

By: Representative Compretta

To: Wildlife, Fisheries and  
Parks; Marine Resources

## HOUSE BILL NO. 1108

1 AN ACT TO AMEND SECTIONS 49-7-5, 49-7-9 AND 49-15-313,  
2 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE WAIVER OF FISHING  
3 LICENSE FEES FOR A PERSON DOMICILED IN THIS STATE WHO IS AN ACTIVE  
4 DUTY MEMBER OF THE UNITED STATES ARMED FORCES, INCLUDING THE  
5 RESERVES AND NATIONAL GUARD; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 49-7-5, Mississippi Code of 1972, is  
8 amended as follows:

9 49-7-5. (1) (a) Any resident, as defined in Section  
10 49-7-3, upon application, shall receive a combination resident  
11 hunting and fishing license for the sum of Seventeen Dollars  
12 (\$17.00). Such license shall qualify the licensee to hunt under  
13 this chapter all game and fowl, including deer and turkey, and to  
14 fish in any county of the state. The fee for a combination  
15 resident hunting and fishing license is waived for a person  
16 domiciled in this state who is an active duty member of the United  
17 States Armed Forces, including the Reserves and National Guard.

18 (b) Any resident, as defined in Section 49-7-3, upon  
19 application, shall receive a resident combination small game  
20 hunting and fishing license for the sum of Thirteen Dollars  
21 (\$13.00) together with the fee provided in Section 49-7-17 to the  
22 office or agent issuing such license. Such hunting license shall  
23 qualify the licensee to hunt and fish under this chapter all game  
24 and fowl, except deer and turkey, in any county in the state. The  
25 fee for a resident combination small game hunting and fishing  
26 license is waived for a person domiciled in this state who is an  
27 active duty member of the United States Armed Forces, including  
28 the Reserves and National Guard.

29           (c) Any resident of the State of Mississippi, as  
30 defined in Section 49-7-3, upon application, shall receive a  
31 resident small game license, and for it shall pay the issuing  
32 officer or agent the sum of Thirteen Dollars (\$13.00), together  
33 with the fee provided in Section 49-7-17 to the officer or agent  
34 issuing such license. Such hunting license shall qualify the  
35 person holding the same to hunt under the provisions of this  
36 chapter, and in season, all game and fowl, except deer and turkey,  
37 in any county in the state.

38           (d) Any resident, as defined in Section 49-7-3, upon  
39 application, shall receive a sportsman's license for the sum of  
40 Thirty-two Dollars (\$32.00). Such license shall qualify the  
41 licensee to hunt under this chapter all game and fowl, including  
42 deer and turkey, and to fish as provided by law, in any county in  
43 the state, and to hunt using primitive weapons and bow and arrow  
44 in the manner provided by law. The commission may notify the  
45 licensee of the expiration of his license, and the licensee may  
46 renew the license by mailing the sum of Thirty-two Dollars  
47 (\$32.00) to the commission. A licensee who has not renewed the  
48 license within thirty (30) days after the expiration date shall be  
49 removed from the commission's records, and the licensee must apply  
50 to be placed on the renewal list.

51           (2) (a) Any resident citizen of the State of Mississippi  
52 who has not reached the age of sixteen (16) years or who has  
53 reached the age of sixty-five (65) years, or any resident citizen  
54 who is blind, paraplegic, or a multiple amputee, or who has been  
55 adjudged by the Veterans Administration as having a total  
56 service-connected disability, or has been adjudged to be totally  
57 disabled by the Social Security Administration shall not be  
58 required to purchase or have in his possession, a hunting or  
59 fishing license while engaged in such activities. A person exempt  
60 by reason of total service-connected disability, as adjudged by  
61 the Veterans Administration or who has been adjudged to be totally

62 disabled by the Social Security Administration or who is blind,  
63 paraplegic or a multiple amputee, shall have in their possession  
64 and on their person proof of their age, residency, disability  
65 status or other respective physical impairment while engaged in  
66 the activities of hunting or fishing.

