

By: Representatives Frierson, Read, Janus

To: Marine Resources

HOUSE BILL NO. 658

1 AN ACT TO AMEND SECTION 49-15-3, MISSISSIPPI CODE OF 1972, TO  
2 ADD "ECOTOURISM" TO THE MARINE RESOURCES DEFINITIONS SECTION; AND  
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 49-15-3, Mississippi Code of 1972, is  
6 amended as follows:

7 49-15-3. As used in this chapter, the term:

8 (a) "Commission" means the Mississippi Commission on  
9 Marine Resources.

10 (b) "Department" means the Department of Marine  
11 Resources.

12 (c) "Domicile" means a person's principal or primary  
13 place of abode in which a person's habitation is fixed and to  
14 which the person, whenever absent, has the present intention of  
15 returning after a departure of absence therefrom, regardless of  
16 the duration of the absence. The burden of proving domicile in  
17 the State of Mississippi shall be on the person claiming that  
18 status. A person holding a current driver's license shall be  
19 deemed to be domiciled within the state issuing the license. If a  
20 person does not hold a current driver's license the following  
21 evidence may be considered in establishing, but is not necessarily  
22 determinative of domicile: residence for income or other tax  
23 purposes, homestead exemption receipt or other means prescribed by  
24 the commission. In the case of minors, domicile of the parents  
25 shall be used as evidence of the minor's domicile.

26           (d) "Ecotourism" means travel on a vessel for hire  
27 powered by an inboard or outboard motor to areas of natural or  
28 ecological interest for the purpose of observing nature.

29           (e) "Game fish" means cobia, also known as ling or  
30 lemonfish (*rachycentron canadum*). The cobia is classified as game  
31 fish.

32           (f) "Illegal oysters" means:

33                   (i) All untagged shell stock;

34                   (ii) Shell oysters obtained from uncertified shops  
35 or dealers or from an unlicensed catcher;

36                   (iii) Oysters obtained from waters not declared  
37 safe and sanitary by the department, except those oysters caught  
38 by the commission for re-laying or under private leases pursuant  
39 to Section 49-15-27;

40                   (iv) Shucked oysters obtained from uncertified  
41 shops or repackers.

42           (g) "Inspector" means the chief inspector, the  
43 assistant chief inspector, deputy inspector, bureau director and  
44 certified enforcement officer employed by the department.

45           (h) "Natural reefs" means any bottom under the  
46 jurisdiction of the commission of one or more acres on which  
47 oysters grow naturally, or have grown naturally, in a quantity  
48 sufficient to warrant commercial fishing as a means of livelihood,  
49 or have been used in such a manner within a period of ten (10)  
50 years next preceding the time the bottoms may come up for  
51 determination by the commission.

52           (i) "Resident" means a person, firm or corporation that  
53 is domiciled in this state.

54           (j) "Seafood" means all oysters, saltwater fish,  
55 saltwater shrimp, diamondback terrapin, sea turtle, crabs and all  
56 other species of marine or saltwater animal life existing or  
57 living in the waters within the territorial jurisdiction of the  
58 State of Mississippi.

59           (k) "Tonging reefs" means any bottom under the  
60 jurisdiction of the commission designated by the commission as an  
61 area in which oysters may be taken by use of hand tongs, as  
62 provided in Section 49-15-39.

63           **SECTION 2.** This act shall take effect and be in force from  
64 and after July 1, 2005.