

HOUSE BILL NO. 4187

February 09, 2021, Introduced by Rep. Albert and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 48703 and 48711 (MCL 324.48703 and 324.48711),
as amended by 2018 PA 529.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 48703. (1) ~~An~~**Except as otherwise provided in this part,**
2 **an** individual shall not take, catch, or kill or attempt to take,
3 catch, or kill a fish in the waters of this state with ~~a~~**any of the**
4 **following:**

1 **(a)** A grab hook, snag hook, or gaff hook. ~~, by the use of a~~

2 **(b)** A set ~~or line~~, a night line, or a net. ~~or~~

3 **(c)** A firearm or an explosive substance or combination of
4 substances that have a tendency to kill or stupefy fish. ~~, or by~~
5 ~~any~~

6 **(d)** Any other means or device other than a single line or a
7 single rod and line while held in the hand or under immediate
8 control, and with a hook or hooks attached, baited with a natural
9 or artificial bait while being used for still fishing, ice fishing,
10 casting, or trolling for fish, which is a means of the fish taking
11 the bait or hook in the mouth.

12 **(2)** ~~An~~ **Except as otherwise provided in this part, an**
13 individual shall not use more than 3 single lines or 3 single rods
14 and lines, or a single line and a single rod and line, and shall
15 not attach more than 6 hooks on all lines. The commission may
16 decrease the number of rods per angler. However, the commission
17 shall not reduce the number of rods per angler to less than 2. For
18 the purposes of this part, a hook is a single, double, or treble
19 pointed hook. A hook, single, double, or treble pointed, attached
20 to a manufactured artificial bait is counted as 1 hook. The
21 commission may designate waters where a treble hook and an
22 artificial bait or lure having more than 1 single pointed hook must
23 not be used during the periods the commission designates.

24 **(3)** ~~(2)~~ An individual shall not set or use a tip-up or other
25 similar device for the purpose of taking fish through the ice
26 unless the name and address of the individual owning the tip-up or
27 other similar device is marked in legible English on the tip-up or
28 other similar device or securely fastened to it by a plate or tag.

29 **(4)** ~~(3)~~ The commission may issue an order to regulate the

1 taking of fish with a spear, bow and arrow, or crossbow in the
2 waters of this state.

3 (5) ~~(4)~~—The commission may issue an order to regulate the
4 taking of fish with nets in the waters of this state.

5 (6) The commission may issue an order to regulate the taking
6 of fish with trotlines and juglines in the waters of this state.

7 (7) By April 1, 2022, the commission shall establish a 3-year
8 pilot program that allows an individual to use trotlines or
9 juglines on inland lakes and rivers in this state to take nongame
10 fish and snapping turtles. The pilot program established under this
11 section must do all of the following:

12 (a) Prohibit an individual using trotlines or juglines from
13 doing any of the following:

14 (i) Using live bait.

15 (ii) Setting a trotline or jugline within 600 feet of a dam.

16 (iii) Using more than 10 trotlines.

17 (b) Provide that an individual shall not set or use a trotline
18 or jugline unless the name, address, and telephone number of the
19 individual owning the trotline or jugline is marked in legible
20 English on the trotline or jugline.

21 (c) For juglines, provide that the juglines are labeled with a
22 reflective marker that encircles the juglines to allow for
23 visibility at night.

24 (d) Require that an individual using trotlines or juglines
25 does all of the following:

26 (i) Checks the trotlines at least once each day.

27 (ii) Removes fish and animals caught in those trotlines or
28 juglines.

29 (iii) Removes the trotlines or juglines when those lines are not

1 in use.

2 (e) For juglines, provide that the juglines are attended by or
3 are within sight of anglers at all times.

4 (f) Allow the commission to prohibit or restrict the use of
5 juglines or trotlines on certain inland lakes and rivers in this
6 state if the commission, based on principles of sound scientific
7 management, determines that the use of juglines or trotlines should
8 be prohibited or restricted on those lakes or rivers.

9 (8) If the commission determines that the use of juglines or
10 trotlines should be prohibited or restricted on certain inland
11 lakes or rivers, the commission shall, before the pilot program
12 under subsection (7) takes effect, issue a report to the
13 legislature explaining the principles of sound scientific
14 management used to make those decisions.

15 (9) Within 90 days after completion of the pilot program under
16 subsection (7), the commission shall issue a report to the
17 legislature with recommendations on the use of juglines or
18 trotlines in this state.

19 (10) As used in this section:

20 (a) "Closed-cell construction" means a solid body incapable of
21 containing water.

22 (b) "Jugline" means a free-floating device that anchors a
23 single line with no more than 1 hook and whose float material is
24 constructed of plastic, wood, or foam with closed-cell
25 construction.

26 (c) "Trotline" means a line anchored at 1 point, with more
27 than 2 hooks and not more than 15 hooks, and not associated with a
28 hand-operated mechanical reel.

29 Sec. 48711. ~~An~~ Except as otherwise provided in this part, an

1 individual shall not have in his or her possession any net, set
2 lines, jack or other artificial light of any kind, dynamite, giant
3 powder, or other explosive substance or combination of substances,
4 hook and line, or any other contrivance or device to be used for
5 the purpose of taking fish in violation of this part or any other
6 act or part. Any such property, contrivance, or device found in the
7 possession of an individual or found in a boat, boathouse, or any
8 other place on any of the waters of this state or along the shores
9 of the waters of this state must be confiscated and disposed of in
10 the manner provided by law. An individual shall not have a gaff in
11 his or her possession on or along any trout stream in this state or
12 use, except from June 1 to Labor Day, on any trout stream a single
13 hook of any kind that is more than 3/8 inches between the point of
14 the hook and the shank. This section does not prohibit the use or
15 possession of minnow seines, minnow traps, or dip nets as provided
16 in section 48730 or the use and possession of seines, nets, spears,
17 or artificial lights for the use of which a lawful permit or
18 license has been issued by the department. Commercial anglers who
19 have licenses to take fish in the Great Lakes may have in their
20 possession nets or hook lines for that purpose only. In
21 prosecutions for the violations of this section, and in proceedings
22 for the confiscation of the property described in this section, the
23 possession of any such property, contrivance, or device or, when
24 not found in possession of any individual, the presence of any such
25 property in a boat, boathouse, or any other place on the waters of
26 this state or along the shores of the waters of this state is prima
27 facie evidence that the property is owned, possessed, or used for
28 the purpose of violating this part. The possession of any such
29 property, contrivance, or device on the waters of this state that

1 are closed to all fishing during the closed season on or along
2 those waters is prima facie evidence that the property is owned,
3 possessed, or used for the purpose of violating this part. This act
4 or any other act does not apply to the department in its program in
5 fisheries management or in the control of aquatic vegetation by
6 individuals under permit issued by the department when, in the
7 opinion of the department, that control is not inimical to the
8 public interest.