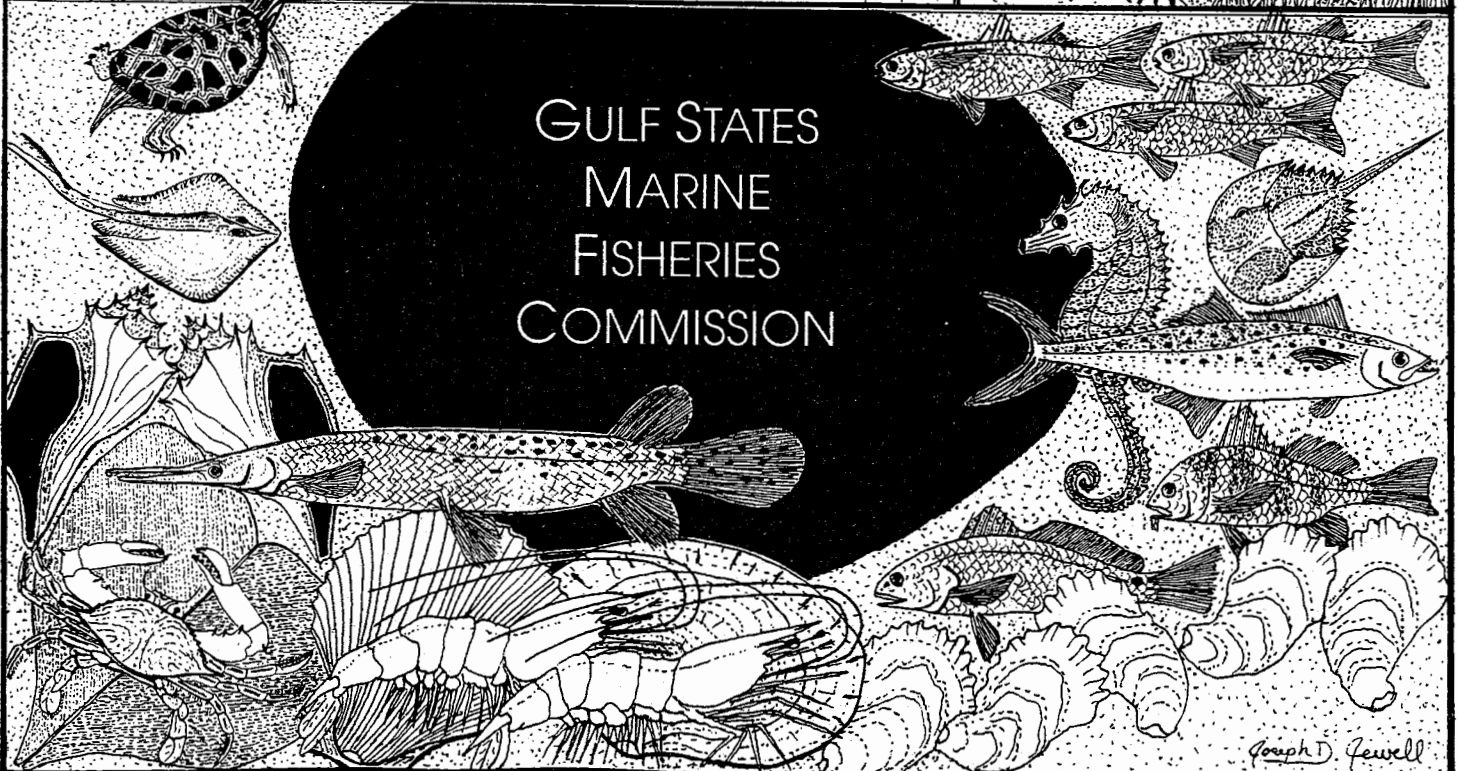
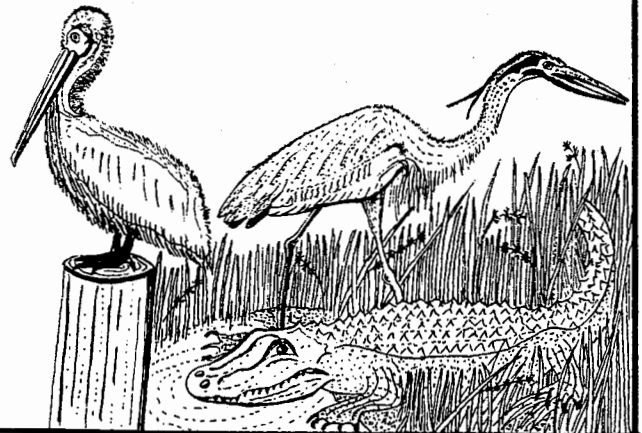


