

Chapter No. 332
10/HR40/R1861PH
CT 1 JP

HOUSE BILL NO. 1138

Originated in House Don Richardson Clerk

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AN ACT TO AMEND SECTION 49-7-9, MISSISSIPPI CODE OF 1972, TO CHANGE FREE FISHING DAY TO FREE FISHING WEEKEND AND TO OBSERVE IT DURING NATIONAL FISHING AND BOATING WEEK; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-7-9, Mississippi Code of 1972, is amended as follows:

49-7-9. (1) (a) Each resident of the State of Mississippi, as defined in Section 49-7-3, fishing in the public fresh waters of the state, including lakes and reservoirs, but not including privately owned ponds and streams, shall pay an annual license fee of Eight Dollars (\$8.00). Any resident purchasing a public freshwater fishing license as prescribed in this subsection shall be entitled to fish, in accordance with the regulations and ordinances of the commission, in all public fresh waters within the territory of the State of Mississippi.

(b) A resident may purchase a resident fishing license valid for a period of three (3) days for the sum of Three Dollars (\$3.00).

(c) No license shall be required of any resident citizen of the State of Mississippi who has not reached the age of sixteen (16) years or who has reached the age of sixty-five (65) years or who is blind, paraplegic, a multiple amputee or has been adjudged by the Veterans Administration as having a total service-connected disability, or has been adjudged totally disabled by the Social Security Administration. Such person shall

not be required to purchase or have in his possession a hunting or fishing license while engaged in such activities.

(d) A person exempt by reason of age, total service-connected disability as adjudged by the Veterans Administration or total disability as adjudged by the Social Security Administration or who is blind, paraplegic or a multiple amputee, shall have in their possession and on their person proof of their age, residency, disability status or other respective physical impairment while engaged in the activities of hunting or fishing.

(e) Any resident who is a member of the Armed Forces, including the Reserves and National Guard, and on active duty outside the State of Mississippi is not required to purchase or have in his possession a hunting or fishing license while engaged in such activities on leave from active duty. Such resident shall have in his possession and on his person such proof as may be required by the commission.

(2) Any resident engaged in fishing for commercial purposes and selling or peddling nongame gross fish at retail or selling or shipping same at wholesale, as to markets, dealers or canning plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing license. Each piece of commercial fishing equipment must have a commercial fishing equipment tag (at a cost of Three Dollars (\$3.00) each) attached. A piece of commercial fishing equipment is defined as: One (1) each hoop or barrel net; one thousand (1,000) feet or less of trotline; one thousand (1,000) feet or less of snagline; three thousand (3,000) feet or less of gill netting; or three thousand (3,000) feet or less of trammel netting. Netting of over three thousand (3,000) feet is prohibited.

Upon payment of the Thirty Dollars (\$30.00) license and tags for use of hoop or barrel nets, the purchaser of the license is hereby permitted to use lead nets thirty-five (35) yards in length

for each two (2) barrel nets used, but not to exceed seven (7) lead nets.

(3) Each person taking nongame gross fish as defined in Section 49-7-1, of any kind from the fresh waters of the state shall be considered a producer and shall be entitled to sell his own catch to anyone.

(4) Each resident buying or handling nongame gross fish secured from commercial fishermen or others for the purpose of resale, whether handled on a commission basis or otherwise, and each resident shipping nongame gross fish not his own catch out of the State of Mississippi shall be considered a wholesale dealer and shall pay a commercial fishing license in the sum of Thirty Dollars (\$30.00) per annum. Resident wholesale dealers' licenses shall be issued only to persons who have been bona fide residents of the State of Mississippi for at least six (6) months.

(5) Each resident buying nongame gross fish from a licensed wholesale dealer or licensed commercial fisherman for retail sale to the consumer only on rural or urban routes shall pay the sum of Thirty Dollars (\$30.00) per annum for a commercial fishing license to do so.

(6) Each resident engaged in the buying and selling of nongame gross fish as a wholesale dealer's agent, whether on a commission or salary basis, or otherwise, and not selling in the open market, or any vessel buying nongame gross fish to make up a cargo, shall pay a commercial fishing license in the sum of Thirty Dollars (\$30.00) per annum and shall be responsible for any illegal transaction ensuing between the time he purchases from the fisherman and the time the fish are accepted by the wholesaler by whom he is employed.

(7) Any resident using a wooden or plastic slat basket shall pay a fee of Thirty Dollars (\$30.00) per basket per annum in addition to a commercial license. Slat baskets are defined as commercial fishing devices used solely for the capture of catfish

and made entirely of wood and/or plastic slats in a boxlike or cylindrical shape. Slat baskets shall not exceed six (6) feet in length nor exceed fifteen (15) inches in width and height or diameter, may have no more than two (2) throats, and must have at least four (4) slot openings of a minimum one and one-half (1-1/2) by twenty-four (24) inches evenly spaced around the sides of the catch area. The one and one-half (1-1/2) inch wide slots must begin at the rear of the basket and run twenty-four (24) inches toward the throat end of the basket. Slat baskets may only be fished in public waters of the State of Mississippi that are opened to commercial fishing. Slat baskets shall be placed at least one hundred (100) yards apart and may not be used with any form of leads, netting or guiding devices. Each slat basket shall have a metal slat basket tag attached to it with the tag number of the owner imprinted on it. Such slat basket tags shall be purchased from the department at a fee of Three Dollars (\$3.00) per tag. Any other identification of the owner of the basket shall meet such specifications as set by the department. Slat baskets may be fished statewide except where specifically prohibited.

Any violation of the provisions of this subsection shall be a Class I violation as prescribed in Section 49-7-141.

(8) It is unlawful for any person coming under the terms of this section to offer for sale undersized nongame gross fish, as set out and classified herein.

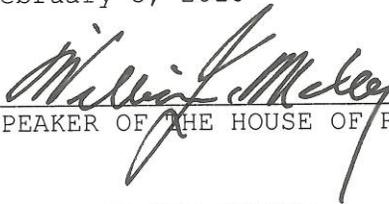
(9) All persons fishing in privately owned lakes or ponds shall have specific permission to do so from the owner of such lake or pond.

(10) The first weekend of "National Fishing and Boating Week" in June of each year is designated as "Free Fishing Weekend." Any person may sport fish without a license on "Free Fishing Weekend," additionally, July 4 is still designated as free fishing day on the Mississippi Gulf Coast.

(11) Any person authorized to issue any license under this section may collect and retain for issuing each license the additional fee authorized under Section 49-7-17.

SECTION 2. This act shall take effect and be in force from and after July 1, 2010.

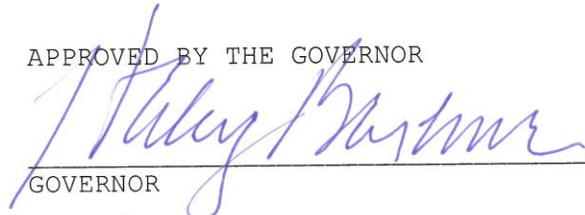
PASSED BY THE HOUSE OF REPRESENTATIVES
February 3, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 3, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

3/15/10 12:14pm