67 (b) All exempt hunting and fishing licenses previously  
68 issued for disabilities shall be null and void effective July 1,  
69 1993.

70 (c) The commission may offer a youth all-game hunting  
71 and fishing license for exempt youths who have a hunter education  
72 certificate and an all-game hunting and fishing license for other  
73 persons exempted under paragraph (a). Youths and other exempt  
74 persons shall not be required to purchase this license or have it  
75 in possession while hunting or fishing. The commission may  
76 establish a fee not to exceed Five Dollars (\$5.00) for such  
77 licenses.

78 (3) No license shall be required of residents to hunt, fish  
79 or trap on lands in which the record title is vested in such  
80 person.

81 (4) Any person or persons exempt under this section from  
82 procuring a license shall be subject to and must comply with all  
83 other terms and provisions of this chapter.

84 (5) Any person authorized to issue any license under this  
85 section may collect and retain for the issuance of each license  
86 the additional fee authorized under Section 49-7-17.

87 **SECTION 2.** Section 49-7-9, Mississippi Code of 1972, is  
88 amended as follows:

89 49-7-9. (1) (a) Each resident of the State of Mississippi,  
90 as defined in Section 49-7-3, fishing in the public fresh waters  
91 of the state, including lakes and reservoirs, but not including  
92 privately owned ponds and streams, shall pay an annual license fee  
93 of Eight Dollars (\$8.00). Any resident purchasing a public  
94 freshwater fishing license as prescribed in this subsection shall

95 be entitled to fish, in accordance with the regulations and  
96 ordinances of the commission, in all public fresh waters within  
97 the territory of the State of Mississippi. The fee for an annual  
98 fishing license is waived for a person domiciled in this state who  
99 is an active duty member of the United States Armed Forces,  
100 including the Reserves and National Guard.

101 (b) A resident may purchase a resident fishing license  
102 valid for a period of three (3) days for the sum of Three Dollars  
103 (\$3.00).

104 (c) No license shall be required of any resident  
105 citizen of the State of Mississippi who has not reached the age of  
106 sixteen (16) years or who has reached the age of sixty-five (65)  
107 years or who is blind, paraplegic, a multiple amputee or has been  
108 adjudged by the Veterans Administration as having a total  
109 service-connected disability, or has been adjudged totally  
110 disabled by the Social Security Administration. Such person shall  
111 not be required to purchase or have in his possession a hunting or  
112 fishing license while engaged in such activities.

113 (d) A person exempt by reason of age, total  
114 service-connected disability as adjudged by the Veterans  
115 Administration or total disability as adjudged by the Social  
116 Security Administration or who is blind, paraplegic or a multiple  
117 amputee, shall have in their possession and on their person proof  
118 of their age, residency, disability status or other respective  
119 physical impairment while engaged in the activities of hunting or  
120 fishing.

121 (2) Any person engaged in fishing for commercial purposes  
122 and selling or peddling nongame gross fish at retail or selling or  
123 shipping same at wholesale, as to markets, dealers or canning  
124 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing  
125 license. Each piece of commercial fishing equipment must have a  
126 commercial fishing equipment tag (at a cost of Three Dollars  
127 (\$3.00) each) attached. A piece of commercial fishing equipment

128 is defined as: One (1) each hoop or barrel net; one thousand  
129 (1,000) feet or less of trotline; one thousand (1,000) feet or  
130 less of snagline; three thousand (3,000) feet or less of gill  
131 netting; or three thousand (3,000) feet or less of trammel  
132 netting. Netting of over three thousand (3,000) feet is  
133 prohibited.

134       Upon payment of the Thirty Dollars (\$30.00) license and tags  
135 for use of hoop or barrel nets, the purchaser of the license is  
136 hereby permitted to use lead nets thirty-five (35) yards in length  
137 for each two (2) barrel nets used, but not to exceed seven (7)  
138 lead nets.

139       (3) Each person taking nongame gross fish as defined in  
140 Section 49-7-1, of any kind from the fresh waters of the state  
141 shall be considered a producer and shall be entitled to sell his  
142 own catch to anyone.

