

By: Representatives Frierson, Janus

To: Marine Resources

HOUSE BILL NO. 1265

1 AN ACT TO AMEND SECTION 49-15-80, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY VESSEL AND INDIVIDUAL HOOK AND LINE FEES, AND TO DELETE
3 REFERENCE TO LENGTH OF CERTAIN NETS; TO AMEND SECTION 49-15-15,
4 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON MARINE
5 RESOURCES TO REGULATE NETS AND SEINES USED IN COMMERCIAL
6 HARVESTING OF SEAFOOD; TO PROVIDE A PENALTY FOR SELLING OF FINFISH
7 WITHOUT A LICENSE; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 49-15-80, Mississippi Code of 1972, is
10 amended as follows:

11 49-15-80. (1) Each vessel to be used in catching or
12 transporting fish in the waters of the State of Mississippi for
13 commercial purposes shall, before beginning operations, obtain an
14 annual license from the commission and pay a license fee according
15 to the following schedule:

16 (a) * * * Vessels engaged in commercial hook and line
17 or gig fishing: * * *

18 (i) Resident vessel: One Hundred Dollars
19 (\$100.00).

20 (ii) Nonresident vessel: Four Hundred Dollars
21 (\$400.00). * * *

22 (b) Vessels using trammel nets, gill nets or seines or
23 any other net approved by the commission ordinance or in writing
24 by the department:

25 (i) Resident vessel: One Hundred Dollars
26 (\$100.00).

27 (ii) Nonresident vessel: Four Hundred Dollars
28 (\$400.00).

(2) If a duly licensed commercial hook and line or gig fishing vessel is engaged in commercial fishing, each individual aboard must possess a commercial fisherman license.

(3) A nonresident shall not be issued a commercial fishing license under this chapter for the taking of fish using any type of net if that nonresident's state of domicile prohibits the issuing of commercial fishing licenses to residents of this state to engage in like activity.

(4) Each individual engaged in commercial hook and line or gig fishing must obtain a commercial fisherman license subject to the following license fees:

(a) A resident commercial fisherman license: One Hundred Dollars (\$100.00).

(b) A nonresident commercial fisherman license: Four Hundred Dollars (\$400.00).

(5) Each factory or manufacturing establishment engaging in the manufacture of oil, fish scrap, fish meal, fertilizer or other products from menhaden, shall pay a license fee of Five Hundred Dollars (\$500.00).

(6) Each boat or vessel engaging in the catching, taking or transporting menhaden in the waters of the State of Mississippi, the sum of One Hundred Dollars (\$100.00) and shall pay Fifty Dollars (\$50.00) on each net, seine, trawl or purse net used in catching or taking menhaden in the waters of the State of Mississippi.

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

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

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

62 (b) To adopt, promulgate, amend or repeal, after due
63 notice and public hearing, in accordance with the Mississippi
64 Administrative Procedures Law and subject to the limitations in
65 subsection (2) of this section, rules and regulations authorized
66 under this chapter, including, but not limited to, rules and
67 regulations necessary for the protection, conservation or
68 propagation of all seafood in the waters under the territorial
69 jurisdiction of the State of Mississippi and for the regulation of
70 gill net and purse seine fishermen. All public hearings under
71 this chapter concerning the regulation of marine resources shall
72 be held in Hancock, Harrison or Jackson counties. Each rule or
73 regulation promulgated under this chapter shall immediately be
74 advertised one (1) time in a newspaper or newspapers having
75 general circulation in counties affected by that regulation. A
76 regulation shall become effective at 6:00 a.m. on the day after
77 its publication;

78 (c) To regulate all seafood sanitation and processing
79 programs. In the three (3) coastal counties, the sanitation
80 program regulating processing plants and seafood sold in retail
81 stores operating in conjunction with a processing plant or seafood
82 market that primarily deals with seafood is under the exclusive
83 authority of the commission. The commission may also inspect and
84 regulate those areas of any seafood processing plant which process
85 freshwater species at any site where the department inspects
86 seafood processing plants. To effectively and efficiently
87 implement the state seafood sanitation program, the State Health
88 Officer, the Commissioner of Agriculture and the executive
89 director of the department may enter into a memorandum of
90 understanding, which at a minimum, clearly specifies the
91 responsibilities of each agency in implementing the seafood
92 sanitation program, as well as the sharing of information and
93 communication and coordination between the agencies;

94 (d) To set standards of measure;

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

98 (f) To acquire and dispose of commission equipment and
99 facilities;

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

103 (h) To enter into advantageous interstate and
104 intrastate agreements with proper officials, which directly or
105 indirectly result in the protection, propagation and conservation
106 of the seafood of the State of Mississippi, or continue any such
107 agreements now in existence;

108 (i) To arrange, negotiate or contract for the use of
109 available federal, state and local facilities which would aid in
110 the propagation, protection and conservation of the seafood of the
111 State of Mississippi;

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

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

120 (l) To open, close and regulate fishing seasons for the
121 taking of shrimp, oysters, fish taken for commercial purposes and
122 crabs and set size, catching and taking regulations for all types
123 of seafood and culling regulations for oysters, except as
124 otherwise specifically provided by law;

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

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

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

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

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

(r) To regulate all types of nets and seines used in the harvest of seafood.

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

SECTION 3. (1) Any person selling finfish without a license shall, on conviction, be fined not less than Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), for the first offense; not less than One Thousand Dollars (\$1,000.00), nor more than Four Thousand Dollars (\$4,000.00), for the second offense, when the second offense is committed within a period of

160 three (3) years from the first offense; and not less than Two
161 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars
162 (\$5,000.00), or imprisonment in the county jail for a period not
163 exceeding thirty (30) days for any third or subsequent offense
164 when such offense is committed within a period of three (3) years
165 from the first offense.

166 (2) Any person convicted under this section shall not be
167 considered for a reduction of sentence.

168 (3) Any fine collected under this section shall be paid into
169 the Seafood Fund.

170 **SECTION 4.** This act shall take effect and be in force from
171 and after July 1, 2004.