

By: Representatives Vince, Eaton, Hudson,
Nettles

To: Game and Fish

HOUSE BILL NO. 1280

1 AN ACT TO AMEND SECTIONS 49-7-9, 49-7-21 AND 49-7-81,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS AGED 70 YEARS OR
3 OLDER DO NOT HAVE TO BE LICENSED FOR THE COMMERCIAL USE OF HOOP
4 NETS; AND FOR RELATED PURPOSES.

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

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

8 49-7-9. (1) (a) Each resident of the State of Mississippi,
9 as defined in Section 49-7-3, fishing in the public fresh waters
10 of the state, including lakes and reservoirs, but not including
11 privately owned ponds and streams, shall pay an annual license fee
12 of Eight Dollars (\$8.00). Any resident purchasing a public
13 freshwater fishing license as prescribed in this subsection shall
14 be entitled to fish, in accordance with the regulations and
15 ordinances of the commission, in all public fresh waters within
16 the territory of the State of Mississippi.

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

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

28 fishing license while engaged in such activities.

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

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

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

55 Any person aged seventy (70) years or older shall not be
56 required to be licensed for the commercial use of hoop 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 commission shall
126 determine the fee and shall promulgate such rules and regulations
127 as it deems appropriate for issuance of nonresident freshwater
128 commercial fishing licenses.

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

131 Fishing Day."

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

135 SECTION 2. Section 49-7-21, Mississippi Code of 1972, is
136 amended as follows:

137 49-7-21. (1) (a) The licenses for hunting, trapping or
138 fishing shall be issued on a form prepared by the executive
139 director and supplied to the bonded agents authorized to issue
140 licenses. The forms shall bear the name and Social Security
141 number or driver's license number of the applicant. All licenses
142 shall be valid from the date of its issuance to June 30 following
143 its date. The license shall be countersigned by the licensee in
144 the presence of the agent authorized to issue the same. The
145 licenses shall be issued in the name of the commission and be
146 countersigned by the bonded agent issuing same. The application
147 for a license under this chapter shall be subscribed and sworn to
148 by the applicant before an officer authorized to administer oaths
149 in this state, and for this purpose the members of the commission,
150 the executive director, sheriffs, conservation officers and bonded
151 agents are hereby authorized to administer oaths, but no charge
152 shall be made by any officer employed by the commission or sheriff
153 for the administration of the oath.

154 (b) A person may purchase a license from the office of
155 the department without appearing in person.

156 (2) Any person authorized to issue licenses for hunting,
157 trapping or fishing in this state who attempts to issue a license
158 on a form other than one as prescribed by this section, or
159 attempts to prepare a license certificate in any manner other than
160 on the form prescribed by this section, and furnished by the
161 executive director, is guilty of a Class II violation, and shall
162 be punished as provided in Section 49-7-143, Mississippi Code of
163 1972, and the person convicted shall be forever barred from

164 issuing licenses in the State of Mississippi.

165 (3) Any resident or nonresident who hunts, takes or traps
166 any wild animal, bird or fish must possess a valid license issued
167 by the commission, unless specifically exempted under this
168 chapter.

169 (4) Any nonresident, who hunts without the required license
170 is guilty of a misdemeanor and upon conviction thereof shall be
171 fined in an amount not less than Five Hundred Dollars (\$500.00)
172 nor more than One Thousand Dollars (\$1,000.00) for the first
173 offense. The nonresident shall also forfeit all hunting, trapping
174 and fishing privileges for a period not less than twelve (12)
175 consecutive months from the date of conviction. For the second or
176 any subsequent offense a nonresident shall be fined in an amount
177 of not less than One Thousand Dollars (\$1,000.00) nor more than
178 One Thousand Five Hundred Dollars (\$1,500.00) or imprisoned in the
179 county jail for not more than thirty (30) days, or both such fine
180 and imprisonment. The nonresident shall also forfeit all hunting,
181 trapping and fishing privileges for a period not less than
182 thirty-six (36) consecutive months from the date of conviction.

