

**STATE LEGISLATION
AFFECTING MARINE FISHERIES -
GULF OF MEXICO
1990**

prepared by

**Gulf States Marine Fisheries Commission
P.O. Box 726
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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 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 first such report and constitutes a compilation of all measures affecting marine fisheries which became law in 1990.

STATE CONTACT PERSONS

The details of any given piece of legislation are not provided in this report. In the event anyone is particularly interested in a particular piece of legislation, the following contact persons are provided:

- Texas:** Nancy Simmons, Legislative Liaison
Texas Parks and Wildlife Department
(512) 389-4604
- Louisiana:** A. Kell McInnis, Deputy Secretary
Louisiana Department of Wildlife and Fisheries
(504) 765-2957
- Mississippi:** Joe Gill, Deputy Director
Mississippi Department of Wildlife, Fisheries and
Parks, Bureau of Marine Resources
(601) 385-5860
- Alabama:** David Dean, Legislative Liaison
Alabama Department of Conservation and Natural
Resources
(205) 242-3486
- Florida:** Anna Marie Hartman, Director of Legislative
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Texas

The Texas State Legislature meets every two years, except for special session. They did not meet in 1990, but will meet again in 1991, beginning the second Tuesday in January and lasting 140 days.

Louisiana

The Louisiana State Legislature met in 1990, beginning the third Monday in April and lasting 80 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

HB 342 (ACT #307) Roach

Amends and reenacts R.S. 56:305(C), relative to issuance of commercial gear licenses for gill nets and purse seines for nonresidents whose domiciliary state, (i.e. Texas), prohibits the use of nets for fishing. Proposed law is an addition to present regulations on out of state commercial fishermen. Effective September 2, 1990.

HB 535 (ACT #181) Melancon

Amends and reenacts R.S. 56:330, allowing the taking of frogs year round except during the months of April and May when it shall be prohibited. During the year 1991, the Department will only issue warning tickets for fist offenses. Present law allows for the taking of frogs year round. Effective September 2, 1990.

HB 569 (ACT #236) Smith, J.R.

Amends and reenacts R.S. 56:104(B)(1) and 302.2(C), providing resident status for military personnel and their dependents in the purchase of hunting and fishing licenses. Present law allows for only military personnel on active duty to be given resident status. Effective September 2, 1990.

HB 655 (ACT #870) Ater

Amends and reenacts R.S. 14:63, relative to criminal trespass on immovable property with the exception of marshlands. It eliminates that the offender knew or should have known the entry was unauthorized. It also provides with respect to criminal penalties, and provides for affirmative defenses to prosecution if entry was by a registered surveyor and his personnel; public utility maintenance personnel; and an unarmed person entering for the sole purpose of retrieving a dog. Finally, it provides immunity to the owner or lessee from liability as a result of trespassing by a person upon the posted lands. Defines posting by placing identifying paint marks on trees or posts around the area to be posted in a color to be identified by the Louisiana Forestry Industry, or by placing "no trespassing" or "posted" signs at points no more than 100 feet apart. Effective January 1, 1991.

HB 717 (ACT #873) Patti

Amends and reenacts R.S. 56:436(B) by increasing the penalties for taking oysters during the illegal hours of one-half hour after sunset to one-half hour before sunrise to a class four violation from the present class two violation. Effective September 2, 1990.

HB 719 (ACT #874) Patti

Amends and reenacts R.S. 56:303.6 and 424(A)(2) providing for an exception to the existing requirement for all Louisiana residents harvesting oysters to purchase and possess an oyster harvester's license. This exception is to Louisiana residents sixteen years of age or under and to the spouse of a vessel's owner while on that vessel. Effective September 2, 1990.

HB 720 (ACT #875) Patti

Amends and reenacts R.S. 56:406(A)(2) prohibiting trammel nets, seines, gill nets or webbing in the waters of Breton and Chandeleur Sound, and providing that the legal descriptions of the affected waters of the two Islands include visible land points. Effective September 2, 1990.