# STATE LEGISLATION AFFECTING MARINE FISHERIES - GULF OF MEXICO

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## **LEGISLATION AFFECTING MARINE FISHERIES**

**1992**

### **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 third such report and constitutes a compilation of all measures affecting marine fisheries which became law in 1992. Copies are available from GSMFC, (601) 875-5912 until supplies are exhausted.

### **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:

<b>Texas:</b>	Ralph Rayburn, Executive Office Texas Parks and Wildlife Department (512) 389-4604
<b>Louisiana:</b>	John Rousell Louisiana Department of Wildlife and Fisheries (504) 765-2383
<b>Mississippi:</b>	Joe Gill, Deputy Director Mississippi Department of Wildlife, Fisheries and Parks, Bureau of Marine Resources (601) 385-5860
<b>Alabama:</b>	David Dean, Legislative Liaison Alabama Department of Conservation and Natural Resources (205) 242-3165
<b>Florida:</b>	Anna Marie Hartman, Director of Legislative Affairs Florida Department of Natural Resources (904) 488-7326



## **TEXAS**

The Texas State Legislature meets every two years, except for special session. They did not meet in 1992 but will meet again in 1993, beginning the second Tuesday in January and last for 90 days.

## **LOUISIANA**

The Louisiana State Legislature met in 1992, beginning on March 30 and lasted 96 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

### **HB 198**

**Smith**

Enacts R S. 49:170.3, relative to honorary designation; declares that hoop nets, castnets, and shrimp trawls are part of the cajun and creole heritage of the state; and to provide for related matters.

### **HB 201**

**Smith**

Provides for membership, addition of a representative of the wild catfish industry, for a quorum, and to provide for related matters concerning the Seafood Promotion and Marketing Board.

### **HB 291**

**Odinet**

Provides set-aside areas for sacking oysters, and it provides for restrictions.

### **HB 627**

**Smith**

Provides for definitions of a trawl to include a plumb staff beam trawl.

### **HB 656**

**Theriot, S. H.**

Defines saltwater areas of the state to include passes joining the saltwater lakes as designated saltwater areas.

### **HB 658**

**Theriot, S. H.**

Provides for forfeiture immediately for failing to pay civil penalties assessed and provides for a Class 3 penalty if persons obtain an additional license if original license was revoked.

### **HB 659**

**Theriot, S. H.**

Clarifies recreational harvesting of oysters.

### **HB 660**

**Theriot, S. H.**

Provides for a Class 3 penalty for persons obtaining a license or engaging in any activity while under revocation.

- HB 661**                      **Theriot, S. H.**  
Provides for a penalty of \$25.00 for the possession of an overlimit of redfish or speckled trout; Also provides that fines collected from penalties imposed shall be deposited into the Conservation Fund.
- HB 662**                      **Theriot, S. H.**  
Prohibits elevated trotlines.
- HB 665**                      **Theriot, S. H.**  
Prohibits the use of stupefying devices as a means of taking fish.
- HB 671**                      **Theriot, S. H.**  
Provides for an effective period of rules establishing marine finfish seasons.
- HB 673**                      **Theriot, S. H.**  
Increases nonresidential licensing fees under the Lifetime License Endowment Program from \$2,000 to \$3,000 for a lifetime combination hunting and fishing license; Also establishes the Lifetime License Endowment Trust Fund.
- HB 674**                      **Theriot, S. H.**  
Prohibits nighttime dredging of clams.
- HB 679**                      **Quezaire**  
Provides for the maximum fee; to provide for application of the license tax to vendors of agricultural and seafood products; and to provide for related matters.
- HB 809**                      **Roach**  
Change recreational castnets from a maximum of 6 feet to 8 feet 6 inches.
- HB 912**                      **Deano**  
Requires that crabs of illegal size which are held for softshell purposes must be stored in separate containers marked "peelers" or "busters; also provides that the crabs must be in a pre-molt stage.
- HB 994**                      **Bergeron**  
Removes the possession count on saltwater white shrimp during period of October 15 through the third Monday in December.
- HB 1031**                      **Siracusa**  
Prohibits the taking of oysters from unmarked leases, and provides for the marking of oyster beds.
- HB 1183**                      **Patti**  
Prohibits the use of skimmer nets over oyster leases.

