

By: Representative Cummings

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 827

1 AN ACT TO AMEND SECTION 49-7-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO
3 CHARGE NONRESIDENT FRESHWATER COMMERCIAL FISHERMEN THE SAME FEE AS
4 THE STATE WHERE THE NONRESIDENT RESIDES CHARGES A MISSISSIPPI
5 RESIDENT FOR A NONRESIDENT FRESHWATER COMMERCIAL LICENSE; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 49-7-9, Mississippi Code of 1972, is
9 amended as follows:

10 49-7-9. (1) (a) Each resident of the State of Mississippi,
11 as defined in Section 49-7-3, fishing in the public fresh waters
12 of the state, including lakes and reservoirs, but not including
13 privately owned ponds and streams, shall pay an annual license fee
14 of Eight Dollars (\$8.00). Any resident purchasing a public
15 freshwater fishing license as prescribed in this subsection shall
16 be entitled to fish, in accordance with the regulations and
17 ordinances of the commission, in all public fresh waters within
18 the territory of the State of Mississippi.

19 (b) A resident may purchase a resident fishing license
20 valid for a period of three (3) days for the sum of Three Dollars
21 (\$3.00).

22 (c) No license shall be required of any resident
23 citizen of the State of Mississippi who has not reached the age of
24 sixteen (16) years or who has reached the age of sixty-five (65)
25 years or who is blind, paraplegic, a multiple amputee or has been
26 adjudged by the Veterans Administration as having a total
27 service-connected disability, or has been adjudged totally
28 disabled by the Social Security Administration. Such person shall

29 not be required to purchase or have in his possession a hunting or
30 fishing license while engaged in such activities.

31 (d) A person exempt by reason of age, total
32 service-connected disability as adjudged by the Veterans
33 Administration or total disability as adjudged by the Social
34 Security Administration or who is blind, paraplegic or a multiple
35 amputee, shall have in their possession and on their person proof
36 of their age, residency, disability status or other respective
37 physical impairment while engaged in the activities of hunting or
38 fishing.

39 (2) Any person engaged in fishing for commercial purposes
40 and selling or peddling nongame gross fish at retail or selling or
41 shipping same at wholesale, as to markets, dealers or canning
42 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing
43 license. Each piece of commercial fishing equipment must have a
44 commercial fishing equipment tag (at a cost of Three Dollars
45 (\$3.00) each) attached. A piece of commercial fishing equipment
46 is defined as: One (1) each hoop or barrel net; one thousand
47 (1,000) feet or less of trotline; one thousand (1,000) feet or
48 less of snagline; three thousand (3,000) feet or less of gill
49 netting; or three thousand (3,000) feet or less of trammel
50 netting. Netting of over three thousand (3,000) feet is
51 prohibited.

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

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

61 (4) Each person buying or handling nongame gross fish
62 secured from commercial fishermen or others for the purpose of
63 resale, whether handled on a commission basis or otherwise, and
64 each resident person shipping nongame gross fish not his own catch
65 out of the State of Mississippi shall be considered a wholesale
66 dealer and shall pay a commercial fishing license in the sum of
67 Thirty Dollars (\$30.00) per annum. Nonresident wholesale dealers
68 who buy nongame gross fish from fishermen or resident wholesale
69 dealers for the purpose of resale shall obtain a nonresident
70 commercial fishing license. Resident wholesale dealers licenses
71 shall be issued only to persons who have been bona fide residents
72 of the State of Mississippi for at least six (6) months. Any
73 nonresident who brings nongame gross fish into the state from
74 without the state for the purpose of resale to a wholesale or
75 retail dealer or to the consumer shall obtain a nonresident
76 commercial fishing license.

77 (5) Each resident buying nongame gross fish from a licensed
78 wholesale dealer or licensed commercial fisherman for retail sale
79 to the consumer only on rural or urban routes shall pay the sum of
80 Thirty Dollars (\$30.00) per annum for a commercial fishing license
81 to do so.

82 (6) Each person engaged in the buying and selling of nongame
83 gross fish as a wholesale dealer's agent, whether on a commission
84 or salary basis, or otherwise, and not selling in the open market,
85 or any vessel buying nongame gross fish to make up a cargo, shall
86 pay a commercial fishing license in the sum of Thirty Dollars
87 (\$30.00) per annum and shall be responsible for any illegal
88 transaction ensuing between the time he purchases from the
89 fisherman and the time the fish are accepted by the wholesaler by
90 whom he is employed.

91 (7) Any person using a wooden or plastic slat basket shall
92 pay a fee of Thirty Dollars (\$30.00) per basket per annum in
93 addition to a commercial license. Slat baskets are defined as

94 commercial fishing devices used solely for the capture of catfish
95 and made entirely of wood and/or plastic slats in a boxlike or
96 cylindrical shape. Slat baskets shall not exceed six (6) feet in
97 length nor exceed fifteen (15) inches in width and height or
98 diameter, may have no more than two (2) throats, and must have at
99 least four (4) slot openings of a minimum one and one-half (1-1/2)
100 by twenty-four (24) inches evenly spaced around the sides of the
101 catch area. The one and one-half (1-1/2) inch wide slots must
102 begin at the rear of the basket and run twenty-four (24) inches
103 toward the throat end of the basket. Slat baskets may only be
104 fished in public waters of the State of Mississippi that are
105 opened to commercial fishing. Slat baskets shall be placed at
106 least one hundred (100) yards apart and may not be used with any
107 form of leads, netting or guiding devices. Each slat basket shall
108 have a metal slat basket tag attached to it with the tag number of
109 the owner imprinted on it. Such slat basket tags shall be
110 purchased from the department at a fee of Three Dollars (\$3.00)
111 per tag. Any other identification of the owner of the basket
112 shall meet such specifications as set by the department. Slat
113 baskets may be fished statewide except where specifically
114 prohibited.

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

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

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

123 (10) The commission is authorized to issue nonresident
124 freshwater commercial fishing licenses to be sold by the
125 department and not by licensing agents. The amount charged for a
126 nonresident freshwater commercial fishing license shall be the

127 same as is charged a resident of Mississippi for such a license in
128 the state where the nonresident resides, but in no event shall the
129 amount be less than the amount charged by the department for
130 freshwater commercial fishing licenses issued to Mississippi
131 residents.

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

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

138 **SECTION 2.** This act shall take effect and be in force from
139 and after July 1, 2007.