

By: Browning

To: Wildlife and
Fisheries

SENATE BILL NO. 2153

1 AN ACT TO AMEND SECTION 49-7-9, MISSISSIPPI CODE OF 1972, TO
2 DELETE FEES FOR USE OF SLAT BASKETS; TO AMEND SECTION 49-7-81,
3 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF SLAT BASKETS; AND
4 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:[LTR1]

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

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

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

80 (6) Each person engaged in the buying and selling of nongame
81 gross fish as a wholesale dealer's agent, whether on a commission

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

89 * * *

90 (7) It is unlawful for any person coming under the terms of
91 this section to offer for sale undersized nongame gross fish, as
92 set out and classified herein.

93 (8) All persons fishing in privately owned lakes or ponds
94 shall have specific permission to do so from the owner of such
95 lake or pond.

96 (9) The commission is authorized to issue nonresident
97 freshwater commercial fishing licenses to be sold by the
98 department and not by licensing agents. The commission shall
99 determine the fee and shall promulgate such rules and regulations
100 as it deems appropriate for issuance of nonresident freshwater
101 commercial fishing licenses.

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

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

108 SECTION 2. Section 49-7-81, Mississippi Code of 1972, is
109 amended as follows:[LTR2]

110 49-7-81. (1) It is unlawful to take or kill game fish in
111 any manner other than by hook and line with one or more hooks, or
112 by use of a trot or troll line. Dip or landing nets may be used
113 when landing a fish caught by hook and line, trot or troll lines.
114 Shad and minnows may only be taken as bait with the aid of a dip
115 or landing net, cast nets, boat-mounted scoops and wire baskets by
116 residents for personal use in sportfishing. However, in private
117 ponds or borrow pits or overflow ponds which go dry in summer and
118 cut off from the regular streams, dip nets may be used for
119 capturing or rescuing such game fish. It is unlawful to kill or
120 take fish of any species at any time or anywhere by mudding, or by
121 the use of lime, poison, dynamite, India berries, weeds and
122 walnuts, giant powder, gunpowder, or any other explosive, and no
123 nongame gross fish shall be taken by the use of nets, seines or
124 trap for personal use without a commercial fishing license. It is
125 unlawful to place any nets or seines in any stream, in such a way
126 as to completely obstruct the passage of fish in such stream, and
127 if nets are placed in water they shall be placed at least one
128 hundred (100) yards apart. The commission shall not have
129 authority to fix a minimum size mesh of more than three (3) inches
130 for use in barrel nets, hoop nets and seines. Notwithstanding
131 anything in this or any other section to the contrary, any person
132 in Mississippi fishing with barrel nets, hoop nets or seines in
133 any waters of common boundary between Mississippi and another
134 state may use a mesh size in such nets which is the same as the
135 mesh size allowed in the other state, where the other state allows
136 a mesh size in such nets which is smaller than the mesh size
137 otherwise allowable in Mississippi.

138 (2) It is unlawful for any person to catch or destroy fish
139 by the use of dynamite, gunpowder or other explosive substance.

140 (3) It is unlawful for any person to use a telephone,
141 battery or any other electrically operated device for the purpose
142 of killing or capturing fish.

143 (4) It is unlawful for any person to use any chemical of any
144 kind in any stream or any lake where the public fishes for the
145 purpose of killing or taking fish, except that this provision
146 shall not * * * apply to any owner of any fish pond using such
147 chemical in his own private pond.

148 (5) It is unlawful for any person to poison any fish by
149 mingling in the water any substance calculated and intended to
150 stupefy or destroy fish.

151 (6) It is unlawful for a person to use a slat basket for
152 taking fish in the streams and public waters of the state.

153 (7) It is unlawful for any person to fish any equipment in
154 the waters of the state of any size or type that is not allowed by
155 the commission. Any such hoop net, barrel net, seine, gill net,
156 slat baskets, trammel net * * * or untagged commercial fishing
157 gear or devices being fished in public waters may be seized and
158 held as evidence and, shall be subject to forfeiture.

159 (8) Any person violating the provisions of subsections (2),
160 (3), (4), (5), * * * (6) or (7) of this section is guilty of a
161 Class I violation and, upon conviction, shall be punished as
162 provided in Section 49-7-141.

163 SECTION 3. This act shall take effect and be in force from
164 and after July 1, 2000.