HB 735 (ACT #67) Scogin

Enacts R.S. 44:4(19) which exempts Louisiana Natural Heritage Program database from public records laws, and allows for the Secretary's discretion to release such records. Effective September 2, 1990.

HB 736 (ACT #258) Scogin

Amends and reenacts R.S. 56:1845 and R.S. 56:1847(7) providing for the declassification of rivers from the natural and scenic rivers system, and for reclassification of certain systems. New law provides for notice to be given in the affected area and for at least one public hearing prior to any action being taken. The process for nomination requires it first be adopted by the legislature through a concurrent resolution; then, a continuing study will be undertaken to make recommendations to the legislature no sooner than eight months from the nomination of the river. This recommendation shall be subsequent to the evaluation and it procedures provided for in the present law. Effective July 4, 1990.

HB 738 (ACT #54) Roach

Enacts R.S. 56:8(118) and (119) providing definitions for "cast nets" and "dip nets". "Cast net" shall be defined as a light circular net of vegetable or synthetic materials and weighted around its perimeter that is thrown by hand over the water. "Dip net" shall be defined as a net usually a deep mesh bag of vegetable or synthetic materials, on a fixed frame attached to a handle and held and worked exclusively by hand and by no more than one individual. Effective September 2, 1990.

HB 741 (ACT #78) Roach

Amends and reenacts R.S. 56:327(A)(1)(b) providing for the harvest and management of red drum and commercial gamefish fingerlings; the sale of certain type of gamefish fingerlings of a specified maximum total length of not more than 6 inches, and for notification to the Department of Wildlife and Fisheries of the transportation of fingerlings for sale 24 hours prior to shipment. (Present law states the maximum total length may not exceed 3 inches and notification must be made 48 prior to shipment.) This act shall become effective September 2, 1991.

HB 742 (ACT #55) Roach

Amends and reenacts R.S. 56:325.1(C)(1) changing the penalties for violations of possession limits of red drum and spotted seatrout from a class one violation to a class two violation. The daily possession limits of 5 red drum and 25 spotted sea trout have been retained. Effective September 2, 1990.

HB 743 (ACT #434) Roach

Amends and reenacts R.S. 56:325.1(C)(2) providing for size limits and for penalties of twenty-five dollars for undersized fish. Present law sets minimum legal size for recreational fishermen of 12 inches for spotted sea trout and 16 inches for red drum. It also sets maximum size for red drum of 27 inches and penalties of ten dollars per pound for red drum that exceed maximum total length. Effective September 2, 1990.

HB 818 (ACT #492) Bolin

Enacts R.S. 56:326.4 allowing the Wildlife and Fisheries Commission to set seasons and quotas for popular restaurant fish except spotted seatrout so that some type of fish will be available throughout the year to restaurants. Information given to the Commission will be provided by the Restaurant Association and other interested parties. Effective September 2, 1990.

HB 840 (ACT #299) Glover

Amends and reenacts Section 3 of Act No. 993 and Section 3 of Act No. 995 of the 1988 Regular Session providing for mariculture permits and the extension of their time limits from two years to three and one-half years. Effective September 2, 1990.

HB 865 (ACT #441) Roach

Amends and reenacts R.S. 56:303.4 and 306.3(A), and enacts 56:303.7 and 306.4 creating a "Commercial Fisherman's Sales Card" that the fisherman takes to a dealer in order to validate the sale by a receipt system. Proposed law requires the department and the commission to complete all necessary acts to establish the Card by January 1, 1992.

HB 994 (ACT #261) Benoit

Amends and reenacts R.S. 56:307.2 and enacts R.S. 56:306(B)(5) relative to wholesale/retail dealer's and transport licenses. This act removes the prohibition on the purchase of fish by a person transporting fish under the privilege of a transport license if the purchase is on behalf of the wholesale/retail dealer. Effective July 4, 1990.

