

By: Senator(s) Posey

To: Wildlife and Fisheries

SENATE BILL NO. 2802

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 or landing nets may be used  
11 when landing a fish caught by hook and line, trot or troll lines.  
12 Shad and minnows may only be taken as bait with the aid of a dip  
13 or landing net, cast nets, boat-mounted scoops and wire baskets by  
14 residents for personal use in sportfishing. However, in private  
15 ponds or borrow pits or overflow ponds which go dry in summer and  
16 cut off from the regular streams, dip nets may be used for  
17 capturing or rescuing \* \* \* game fish. It is unlawful to kill or  
18 take fish of any species at any time or anywhere by mudding, or by  
19 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 set any freshwater commercial fishing equipment so  
24 that it extends more than halfway across the width of any stream,  
25 channel, drain or other body of water, \* \* \* and if commercial  
26 fishing equipment is placed in water each piece of equipment shall  
27 be placed at least one hundred (100) yards apart. The commission  
28 shall not have authority to fix a minimum size mesh of more than



29 three (3) inches for use in barrel nets, hoop nets and seines.  
30 Notwithstanding anything in this or any other section to the  
31 contrary, any person in Mississippi fishing with barrel nets, hoop  
32 nets or seines in any waters of common boundary between  
33 Mississippi and another state may use a mesh size in such nets  
34 which is the same as the mesh size allowed in the other state,  
35 where the other state allows a mesh size in such nets which is  
36 smaller than the mesh size otherwise allowable in Mississippi.

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

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

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

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

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

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

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



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

