

By: Representative Guice

To: Conservation and Water Resources

HOUSE BILL NO. 509

1 AN ACT TO AMEND SECTIONS 49-15-15, 49-15-84, 49-15-86 AND  
2 49-15-91, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSION  
3 ON MARINE RESOURCES MAY NOT REQUIRE A RECREATIONAL CRABBER'S  
4 LICENSE FOR INDIVIDUALS WHO CATCH SALTWATER CRABS FOR PERSONAL  
5 USE; TO LIMIT RECREATIONAL CRABBERS TO THE USE OF SIX CRAB TRAPS;  
6 TO INVALIDATE ANY RULES OR REGULATIONS ADOPTED BY THE COMMISSION  
7 WHICH REQUIRE A RECREATIONAL CRABBER TO OBTAIN A LICENSE; AND FOR  
8 RELATED PURPOSES.

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

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

12 49-15-15. (1) In addition to any other powers and duties  
13 authorized by law, the commission shall have the following powers  
14 and duties regarding the regulation of seafood:

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

18 (b) To adopt, promulgate, amend or repeal, after due  
19 notice and public hearing, in accordance with the Mississippi  
20 Administrative Procedures Law and subject to the limitations in  
21 subsection (2) of this section, rules and regulations authorized  
22 under this chapter, including, but not limited to, rules and  
23 regulations necessary for the protection, conservation or  
24 propagation of all seafood in the waters under the territorial  
25 jurisdiction of the State of Mississippi and for the regulation of  
26 gill net and purse seine fishermen. All public hearings under  
27 this chapter concerning the regulation of marine resources shall  
28 be held in Hancock, Harrison or Jackson counties. Each rule or  
29 regulation promulgated under this chapter shall immediately be  
30 advertised one (1) time in a newspaper or newspapers having



31 general circulation in counties affected by that regulation. A  
32 regulation shall become effective at 6:00 a.m. on the day after  
33 its publication;

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

50 (d) To set standards of measure;

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

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

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

59 (h) To enter into advantageous interstate and  
60 intrastate agreements with proper officials, which directly or  
61 indirectly result in the protection, propagation and conservation  
62 of the seafood of the State of Mississippi, or continue any such  
63 agreements now in existence;



64 (i) To arrange, negotiate or contract for the use of  
65 available federal, state and local facilities which would aid in  
66 the propagation, protection and conservation of the seafood of the  
67 State of Mississippi;

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

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

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

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

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

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

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

90 (q) To promote, construct, monitor and maintain  
91 artificial fishing reefs in the marine waters of the State of  
92 Mississippi and in adjacent federal waters; to accept grants and  
93 donations of money or materials from public and private sources  
94 for such reefs; and to apply for any federal permits necessary for  
95 the construction or maintenance of artificial fishing reefs in  
96 federal waters.



97           (2) The commission shall not adopt rules, regulations or  
98 ordinances pertaining to marine resources which are more stringent  
99 than federal regulations. In any case where federal laws and  
100 regulations are silent on a matter pertaining to marine resources,  
101 the laws and regulations of the State of Mississippi shall  
102 control. The commission shall review all marine resource  
103 ordinances for compliance with the no more stringent standard and  
104 revise any ordinances more stringent than this standard no later  
105 than December 31, 1992. This subsection shall not apply to rules,  
106 regulations or ordinances pertaining to the wild stock of marine  
107 fin fish.

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

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

115           49-15-84. (1) The commission shall coordinate with the Gulf  
116 Coast Research Laboratory in the development of an ordinance for  
117 the purpose of taking *Callinectes sapidus* (blue crab) or allied  
118 species. The ordinance shall include provisions for the  
119 establishment of size limits for individual or market use as well  
120 as establishing legal harvest size for the cultivating of peeler  
121 crabs and soft-shell crabs.

122           (2) The commission shall establish minimum specifications  
123 for crab traps and shall require buoys of adequate size which are  
124 identified as to the owner of the buoys and traps. Within the  
125 bays and bayous recreational crabbers may use no more than six (6)  
126 crab traps per household, and such crabbers shall not be required  
127 to obtain any license to use the crab traps. The taking of crabs  
128 with drop nets is permitted without a license.



129           (3) It is unlawful to catch, hold or have in possession any  
130 female sponge crab or any female crab bearing visible eggs at any  
131 time within marine waters. It is not unlawful to catch those  
132 crabs unintentionally, if the crabs are immediately returned to  
133 the water.

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

136           49-15-86. (1) Each person catching or taking any saltwater  
137 crabs in the waters of the State of Mississippi for commercial  
138 purposes shall obtain a license from the commission and shall pay  
139 an annual resident license fee of Seventy-five Dollars (\$75.00) or  
140 an annual nonresident license fee of Two Hundred Dollars (\$200.00)  
141 on each boat used therefor.

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

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

147           49-15-91. The commission may establish a maximum number of  
148 crab traps allowable per commercial licensee and the maximum  
149 number of crab traps allowable per recreational crabber shall be  
150 prescribed by Section 49-15-84.

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