HB 1092 (ACT #162) Laborde

Amends and reenacts R.S. 47:305.20(A), (B), (D), and (E) authorizing the Department of Revenue and Taxation to issue exemption certificates for commercial fishermen's vessels rather than the Department of Wildlife and Fisheries. Effective September 2, 1990.

HB 1115 (ACT #363) Downer

Enacts R.S. 56:69 which exempts Louisiana Department of Wildlife and Fisheries enforcement agents from traffic regulations while carrying out official duties, but does not

relieve any enforcement agent of the duty to drive with due regard for the safety of others. Proposed law will be the same as for other statewide enforcement officers. Effective September 2, 1990.

HB 1125 (ACT #497) Siracusa

Amends and reenacts R.S. 56:332.1(C)(2) retaining present law of prohibition against fishing eel pots above the saltwater line except for saltwater lakes north of the line, excluding Lake Maurepas, but provides that the Department of Wildlife and Fisheries may issue permits pursuant to the underutilized species provisions on the present laws. Effective September 2, 1990.

HB 1126 (ACT #975) Siracusa

Enacts R.S. 41:1215.3 authorizing the Department of Wildlife and Fisheries to grant oyster leases on state-owned waterbottoms, and for ratification of existing oyster leases. Effective July 25, 1990.

HB 1146 (ACT #889) Siracusa

Amends and reenacts R.S. 56:423(E) and 427(B) providing for the heritability and transferability of applications of deceased persons for oyster leases, and that heirs of deceased applications may vie for prior claim status provided by present law. Effective July 25, 1990.

HB 1167 (ACT #770) Hebert

Enacts Part X of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950 which is comprised of R.S. 3:2358.1 through 2358.14 authorizing the Department of Agriculture and Forestry to regulate the pet turtle industry instead of the Department of Wildlife and Fisheries. Effective September 2, 1990.

HB 1191 (ACT #) Dastugue

Amends and reenacts R.S. 34:851.19, 851.20(A), (B), (C), (D), (G), and (J), 851.21, 851.22, and 851.23(A), (B)(1), and (B)(4) subjecting sailboats in excess of 12 feet in length and the owners, operators, manufacturers, and dealers of such sailboats to the registration and decal requirements of the present motorboat law. Effective September 2, 1990.

HB 1209 (ACT #310) Volentine

Amends and reenacts R.S. 56:1847(22) and enacts R.S. 56:1855(D) removing a portion of Middle Fork of Bayou D'Arbonne in Claiborne Parish from natural and scenic river system. Effective July 8, 1990.

HB 1235 (ACT #581) Odinet

Amends and reenacts R.S. 56:499.2(B) providing that no butterfly net or bottom nets may be used in the Rigolets or Chef Menteur Pass with an exception given to land owners and lessees by the present law and persons possessing a permit issued by the U.S. Corp of Engineers prior to 1988 if permittee is on the structure at all times the net is in the water. Effective September 2, 1990.

HB 1265 (ACT #899) Adley

Amends and reenacts R.S. 56:31 and enacts R.S. 56:31.1 allowing the Department of Wildlife and Fisheries to assess civil penalties in lieu of filing criminal charges for class one violations, and sets the fees at \$50 for the first offense, \$100 for the second offense, and \$200 for the third and subsequent offenses. Effective September 2, 1990.

HB 1321 (ACT #248) John

Amends and reenacts R.S. 49:954(B)(2) and 967(D) relative to the emergency provisions of the Administrative Procedure Act, providing for setting of certain wildlife emergency rules, and that the effective period in setting annual seasons for offshore and fall shrimp, oysters, webless migratory game birds, and trapping would be equal to the length of the season. Instead of the present maximum length of 120 days. Effective September 2, 1990.

