

Act No. 434
Public Acts of 2002
Approved by the Governor
June 10, 2002
Filed with the Secretary of State
June 10, 2002
EFFECTIVE DATE: June 10, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

**Introduced by Reps. Allen, Shackleton, Gilbert, Kowall, Raczkowski, Bishop, Richardville, Patterson, Middaugh, Julian, Toy, Kuipers, Koetje, Hager, Howell, Van Woerkom, Stamas, DeWeese, Hummel, Vear, Mortimer, DeRossett, Switalski, Ehardt, DeVuyst, Woronchak, Drolet, Gosselin, Pumford, Jelinek, Pappageorge, Shulman, Thomas, Kooiman, Jansen, LaSata, George, Rocca, Vander Roest, Richner, Newell, Kolb, Rich Brown, Adamini, Mead, Lipsey and Cassis
Reps. Birkholz, Cameron Brown, Caul, Clarke, Daniels, Faunce, Ruth Johnson, Lemmons, Mans, Murphy, O'Neil, Stallworth, Stewart, Vander Veen, Voorhees and Wojno named co-sponsors**

ENROLLED HOUSE BILL No. 5556

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 48701 (MCL 324.48701), as added by 1995 PA 57.

The People of the State of Michigan enact:

Sec. 48701. As used in this part:

- (a) "Amphibian" means any frog, toad, or salamander of the class amphibia.
- (b) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order decapoda.
- (c) "Game fish" includes all of the following:
 - (i) Mackinaw or lake trout (*Christivomer namaycush*).
 - (ii) Brook or speckled trout (*Salvelinus fontinalis*).
 - (iii) Brown and Loch Leven trout (*Salmo trutta*).

- (iv) Rainbow and steelhead trout (*Salmo gairdnerii*).
- (v) Landlocked salmon (*Salmo salar sebago*).
- (vi) Grayling (*Thymallus tricolor* and *Thymallus montanus*).
- (vii) Largemouth black bass (*Huro salmoides*).
- (viii) Smallmouth black bass (*Micropterus dolomieu*).
- (ix) Bluegill (*Lepomis macrochirus*).
- (x) Pumpkinseed or common sunfish (*Lepomis gibbosus*).
- (xi) Black crappie and white crappie, also known as calico bass and strawberry bass (*Pomoxis sparoides* and *pomoxis annularis*).
- (xii) Yellow perch, commonly called perch (*Perca flavescens*).
- (xiii) Pike-perch, commonly called walleyed pike (*Stizostedion vitreum*).
- (xiv) Northern pike, also known as grass pike or pickerel (*Esox lucius*).
- (xv) Muskellunge (*Esox masquinongy*).
- (xvi) Sturgeon (*Acipenser fulvescens*).
- (xvii) Splake (*Salvelinus namaycush* x *Salvelinus fontinalis*).
- (xviii) Coho salmon (*Oncorhynchus kisutch*).
- (xix) Chinook (King) salmon (*Oncorhynchus tshawytscha*).
- (xx) Pink salmon (*Oncorhynchus gorbuscha*).

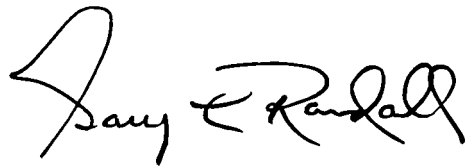
(d) "Inland waters of this state" means the waters within the jurisdiction of the state except Saginaw river, Lakes Michigan, Superior, Huron, and Erie, and the bays and the connecting waters. The connecting waters between Lake Superior and Lake Huron are that part of the Straits of St. Mary in this state extending from a line drawn from Birch Point Range front light to the most westerly point of Round Island, thence following the shore of Round Island to the most northerly point thereof, thence from the most northerly point of Round Island to Point Aux Pins light, Ontario, to a line drawn due east and west from the most southerly point of Little Lime Island. The connecting waters of Lake Huron and Lake Erie are all of the St. Clair river, all of Lake St. Clair, and all of the Detroit river extending from Fort Gratiot light in Lake Huron to a line extending due east and west of the most southerly point of Celeron Island in the Detroit river.

- (e) "Mollusks" means any mollusk of the classes bivalvia and gastropoda.
- (f) "Nongame fish" includes all kinds of fish except game fish.
- (g) "Nonresident" means a person who is not a resident.
- (h) "Nontrout streams" means all streams or portions of streams other than trout streams.
- (i) "Open season" means the time during which fish may be legally taken or killed and includes both the first and last day of the season or period designated by this part.
- (j) "Reptiles" means any turtle, snake, or lizard of the class reptilia.
- (k) "Resident" means either of the following:
 - (i) A person who resides in a settled or permanent home or domicile with the intention of remaining in this state.
 - (ii) A student who is enrolled in a full-time course at a college or university within this state.

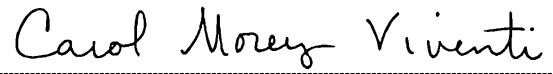
(l) "Trout lake" means a lake designated by the department in which brook trout, brown trout, or rainbow trout are the predominating species of game fish found in the lake. The department may designate certain trout lakes in which certain species of fish are not desired and in which it is unlawful to use live fish of any kind for bait.

(m) "Trout stream" means any stream or portion of a stream that contains a significant population of any species of trout or salmon as determined by the department. The department shall designate not more than 212 miles of trout streams in which only lures or baits as the department prescribes may be used in fishing, and the department may prescribe the size and 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 trout stream in a county that includes a city with a population of 750,000 or more shall be so designated. In addition, the department shall issue an order adopting criteria for determining which trout streams should be so designated. Before the department issues the order, the department shall submit the proposed order to the commission. The commission shall receive public comment on the proposed order. The department shall consider any guidance provided by the commission on the proposed order and may make changes to the proposed order based on that guidance.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.