**HB 1213**                      **Farrar**

Increases nonresident recreational fishing licenses from \$15.50 to \$20.50; Also provides for a 7-day sports license for \$15.50 for non-resident or a 2-day combination fishing and saltwater license for \$12.50; Also creates a new license for charter boats of \$200.00.

**HB 1249**                      **Roach**

Allows the harvesting of five (5) additional sacks of oysters per boat per day for the period of three (3) consecutive days immediately following the reopening of oyster season in Calcasieu Lake when closed for more than seven (7) days by the health department.

**HB 1314**                      **Theriot, S. H.**

Provides for a comprehensive recodification of Title 56 wildlife and fisheries laws which relate to penalties for violations of wildlife and fisheries laws.

**HB 1327**                      **Theriot, S. H.**

Provides for the determination of the balance in the fund and provides for related matters.

**HB 1353**                      **Patti**

Allows a member of the Louisiana Wildlife & Fisheries Commission to hold or obtain any renewal of oyster leases with the state; and to provide for related matters.

**SB 355**                      **Morial**

Prohibits the disposal of plastics and other litter into the waters of the state.

**SB 425**                      **Nunez**

Removes the oyster harvesting license requirements for helpers; however, only if monies are appropriated to offset the loss of funds caused by the enactment of the Act. NOTE: This bill is dependent on the availability of funds.

**SB 457**                      **Morial**

Prohibits container manufacturers, distributors, dealers, suppliers or wholesalers to sell or distribute shucked oyster containers to any person or firm that has not been certified by the Seafood Sanitation Unit of the Office of Public Health, Department of Health and Hospitals and to prohibit the packer, distributor or purchaser from reselling any shucked oyster container; and to provide for related matters.

**SB 594**                      **Chabert**

Clarifies the shrimp line boundaries of the inside and outside waters for shrimping in the Terrebonne Parish area.

- SB 595**                      **Chabert**  
Requires that loran navigational equipment be used to determine if a person is shrimping in inside or outside waters.
- SB 1073**                    **Nunez**  
Codifies and confirms jurisprudence without effecting a change; provides for ownership of the beds of non-navigable bodies of water; and provides for related matters.
- SB 1075**                    **Decuir**  
Requires the coordinator to locate, identify, mark, and analyze abandoned or derelict vessels within the state; to provide for the uses of the oil spill contingency fund; to provide for a study of the unauthorized discharge of oil; and for related matters.
- SB 1113**                    **Nunez**  
Changes the boundary in Breton & Chandeleur Islands where seines & nets may be used.
- HCR 33**                     **Roach**  
Requests the Department of Wildlife & Fisheries and the Wildlife & Fisheries Commission to provide for the marking of the partially submerged rock jetties in the south end of Calcasieu Lake to ensure that they are appropriately marked and are not hazardous to navigation or to request that the United States Coast Guard mark the jetties.
- HCR 34**                     **Roach**  
Requests the Department of Wildlife and Fisheries and the Department of Employment and Training, office of labor, to develop and facilitate the implementation of a job training program for displaced oyster fishermen who fish in public oyster fishing areas.
- HCR 35**                     **Roach**  
Requests the Department of Wildlife and Fisheries and the Department of Health and Hospitals, office of public health, to establish a pilot program for oyster container relaying in Calcasieu Lake and to implement this program in other oyster producing areas for the 1992-1993 oyster season.
- HCR 42**                     **Siracusa**  
Suspends until the sixtieth day following the 1993 Regular Session the provisions of RS. 56:303.7(B), relative to the receipt form for the commercial fisherman's sales card.



