

By: Representative Busby

To: Marine Resources

HOUSE BILL NO. 1321

1 AN ACT TO AMEND SECTION 49-15-79, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION
 3 TO USE OR ATTEMPT TO USE A PURSE SEINE FOR THE TAKING OF FISH OR
 4 TO HAVE SUCH SEINE IN THE WATER WITHIN ONE MILE OF THE SHORELINE
 5 OF CAT ISLAND AND WITHIN ONE MILE OF THE SHORELINE OF JACKSON
 6 COUNTY, MISSISSIPPI; TO REPEAL SECTION 49-15-35, MISSISSIPPI CODE
 7 OF 1972, WHICH PROVIDES THAT THE COMMISSION MAY ADOPT ORDINANCES
 8 PROHIBITING THE TAKING AND CATCHING OF MENHADEN WITHIN CERTAIN
 9 LIMITS; TO BRING FORWARD SECTION 49-15-71, MISSISSIPPI CODE OF
 10 1972, WHICH ESTABLISHES THE REGULATIONS FOR THE TAKING OF REDFISH,
 11 FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
 12 49-15-78, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE USE OF
 13 A GILL NET, TRAMMEL NET, ENTANGLEMENT NET, OR LIKE CONTRIVANCES,
 14 FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 49-15-79, Mississippi Code of 1972, is
 17 amended as follows:

18 49-15-79. (1) It is unlawful for any person, firm or
 19 corporation to use or attempt to use a purse seine for the taking
 20 of fish or to have such seine in the water within one (1) mile of
 21 the shoreline of Cat Island and within one (1) mile of the
 22 shoreline of the County of Hancock * * *, Harrison or Jackson in
 23 the State of Mississippi. The Boards of Supervisors of Hancock,
 24 Harrison and Jackson Counties shall have the authority to submit



25 proposed regulations to the commission to regulate within their
26 respective counties the use of * * * trammel nets. The commission
27 may consider all such proposals submitted by the boards of
28 supervisors in formulating regulations to be promulgated under
29 this section.

30 (2) A person, firm or corporation convicted of a violation
31 of this section or regulations promulgated under this section
32 shall be punished by the penalties provided in Section
33 49-15-100(2) * * *.

34 **SECTION 2.** Section 49-15-35, Mississippi Code of 1972, which
35 provides that the commission may adopt ordinances prohibiting the
36 taking and catching of menhaden within certain limits of the coast
37 line of the county so requesting, but the commission shall not fix
38 such limits except upon request of the board of supervisors, and
39 such limit shall not exceed two (2) miles from the shore line, or
40 two (2) miles from the corporate limit boundaries of any
41 municipality bordering on the Mississippi Sound, is repealed.

42 **SECTION 3.** Section 49-15-71, Mississippi Code of 1972, is
43 brought forward as follows:

44 49-15-71. (1) It is unlawful for any boat or vessel
45 carrying or using a purse seine to have on board such boat or
46 vessel any quantity of redfish within the territorial jurisdiction
47 of the State of Mississippi.

48 (2) It is unlawful for any person, firm or corporation to
49 catch, take or land redfish below minimum legal size as



50 established by regulations promulgated by the commission and in
51 accordance with the Red Drum Fishery Management Plan. The
52 department shall develop a redfish management plan and the
53 commission shall promulgate regulations to implement the plan
54 after conducting a public hearing relating to the plan and
55 regulations. Beginning on July 1, 1998, and every four (4) years
56 thereafter, the commission shall review the plan and regulations
57 promulgated under the plan, and upon a determination that
58 revisions are appropriate, the commission shall amend the plan or
59 regulations, or both, in a manner to effectuate the desired
60 changes.

61 (3) Any person who violates the provisions of this section
62 is guilty of a misdemeanor and shall be fined in the amount of One
63 Hundred Dollars (\$100.00) for each redfish possessed in violation
64 of this section. All nets used in violating this section are
65 hereby declared contraband and shall be subject to seizure and
66 forfeiture. If the person in possession of or using the nets in
67 the violation is not the owner or licensee of the nets, the
68 department shall notify the owner or licensee of the nets. The
69 nets shall be subject to forfeiture unless the nets were stolen
70 and prosecution for the theft is initiated. It shall be the duty
71 of the court to order the forfeiture of any nets used in violating
72 the provisions of this section. The fine imposed upon a person
73 convicted under this section shall not be suspended or reduced.
74 The master and owner of any vessel upon which redfish is possessed



75 in violation of this section shall be jointly and severally liable
76 for the penalty imposed herein.

77 (4) For the purposes of this section, the term "redfish"
78 means red drum or sciaenops ocellatus.

79 **SECTION 4.** Section 49-15-78, Mississippi Code of 1972, is
80 brought forward as follows:

81 49-15-78. (1) (a) It is unlawful for a person to use a
82 gill net, trammel net, entanglement net, or like contrivances for
83 the taking of finfish in marine waters within one-half (1/2) mile
84 of the shoreline.

85 (b) For the purposes of this section, the phrase "like
86 contrivances" means any net that is similar in form, function,
87 purpose or use to a gill net, trammel net or entanglement net.

88 (c) It is unlawful for a person to use a haul seine net
89 for the taking of fish in marine waters within one-half (1/2) mile
90 of the shoreline of Cat Island.

91 (d) The provisions of this section shall not apply to
92 hand seines, cast nets or brill nets.

93 (2) A violation of this section is punishable by the
94 penalties provided in Section 49-15-100.

95 **SECTION 5.** This act shall take effect and be in force from
96 and after July 1, 2022.

