

By: Representatives Frierson, Janus

To: Marine Resources

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1265

1 AN ACT TO AMEND SECTION 49-15-80, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY VESSEL AND INDIVIDUAL HOOK AND LINE FEES, AND TO DELETE  
3 REFERENCE TO LENGTH OF CERTAIN NETS; TO AMEND SECTION 49-15-15,  
4 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON MARINE  
5 RESOURCES TO REGULATE NETS AND SEINES USED IN COMMERCIAL  
6 HARVESTING OF SEAFOOD; TO PROVIDE A PENALTY FOR SELLING OF FINFISH  
7 WITHOUT A LICENSE; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 49-15-80, Mississippi Code of 1972, is  
10 amended as follows:

11 49-15-80. (1) (a) All persons, individuals, corporations,  
12 and, if applicable, their vessels to be used in catching or  
13 transporting fish in the waters of the State of Mississippi for  
14 commercial purposes shall, before beginning operations, obtain an  
15 annual license from the commission and pay a license fee according  
16 to the following schedule:

17 (i) All resident vessels engaged in commercial  
18 hook and line or gig fishing shall be issued an annual license by  
19 the commission at a fee of One Hundred Dollars (\$100.00). All  
20 nonresident vessels engaged in commercial hook and line or gig  
21 fishing shall be issued an annual license by the commission at a  
22 fee of Four Hundred Dollars (\$400.00). \* \* \* If a duly licensed  
23 commercial hook and line or gig fishing vessel is engaged in  
24 commercial fishing, each individual aboard must possess a  
25 commercial fisherman license.

26 (ii) A resident fee of One Hundred Dollars  
27 (\$100.00) or a nonresident fee of Four Hundred Dollars (\$400.00),  
28 on boats or to persons using trammel nets, gill nets or seines, or  
29 any other net approved by commission ordinance or in writing by

30 the Department of Marine Resources. The commission shall have the  
31 authority to regulate all types of nets and seines used in the  
32 harvest of seafood.

33 (iii) Each individual engaged in commercial hook  
34 and line, or gig fishing must obtain a commercial fisherman  
35 license subject to the following fees: One Hundred Dollars  
36 (\$100.00) for a resident commercial fisherman license; or Four  
37 Hundred Dollars (\$400.00) for a nonresident commercial fisherman  
38 license.

39 (b) A vessel licensed for commercial purposes may be  
40 used as a sport fishing vessel provided that:

41 (i) All persons fishing aboard the vessel have a  
42 valid saltwater fishing license in their possession; and

43 (ii) All statutes, rules, and regulations  
44 pertaining to season, size and creel limitations, and other  
45 appropriate regulations are followed; and

46 (iii) No person fishing aboard the vessel is  
47 fishing as a licensed commercial fisherman.

48 (c) Beginning September 15, 1994, no nonresident shall  
49 be issued a commercial fishing license under this chapter for the  
50 taking of fish using any type of net if that nonresident's state  
51 of domicile prohibits the issuing of commercial fishing licenses  
52 to residents of this state to engage in like activity.

53 (2) Each factory or manufacturing establishment engaging in  
54 the manufacture of oil, fish scrap, fish meal, fertilizer or other  
55 products from menhaden, shall pay a license fee of Five Hundred  
56 Dollars (\$500.00).

57 (3) Each boat or vessel engaging in the catching, taking or  
58 transporting menhaden in the waters of the State of Mississippi,  
59 the sum of One Hundred Dollars (\$100.00) and shall pay Fifty  
60 Dollars (\$50.00) on each net, seine, trawl or purse net used in  
61 catching or taking menhaden in the waters of the State of  
62 Mississippi.

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

65           49-15-15. (1) In addition to any other powers and duties  
66 authorized by law, the commission shall have the following powers  
67 and duties regarding the regulation of seafood:

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

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

87           (c) To regulate all seafood sanitation and processing  
88 programs. In the three (3) coastal counties, the sanitation  
89 program regulating processing plants and seafood sold in retail  
90 stores operating in conjunction with a processing plant or seafood  
91 market that primarily deals with seafood is under the exclusive  
92 authority of the commission. The commission may also inspect and  
93 regulate those areas of any seafood processing plant which process  
94 freshwater species at any site where the department inspects  
95 seafood processing plants. To effectively and efficiently

96 implement the state seafood sanitation program, the State Health  
97 Officer, the Commissioner of Agriculture and the executive  
98 director of the department may enter into a memorandum of  
99 understanding, which at a minimum, clearly specifies the  
100 responsibilities of each agency in implementing the seafood  
101 sanitation program, as well as the sharing of information and  
102 communication and coordination between the agencies;

103 (d) To set standards of measure;

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

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

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

112 (h) To enter into advantageous interstate and  
113 intrastate agreements with proper officials, which directly or  
114 indirectly result in the protection, propagation and conservation  
115 of the seafood of the State of Mississippi, or continue any such  
116 agreements now in existence;

117 (i) To arrange, negotiate or contract for the use of  
118 available federal, state and local facilities which would aid in  
119 the propagation, protection and conservation of the seafood of the  
120 State of Mississippi;

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

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

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

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

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

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

141           (p) To suspend the issuance of licenses when necessary  
142 to impose a moratorium to conserve a fishery resource; \* \* \*

143           (q) To promote, construct, monitor and maintain  
144 artificial fishing reefs in the marine waters of the State of  
145 Mississippi and in adjacent federal waters; to accept grants and  
146 donations of money or materials from public and private sources  
147 for such reefs; and to apply for any federal permits necessary for  
148 the construction or maintenance of artificial fishing reefs in  
149 federal waters; and

150           (r) To regulate all types of nets and seines used in  
151 the harvest of seafood.

152           (2) The commission shall not adopt rules, regulations or  
153 ordinances pertaining to marine resources which are more stringent  
154 than federal regulations. In any case where federal laws and  
155 regulations are silent on a matter pertaining to marine resources,  
156 the laws and regulations of the State of Mississippi shall  
157 control. The commission shall review all marine resource  
158 ordinances for compliance with the no more stringent standard and  
159 revise any ordinances more stringent than this standard no later  
160 than December 31, 1992. This subsection shall not apply to rules,

161 regulations or ordinances pertaining to the wild stock of marine  
162 finfish.

163         **SECTION 3.** (1) Any person selling finfish without a license  
164 shall, on conviction, be fined not less than Five Hundred Dollars  
165 (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), for the  
166 first offense; not less than One Thousand Dollars (\$1,000.00), nor  
167 more than Four Thousand Dollars (\$4,000.00), for the second  
168 offense, when the second offense is committed within a period of  
169 three (3) years from the first offense; and not less than Two  
170 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars  
171 (\$5,000.00), or imprisonment in the county jail for a period not  
172 exceeding thirty (30) days for any third or subsequent offense  
173 when such offense is committed within a period of three (3) years  
174 from the first offense.

175         (2) Any person convicted under this section shall not be  
176 considered for a reduction of sentence.

177         (3) Any fine collected under this section shall be paid into  
178 the Seafood Fund.

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