

By: Representatives Frierson, Read

To: Marine Resources

HOUSE BILL NO. 668

1 AN ACT TO AMEND SECTION 49-15-313, MISSISSIPPI CODE OF 1972,
2 TO CHARGE A FEE FOR NONRESIDENT VESSELS; TO AMEND SECTION 49-15-3,
3 MISSISSIPPI CODE OF 1972, TO ADD THE DEFINITION OF "ECOTOURISM" TO
4 THE MARINE RESOURCES CHAPTER OF LAW; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-15-313, Mississippi Code of 1972, is
7 amended as follows:

8 49-15-313. (1) Any resident between the ages of sixteen
9 (16) and sixty-five (65) years, as defined in Section 49-7-3,
10 fishing in the marine waters of the state, shall obtain a
11 saltwater sports fishing license for a fee of Four Dollars
12 (\$4.00). This license shall be valid in any waters south of
13 Interstate 10. Any resident citizen who is blind, paraplegic or a
14 multiple amputee, or who has been adjudged by the Veterans
15 Administration as having a total service-connected disability, or
16 has been adjudged totally disabled by the Social Security
17 Administration shall not be required to purchase or have in his
18 possession a saltwater sports fishing license while engaged in
19 such activities. Any resident exempt under this section shall
20 have on his person while fishing proof of residency and age or
21 disability.

22 (2) The commission shall prescribe the forms, types and fees
23 for nonresident saltwater sports fishing licenses except that the
24 fee for a nonresident saltwater sports fishing license shall not
25 be less than Twenty Dollars (\$20.00). The commission shall
26 require a nonresident to purchase a nonresident freshwater fishing
27 license and a nonresident saltwater sports fishing license if the

28 nonresident's state requires both licenses for a nonresident to
29 fish in its marine waters.

30 (3) All resident vessels engaged in charter boat fishing,
31 party boat fishing, head boat fishing guide boat fishing, or
32 ecotourism shall be issued a separate annual license by the
33 commission at a fee of Two Hundred Dollars (\$200.00). All
34 nonresident vessels engaged in charter boat fishing, party boat
35 fishing, head boat fishing, guide boat, or ecotourism fishing
36 shall be issued a separate annual license by the commission for a
37 fee of an amount in accordance with Section 49-15-30 or a minimum
38 of Four Hundred Dollars (\$400). In addition to other requirements
39 for charter license eligibility, captains must show proof of
40 participation in a Department of Transportation approved random
41 drug testing program and proof of liability insurance as a charter
42 boat captain. Crew members and customers of the licensed vessels
43 shall not be required to purchase an individual resident or
44 nonresident saltwater fishing license while sponsored by the
45 licensed vessels. An operator of a licensed vessel shall be
46 required to report the number of customers to the department as
47 required by the commission and the information shall be kept
48 confidential and shall not be released, except to other fisheries
49 management agencies or as statistical data. All nonresident
50 vessels engaged in saltwater sport fishing tournaments, not to
51 exceed an aggregate of twenty (20) days per calendar year, shall
52 not be required to purchase an annual license as provided under
53 this subsection.

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

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

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

63 (7) The fees collected from the sale of resident and
64 nonresident saltwater sports fishing licenses shall be deposited
65 into the Seafood Fund and shall be used solely for the management
66 of marine resources.

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

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

72 (10) The department may exempt participants in an organized
73 fishing event conducted by a qualified nonprofit charitable,
74 governmental or civic organization from the requirements of this
75 section for one (1) day per year if the organization files an
76 exemption application with the department and the application is
77 approved by the department.

78 **SECTION 2.** Section 49-15-3, Mississippi Code of 1972, is
79 amended as follows:

80 49-15-3. As used in this chapter, the term:

81 (a) "Commission" means the Mississippi Commission on
82 Marine Resources.

83 (b) "Department" means the Department of Marine
84 Resources.

85 (c) "Domicile" means a person's principal or primary
86 place of abode in which a person's habitation is fixed and to
87 which the person, whenever absent, has the present intention of
88 returning after a departure of absence therefrom, regardless of
89 the duration of the absence. The burden of proving domicile in
90 the State of Mississippi shall be on the person claiming that
91 status. A person holding a current driver's license shall be
92 deemed to be domiciled within the state issuing the license. If a

93 person does not hold a current driver's license the following
94 evidence may be considered in establishing, but is not necessarily
95 determinative of domicile: residence for income or other tax
96 purposes, homestead exemption receipt or other means prescribed by
97 the commission. In the case of minors, domicile of the parents
98 shall be used as evidence of the minor's domicile.

99 (d) "Ecotourism" means travel on a vessel for hire
100 powered by an inboard or outboard motor to areas of natural or
101 ecological interest for the purpose of observing nature.

102 (e) "Game fish" means cobia, also known as ling or
103 lemonfish (rachycentron canadum). The cobia is classified as game
104 fish.

105 (f) "Illegal oysters" means:

106 (i) All untagged shell stock;

107 (ii) Shell oysters obtained from uncertified shops
108 or dealers or from an unlicensed catcher;

109 (iii) Oysters obtained from waters not declared
110 safe and sanitary by the department, except those oysters caught
111 by the commission for re-laying or under private leases pursuant
112 to Section 49-15-27;

113 (iv) Shucked oysters obtained from uncertified
114 shops or repackers.

115 (g) "Inspector" means the chief inspector, the
116 assistant chief inspector, deputy inspector, bureau director and
117 certified enforcement officer employed by the department.

118 (h) "Natural reefs" means any bottom under the
119 jurisdiction of the commission of one or more acres on which
120 oysters grow naturally, or have grown naturally, in a quantity
121 sufficient to warrant commercial fishing as a means of livelihood,
122 or have been used in such a manner within a period of ten (10)
123 years next preceding the time the bottoms may come up for
124 determination by the commission.

125 (i) "Resident" means a person, firm or corporation that
126 is domiciled in this state.

127 (j) "Seafood" means all oysters, saltwater fish,
128 saltwater shrimp, diamondback terrapin, sea turtle, crabs and all
129 other species of marine or saltwater animal life existing or
130 living in the waters within the territorial jurisdiction of the
131 State of Mississippi.

132 (k) "Tonging reefs" means any bottom under the
133 jurisdiction of the commission designated by the commission as an
134 area in which oysters may be taken by use of hand tongs, as
135 provided in Section 49-15-39.

136 **SECTION 3.** This act shall take effect and be in force from
137 and after July 1, 2005.