

# HOUSE BILL No. 6225

November 8, 1990, Introduced by Reps. Alley, DeMars, Dolan and Kosteva and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 10 of chapter I, sections 1b, 4, 10, and 11 of chapter III, and sections 9 and 12 of chapter V of Act No. 165 of the Public Acts of 1929, entitled as amended

"Michigan sports fishing law,"

section 1b of chapter III as added by Act No. 249 of the Public Acts of 1988, section 4 of chapter III as amended by Act No. 190 of the Public Acts of 1989, section 11 of chapter III as amended by Act No. 93 of the Public Acts of 1990, section 9 of chapter V as amended by Act No. 165 of the Public Acts of 1986, and section 12 of chapter V as amended by Act No. 209 of the Public Acts of 1989, being sections 301.10, 303.1b, 303.4, 303.10, 303.11, 305.9, and 305.12 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 10 of chapter I, sections 1b, 4, 10, and  
2 11 of chapter III, and sections 9 and 12 of chapter V of Act

1 No. 165 of the Public Acts of 1929, section 1b of chapter III as  
2 added by Act No. 249 of the Public Acts of 1988, section 4 of  
3 chapter III as amended by Act No. 190 of the Public Acts of 1989,  
4 section 11 of chapter III as amended by Act No. 93 of the Public  
5 Acts of 1990, section 9 of chapter V as amended by Act No. 165 of  
6 the Public Acts of 1986, and section 12 of chapter V as amended  
7 by Act No. 209 of the Public Acts of 1989, being sections 301.10,  
8 303.1b, 303.4, 303.10, 303.11, 305.9, and 305.12 of the Michigan  
9 Compiled Laws, are amended to read as follows:

10 CHAPTER I

11 Sec. 10. (1) A trout lake under ~~the terms of~~ this act  
12 ~~shall be deemed to be~~ IS a lake DESIGNATED BY THE COMMISSION OF  
13 CONSERVATION AND RECREATION in which brook trout, brown trout, or  
14 rainbow trout are the predominating species of game fish found  
15 ~~therein~~ IN THE LAKE, and WHICH IS commonly known as A trout  
16 LAKE. ~~lakes, such lakes to be designated by the conservation~~  
17 ~~commission. Provided, That the conservation commission may des-~~  
18 ~~ignate certain trout lakes in which certain species of fish are~~  
19 ~~not desired, in which lakes it~~

20 (2) IT shall be unlawful to use live fish of any kind for  
21 bait IN A TROUT LAKE FOR WHICH THE COMMISSION OF CONSERVATION AND  
22 RECREATION DESIGNATES THAT CERTAIN SPECIES OF FISH ARE NOT  
23 DESIRED.

24 CHAPTER III

25 Sec. 1b. Notwithstanding any other provision in this act or  
26 any order of the commission of ~~natural resources~~ CONSERVATION  
27 AND RECREATION or the director of the department of natural

1 resources, the following ~~provisions~~ shall be applicable during  
2 the open season for trout in that portion of Duck Creek within  
3 Gogebic County, Watersmeet Township, beginning at the old rail-  
4 road bridge SE-SE section 16, T44N-R39W downstream to the Middle  
5 Branch of the Ontonagon River at NW-NW Section 27, T45N-R39W:

6 (a) Only artificial lures may be used to take trout.

7 (b) Trout must be at least 10 inches in length.

8 (c) Not more than 5 trout may be taken per day.

9 Sec. 4. (1) Except as otherwise provided in a commission OF  
10 CONSERVATION AND RECREATION order authorized under Act No. 230 of  
11 the Public Acts of 1925, being sections 300.1 to 300.5 of the  
12 Michigan Compiled Laws, a person shall not in a single day catch,  
13 kill, or have in possession at any 1 time, more than the number  
14 of fish indicated below:

15 (a) Brook trout, brown trout, rainbow trout, steelhead, lake  
16 trout, and splake, of the combined species, 10 when taken from  
17 rivers and streams, 5 when taken from inland lakes or Great  
18 Lakes, but not more than 10 pounds and 1 fish.

19 (b) Largemouth and smallmouth black bass, 5.

20 (c) Bluegills, sunfish, warmouth bass, rock bass, crappies,  
21 25 aggregate of any 1 species or in any combination of species.

22 (d) Pike-perch, 5. Any person may take and have in posses-  
23 sion 10 pike-perch when legally taken in the connecting waters or  
24 the waters of the Great Lakes.

25 (e) Saugers, 20, when taken from the waters commonly known  
26 as the Portage canal and including Portage lake and Torch lake,

1 all in Houghton county. Saugers when so taken shall not be  
2 bought or sold.

3 (f) Northern pike, 5.

4 (g) Landlocked salmon, 5.