143       (4) Each person buying or handling nongame gross fish  
144 secured from commercial fishermen or others for the purpose of  
145 resale, whether handled on a commission basis or otherwise, and  
146 each resident person shipping nongame gross fish not his own catch  
147 out of the State of Mississippi shall be considered a wholesale  
148 dealer and shall pay a commercial fishing license in the sum of  
149 Thirty Dollars (\$30.00) per annum. Nonresident wholesale dealers  
150 who buy nongame gross fish from fishermen or resident wholesale  
151 dealers for the purpose of resale shall obtain a nonresident  
152 commercial fishing license. Resident wholesale dealers licenses  
153 shall be issued only to persons who have been bona fide residents  
154 of the State of Mississippi for at least six (6) months. Any  
155 nonresident who brings nongame gross fish into the state from  
156 without the state for the purpose of resale to a wholesale or  
157 retail dealer or to the consumer shall obtain a nonresident  
158 commercial fishing license.

159       (5) Each resident buying nongame gross fish from a licensed  
160 wholesale dealer or licensed commercial fisherman for retail sale

161 to the consumer only on rural or urban routes shall pay the sum of  
162 Thirty Dollars (\$30.00) per annum for a commercial fishing license  
163 to do so.

164 (6) Each person engaged in the buying and selling of nongame  
165 gross fish as a wholesale dealer's agent, whether on a commission  
166 or salary basis, or otherwise, and not selling in the open market,  
167 or any vessel buying nongame gross fish to make up a cargo, shall  
168 pay a commercial fishing license in the sum of Thirty Dollars  
169 (\$30.00) per annum and shall be responsible for any illegal  
170 transaction ensuing between the time he purchases from the  
171 fisherman and the time the fish are accepted by the wholesaler by  
172 whom he is employed.

173 (7) Any person using a wooden or plastic slat basket shall  
174 pay a fee of Thirty Dollars (\$30.00) per basket per annum in  
175 addition to a commercial license. Slat baskets are defined as  
176 commercial fishing devices used solely for the capture of catfish  
177 and made entirely of wood and/or plastic slats in a boxlike or  
178 cylindrical shape. Slat baskets shall not exceed six (6) feet in  
179 length nor exceed fifteen (15) inches in width and height or  
180 diameter, may have no more than two (2) throats, and must have at  
181 least four (4) slot openings of a minimum one and one-half (1-1/2)  
182 by twenty-four (24) inches evenly spaced around the sides of the  
183 catch area. The one and one-half (1-1/2) inch wide slots must  
184 begin at the rear of the basket and run twenty-four (24) inches  
185 toward the throat end of the basket. Slat baskets may only be  
186 fished in public waters of the State of Mississippi that are  
187 opened to commercial fishing. Slat baskets shall be placed at  
188 least one hundred (100) yards apart and may not be used with any  
189 form of leads, netting or guiding devices. Each slat basket shall  
190 have a metal slat basket tag attached to it with the tag number of  
191 the owner imprinted on it. Such slat basket tags shall be  
192 purchased from the department at a fee of Three Dollars (\$3.00)  
193 per tag. Any other identification of the owner of the basket

194 shall meet such specifications as set by the department. Slat  
195 baskets may be fished statewide except where specifically  
196 prohibited.

197 Any violation of the provisions of this subsection shall be a  
198 Class I violation as prescribed in Section 49-7-141.

199 (8) It is unlawful for any person coming under the terms of  
200 this section to offer for sale undersized nongame gross fish, as  
201 set out and classified herein.

202 (9) All persons fishing in privately owned lakes or ponds  
203 shall have specific permission to do so from the owner of such  
204 lake or pond.

205 (10) The commission is authorized to issue nonresident  
206 freshwater commercial fishing licenses to be sold by the  
207 department and not by licensing agents. The commission shall  
208 determine the fee and shall promulgate such rules and regulations  
209 as it deems appropriate for issuance of nonresident freshwater  
210 commercial fishing licenses.