183 (5) Any nonresident who fishes without the required license
184 is guilty of a misdemeanor and upon conviction shall be fined in
185 an amount not less than One Hundred Dollars (\$100.00) nor more
186 than Two Hundred Fifty Dollars (\$250.00) for the first offense.
187 For the second or any subsequent offense a nonresident shall be
188 fined in an amount not less than Two Hundred Fifty Dollars
189 (\$250.00) nor more than Five Hundred Dollars (\$500.00) and that
190 nonresident shall also forfeit all hunting, trapping and fishing
191 privileges for a period not less than twelve (12) consecutive
192 months from the date of conviction.

193 (6) Any person who obtains a license under an assumed name
194 or makes a materially false statement to obtain a license is
195 guilty of a felony and shall be subject to a fine of Two Thousand
196 Dollars (\$2,000.00) or may be imprisoned for a term not to exceed

197 one (1) year or both.

198 (7) Any person aged seventy (70) years or older shall not be
199 required to be licensed for the commercial use of hoop nets.

200 SECTION 3. Section 49-7-81, Mississippi Code of 1972, is
201 amended as follows:

202 49-7-81. (1) It shall be unlawful to take or kill game fish
203 in any manner other than by hook and line with one or more hooks,
204 or by use of a trot or troll line. Dip/landing nets may be used
205 when landing a fish caught by hook and line, trot or troll lines.

206 Shad and minnows may only be taken as bait with the aid of a
207 dip/landing net, cast nets, boat-mounted scoops and wire baskets
208 by residents for personal use in sportfishing. However, in
209 private ponds or borrow pits or overflow ponds which go dry in
210 summer and cut off from the regular streams, dip nets may be used
211 for capturing or rescuing such game fish. It shall be unlawful to
212 kill or take fish of any species at any time or anywhere by
213 mudding, or by the use of lime, poison, dynamite, India berries,
214 weeds and walnuts, giant powder, gunpowder, or any other
215 explosive, and no nongame gross fish shall be taken by the use of
216 nets, seines or trap for personal use without a commercial fishing
217 license. It shall be unlawful to place any nets or seines in any
218 stream, in such a way as to completely obstruct the passage of
219 fish in such stream, and if nets are placed in water they shall be
220 placed at least one hundred (100) yards apart. The commission
221 shall not have authority to fix a minimum size mesh of more than
222 three (3) inches for use in barrel nets, hoop nets and seines.
223 Notwithstanding anything in this or any other section to the
224 contrary, any person in Mississippi fishing with barrel nets, hoop
225 nets or seines in any waters of common boundary between
226 Mississippi and another state may use a mesh size in such nets
227 which is the same as the mesh size allowed in the other state,
228 where the other state allows a mesh size in such nets which is
229 smaller than the mesh size otherwise allowable in Mississippi.

230 Any person aged seventy (70) years or older shall not be required
231 to be licensed for the commercial use of hoop nets.

232 (2) It shall be unlawful for any person to catch or destroy
233 fish by the use of dynamite, gunpowder or other explosive
234 substance.

235 (3) It shall be unlawful for any person to use a telephone,
236 battery or any other electrically operated device for the purpose
237 of killing or capturing fish.

238 (4) It shall be unlawful for any person to use any chemical
239 of any kind in any stream or any lake where the public fishes for
240 the purpose of killing or taking fish, except that this provision
241 shall not be construed to apply to any owner of any fish pond
242 using such chemical in his own private pond.

243 (5) It shall be unlawful for any person to poison any fish
244 by mingling in the water any substance calculated and intended to
245 stupefy or destroy fish.

246 (6) It is unlawful for any person to fish any equipment in
247 the waters of the state of any size or type that is not allowed by
248 the commission. Any such hoop net, barrel net, seine, gill net,
249 slat baskets, trammel net and/or untagged commercial fishing gear
250 or devices being fished in public waters may be seized and held as
251 evidence and, shall be subject to forfeiture.

252 (7) Any person violating the provisions of subsections (2),
253 (3), (4), (5) and (6) of this section shall be guilty of a Class I
254 violation and, upon conviction, shall be punished as provided in
255 Section 49-7-141.

256 SECTION 4. This act shall take effect and be in force from
257 and after July 1, 1999.