

# Legislative Analysis

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## ALLOW SPEARFISHING IN HOUGHTON LAKE

**House Bill 5452 (as reported without amendment)**

**Sponsor: Rep. Bruce R. Rendon**

**Committee: Natural Resources, Tourism, and Outdoor Recreation**

**First Analysis (5-22-12)**

**BRIEF SUMMARY:** The bill would repeal the prohibition on spearfishing in Houghton Lake.

**FISCAL IMPACT:** House Bill 5452 would have no significant fiscal impact to the State of Michigan or local units of government. Under current law, a person who violates the prohibition of spearing fish in Houghton Lake may be assessed a penal fine in an amount between \$10 and \$100, in addition to possible imprisonment. Because the bill eliminates this violation for spearing fish, there would be no fine associated with legal fish-spearing activities. Penal fine revenues are constitutionally-designated to benefit local libraries.

### **THE APPARENT PROBLEM:**

Part 485 of the Natural Resources and Environmental Protection Act currently prohibits spearfishing in Houghton Lake. Houghton Lake is the only lake in Michigan where spearfishing is statutorily prohibited.

According to testimony, spearfishing is a popular form of fishing in the winter, especially for those wishing to catch pike. The Department of Natural Resources (DNR) has no documentation as to why this prohibition was enacted, other than the possibility that the local lake association was concerned about the health of the pike population and sought this measure to ensure the long term viability of the fish. Also according to the DNR, the pike population in Houghton Lake is healthy and could sustain spearfishing. As such, supporters of the bill want to repeal the prohibition and allow spearfishing in Houghton Lake.

### **THE CONTENT OF THE BILL:**

The bill would repeal Part 485 (MCL 324.48501) of the Natural Resources and Environmental Protection Act in order to allow spear fishing in Houghton Lake in Roscommon County.

Part 485 currently prohibits spear fishing in Houghton Lake. Under the act, anyone found in violation of the prohibition and subsequently convicted faces a fine ranging from \$10 to \$100 and/or imprisonment of 10 to 90 days.

***ARGUMENTS:***

***For:***

As noted, Houghton Lake is the only lake in Michigan where spearfishing is prohibited. The DNR has no documentation to explain the prohibition, other than the pike population may have been weak at the time. Since the pike population is now healthy and robust in the lake, the prohibition can be repealed without causing harm to the fish population. Additionally, allowing spearfishing in Houghton Lake will help the local economy retain some fishermen that wish to use spears instead of them having to go elsewhere.

It is important to note that all fish harvested using a spear would still be subject to size requirements as specified by law.

***Against:***

There was no opposition at the committee level.

***POSITIONS:***

Michigan Department of Natural Resources supports the bill. (5-15-12)

Michigan United Conservation Clubs supports the bill. (5-15-12)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.