211 (11) July 4 of each year is designated as "Free Fishing  
212 Day." Any person may sport fish without a license on "Free  
213 Fishing Day."

214 (12) Any person authorized to issue any license under this  
215 section may collect and retain for issuing each license the  
216 additional fee authorized under Section 49-7-17.

217 **SECTION 3.** Section 49-15-313, Mississippi Code of 1972, is  
218 amended as follows:

219 49-15-313. (1) Any resident between the ages of sixteen  
220 (16) and sixty-five (65) years, as defined in Section 49-7-3,  
221 fishing in the marine waters of the state, shall obtain a  
222 saltwater sports fishing license for a fee of Four Dollars  
223 (\$4.00). This license shall be valid in any waters south of  
224 Interstate 10. The fee for a saltwater sports fishing license is  
225 waived for a person domiciled in this state who is an active duty  
226 member of the United States Armed Forces, including the Reserves

227 and National Guard. Any resident citizen who is blind, paraplegic  
228 or a multiple amputee, or who has been adjudged by the Veterans  
229 Administration as having a total service-connected disability, or  
230 has been adjudged totally disabled by the Social Security  
231 Administration shall not be required to purchase or have in his  
232 possession a saltwater sports fishing license while engaged in  
233 such activities. Any resident exempt under this section shall  
234 have on his person while fishing proof of residency and age or  
235 disability.

236 (2) The commission shall prescribe the forms, types and fees  
237 for nonresident saltwater sports fishing licenses except that the  
238 fee for a nonresident saltwater sports fishing license shall not  
239 be less than Twenty Dollars (\$20.00). The commission shall  
240 require a nonresident to purchase a nonresident freshwater fishing  
241 license and a nonresident saltwater sports fishing license if the  
242 nonresident's state requires both licenses for a nonresident to  
243 fish in its marine waters.

244 (3) All resident vessels engaged in charter boat fishing,  
245 party boat fishing, head boat and guide boat fishing shall be  
246 issued a separate annual license by the commission at a fee of Two  
247 Hundred Dollars (\$200.00). All nonresident vessels engaged in  
248 charter boat fishing, party boat fishing, head boat and guide boat  
249 fishing shall be issued a separate annual license by the  
250 commission. In addition to other requirements for charter license  
251 eligibility, captains must show proof of participation in a  
252 Department of Transportation approved random drug testing program  
253 and proof of liability insurance as a charter boat captain. Crew  
254 members and customers of the licensed vessels shall not be  
255 required to purchase an individual resident or nonresident  
256 saltwater fishing license while sponsored by the licensed vessels.  
257 An operator of a licensed vessel shall be required to report the  
258 number of customers to the department as required by the  
259 commission and the information shall be kept confidential and



260 shall not be released, except to other fisheries management  
261 agencies or as statistical data. All nonresident vessels engaged  
262 in saltwater sport fishing tournaments, not to exceed an aggregate  
263 of twenty (20) days per calendar year, shall not be required to  
264 purchase an annual license as provided under this subsection.

265 (4) The saltwater sports fishing license is required for all  
266 recreational methods of finfish harvest.

267 (5) Any resident who purchases a lifetime sportsman's  
268 license, in accordance with Section 49-7-153, shall be entitled to  
269 fish in the marine salt waters of the state and shall be exempt  
270 from the purchase of a sport saltwater fishing license.

271 (6) Any person authorized to issue a license may collect and  
272 retain, for each saltwater fishing license issued, the additional  
273 fee authorized under Section 49-7-17.

274 (7) The fees collected from the sale of resident and  
275 nonresident saltwater sports fishing licenses shall be deposited  
276 into the Seafood Fund and shall be used solely for the management  
277 of marine resources.

278 (8) Participants in the Very Special Fishing Olympics are  
279 exempt from this section.

280 (9) July 4 of each year is designated as "Free Saltwater  
281 Sports Fishing Day." Any person may saltwater sport fish without  
282 a license on the "Free Saltwater Sports Fishing Day."

283 **SECTION 4.** This act shall take effect and be in force from  
284 and after July 1, 2004.