5 (h) White bass, 10; 25 when taken from Great Lakes and con-  
6 necting waters.

7 (i) Whitefish, 12.

8 (j) Sturgeon, 2, per season. It shall be unlawful to pos-  
9 sess any sturgeon on or along the shores of an inland water  
10 except during the months of January and February.

11 (k) Perch, 50 in the Upper Peninsula and all waters of the  
12 Great Lakes that are within the jurisdiction of this state and  
13 are 10 or fewer miles from a border of the Upper Peninsula; in  
14 all other waters of the state, 100.

15 (2) A person shall not in a single day catch, kill, or have  
16 in possession more than a combined total of 5 large or smallmouth  
17 bass, pike-perch, and northern pike, except that a person may  
18 take and have in possession a combined total of 10 of those fish  
19 when taken in the connecting waters or the waters of the Great  
20 Lakes. A person shall not have in possession a fish illegally  
21 taken.

22 Sec. 10. The ~~conservation~~ commission OF CONSERVATION AND  
23 RECREATION may adopt ~~such~~ fishing rules and regulations as it  
24 ~~deems~~ CONSIDERS necessary for the harvest of new species of  
25 game fish including coho (silver) salmon, kokanee salmon, chinook  
26 salmon and striped bass in any of the waters of this state.

1       Sec. 11. (1) Notwithstanding any other provision of this  
2 act, coho (silver) salmon and chinook salmon may be taken from  
3 September 10 to October 25 by means of catching or snagging in  
4 the mouth of or on the body of the fish with unweighted double-  
5 or treble-pointed hooks not exceeding 3/8-inch from point to  
6 shank, unweighted single-pointed hooks not exceeding 1/2-inch  
7 from point to shank, or by artificial baits, in the following  
8 locations:

9       (a) The Sable river between Hamlin dam and the mouth of the  
10 Sable river in Mason county.

11       (b) The Pere Marquette river between signs located 1/4 mile  
12 upstream and 3/4 mile downstream from Scottville bridge in Mason  
13 county.

14       (c) The big Manistee river between the Tippy dam and signs  
15 posted approximately 1 mile downstream from the Tippy dam in  
16 Manistee county.

17       (2) Following the 1985 and 1986 snagging season, the depart-  
18 ment of natural resources shall conduct a study examining the  
19 economic impact caused by the elimination of snagging on the Au  
20 Sable river. A copy of the study shall be submitted to the leg-  
21 islature not later than January 25 of 1986 and 1987.

22       (3) Requirements for permits, licensing, and fees, and  
23 limits on the number of coho (silver) salmon and chinook salmon  
24 which may be caught, killed, or in possession pursuant to this  
25 section shall be the same as requirements provided for the taking  
26 of those fish in this act and rules adopted by the commission of  
27 ~~natural resources~~ CONSERVATION AND RECREATION pursuant to

1 section 10 of this chapter and in the hunting and fishing license  
2 act, Act No. 86 of the Public Acts of 1980, being sections  
3 316.101 to 316.902 of the Michigan Compiled Laws. In addition,  
4 commencing with the 1985 salmon snagging season, a person taking  
5 any salmon pursuant to this section shall obtain an annual salmon  
6 snagging stamp. The fee for the stamp shall be \$7.25. The pro-  
7 ceeds of the sale of the salmon snagging stamp shall be credited  
8 to the game and fish protection fund.

9 (4) The department of natural resources shall manage fish-  
10 eries on the Pere Marquette river at or above the site of the  
11 lamprey blocking weir.

12 (5) The department of natural resources shall establish coho  
13 (silver) salmon and chinook salmon stocking programs in salmon  
14 snagging locations to maintain the salmon population and insure  
15 the availability of spawning salmon in the salmon snagging loca-  
16 tions prescribed in this section.

17 (6) As used in this section:

18 (a) "Artificial bait" means a fish lure or fly that is manu-  
19 factured in imitation of or as a substitute for natural bait, and  
20 used to attract and to catch fish.

21 (b) "Unweighted hook" means a hook to which no weight is  
22 attached. Unweighted hook does not include a hook fastened rig-  
23 idly to an artificial bait by soldering, gluing, wrapping, or  
24 similar means.

25 (7) This section shall not apply beginning 3 years after the  
26 effective date of this section.