HB 1345 (ACT #498) Roach

Amends and reenacts R.S. 36:605(B)(4)(b)..., authorizing and creating an auxiliary wildlife and fisheries law enforcement program, and providing for the program's requirements. These requirements are that at no time shall there be more than 50 active commissioned auxiliary agents. The auxiliary agents must commit a minimum of 24 hours a month for the duration of the commission which is to be one year. In that time, the agent is granted all the powers of a regular enforcement agent within the limits provided, but the auxiliary exercises those powers without benefit of compensation. After completing the minimum training standards and passing the written examination, the auxiliary enters upon a one-year probationary period of on-the-job training under direct supervision, and following probation the auxiliary shall be evaluated by the supervising agent who shall either recommend renewal or revocation of the auxiliary's commission. Effective September 2, 1990.

HB 1346 (ACT #499) Roach

Enacts R.S. 56:111.1 providing for the department to establish rules and regulations for the posting of Deer Management Program areas including the description and content of the signs used to post. The penalty for defacing or destroying any sign or notice used to post these areas constitutes a class one violation. This act also provides penalties for taking game on Deer Management Assistance Program areas; violation constitutes a class two violation. Effective September 2, 1990.

HB 1385 (ACT #583) Patti

Amends and reenacts R.S. 56:435(A) providing that oyster dredges and scrapers shall be no longer than six feet in width along the tooth bar. Provisions that scrapers be no less than three feet along the tooth bar and that one is required to carry a permit be deleted from present law. Effective September 2, 1990.

HB 1386 (ACT #1015) Patti

Amends and reenacts R.S. 56:433(A) increasing the tolerance percentage for dead shells and undersized oysters in any cargo lot of oysters from 5% to 15% and that each shell over one inch shall be counted as one. Effective September 2, 1990.

HB 1472 (ACT #368) Triche

Enacts R.S. 56:326(G) providing that violation of size and possession limits for commercial fish constitutes a class three violation. Effective September 2, 1990.

HB 1482 (ACT #311) Smith, A.D.

Amends and reenacts R.S. 56:1847(15) and enacts R.S. 56:1855(D) exempting a portion of Big Creek from Louisiana Scenic Rivers Act. Effective July 8, 1990.

HB 1515 (ACT #455) Bajoie

Amends and reenacts R.S. 56:301.7(A), 302.4(A), and 302.5(A) and enacts R.S. 56:302(D) and (E) and 302.1(A)(2) requiring recreational fishermen to purchase freshwater trout licenses to possess trout when fishing designated areas; whereas, before there was no such program. Effective September 2, 1990.

HB 1526 (ACT #194) Theriot, S.H.

Amends and reenacts R.S. 56:115(B) ..., providing for regulations and violations of penalties for hunting and raising fur animals and alligators, by deleting the general provisions in the present law, and establishing more specific penalties for the violations. The act changes the penalties for possession of alligators, their eggs, and skins from a class 3 to a class 7-A violation. Effective July 2, 1990.

HB 1556 (ACT #372) Deano

Enacts R.S. 56:320(G) prohibiting the use of aircraft or any other form of aerial surveillance to assist in the taking of finfish except in the fisheries of menhaden and herring-like fish. Present law allows the use of aircraft to assist in the taking of finfish. Violations constitute a class one violation, and vehicles used are subject to confiscation. Effective July 10, 1990.

HB 1585 (ACT #196) John

Amends and reenacts R.S. 56:318 and 319.1 specifying that the department has authority to regulate or prohibit the importation of all fish or fish eggs. Regulation is by rule in accordance with the Administrative Procedure Act. Present law excludes goldfish and aquarium fish. Effective September 2, 1990.

HB 1705 (ACT #1019) Martin

Amends and reenacts R.S. 56:152(B) extending from three to five years the requirement that the Louisiana duck stamp artist be domiciled in Louisiana. Effective September 2, 1990.

HB 1768 (ACT #794) Melancon

Amends and reenacts R.S. 56:320(A)(1) and (2) providing methods for taking fresh and saltwater fish, specifies that the "nets and traps" allowed for the taking of fish are "recreational hoop nets" and "recreational slat traps." It further provides that recreational nets shall not be used to take certain freshwater gamefish, and that the standard spearing equipment used by a skin diver sport fishing is recreational buckets, recreational drums,

recreational tires, and recreational cans. Effective September 2, 1990.