**HCR 49****Roach**

Requests the Department of Wildlife & Fisheries and the Department of Health & Hospitals, office of public health, to jointly conduct a program to expand the existing public oyster reef in Calcasieu Lake by establishing a relaying program to transport oysters to those areas of the oyster reefs which are conditionally approved growing areas; to reimburse oyster fishermen for transporting the oysters; to conduct an oyster seeding program in the conditionally approved growing areas; and to implement such relating the seeding programs in other oyster producing areas of the state.

**HCR 70****Siracusa**

Requests the Department of Health and Hospitals, LUMCON, and the Department of Wildlife & Fisheries to develop guidelines and implement a pilot program to classify Louisiana's water quality based on rainfall or other causative agents for the purposes of harvesting oysters and other mollusks.

**HCR 71****Siracusa**

Urges and requests the Department of Health and Hospitals, office of public health, in conjunction with the Department of Wildlife and Fisheries, to develop a permitting system for the checking of the oyster resources in leased areas closed to oyster harvesting.

**HCR 72****Siracusa**

Urges and requests the Department of Wildlife and Fisheries to study the effects of crab dredging on the resources of the state and the environment for one year, incorporating all other research information pertaining to the subject and to report to the Crab Task Force within one year from the commencement of the study.

**HCR 134****Alario**

Urges and requests the Department of Natural Resources to complete a development of rules on oil and gas well site clearance and verification procedures on public water bottoms and make such rules available to the Governor's Task Force on Shrimp Management, the Jefferson Parish Marine Fisheries Advisory Board, the state's commercial fishing organizations, and the public.

**HCR 191****Thompson**

Urges and requests the Department of Wildlife & Fisheries to study the feasibility of purchasing hunting and recreational fishing licenses by credit card by telephone.

**HCR 211****Patti**

Nullifies that portion of the rules adopted by the Louisiana Wildlife and Fisheries Commission which prohibits commercial fishermen from taking or possessing spotted sea trout from sunset Friday through sunset Sunday of the weekends during the period of time in which the spotted sea trout fishery is open to commercial fishing.

**HCR 217**                      **Dewitt**

Requests the Wildlife and Fisheries Subcommittee of the House Committee on Natural Resources and the Senate Committee on Natural Resources to study the duties, powers, and functions of the Department of Wildlife & Fisheries and the Wildlife & Fisheries Commission and conflicts in statutory provisions governing the department and the commission.

**HCR 249**                      **Alario**

Requests the Department of Transportation and Development, the Department of Environmental Quality, the Department of Natural Resources, the Department of Health and Hospitals, the Department of Wildlife & Fisheries, and the Department of Economic Development to assist and cooperate with the Wetlands Foundation to obtain and gather data and information and issue permits and licenses as may be necessary in conducting wetlands research.

**SCR 20**                      **Chabert**

Requests the Department of Wildlife and Fisheries and the Governor's Task Force on Shrimp Management to study the feasibility of establishing a shrimp sanctuary system.

**SCR 51**                      **Chabert**

Urges and requests the Senate Committee on Natural Resources and the House Committee on Natural Resources to meet and function as a joint committee to study the feasibility of the legislature setting the offshore shrimping season.

**SCR 52**                      **Chabert**

Urges and requests the Senate and House natural resources committees to study the feasibility of abolishing the Louisiana Wildlife and Fisheries Commission and establishing a Commercial Fisheries Board and a Recreational Sportsman's Board.

**SCR 53**                      **Chabert**

Urges and requests the Senate Natural Resources Committee and the House Natural Resources Committee to meet and function as a joint committee to study the feasibility of allowing the offshore shrimping season to remain open year-round.

