

By: Representatives Wells-Smith, Cameron,  
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To: Game and Fish;  
Universities and Colleges

HOUSE BILL NO. 1389

1 AN ACT TO AMEND SECTIONS 49-7-9 AND 49-15-313, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT ANY PERSON MAY FISH WITHOUT A  
3 LICENSE IN FRESHWATER OR SALTWATER ON EVERY FRIDAY OF EVERY WEEK,  
4 WHICH SHALL BE DESIGNATED AS "FREE FISHING FRIDAY"; AND FOR  
5 RELATED PURPOSES.

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

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

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

18 (b) A resident may purchase a resident fishing license  
19 valid for a period of three (3) days for the sum of Three Dollars  
20 (\$3.00).

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



28 not be required to purchase or have in his possession a hunting or  
29 fishing license while engaged in such activities.

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

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

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

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



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

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

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

90           (7) Any person using a wooden or plastic slat basket shall  
91 pay a fee of Thirty Dollars (\$30.00) per basket per annum in  
92 addition to a commercial license. Slat baskets are defined as



93 commercial fishing devices used solely for the capture of catfish  
94 and made entirely of wood and/or plastic slats in a boxlike or  
95 cylindrical shape. Slat baskets shall not exceed six (6) feet in  
96 length nor exceed fifteen (15) inches in width and height or  
97 diameter, may have no more than two (2) throats, and must have at  
98 least four (4) slot openings of a minimum one and one-half (1-1/2)  
99 by twenty-four (24) inches evenly spaced around the sides of the  
100 catch area. The one and one-half (1-1/2) inch wide slots must  
101 begin at the rear of the basket and run twenty-four (24) inches  
102 toward the throat end of the basket. Slat baskets may only be  
103 fished in public waters of the State of Mississippi that are  
104 opened to commercial fishing. Slat baskets shall be placed at  
105 least one hundred (100) yards apart and may not be used with any  
106 form of leads, netting or guiding devices. Each slat basket shall  
107 have a metal slat basket tag attached to it with the tag number of  
108 the owner imprinted on it. Such slat basket tags shall be  
109 purchased from the department at a fee of Three Dollars (\$3.00)  
110 per tag. Any other identification of the owner of the basket  
111 shall meet such specifications as set by the department. Slat  
112 baskets may be fished statewide except where specifically  
113 prohibited.

114 Any violation of the provisions of this subsection shall be a  
115 Class I violation as prescribed in Section 49-7-141.

116 (8) It is unlawful for any person coming under the terms of  
117 this section to offer for sale undersized nongame gross fish, as  
118 set out and classified herein.

119 (9) All persons fishing in privately owned lakes or ponds  
120 shall have specific permission to do so from the owner of such  
121 lake or pond.

122 (10) The commission is authorized to issue nonresident  
123 freshwater commercial fishing licenses to be sold by the  
124 department and not by licensing agents. The commission shall  
125 determine the fee and shall promulgate such rules and regulations



126 as it deems appropriate for issuance of nonresident freshwater  
127 commercial fishing licenses.

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

131 (12) Every Friday of each week of each year is designated as  
132 "Free Fishing Friday." Any person may sport fish without a  
133 license on "Free Fishing Friday."

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

137 **SECTION 2.** Section 49-15-313, Mississippi Code of 1972, is  
138 amended as follows:

139 49-15-313. (1) Any resident between the ages of sixteen  
140 (16) and sixty-five (65) years, as defined in Section 49-7-3,  
141 fishing in the marine waters of the state, shall obtain a  
142 saltwater sports fishing license for a fee of Four Dollars  
143 (\$4.00). This license shall be valid in any waters south of  
144 Interstate 10. Any resident citizen who is blind, paraplegic or a  
145 multiple amputee, or who has been adjudged by the Veterans  
146 Administration as having a total service-connected disability, or  
147 has been adjudged totally disabled by the Social Security  
148 Administration shall not be required to purchase or have in his  
149 possession a saltwater sports fishing license while engaged in  
150 such activities. Any resident exempt under this section shall  
151 have on his person while fishing proof of residency and age or  
152 disability.

153 (2) The commission shall prescribe the forms, types and fees  
154 for nonresident saltwater sports fishing licenses except that the  
155 fee for a nonresident saltwater sports fishing license shall not  
156 be less than Twenty Dollars (\$20.00). The commission shall  
157 require a nonresident to purchase a nonresident freshwater fishing  
158 license and a nonresident saltwater sports fishing license if the



159 nonresident's state requires both licenses for a nonresident to  
160 fish in its marine waters.

161 (3) All resident vessels engaged in charter boat fishing,  
162 party boat fishing, head boat and guide boat fishing shall be  
163 issued a separate annual license by the commission at a fee of Two  
164 Hundred Dollars (\$200.00). All nonresident vessels engaged in  
165 charter boat fishing, party boat fishing, headboat and guide boat  
166 fishing shall be issued a separate annual license by the  
167 commission. The commission shall set the fees for nonresident  
168 vessel licenses as provided in Section 49-15-30. Crew members and  
169 customers of the licensed vessels shall not be required to  
170 purchase an individual resident or nonresident saltwater fishing  
171 license while sponsored by the licensed vessels. An operator of a  
172 licensed vessel shall be required to report the number of  
173 customers to the department as required by the commission and the  
174 information shall be kept confidential and shall not be released,  
175 except to other fisheries management agencies or as statistical  
176 data. All nonresident vessels engaged in saltwater sport fishing  
177 tournaments, not to exceed an aggregate of twenty (20) days per  
178 calendar year, shall not be required to purchase an annual license  
179 as provided under this subsection.

180 (4) The saltwater sports fishing license is required for all  
181 recreational methods of finfish harvest.

182 (5) Any resident who purchases a lifetime sportsman's  
183 license, in accordance with Section 49-7-153, shall be entitled to  
184 fish in the marine salt waters of the state and shall be exempt  
185 from the purchase of a sport saltwater fishing license.

186 (6) Any person authorized to issue a license may collect and  
187 retain, for each saltwater fishing license issued, the additional  
188 fee authorized under Section 49-7-17.

189 (7) The fees collected from the sale of resident and  
190 nonresident saltwater sports fishing licenses shall be deposited



191 into the Seafood Fund and shall be used solely for the management  
192 of marine resources.

193 (8) Participants in the Very Special Fishing Olympics are  
194 exempt from this section.

195 (9) July 4 of each year is designated as "Free Saltwater  
196 Sports Fishing Day." Any person may saltwater sport fish without  
197 a license on the "Free Saltwater Sports Fishing Day."

198 (10) Every Friday of each week of each year is designated as  
199 "Free Fishing Friday." Any person may saltwater sport fish  
200 without a license on "Free Fishing Friday."

201 **SECTION 3.** This act shall take effect and be in force from  
202 and after July 1, 2003.

