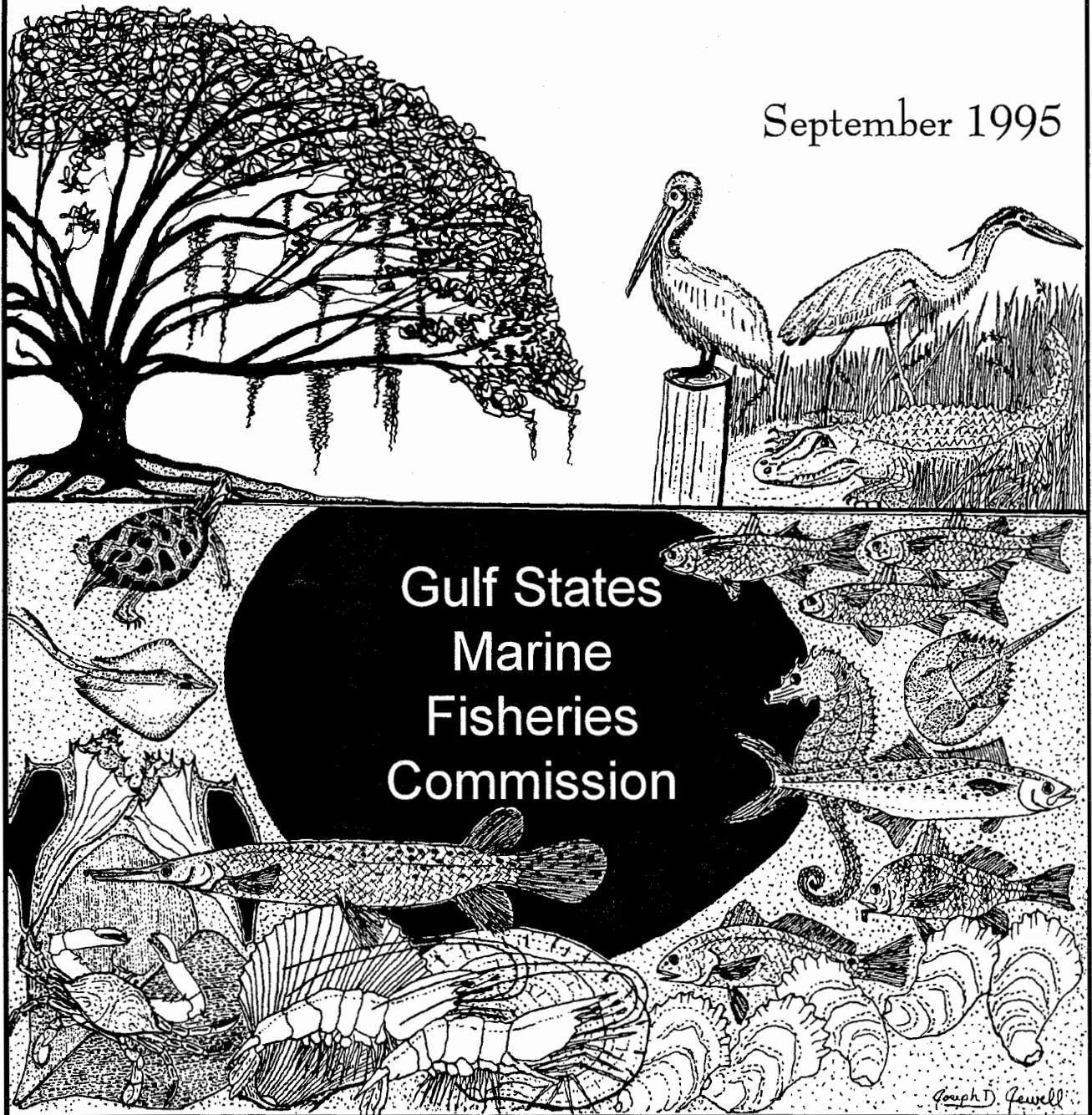


STATE LEGISLATION
AFFECTING MARINE FISHERIES
IN THE GULF OF MEXICO
1995

September 1995



Gulf States
Marine
Fisheries
Commission

Joseph D. Jewell

LEGISLATION AFFECTING MARINE FISHERIES

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INTRODUCTION

During its spring meeting held on March 15 and 16, 1990 in Orange Beach, Alabama, the Gulf States Marine Fisheries Commission (GSMFC) elected to begin the production of an annual report which provides a listing and brief summary of all bills affecting marine fisheries which became law in a given year in the five Gulf States. This represents the fifth such report and constitutes a compilation of all measures affecting marine fisheries which became law in 1995. Copies are available from GSMFC, (601) 875-5912 until supplies are exhausted.