**SCR 76**                      **Decuir**

Urges and requests certain state and federal agencies to cooperate with the Louisiana Oil Spill coordinator to develop a comprehensive statewide computer enhanced natural resources data base.

**SCR 80**                      **Decuir**

Directs the Louisiana Wildlife and Fisheries Commission to establish a new formula on fees for 3-D technology seismic operations in designated red lined oyster seed grounds which will maintain the current levels and revenues received from 2-D technology seismic operations.

**SCR 218****Nunez**

Memorializes the Congress of the United States to direct the United States Army Corps of Engineers to renegotiate their contract with the state of Louisiana, through the Department of Natural Resources, to allow Plaquemines Parish to determine the method of operation of the Caernarvon Fresh Water Diversion Structure.

**SCR 219****Nunez**

Directs the Louisiana Department of Natural Resources to renegotiate their contract with the United States Army Corps of Engineers to allow Plaquemines Parish to determine the method of operation for the Caernarvon Fresh Water Diversion Structure.

**SCR 220****Nunez**

Urges and requests the United States Army Corps of Engineers to allow Plaquemines Parish to determine the method of operation for the Caernarvon Freshwater Diversion Structure located in Plaquemines Parish.

## **MISSISSIPPI**

The Mississippi State Legislature met in 1992, beginning January 6 and lasted 120 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

**SB 2689****Franckiewicz**

Establishes a transport permit to land seafood in this state which is legally taken outside of the Mississippi territorial waters without obtaining a commercial/seafood license; the commission by regulation shall require the registration of such landings and inspection by enforcement officers; May establish a transport permit fee in an amount not to exceed the amount of the seafood license fee. The fee was set at \$100.00; Provides a penalty for any non-resident who engages in the commercial taking of seafood within the territorial waters of Mississippi without having the required non-resident commercial license.

**SB 2830****Gollott**

Allows fishermen aboard charter or recreational fishing boats in the Gulf of Mexico for over twenty-four hours to fillet any fish caught, provided a float plan for the vessel is filed with the Bureau of Marine Resources prior to departure. NOTE: By federal law, in EEZ waters, most species covered by a Fishery Management Plan may not be filleted.

**SB 2931****Gollott**

Requires that the Commission on Wildlife, Fisheries and Parks enact regulations pertaining to marine resources no more stringent than federal regulations (wild stocks of marine finfish are exempted); Relieves the Bureau of Marine Resources of sanitation inspection responsibilities of any oyster, shrimp or shellfish processing plant only when a federally- sanctioned inspector is hired in-house; Requires a public hearing prior to the issuance, modification or revocation of any regulation pertaining to marine resources.

**SB 2978****Bilbo**

Regulates the sale of live bait shrimp by live bait dealers. It is unlawful for a live bait dealer to sell live bait shrimp to another live bait dealer in excess of 500 live shrimp per day; Authorizes the use of brill and cast nets for noncommercial catching of shrimp south of interstate 10 in rivers, bayous, bays, streams, lakes, inlets and other water tributaries emptying into or connecting with the Gulf of Mexico; No person shall catch more than 50 pounds of shrimp per day using a brill or cast net; Only licensed commercial shrimpers may transport live bait shrimp across state lines for the purpose of selling or delivering to another state.

## **ALABAMA**

The Alabama State Legislature met in 1992, beginning February 4 and lasted 104 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

**HB 131****Penry, McMillan, Harper**

Provides for a commercial party boat license issued by the Division of Marine Resources of the Department of Conservation and Natural Resources for certain boats.

**HB 392****Campbell**

Requires a "saltwater fishing license" for people who are age 16 through 64 to fish below a certain defined line and authorizes the costs and fees associated with this license.

## **FLORIDA**

The Florida State Legislature met in 1992, beginning March 5 and lasted 59 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

### **HB 1299**

Allows for the importation of sea snakes into Florida under certain conditions; delays and modifies the lobster trap certificate program and provides an alternative qualification for the restricted species endorsement.

### **HB 2363**

Transfers the seafood marketing program (Bureau of Marketing and Extension Services) from the Department of Natural Resources to the Department of Agriculture and Consumer Services.

