

By: Representatives Janus, Frierson

To: Marine Resources

HOUSE BILL NO. 1378

1 AN ACT TO AMEND SECTION 49-15-80, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE PENALTIES FOR A PERSON WHO SELLS FINFISH WITHOUT A
3 LICENSE; TO AMEND SECTION 49-15-63, MISSISSIPPI CODE OF 1972, IN
4 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

8 49-15-80. (1) (a) All vessels to be used in catching or
9 transporting fish in the waters of the State of Mississippi for
10 commercial purposes shall, before beginning operations, obtain an
11 annual license from the commission and pay a license fee according
12 to the following schedule:

13 (i) All resident vessels engaged in commercial
14 hook and line or gig fishing shall be issued an annual license by
15 the commission at a fee of One Hundred Dollars (\$100.00). All
16 nonresident vessels engaged in commercial hook and line or gig
17 fishing shall be issued an annual license by the commission at a
18 fee of Four Hundred Dollars (\$400.00). Each individual engaged in
19 commercial hook and line or gig fishing must obtain a commercial
20 fisherman license subject to the following license fees: One
21 Hundred Dollars (\$100.00) for a resident commercial fisherman
22 license; or Four Hundred Dollars (\$400.00) for a nonresident
23 commercial fisherman license. If a duly licensed commercial hook
24 and line or gig fishing vessel is engaged in commercial fishing,
25 each individual aboard must possess a commercial fisherman
26 license.

27 (ii) A resident fee of One Hundred Dollars
28 (\$100.00) or a nonresident fee of Four Hundred Dollars (\$400.00),

29 on boats using trammel nets, gill nets or seines not more than one
30 thousand two hundred (1,200) feet in length.

31 (b) Beginning September 15, 1994, no nonresident shall
32 be issued a commercial fishing license under this chapter for the
33 taking of fish using any type of net if that nonresident's state
34 of domicile prohibits the issuing of commercial fishing licenses
35 to residents of this state to engage in like activity.

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

40 (3) Each boat or vessel engaging in the catching, taking or
41 transporting menhaden in the waters of the State of Mississippi,
42 the sum of One Hundred Dollars (\$100.00) and shall pay Fifty
43 Dollars (\$50.00) on each net, seine, trawl or purse net used in
44 catching or taking menhaden in the waters of the State of
45 Mississippi.

46 (4) Any person who sells finfish without a license shall be
47 fined as follows:

48 (a) For the first offense, a fine not less than Five
49 Hundred Dollars (\$500.00) and not more than Two Thousand Dollars
50 (\$2,000.00);

51 (b) For the second offense committed within a period of
52 three (3) years from the first offense, a fine not less than One
53 Thousand Dollars (\$1,000.00) and not more than Four Thousand
54 Dollars (\$4,000.00);

55 (c) For the third or subsequent offense, a fine not
56 less than Two Thousand Dollars (\$2,000.00) and not more than Five
57 Thousand Dollars (\$5,000.00), or imprisonment in the county jail
58 for a period not exceeding thirty (30) days for any third or
59 subsequent offense when such offense is committed within a period
60 of three (3) years from the first offense.

61 (5) Any person convicted under this section shall not be
62 considered for a reduction of sentence.

63 (6) Any fines collected under this section shall be paid
64 into the Seafood Fund.

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

67 49-15-63. (1) (a) Any person, firm or corporation
68 violating any of the provisions of this chapter or any ordinance
69 duly adopted by the commission, unless otherwise specifically
70 provided for under this chapter, shall, on conviction, be fined
71 not less than One Hundred Dollars (\$100.00), nor more than Five
72 Hundred Dollars (\$500.00), for the first offense, unless the first
73 offense is committed during a closed season, in which case the
74 fine shall be not less than Five Hundred Dollars (\$500.00), nor
75 more than One Thousand Dollars (\$1,000.00); and not less than Five
76 Hundred Dollars (\$500.00), nor more than One Thousand Dollars
77 (\$1,000.00), for the second offense when such offense is committed
78 within a period of three (3) years from the first offense; and not
79 less than Two Thousand Dollars (\$2,000.00) nor more than Four
80 Thousand Dollars (\$4,000.00), or imprisonment in the county jail
81 for a period not exceeding thirty (30) days for any third or
82 subsequent offense when such offense is committed within a period
83 of three (3) years from the first offense.

84 (b) In addition, upon conviction of such third or
85 subsequent offense, it shall be the duty of the court to revoke
86 the license of the convicted party and of the boat or vessel used
87 in such offense, and no further license shall be issued to such
88 person and for said boat to engage in catching or taking of any
89 seafoods from the waters of the State of Mississippi for a period
90 of one (1) year following such conviction. Forfeiture of any
91 equipment or nets used in a second or subsequent offense may be
92 instituted pursuant to Sections 49-15-201 through 49-15-207. If
93 the person in possession of or using the nets in the violation is

94 not the owner or licensee of the nets, the department shall notify
95 the owner or licensee of the nets. The nets shall be subject to
96 forfeiture unless the nets were stolen and prosecution for the
97 theft is initiated. Equipment as used in this section shall not
98 mean boats or vessels.

99 (c) Any person convicted and sentenced under this
100 section for a second or subsequent offense shall not be considered
101 for reduction of sentence.

102 (d) Except as provided under subsection (5) of Section
103 49-15-45, any fines collected under this section shall be paid
104 into the Seafood Fund.

105 (e) In addition to any other penalties, the commission
106 may suspend the license of any person convicted of a violation of
107 this chapter and may suspend the license of any vessel used in the
108 violation for a period not to exceed five (5) days for the first
109 offense. For a second offense, the commission may suspend the
110 license of such person and vessel for a period not to exceed
111 thirty (30) days.

112 (2) For any violation of this chapter, the individual
113 registered as the captain of a freight boat, ice boat or catching
114 boat used in catching or transporting of saltwater shrimp shall be
115 subject to the penalties provided in this chapter, if that
116 individual is aboard the vessel. If that individual is not aboard
117 the vessel, the individual designated as the substitute captain in
118 accordance with Section 49-15-64.5 shall be subject to the
119 penalties provided in this chapter. If no individual is
120 designated under Section 49-15-64.5, the person, firm or
121 corporation owning the vessel shall be subject to the penalties
122 provided for boat captains.

123 (3) All citations issued to boat operators for not
124 possessing the boat's registration card shall be dismissed, along
125 with all related court costs, upon the presentment of the boat's

126 proper registration card to the court or magistrate holding the
127 trial or hearing.

128 **SECTION 3.** This act shall take effect and be in force from
129 and after July 1, 2004.