

By: Senator(s) Posey

To: Wildlife and Fisheries

SENATE BILL NO. 2791

1 AN ACT TO AMEND SECTION 49-7-81, MISSISSIPPI CODE OF 1972, TO
2 REVISE USE OF COMMERCIAL FISHING GEAR IN STREAMS; TO REVISE
3 PENALTIES FOR UNTAGGED COMMERCIAL FISHING GEAR; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 49-7-81, Mississippi Code of 1972, is
7 amended as follows:

8 49-7-81. (1) It is unlawful to take or kill game fish in
9 any manner other than by hook and line with one or more hooks, or
10 by use of a trot or troll line. Dip/landing nets may be used when
11 landing a fish caught by hook and line, trot or troll lines. Shad
12 and minnows may only be taken as bait with the aid of a
13 dip/landing net, cast nets, boat-mounted scoops and wire baskets
14 by residents for personal use in sportfishing. However, in
15 private ponds or borrow pits or overflow ponds which go dry in
16 summer and cut off from the regular streams, dip nets may be used
17 for capturing or rescuing such game fish. It is unlawful to kill
18 or take fish of any species at any time or anywhere by mudding, or
19 by the use of lime, poison, dynamite, India berries, weeds and
20 walnuts, giant powder, gunpowder, or any other explosive, and no
21 nongame gross fish shall be taken by the use of nets, seines or
22 trap for personal use without a commercial fishing license. It is
23 unlawful to place any nets or seines in any stream, in such a way
24 as to completely obstruct the passage of fish in such stream, and
25 if nets are placed in water they shall be placed at least one
26 hundred (100) yards apart. The commission shall not have
27 authority to fix a minimum size mesh of more than three (3) inches
28 for use in barrel nets, hoop nets and seines. Notwithstanding



29 anything in this or any other section to the contrary, any person
30 in Mississippi fishing with barrel nets, hoop nets or seines in
31 any waters of common boundary between Mississippi and another
32 state may use a mesh size in such nets which is the same as the
33 mesh size allowed in the other state, where the other state allows
34 a mesh size in such nets which is smaller than the mesh size
35 otherwise allowable in Mississippi.

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

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

41 (4) It is unlawful for any person to use any chemical of any
42 kind in any stream or any lake where the public fishes for the
43 purpose of killing or taking fish, except that this provision
44 shall not be construed to apply to any owner of any fish pond
45 using such chemical in his own private pond.

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

49 (6) It is unlawful for any person to fish any equipment in
50 the waters of the state of any size or type that is not allowed by
51 the commission.

52 (7) Any such hoop net, barrel net, seine, gill net, slat
53 baskets, trammel net and/or untagged commercial fishing gear or
54 devices being fished in public waters may be seized and held as
55 evidence and, shall be subject to forfeiture.

56 (8) Any person violating the provisions of subsections (2),
57 (3), (4), (5) and (6) of this section is guilty of a Class I
58 violation and, upon conviction, shall be punished as provided in
59 Section 49-7-141.

60 **SECTION 2.** This act shall take effect and be in force from
61 and after its passage.