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Louisiana Department of Wildlife and Fisheries
(504) 765-2383 |
| Mississippi: | Tom Van Devender
Mississippi Department of Marine Resources
(601) 385-5860 |
| Alabama: | David Dean, Legislative Liaison
Alabama Department of Conservation and Natural Resources
(334) 242-3165 |
| Florida: | Shari Naftzinger, Office of Legislative and Cabinet Affairs
Florida Department of Environmental Protection
(904) 487-2916 |

TEXAS

The Texas State Legislature met in 1995, beginning January 10 and lasted 78 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

HB 1359 Alexander

Extends the authority of the Texas Department of Transportation for construction and maintenance on state fish hatcheries, wildlife management areas, and support facilities.

HB 1785 Kuempel

Gives the Texas Parks and Wildlife Commission authority to waive or discount the recreational fishing license fee for residents under 17 or over 65 after August 31, 1995 and grandfathers any resident 65 years old before September 1, 1995 from the requirement of purchasing a fishing license.

HB 1823 Bosse

Modifies the Texas Parks and Wildlife Department regulations concerning the taking of marl, sand, gravel, shell or mudshell.

HB 1956 Grusendorf

Eliminates the requirement for the mandated reports for condition of fish and oyster industry, finfish and shrimp status report, and others.

HB 1964 Oakley

Related to the issuance of permits by the Texas Parks and Wildlife Department for the conservation, protection and management of certain wildlife resources.

HB 2182 Woolley

Clarifies the use of funds in the operation game thief fund and membership of the Operation Game Thief Committee.

HB 2216 Kuempel

Authorizes the Texas Parks and Wildlife Commission to develop temporary sport fishing licenses with various time periods and directs the Texas Parks and Wildlife Commission to develop combination licenses or packages for hunting, fishing, or other activities.

HB 2365 Oliveira

Allows the counties to take over the permitting of business establishment on public beaches.

SB 72 Patterson

Requires written requests for release of the name and address of a person on the boat registration list.

- SB 248 Bivins**
Defines and establishes policies related to the seizure and disposition of certain property under the Parks and Wildlife Code.
- SB 733 Brown**
Allows for king mackerel, Spanish mackerel, wahoo, and cobia to be commercially taken in state waters as well as other rules regarding the taking, purchase, and sale of other species.
- SB 750 Patterson**
Establishes a license management program which restricts a variety of activities for the bay/bait shrimp fishery.
- SB 814 Brown**
Establishes a shrimp boat captain's license which allows the shrimp boat captain to sell all legal aquatic products taken by the shrimp boat.

LOUISIANA

The Louisiana State Legislature met in 1995, beginning March 27 and lasted 84 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

- HB 260 Roach**
Requires DHH to report the results of testing of oysters in Calcasieu Lake 45 days prior to opening of oyster season.
- HB 744 Theriot, M.**
Exempts work boxes from the minimum commercial size limits for crabs.
- HB 745 Theriot, M.**
Allows a by-catch of crabs in the berry stage.
- HB 815 Triche**
Relative to fishing; provides for the types, sizes and mesh of nets, provides for gear, prohibits the use and possession of certain nets in saltwater areas of the state, provides for exceptions, provides for penalties for violations and provides for related matters.
- HB 829 Roach**
Prohibits the use of saltwater gill nets, trammel nets, strike nets, and seines in that portion of Calcasieu Lake situated in Calcasieu Parish.

HB 976 Patti

Amends and reenacts R. S. 56:259 (B) (2) and 424(G), relative to taking of oysters; provides for unlawful use of trawl or skimmer nets in privately leased oyster beds; provides for a class three violation; provides for landing of oysters outside of Louisiana and provides for related matters.

HB 1190 Bergeron

Provides for regulation of soft shell crab shadders.

HB 1360 Hebert

Provides with regard to the taking of bait.

HB 1451 Ackal, et. al

Describes Breton and Chandeleur Sounds for the purpose of use of trawling vessels.

