

By: Representative Guice

To: Conservation and Water Resources

HOUSE BILL NO. 509

1 AN ACT TO AMEND SECTIONS 49-15-15, 49-15-84, 49-15-86 AND
2 49-15-91, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSION
3 ON MARINE RESOURCES MAY NOT REQUIRE A RECREATIONAL CRABBER'S
4 LICENSE FOR INDIVIDUALS WHO CATCH SALTWATER CRABS FOR PERSONAL
5 USE; TO LIMIT RECREATIONAL CRABBERS TO THE USE OF SIX CRAB TRAPS;
6 TO INVALIDATE ANY RULES OR REGULATIONS ADOPTED BY THE COMMISSION
7 WHICH REQUIRE A RECREATIONAL CRABBER TO OBTAIN A LICENSE; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 49-15-15, Mississippi Code of 1972, is
11 amended as follows:

12 49-15-15. (1) In addition to any other powers and duties
13 authorized by law, the commission shall have the following powers
14 and duties regarding the regulation of seafood:

15 (a) To exercise full jurisdiction and authority over
16 all marine aquatic life and to regulate any matters pertaining to
17 seafood, including cultivated seafood;

18 (b) To adopt, promulgate, amend or repeal, after due
19 notice and public hearing, in accordance with the Mississippi
20 Administrative Procedures Law and subject to the limitations in
21 subsection (2) of this section, rules and regulations authorized
22 under this chapter, including, but not limited to, rules and
23 regulations necessary for the protection, conservation or
24 propagation of all seafood in the waters under the territorial
25 jurisdiction of the State of Mississippi and for the regulation of
26 gill net and purse seine fishermen. All public hearings under
27 this chapter concerning the regulation of marine resources shall
28 be held in Hancock, Harrison or Jackson counties. Each rule or
29 regulation promulgated under this chapter shall immediately be
30 advertised one (1) time in a newspaper or newspapers having



31 general circulation in counties affected by that regulation. A
32 regulation shall become effective at 6:00 a.m. on the day after
33 its publication;

34 (c) To regulate all seafood sanitation and processing
35 programs. In the three (3) coastal counties, the sanitation
36 program regulating processing plants and seafood sold in retail
37 stores operating in conjunction with a processing plant or seafood
38 market that primarily deals with seafood is under the exclusive
39 authority of the commission. The commission may also inspect and
40 regulate those areas of any seafood processing plant which process
41 freshwater species at any site where the department inspects
42 seafood processing plants. To effectively and efficiently
43 implement the state seafood sanitation program, the State Health
44 Officer, the Commissioner of Agriculture and the executive
45 director of the department may enter into a memorandum of
46 understanding, which at a minimum, clearly specifies the
47 responsibilities of each agency in implementing the seafood
48 sanitation program, as well as the sharing of information and
49 communication and coordination between the agencies;

50 (d) To set standards of measure;

51 (e) To set requirements for employment of commission
52 employees whose compensation shall be governed by the rules and
53 regulations of the State Personnel Board;

54 (f) To acquire and dispose of commission equipment and
55 facilities;

56 (g) To keep proper records of the commission, including
57 an official ordinance book which contains all rules and
58 regulations promulgated by the commission under this chapter;

59 (h) To enter into advantageous interstate and
60 intrastate agreements with proper officials, which directly or
61 indirectly result in the protection, propagation and conservation
62 of the seafood of the State of Mississippi, or continue any such
63 agreements now in existence;



64 (i) To arrange, negotiate or contract for the use of
65 available federal, state and local facilities which would aid in
66 the propagation, protection and conservation of the seafood of the
67 State of Mississippi;

68 (j) To authorize the operation of double rigs in the
69 waters lying between the mainland coast and the island chain, and
70 those rigs shall not exceed a length of twenty-five (25) feet at
71 the cork line, and to prescribe the length at the lead line for
72 each rig, net or try-trawl;

73 (k) To destroy or dispose of equipment or nets which
74 have been lawfully seized by the commission and which are not sold
75 under Section 49-15-65;