## CHAPTER V

1  
2       Sec. 9. (1) It shall be unlawful for any person to take  
3 from any of the inland waters of this state any fish in any  
4 manner for the purpose of fish culture or scientific investiga-  
5 tion, without first obtaining a permit from the director of the  
6 department of natural resources, except that persons who are  
7 operating a private fish pond may take such fish from their own  
8 ponds for the purpose of propagation, scientific investigation,  
9 or sale under the provisions of Act No. 196 of the Public Acts  
10 of 1957, being sections 308.111 to 308.119 of the Michigan  
11 Compiled Laws. The director of the department of natural  
12 resources may issue permits to possess live game fish in public  
13 or private ponds, pools, or aquariums under such rules and regu-  
14 lations as the commission of ~~natural resources~~ CONSERVATION AND  
15 RECREATION may prescribe. The director of the department may  
16 cause to be taken from the inland waters of this state, any spe-  
17 cies of fish for the purpose of obtaining spawn for fish culture  
18 or scientific investigation or for the protection of the inland  
19 waters from ecological damage or imbalance. In addition, the  
20 director may cause to be taken from the inland waters of this  
21 state species of fish that are not required to maintain the fish-  
22 ery resources of the inland waters. All fish taken under this  
23 section shall be taken under the supervision of a deputy of the  
24 department appointed for that purpose and in accordance with the  
25 regulations of the ~~Michigan~~ department of agriculture, and the  
26 fish may be sold or transferred by the department. No person  
27 shall import or bring any live game fish or viable eggs of any

1 game fish from outside of the state except under authority of a  
2 permit from the director of the department of natural resources  
3 or under authority of Act No. 196 of the Public Acts of 1957, as  
4 amended, and the rules promulgated in accordance with that act.  
5 No person shall plant any spawn, fry, or fish of any kind in any  
6 of the public waters of this state, or any other waters under the  
7 jurisdiction of this state without first obtaining a permit from  
8 the director that states the species, number, and the approximate  
9 size or age of the spawn, fry, or fish to be planted and the name  
10 and location of the waters where such spawn, fry, or fish shall  
11 be planted. No permit shall be required to plant spawn, fry, or  
12 fish furnished by the federal or state government.

13 All permits shall be exhibited upon the request of any law  
14 enforcement officer.

15 (2) The department of natural resources shall annually  
16 report to the legislature all fish sold or transferred pursuant  
17 to this act.

18 Sec. 12. (1) A person who violates this act or rules, com-  
19 mission OF CONSERVATION AND RECREATION orders, or orders of the  
20 director issued to implement this act, if a penalty is not pro-  
21 vided for that violation in this section, is guilty of a misde-  
22 meanor, punishable by imprisonment for not more than 90 days, or  
23 a fine of not more than \$500.00, or both.

24 (2) A person convicted of using dynamite, nitroglycerin,  
25 lime, electricity, any other explosive substance, or poison for  
26 the purpose of taking or killing fish, or a person convicted of  
27 using nets not authorized by law for taking game fish, or buying



1 or selling game fish or any parts of game fish is guilty of a  
2 misdemeanor punishable by imprisonment for not more than 90 days,  
3 or a fine of not less than \$250.00 or more than \$1,000.00, or  
4 both.

5 (3) A person who takes or possesses sturgeon in violation of  
6 this act or rules, commission orders, or orders of the director  
7 issued to implement this act is guilty of a misdemeanor punish-  
8 able by imprisonment for not less than 30 days or more than 180  
9 days, or a fine of not less than \$500.00 or more than \$2,000.00,  
10 or both, and the costs of prosecution.

11 (4) If a person is convicted of a violation of this act or  
12 rules, commission orders, or orders of the director issued to  
13 implement this act and it is alleged in the complaint and proved  
14 or admitted at trial or ascertained by the court at the time of  
15 sentencing that the person had been previously convicted 3 or  
16 more times of a violation of this act within the 5 years immedi-  
17 ately preceding the last violation of this act, the person is  
18 guilty of a misdemeanor, punishable by imprisonment for not more  
19 than 90 days, or a fine of not more than \$1,000.00, or both, and  
20 the costs of prosecution. This subsection shall not apply to the  
21 following violations:

22 (a) Failing to possess or display a valid fishing license or  
23 trout and salmon stamp issued pursuant to the hunting and fishing  
24 license act, Act No. 86 of the Public Acts of 1980, being sec-  
25 tions 316.101 to 316.902 of the Michigan Compiled Laws.

26 (b) Taking or possessing an overlimit of bluegill, sunfish,  
27 crappie, perch, or nongame fish.

1 (c) Taking or possessing not more than 5 undersized fish.

2 (d) Fishing with too many lines.

3 (e) Failing to attach name and address to tip-ups or minnow  
4 traps.

5 (f) Fishing with lines not under immediate control.

6 (5) In addition to the penalties provided in this section, a  
7 fishing license issued to a person sentenced pursuant to subsec-  
8 tions (2), (3), or (4) shall be revoked and the person shall not  
9 be issued a license during the remainder of the year in which  
10 convicted or during the next 3 succeeding license years.

11 Section 2. This amendatory act shall not take effect unless  
12 all of the following bills of the 85th Legislature are enacted  
13 into law:

14 (a) House Bill No. 5725.

15 (b) House Bill No. 5726.