HB 1803 Durand

Provides for a moratorium on the issuance of commercial crab trap gear licenses.

HB 2253 Odinet

Makes certain changes relative to the labeling, packaging, and sale of oysters.

HB 2441 Odinet

Provides for the oyster development account; provides for an additional fee; provides for deposit into the account, provides for administration of the account, provides for personnel, duties and responsibilities of the Louisiana Seafood Promotion and Marketing Board and the Louisiana Oyster Task Force.

HB 2446 Roach

Provides a procedure to be used by the Office of Fisheries, Department of Wildlife and Fisheries, to compensate oyster fishermen residing in Cameron and Calcasieu Parishes for losses suffered as a result of the action of the Office of Public Health, Department of Health and Hospitals in closing public oyster grounds in Calcasieu Lake in the event funds are appropriated for such compensation.

HCR 43 Odinet

Directs the Louisiana Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries to extend the season for taking oysters in the public fishing grounds that are east of the Mississippi River Gulf Outlet by three weeks.

HCR 58 Odinet

Urges and requests the Louisiana Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries to extend the season for taking oyster sin the oyster fishing grounds in Bay Junope in Terrebonne Parish through April 30, 1995.

HCR 95 Roach

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SB 94 Brinkhaus

Prohibits night shrimping in the inside waters of Vermilion Bay, East Cote Blanche Bay, West Cote Blanche Bay and Atchafalaya Bay with certain exceptions.

SB 757 McPherson

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SB 1237 Brinkhaus

Provides for the creation of the Oyster Lease Damage Evaluation Board; provides for rules; provides for method of evaluating damages; provides for claims and payment thereof and provides for related matters.

SCR 175 Chabert

Directs the Department of Wildlife and Fisheries to meet with the Crab Task Force and the Shrimp Task Force to jointly discuss "ghost traps" and make recommendations to the legislature on solutions.

MISSISSIPPI

The Mississippi State Legislature met in 1995, beginning January 3 and lasted 119 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

HB 1315 Smith

Requires economic impact statements by state agencies when adopting certain rules.

SB 2221 Bean

Deletes repealer wording on blue lights aboard law enforcement vessels.

SB 2487 Posey

Requires a person to present their social security number in order to receive a boating license.

SB 2527 Hewes

Transfers the responsibility of boating safety on marine waters to the Mississippi Commission on Marine Resources.

SB 2528 Hewes

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SB 2845 Hewes

Provides for the Mississippi Commission on Marine Resources to enact regulations subject to statutory limitations.

SB 3054 Hewes

Deletes the exemption to wetlands permitting process (the 5-foot exclusion).

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Provides for disposition of marine fees (saltwater recreational license).

ALABAMA

The Alabama State Legislature met in 1995, beginning April 18 and lasted 104 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

SB 424 Windom

Regulates the lengths and widths of certain seines, nets, and trawls, regulates the number and types of net or seine permits and to whom these permits can be issued, requires seafood dealer reporting for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, and regulates and provide for the licensing of certain vehicles from which seafood is bought or sold.

FLORIDA

The Florida State Legislature met in 1995, beginning and lasted days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

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Provides for emergency installation of rigid coastal structures for protection of private property and public infrastructure from coastal erosion as well as authorizing the issuance of permits for this activity.

HB 647 Rayson

Encourages the state to continue its acquisition of lands for environmental preservation.

HB 1317 Boyd

Provides that in response to the adoption of section 16, Article X of the State Constitution, relating to limiting marine net fishing, a net ban economic assistance program is created to supplement lost income of commercial saltwater products licensees and wholesale and first-level retail saltwater products dealers.

HB 1507 Merchant

Creates the Mangrove Trimming and Preservation Act which establishes regulations for the trimming and alteration of mangroves.

SB 884 Sullivan

Provides that the Tampa Bay Area Vessel Traffic Information Service Consortium shall include 3 representatives from the maritime industry, 1 from the phosphate shipping industry, 1 from the petroleum shipping industry, and 1 appointed by the Governor.

SB 1006 Natural Resources and Conservation Committee

Repeals section 7 of chapter 90-264, relating to the abolition of the Florida Inland Navigation District and establishes a board of new commissioners of the district.

SB 1114 Ways and Means Committee

Recreates the Florida Saltwater Products Promotion Trust Fund within the Department of Agriculture and Consumer Services without modification and carries forward its current balances and continues its current sources.

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