HB 1769 (ACT #376) Theriot, S.H.

Amends and reenacts R.S. 56:6(25)(a), 22, and 326.3 providing for the promulgation of rules and regulations for fish and wildlife, for adding times and places to the list of rules to be promulgated by the secretary, and for penalties for violation of the rules set by the commission. Effective September 2, 1990.

HB 1770 (ACT #250) Theriot, S.H.

Amends and reenacts R.S. 56:495.1(A) and enacts R.S. 56:495.1(D) retaining the present law relative to seasons, the number of trawls used at one time, and penalties; except, in addition to any and all other penalties, second and subsequent violations shall result in the revocation of the trawl license and prohibits license reinstatement any time during the period for which it was issued and for one year thereafter. Adding that the single trawl used cannot exceed 50 ft. in length along the corkline and 65 ft. along the lead line; and the two trawls pulled shall not exceed 25 ft. along the corkline, 33 ft. in length along the lead line, and have door no longer than 6 feet in length and 34 inches in height. The act also permits the pulling of two trawls in Terrebonne, Lafourche, and Jefferson Parishes; and provides that trawls legally pulled in Breton and Chandeleur Sounds cannot exceed 65 ft. along the corkline and 82 ft. along the lead line or head rope. Effective July 3, 1990.

HB 1777 (ACT #190) Theriot, S.H.

Amends and reenacts R.S. 56:303(B) increasing the nonresident commercial fishermen's license fee from \$200 to \$400. Effective September 2, 1990.

HB 1780 (ACT #463) Roach

Amends and reenacts R.S. 56:345(B) exempting restaurants and retail grocers who buy exclusively from wholesale retail dealers from the present law requirement which states that any wholesale/retail dealer who buys fish from anyone other than another wholesale/retail dealer must make and file a form with the Department of Wildlife and Fisheries detailing the fish purchased that month. Effective September 2, 1990.

HB 1782 (ACT #251) Ellington

Amends and reenacts R.S. 56:345(A) changing the required notification time to the Department of Wildlife and Fisheries for transportation of domestic finfish from 48 hours by writing to 24 hours by telephone. Effective September 2, 1990.

HB 2087 (ACT #509) Roach

Enacts R.S. 56:410.2 prohibiting the setting or use of any trammel net, gill net, or strike net for the taking of fish in Calcasieu Lake during the hours after the official sunset on Friday and before the official sunset on Sunday of each week during the month of May through September of each year. Effective September 2, 1990.

HB 2096 (ACT #510) Martin

Enacts R.S. 56:648.1(5) adding to present harassment and disturbance laws prohibiting

a person from entering or remaining on private property, including nonnavigable water, through the use of floating duck blinds or any float or boat used for hunting any migratory waterfowl without the express, written permission of the landowner, lessee, lessor, or hunting club or organization authorized to hunt on the property. Effective September 2, 1990.

HB 2117 (ACT #1022) Diez

Enacts R.S. 56:318.1 authorizing the Wildlife and Fisheries Commission to adopt rules and regulations in accordance with the Administrative Procedure Act authorizing the secretary of the Department to issue and administer special fishing permits authorizing tournament participants to process recreational freshwater species that would fall outside legal size limits, said species are to be kept in live wells and subsequently released. The act also provides for application for the permit, and that a department employee may be assigned as an observer. Effective September 2, 1990.

HB 18 Siracusa

Creates a study committee to study the feasibility of transferring the regulation of oyster leasing and the oyster industry regulation to the Department of Agriculture and Forestry from the Department of Wildlife and Fisheries. Members of the committee to be as follows:

- (1) Two members of the House Natural Resources Committee, appointed by the chairman of that committee.
- (2) One member of the House Agriculture Committee, appointed by the chairman of that committee.
- (3) Two members of the Senate Natural Resources Committee, appointed by the chairman of that committee.
- (4) One member of the Senate Agriculture Committee, appointed by the chairman of that committee.
- (5) The secretary of the Department of the Wildlife and Fisheries, or her designee.
- (6) The commissioner of the Department of Agriculture and Forestry, or his designee.
- (7) Five persons actively engaged in oyster cultivation in the state, appointed by the governor from a list of ten names submitted by the Louisiana Oyster Dealers and Growers Association.