76 (l) To open, close and regulate fishing seasons for the
77 taking of shrimp, oysters, fish taken for commercial purposes and
78 crabs and set size, catching and taking regulations for all types
79 of seafood and culling regulations for oysters, except as
80 otherwise specifically provided by law;

81 (m) To utilize the resources of the Gulf Coast Research
82 Laboratory to the fullest extent possible;

83 (n) To develop a resource management plan to preserve
84 seafood resources and to ensure a safe supply of these resources;

85 (o) To prescribe types and forms of scientific permits
86 for public educational or scientific institutions, federal and
87 state agencies and consultants performing marine resource studies;

88 (p) To suspend the issuance of licenses when necessary
89 to impose a moratorium to conserve a fishery resource; and

90 (q) To promote, construct, monitor and maintain
91 artificial fishing reefs in the marine waters of the State of
92 Mississippi and in adjacent federal waters; to accept grants and
93 donations of money or materials from public and private sources
94 for such reefs; and to apply for any federal permits necessary for
95 the construction or maintenance of artificial fishing reefs in
96 federal waters.



97 (2) The commission shall not adopt rules, regulations or
98 ordinances pertaining to marine resources which are more stringent
99 than federal regulations. In any case where federal laws and
100 regulations are silent on a matter pertaining to marine resources,
101 the laws and regulations of the State of Mississippi shall
102 control. The commission shall review all marine resource
103 ordinances for compliance with the no more stringent standard and
104 revise any ordinances more stringent than this standard no later
105 than December 31, 1992. This subsection shall not apply to rules,
106 regulations or ordinances pertaining to the wild stock of marine
107 fin fish.

108 (3) Any rules or regulations adopted by the commission which
109 would require a recreational crabber to obtain a license to catch
110 or take saltwater crabs for personal use or to use the limited
111 number of crab traps specified in Section 49-15-84, shall be
112 invalidated on the effective date of this act.

113 **SECTION 2.** Section 49-15-84, Mississippi Code of 1972, is
114 amended as follows:

115 49-15-84. (1) The commission shall coordinate with the Gulf
116 Coast Research Laboratory in the development of an ordinance for
117 the purpose of taking *Callinectes sapidus* (blue crab) or allied
118 species. The ordinance shall include provisions for the
119 establishment of size limits for individual or market use as well
120 as establishing legal harvest size for the cultivating of peeler
121 crabs and soft-shell crabs.

122 (2) The commission shall establish minimum specifications
123 for crab traps and shall require buoys of adequate size which are
124 identified as to the owner of the buoys and traps. Within the
125 bays and bayous recreational crabbers may use no more than six (6)
126 crab traps per household, and such crabbers shall not be required
127 to obtain any license to use the crab traps. The taking of crabs
128 with drop nets is permitted without a license.



129 (3) It is unlawful to catch, hold or have in possession any
130 female sponge crab or any female crab bearing visible eggs at any
131 time within marine waters. It is not unlawful to catch those
132 crabs unintentionally, if the crabs are immediately returned to
133 the water.

134 **SECTION 3.** Section 49-15-86, Mississippi Code of 1972, is
135 amended as follows:

136 49-15-86. (1) Each person catching or taking any saltwater
137 crabs in the waters of the State of Mississippi for commercial
138 purposes shall obtain a license from the commission and shall pay
139 an annual resident license fee of Seventy-five Dollars (\$75.00) or
140 an annual nonresident license fee of Two Hundred Dollars (\$200.00)
141 on each boat used therefor.

142 (2) The commission may not require a recreational crabber's
143 license for individuals who catch or take saltwater crabs for
144 personal use.

145 **SECTION 4.** Section 49-15-91, Mississippi Code of 1972, is
146 amended as follows:

147 49-15-91. The commission may establish a maximum number of
148 crab traps allowable per commercial licensee and the maximum
149 number of crab traps allowable per recreational crabber shall be
150 prescribed by Section 49-15-84.

151 **SECTION 5.** This act shall take effect and be in force from
152 and after July 1, 2002.

