HOUSE BILL NO. 509

AN ACT TO AMEND SECTIONS 49-15-15, 49-15-84, 49-15-86 AND 49-15-91, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSION ON MARINE RESOURCES MAY NOT REQUIRE A RECREATIONAL CRABBER'S LICENSE FOR INDIVIDUALS WHO CATCH SALTWATER CRABS FOR PERSONAL USE; TO LIMIT RECREATIONAL CRABBERS TO THE USE OF SIX CRAB TRAPS; TO INVALIDATE ANY RULES OR REGULATIONS ADOPTED BY THE COMMISSION WHICH REQUIRE A RECREATIONAL CRABBER TO OBTAIN A LICENSE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-15-15, Mississippi Code of 1972, is amended as follows:

49-15-15. (1) In addition to any other powers and duties authorized by law, the commission shall have the following powers and duties regarding the regulation of seafood:

(a) To exercise full jurisdiction and authority over all marine aquatic life and to regulate any matters pertaining to seafood, including cultivated seafood;

(b) To adopt, promulgate, amend or repeal, after due notice and public hearing, in accordance with the Mississippi Administrative Procedures Law and subject to the limitations in subsection (2) of this section, rules and regulations authorized under this chapter, including, but not limited to, rules and regulations necessary for the protection, conservation or propagation of all seafood in the waters under the territorial jurisdiction of the State of Mississippi and for the regulation of gill net and purse seine fishermen. All public hearings under this chapter concerning the regulation of marine resources shall be held in Hancock, Harrison or Jackson counties. Each rule or regulation promulgated under this chapter shall immediately be advertised one (1) time in a newspaper or newspapers having
general circulation in counties affected by that regulation. A
regulation shall become effective at 6:00 a.m. on the day after
its publication;

(c) To regulate all seafood sanitation and processing
programs. In the three (3) coastal counties, the sanitation
program regulating processing plants and seafood sold in retail
stores operating in conjunction with a processing plant or seafood
market that primarily deals with seafood is under the exclusive
authority of the commission. The commission may also inspect and
regulate those areas of any seafood processing plant which process
freshwater species at any site where the department inspects
seafood processing plants. To effectively and efficiently
implement the state seafood sanitation program, the State Health
Officer, the Commissioner of Agriculture and the executive
director of the department may enter into a memorandum of
understanding, which at a minimum, clearly specifies the
responsibilities of each agency in implementing the seafood
sanitation program, as well as the sharing of information and
communication and coordination between the agencies;

(d) To set standards of measure;

(e) To set requirements for employment of commission
employees whose compensation shall be governed by the rules and
regulations of the State Personnel Board;

(f) To acquire and dispose of commission equipment and
facilities;

(g) To keep proper records of the commission, including
an official ordinance book which contains all rules and
regulations promulgated by the commission under this chapter;

(h) To enter into advantageous interstate and
intrastate agreements with proper officials, which directly or
indirectly result in the protection, propagation and conservation
of the seafood of the State of Mississippi, or continue any such
agreements now in existence;
(i) To arrange, negotiate or contract for the use of available federal, state and local facilities which would aid in the propagation, protection and conservation of the seafood of the State of Mississippi;

(j) To authorize the operation of double rigs in the waters lying between the mainland coast and the island chain, and those rigs shall not exceed a length of twenty-five (25) feet at the cork line, and to prescribe the length at the lead line for each rig, net or try-trawl;

(k) To destroy or dispose of equipment or nets which have been lawfully seized by the commission and which are not sold under Section 49-15-65;

(l) To open, close and regulate fishing seasons for the taking of shrimp, oysters, fish taken for commercial purposes and crabs and set size, catching and taking regulations for all types of seafood and culling regulations for oysters, except as otherwise specifically provided by law;

(m) To utilize the resources of the Gulf Coast Research Laboratory to the fullest extent possible;

(n) To develop a resource management plan to preserve seafood resources and to ensure a safe supply of these resources;

(o) To prescribe types and forms of scientific permits for public educational or scientific institutions, federal and state agencies and consultants performing marine resource studies;

(p) To suspend the issuance of licenses when necessary to impose a moratorium to conserve a fishery resource; and

(q) To promote, construct, monitor and maintain artificial fishing reefs in the marine waters of the State of Mississippi and in adjacent federal waters; to accept grants and donations of money or materials from public and private sources for such reefs; and to apply for any federal permits necessary for the construction or maintenance of artificial fishing reefs in federal waters.
(2) The commission shall not adopt rules, regulations or ordinances pertaining to marine resources which are more stringent than federal regulations. In any case where federal laws and regulations are silent on a matter pertaining to marine resources, the laws and regulations of the State of Mississippi shall control. The commission shall review all marine resource ordinances for compliance with the no more stringent standard and revise any ordinances more stringent than this standard no later than December 31, 1992. This subsection shall not apply to rules, regulations or ordinances pertaining to the wild stock of marine fin fish.

(3) Any rules or regulations adopted by the commission which would require a recreational crabber to obtain a license to catch or take saltwater crabs for personal use or to use the limited number of crab traps specified in Section 49-15-84, shall be invalidated on the effective date of this act.

SECTION 2. Section 49-15-84, Mississippi Code of 1972, is amended as follows:

49-15-84. (1) The commission shall coordinate with the Gulf Coast Research Laboratory in the development of an ordinance for the purpose of taking Callinectes sapidus (blue crab) or allied species. The ordinance shall include provisions for the establishment of size limits for individual or market use as well as establishing legal harvest size for the cultivating of peeler crabs and soft-shell crabs.

(2) The commission shall establish minimum specifications for crab traps and shall require buoys of adequate size which are identified as to the owner of the buoys and traps. Within the bays and bayous recreational crabbers may use no more than six (6) crab traps per household, and such crabbers shall not be required to obtain any license to use the crab traps. The taking of crabs with drop nets is permitted without a license.
(3) It is unlawful to catch, hold or have in possession any female sponge crab or any female crab bearing visible eggs at any time within marine waters. It is not unlawful to catch those crabs unintentionally, if the crabs are immediately returned to the water.

SECTION 3. Section 49-15-86, Mississippi Code of 1972, is amended as follows:

49-15-86. (1) Each person catching or taking any saltwater crabs in the waters of the State of Mississippi for commercial purposes shall obtain a license from the commission and shall pay an annual resident license fee of Seventy-five Dollars ($75.00) or an annual nonresident license fee of Two Hundred Dollars ($200.00) on each boat used therefor.

(2) The commission may not require a recreational crabber's license for individuals who catch or take saltwater crabs for personal use.

SECTION 4. Section 49-15-91, Mississippi Code of 1972, is amended as follows:

49-15-91. The commission may establish a maximum number of crab traps allowable per commercial licensee and the maximum number of crab traps allowable per recreational crabber shall be prescribed by Section 49-15-84.

SECTION 5. This act shall take effect and be in force from and after July 1, 2002.