HCR 26 Orr

Nominates the portion of Bayou D'Arbonne in Claiborne Parish from the dam at Lake Claiborne through Claiborne, Lincoln, and Union Parishes to Lake D'Arbonne for inclusion in the Louisiana Natural and Scenic Rivers System.

HCR 37 Patti

Recreates the Oyster Task Force originally created by HCR #179 of the 1988 Regular Session to study and make recommendations on the decline in the production of molluscan shellfish in the state and propose solutions to better manage the shellfish propagating areas. Adds new representatives to the task force.

- (1) Two from the Calcasieu Lake Oyster Task Force.

SB 236 (ACT #539) Kelly

Enacts Paragraph (21) of Section 5 of Act No. 191 of the 1926 Regular Session, as amended. Authorizes the Northwest Louisiana Game and Fish Preserve Commission to collect, issue and enforce a recreational use license fee, at no more than \$5 per year, and other related licenses and fees, within the preserve. These licenses and fees are required in addition to the regular Department issued licenses. Effective September 2, 1990.

SB 496 (ACT #545) Kelly

Enacts R.S. 56:320(A)(3) making it lawful to use minnow traps when taking bream while fishing for sport in freshwater lakes not wholly contained within this state which is in excess of 100,000 surface acres. The minnow trap shall not exceed 24 inches in length and have a throat no larger than one inch by three inches. Present law prohibits a person from using traps when taking certain freshwater fish including bream. Effective September 2, 1990.

SB 607 (ACT #704) Ewing

Enacts R.S. 14:63.9 prohibiting the entry upon posted immovable property for recreational purposes without the lessee or owner's written consent. Also prohibiting posting lands without written consent of the owner. Posting may be effected by placing "posted" or "no trespassing" signs at 100 foot intervals or by placing identifying paint marks on trees or posts at 100 foot intervals in a color named by the Department of Agriculture and Forestry. The act further provides for penalties of a fine of up to \$500 for trespass for recreational purposes and a fine of up to \$100 for posting lands owned by another without his expressed written consent. Effective September 2, 1990.

SB 621 (ACT #521) Chabert

Amends and reenacts R.S. 56:495(A)(39) through (103) and enacts R.S. 56:495(A)(104) through (108) changing the boundaries for inside and outside waters for shrimping in the areas of Baratavia Pass and Caminada Pass. Effective July 19, 1990.

SB 695 (ACT #552) Doland

Enacts R.S. 56:281 through 281.2 authorizing the Department of Wildlife and Fisheries to establish a program, on a cost-sharing basis with coastal landowners, to trap and control overpopulated nutria in areas of the state experiencing coastal wetland loss. Effective July 1, 1990.

SB 698 (ACT #334) Picard

Authorizes the secretary of the Department of Wildlife and Fisheries to sell certain property situated in the 7th Ward of Vermilion Parish, in accordance with the Public Bid Law. Provides that the funds derived from the sale of property are to be deposited into the Conservation Fund. Effective July 10, 1990.

SB 716 (ACT #335) Thompson

Amends and reenacts R.S. 56:123(D)(1) allows persons sixty years of age or older to use a crossbow during the bow and arrow season by approved permit from the department and

a license to hunt with a bow and arrow. This act is an addition to the present law which allows persons with a medical disability to use a crossbow during bow and arrow season. Effective September 2, 1990.

SB 911 (ACT #562) Bankson

Amends and reenacts R.S. 36:610(E) and 802.5 and enacts 56:580.1-580.6 creating the Louisiana Marine Recreational Fishing Development Board within the Department of Wildlife and Fisheries to expand public awareness of marine recreational fishing opportunities, and improve existing marketing channels. The Board is to be established, but the department will not be financially responsible until funds are specifically appropriated. Effective September 2, 1990.

