

By: Representative Cummings

To: Wildlife, Fisheries and
ParksHOUSE BILL NO. 827
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-7-9, MISSISSIPPI CODE OF 1972, TO
2 DELETE REFERENCES TO NONRESIDENT FRESHWATER COMMERCIAL LICENSES;
3 TO CREATE A NEW CODE SECTION TO AUTHORIZE THE COMMISSION ON
4 WILDLIFE, FISHERIES AND PARKS TO ENTER INTO RECIPROCAL AGREEMENTS
5 AND TO ESTABLISH TYPES, FEES AND REGULATIONS FOR NONRESIDENT
6 FRESHWATER COMMERCIAL FISHING LICENSES; AND FOR 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 resident 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 resident 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 * * * 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. * * * Resident wholesale
68 dealers licenses shall be issued only to persons who have been
69 bona fide residents of the State of Mississippi for at least six
70 (6) months. * * *

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

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

85 (7) Any resident using a wooden or plastic slat basket shall
86 pay a fee of Thirty Dollars (\$30.00) per basket per annum in
87 addition to a commercial license. Slat baskets are defined as
88 commercial fishing devices used solely for the capture of catfish
89 and made entirely of wood and/or plastic slats in a boxlike or
90 cylindrical shape. Slat baskets shall not exceed six (6) feet in
91 length nor exceed fifteen (15) inches in width and height or
92 diameter, may have no more than two (2) throats, and must have at
93 least four (4) slot openings of a minimum one and one-half (1-1/2)

94 by twenty-four (24) inches evenly spaced around the sides of the
95 catch area. The one and one-half (1-1/2) inch wide slots must
96 begin at the rear of the basket and run twenty-four (24) inches
97 toward the throat end of the basket. Slat baskets may only be
98 fished in public waters of the State of Mississippi that are
99 opened to commercial fishing. Slat baskets shall be placed at
100 least one hundred (100) yards apart and may not be used with any
101 form of leads, netting or guiding devices. Each slat basket shall
102 have a metal slat basket tag attached to it with the tag number of
103 the owner imprinted on it. Such slat basket tags shall be
104 purchased from the department at a fee of Three Dollars (\$3.00)
105 per tag. Any other identification of the owner of the basket
106 shall meet such specifications as set by the department. Slat
107 baskets may be fished statewide except where specifically
108 prohibited.

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

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

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

117 * * *

118 (10) July 4 of each year is designated as "Free Fishing
119 Day." Any person may sport fish without a license on "Free
120 Fishing Day."

121 (11) Any person authorized to issue any license under this
122 section may collect and retain for issuing each license the
123 additional fee authorized under Section 49-7-17.

124 **SECTION 2.** (1) The commission may promulgate rules and
125 regulations for nonresident recreational and commercial permits

126 and licenses in order to promote and to enter into reciprocal
127 agreements with other states.

128 (2) The commission may issue and prescribe the forms, types
129 and fees of nonresident freshwater commercial fishing licenses to
130 be sold by the department and not by licensing agents.

131 (3) The commission may require a nonresident to purchase the
132 same type and number of freshwater commercial fishing licenses and
133 pay the same fees that are required of Mississippi residents to
134 engage in like activity in the nonresident's state.

135 (4) Any nonresident who engages in freshwater, commercial
136 fishing without having the required licenses is guilty of a Class
137 I violation and punishable as provided under Section 49-7-141 and
138 shall forfeit any equipment, gear or nets used in the offense.

139 **SECTION 3.** This act shall take effect and be in force from
140 and after July 1, 2007.