

REPRINT

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5556

(As passed the Senate May 15, 2002)

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 48701 (MCL 324.48701), as added by 1995
PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 48701. As used in this part:

2 (a) "Amphibian" means any frog, toad, or salamander of the
3 class amphibia.

4 (b) "Crustacea" means any freshwater crayfish, shrimp, or
5 prawn of the order decapoda.

6 (c) "Game fish" includes all of the following:

7 (i) Mackinaw or lake trout (*Christivomer namaycush*).

8 (ii) Brook or speckled trout (*Salvelinus fontinalis*).

9 (iii) Brown and Loch Leven trout (*Salmo trutta*).

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- 1 (iv) Rainbow and steelhead trout (*Salmo gairdnerii*).
- 2 (v) Landlocked salmon (*Salmo salar sebago*).
- 3 (vi) Grayling (*Thymallus tricolor* and ~~thymallus~~ THYMALLUS
4 montanus).
- 5 (vii) Largemouth black bass (*Huro salmoides*).
- 6 (viii) Smallmouth black bass (*Micropterus dolomieu*).
- 7 (ix) Bluegill (*Lepomis macrochirus*).
- 8 (x) Pumpkinseed or common sunfish (*Lepomis gibbosus*).
- 9 (xi) Black crappie and white crappie, also known as calico
10 bass and strawberry bass (*Pomoxis sparoides* and *pomoxis*
11 *annularis*).
- 12 (xii) Yellow perch, commonly called perch ~~(perca~~ (PERCA
13 *flavescens*).
- 14 (xiii) Pike-perch, commonly called walleyed pike
15 (*Stizostedion vitreum*).
- 16 (xiv) Northern pike, also known as grass pike or pickerel
17 (*Esox lucius*).
- 18 (xv) Muskellunge (*Esox masquinongy*).
- 19 (xvi) Sturgeon (ACIPENSER FULVESCENS).
- 20 (xvii) SPLAKE (SALVELINUS NAMAYCUSH X SALVELINUS
21 FONTINALIS).
- 22 (xviii) COHO SALMON (ONCORHYNCHUS KISUTCH).
- 23 (xix) CHINOOK (KING) SALMON (ONCORHYNCHUS TSHAWYTSCHA).
- 24 (xx) PINK SALMON (ONCORHYNCHUS GORBUSCHA).
- 25 (d) "Inland waters of this state" means the waters within
26 the jurisdiction of the state except Saginaw river, Lakes
27 Michigan, Superior, Huron, and Erie, and the bays and the

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1 connecting waters. The connecting waters between Lake Superior
2 and Lake Huron are that part of the Straits of St. Mary in this
3 state extending from a line drawn from Birch Point Range front
4 light to the most westerly point of Round Island, thence follow-
5 ing the shore of Round Island to the most northerly point there-
6 of, thence from the most northerly point of ~~said~~ Round Island
7 to Point Aux Pins light, Ontario, to a line drawn due east and
8 west from the most southerly point of Little Lime Island. The
9 connecting waters of Lake Huron and Lake Erie are all of the
10 St. Clair river, all of Lake St. Clair, and all of the Detroit
11 river extending from Fort Gratiot light in Lake Huron to a ~~point~~
12 ~~in the lower Detroit river where the center line of Oak street,~~
13 ~~city of Wyandotte, Wayne county, Michigan, extended due east,~~
14 ~~would intersect the international boundary~~ line EXTENDING DUE
15 EAST AND WEST OF THE MOST SOUTHERLY POINT OF CELERON ISLAND IN
16 THE DETROIT RIVER.

17 (e) "Mollusks" means any mollusk of the classes bivalvia and
18 gastropoda.

19 (f) "Nongame fish" includes all kinds of fish except game
20 fish.

21 (g) "Nonresident" means a person who is not a resident.

22 (h) "Nontrout streams" means all streams or portions of
23 streams other than trout streams.

24 (i) "Open season" means the time during which fish may be
25 legally taken or killed and includes both the first and last day
26 of the season or period designated by this part.

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1 (j) "Reptiles" means any turtle, snake, or lizard of the
2 class reptilia.

3 (k) "Resident" means either of the following:

4 (i) A person who resides in a settled or permanent home or
5 domicile with the intention of remaining in this state.

6 (ii) A student who is enrolled in a full-time course at a
7 college or university within this state.

8 (l) "Trout lake" means a lake DESIGNATED BY THE DEPARTMENT
9 in which brook trout, brown trout, or rainbow trout are the pre-
10 dominating species of game fish found in the lake. ~~and such~~
11 ~~lakes shall be designated by the department.~~ The department may
12 designate certain trout lakes in which certain species of fish
13 are not desired and in which it is unlawful to use live fish of
14 any kind for bait.

15 (m) "Trout stream" means any stream or portion of a stream
16 that contains a significant population of any species of trout or
17 salmon as determined by the department. The department ~~may~~
18 SHALL designate not more than ~~100~~ 212 miles of trout streams in
19 which only lures or baits as the department prescribes may be
20 used in fishing, and the department may prescribe the size and
21 number of fish that may be taken from those TROUT streams. [THE
DEPARTMENT SHALL NOT RESTRICT CHILDREN UNDER 12 YEARS OLD FROM TAKING A
MINIMUM OF 1 FISH, EXCEPT FOR STURGEON (ACIPENSER FULVESCENS), IN ANY
TROUT STREAM.] ANY

22 TROUT STREAM IN A COUNTY THAT INCLUDES A CITY WITH A POPULATION
23 OF 750,000 OR MORE SHALL BE SO DESIGNATED. IN ADDITION, THE
24 DEPARTMENT SHALL ISSUE AN ORDER ADOPTING CRITERIA FOR DETERMINING
25 WHICH TROUT STREAMS SHOULD BE SO DESIGNATED. BEFORE THE DEPART-
26 MENT ISSUES THE ORDER, THE DEPARTMENT SHALL SUBMIT THE PROPOSED
27 ORDER TO THE COMMISSION. THE COMMISSION SHALL RECEIVE PUBLIC
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- 1 COMMENT ON THE PROPOSED ORDER. THE DEPARTMENT SHALL CONSIDER ANY
- 2 GUIDANCE PROVIDED BY THE COMMISSION ON THE PROPOSED ORDER AND MAY
- 3 MAKE CHANGES TO THE PROPOSED ORDER BASED ON THAT GUIDANCE.