HB 949 (ACT #564) Bankson

Amends and reenacts R.S. 56:8(77), 307(A), and enacts R.S. 56:307(C) adding to the definition of "processing" but not simple packing of fresh fish in a sack, bag, or in ice for transport in the place of just ice. This act further provides that transport license requirements do not apply to processed fish and fish products, and it clarifies the requirement that such operators and drivers have at least one of the three required licenses in possession. Effective September 2, 1990.

SB 977 (ACT #858) Nunez

Amends and reenacts R.S. 56:423(E) retaining the present law providing that oyster leases are heritable and transferable, and adds that any property rights or interest acquired pursuant to such leases are heritable and transferable. Effective September 2, 1990.

SB 1001 (ACT #945) Nunez

Amends and reenacts R.S. 41:1214(A) retaining the present law which requires certain lessors to advertise a notice that land may be leased, the terms, and when bids will be received, and providing an exception for certain leases relating to fisheries, wildlife, and timber, which are regulated by other provisions. Effective September 2, 1990.

SCR 20 McPherson

Nominates that portion of Cypress Bayou from Highway 28 south to the Calcasieu River, in Rapides Parish, for inclusion within the Louisiana natural and scenic rivers system.

Mississippi

The Mississippi State Legislature met in 1990, beginning the first Tuesday following the first Monday of January lasting 125 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

SB 2697 Hale and Bilbo

- To prohibit commercial fishing activity, including crabs, oysters, shrimp, bait shrimp, and fish, in the Pascagoula River System north of the CSX Railroad in Jackson County, MS.

- Provides for the Mississippi Bureau of Marine Resources of the Department of Wildlife, Fisheries, and Parks to set limits on all non-commercial catches.
- Sets forth violation for anyone found in violation of this Act.

SB 2934 **Gollott**

- To authorize the formation of the Enforcement Officers' Reserve Unit.
- To authorize the Commission on Wildlife, Fisheries, and Parks to require additional training for the enforcement officers reserve unit, and also to authorize the issuance of appropriate uniforms and equipment.

SB 2420 **Gollott**

To revise the definition of "commercial fishing" to include all persons engaged in catching, freezing, marketing, processing, transporting, wholesaling or otherwise involved in the utilization of aquatic products from the saltwaters of the State of Mississippi or the United States for commercial purposes.

SB 2639 **Gordon and Gollott**

To make an additional appropriation of \$495,480 from the State General Fund to the Mississippi Department of Wildlife, Fisheries, and Parks for fiscal year 1990 to avoid impending deficit.

SB 2913 **Gollott**

To authorize the Mississippi Department of Wildlife, Fisheries, and Parks to purchase liability insurance for its aircraft.

SB 2977 **Gollott and Hale**

- To prohibit the use of purse seines to take redfish (red drum) in Mississippi territorial waters.
- To prohibit the taking redfish for the purpose of sale.
- To authorize the Mississippi Department of Wildlife, Fisheries, and Parks to develop a management plan for redfish, and to provide for penalties for violation of provisions of the management plan.

Alabama

The Alabama State Legislature met in 1990, beginning April 16 and lasting 105 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

HB 815 **Harper**

To provide for an appropriation to the Marine Resources Division of the Alabama Department of Conservation and Natural Resources from the State Employees Liability Insurance Fund. Such appropriation, amounting to \$400,000, is to be used for oyster planting contracts with non-profit organizations comprised of licensed oyster harvesters.

HB 31

Penry

To exempt all vessels and equipment used predominantly in the business of commercial shrimping from ad valorem taxation. This provision applies to the owner of said vessels and equipment.

HB 555

Harper

To make a supplemental appropriation of \$25,000 from the State General Fund to the Bureau of Tourism and Travel for the Gulf of Mexico Seafood Culinary Competition for the fiscal year ending September 30, 1990.

