtain a license to act as a sport fishing guide, an individual shall submit the application fee described in section 48714b and an application to the department. The application must be in a format determined by the department. The department shall grant a license to an individual only if the department determines all of the following:

(a) That the individual holds a valid certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or a comparable organization as approved by the department, and that the individual can provide to the department, upon request, a copy of the certification.

(b) The individual has a valid, lawfully obtained Michigan driver license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or a sportcard issued under section 43522.

(c) The individual has not been convicted of any of the following within the past 3 years:

(i) A violation of any of the following:

(A) Section 40112.

(B) Section 40118(2), (3), (4), (5), (6), (14), (15), (16), or (17).

(C) Section 41105.

(D) Section 44524.

(E) Section 48738(2) or (3).

(F) Section 48739(1), (2), or (3).

(ii) Any felony.

(iii) A violation of a law of a participating state substantially corresponding to a violation described in subparagraphs (i) to (ii).

(d) The individual is eligible to purchase a license for the fish species for which the individual is acting as a sport fishing guide.

(e) Unless the individual indicates in writing to the department that sport fishing guiding activities will occur without the use of a watercraft, the individual has either a valid state pilot's license issued by the department under section 44510 or a valid captain's license issued by the United States Coast Guard.

(3) An individual shall not act as a sport fishing guide unless that individual, when acting as a sport fishing guide, carries a basic first aid kit that includes, but is not limited to, all of the following:

(a) Tourniquet, chest seals, and compression gauze.

(b) CPR mask.

(c) Trauma shears.

(d) Sterile eyewash.

(e) Mylar emergency blanket.

(f) Bandages.

(g) Moleskin.

(h) Tweezers.

(4) An individual shall not act as a sport fishing guide on commercial forestland.

(5) A license issued under this section is valid for 3 years after the date it is issued. The department shall allow an individual to obtain a public boating access entry pass required under section 78105(3) with any sport fishing guide license issued under this section for each year that the sport fishing guide license is valid. The department may revoke a license under this section, after notice and opportunity for hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for either of the following reasons:

(a) The department determines that an individual is not eligible to hold a license under this section.

(b) The individual provides false information under this section.

(6) A sport fishing guide shall file monthly reports to the department, in a format determined by the department, that contain information related to all of the following:

(a) The species of fish for which the individual acted as a sport fishing guide.

(b) The number of clients that the sport fishing guide had for each fishing trip and the number of hours fished for each fishing trip.

(c) The number of fish caught and released and the number of fish harvested by the clients of the sport fishing guide.

(d) The bodies of water where the individual acted as a sport fishing guide.

(e) Any additional information the department requires regarding the fishing activity or biological characteristics of the fish caught and released or harvested.

(f) For any month that the guide did not act as a sport fishing guide, a report stating that the individual did not act as a sport fishing guide during that month.

(7) If an individual fails to file a monthly report under subsection (6) and that report remains unfiled for more than 90 days after the date it is due, the individual is subject to the following:

(a) For a first violation, a \$100.00 civil fine.

(b) For a second violation, a \$200.00 civil fine.

(c) For a third violation, a \$500.00 civil fine.

(d) For a fourth violation, after notice and an opportunity for hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a revocation of the individual's license under this section.

(8) Information submitted in reports under subsection (6) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) The department shall annually post on its website all of the following:

(a) The number of applications submitted under subsection (2) in the previous year.

(b) The number of licenses issued under this section in the previous year.

(c) A list of individuals who have valid licenses under this section.

(10) An individual shall carry that individual's sport fishing guide license and shall exhibit the license upon the demand of a conservation officer, a peace officer, a tribal conservation officer, a park and recreation officer if sport fishing guiding takes place on property regulated under part 741 or 781, or the owner or occupant of any land where the individual is acting as a sport fishing guide.

(11) An individual who acts as a sport fishing guide without a valid license issued under this section or who acts as a sport fishing guide on commercial forestland is subject to a civil fine of not more than \$500.00. An individual who acts as a sport fishing guide without a valid license issued under this section or who acts as a sport fishing guide on commercial forestland a second or subsequent time is subject to a civil fine of not more than \$1,000.00. A civil fine collected under this subsection or subsection (7) must be deposited in the game and fish protection account established in section 2010.

(12) An individual who provides false information to the department under this section is subject to a civil fine of not more than \$500.00 and the costs of prosecution.

(13) As used in this section:

(a) "Consideration" means an economic benefit, inducement, right, or profit, including monetary payment accruing to an individual or person. Consideration does not include a voluntary sharing of the actual expenses of the guiding activity, by monetary contribution or donation of fuel, food, beverage, or other supplies.

(b) "Participating state" means that term as defined in section 1615.

(c) "Sport fishing guide" means an individual who, for a fee or other consideration, provides assistance to another individual in pursuing, capturing, catching, killing, taking, or attempting to take fish. Sport fishing guide does not include any of the following:

(i) An employee or member of an organization conducting a not-for-profit activity to recruit, retain, or promote fishing, while providing assistance to another individual in taking fish during that activity.

(ii) The owner of private land while providing assistance to another individual in pursuing, capturing, catching, killing, taking, or attempting to take fish on that private land.

(iii) An individual who complies with subsection (2)(c) and who is working under the direct supervision of a licensed sport fishing guide. As used in this subparagraph, "direct supervision" means that visual and vocal contact is constantly maintained between the individual and the licensed sport fishing guide.

History: Add. 2023, Act 220, Eff. Feb. 20, 2024.

Popular name: Act 451

Popular name: NREPA

324.48714b Application fee for sport fishing guide license; public boating access entry pass fee.

Sec. 48714b. (1) Except as otherwise provided in this section, the department shall charge a resident applying for a sport fishing guide license under section 48714a an application fee of \$150.00. The department shall charge a nonresident applying for a sport fishing guide license under section 48714a an application fee of \$300.00. The operator of a charter boat licensed under part 445 is not required to pay an application fee under this section. Money collected under this section must be deposited in the game and fish protection account established in section 2010.

(2) If an individual elects to obtain a public boating access entry pass with the sport fishing guide license under section 48714a, the department shall charge that individual a \$300.00 fee. Money collected for a public boating access entry pass under this section must be deposited in the waterways account established in section 2035.

History: Add. 2023, Act 220, Eff. Feb. 20, 2024.

Popular name: Act 451

Popular name: NREPA