Florida

The Florida State Legislature met in 1990, beginning March 5 and lasting until May 3. The following legislation affecting marine fisheries which resulted from that session was signed into law:

Chapter 90-54, Laws of Florida - Pollutant Spill Prevention

Comprehensive pollution bill that includes a provision that prohibits the treating of lobster traps with oil products after October 1, 1990 and prohibits the use of oil treated lobster traps after July 31, 1995 (effective upon becoming law).

Chapter 90-243, Laws of Florida - Recreational Saltwater Fishing License Revision

- Establishes a \$5 3-day non-resident recreational saltwater fishing license in addition to current license options (effective 1/1/91).
- Adopts the same definition of "resident" for the recreational saltwater fishing license as is used for the freshwater fishing license which is 6 months residence (effective 1/1/91).
- Allows vessel operators who carry four or fewer customers, instead of no more than two customers, to pay a fee of \$200 per year (effective 1/1/91).
- Allows licensed for hire vessel operators to obtain a license in their own name for the purpose of using such license in any vessel operated by the license purchaser (effective 1/1/91).
- Changes \$500 annual structure license to \$500 annual pier license (effective 1/1/91).
- Establishes an optional \$3,000 annual license for persons who operate a recreational vessel not for hire to allow guests to take marine fish non-commercially; the operator is required to maintain a log of species taken and dates and to file a copy of the log with DNR at the time of license renewal (effective 1/1/91).
- Specifies that all recreational saltwater fishing license fees are nonrefundable (effective 1/1/91).
- Specifies that snook and crawfish stamps be valid for 12 months after date of issuance rather than for a fiscal year (effective 7/1/91).
- Provides that the state assents to provisions of the Federal Aid in Sport Fish Restoration Act, and that revenues from fees paid by fisherman may not be diverted to purposes other than fisheries programs (effective 7/2/90).

Chapter 90-310, Laws of Florida - Marine Fisheries Omnibus

- Allows persons who own a retail seafood market and/or restaurant at a fixed location who have had an occupational license for 3 years prior to 1/1/90, who harvest saltwater products to supply their retail store and have had a saltwater products license 2 of the past 3 years prior to 1/1/90 to obtain a restricted species endorsement on their saltwater products license (effective 10/1/90).
- Requires a \$75 marine life species endorsement on saltwater products license of persons who harvest marine life species as defined by Marine Fisheries Commission rules and provides that half the funds collected by used by the Department of Natural Resources for the purchase and installation of vessel mooring buoys at coral reef sites and half for marine life fisheries research (effective 10/1/90).
- Allows the Marine Fisheries Commission to designate restricted species by geographical areas and seasons (effective 10/1/90).
- Provides that for-profit corporations may qualify for a restricted species endorsement on their saltwater products license only by certifying that at least \$5,000 of their income is attributable to the sale of saltwater products (effective 10/1/90).
- Allows persons, firms, or for-profit corporations that derive at least 50 percent of their income from charter fishing to qualify for a restricted species endorsement on their saltwater products license by certifying that \$2,500 of their income is attributable to the sale of saltwater products (effective 7/3/90).
- Provides persons holding an Apalachicola Bay oyster harvesting license and persons in northeast Florida holding live bait shrimp production license or dead shrimp production permit credit for the fees against the saltwater products license fee (effective 7/3/90).
- Expands the artificial fishing reef program in the Department of Natural Resources to provide for criteria for managing, monitoring, and assessing the productivity of artificial fishing reefs, and by ensuring that materials used for artificial fishing reefs are safe for marine life and human health (effective 7/3/90).

Chapter 90-317, Laws of Florida - Lobster Traps

Directs the Department of Natural Resources to establish by 8/1/91 an ongoing trap tagging program designed to verify the number of spiny lobster traps in state and adjacent federal waters, and allows the Department of Natural Resources to assess a fee of not more than 15 cents per tag to maintain the program's self sufficiency (effective 7/3/90).

