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Chapter No. 327
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SENATE BILL NO. 2295

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2295

AN ACT TO AMEND SECTION 49-15-64.1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO OPEN SHRIMPING AREAS IF A NATURAL OR MAN-MADE DISASTER MAY ADVERSELY AFFECT THE SHRIMP FISHERY; TO AMEND SECTION 49-15-64.3, MISSISSIPPI CODE OF 1972, TO CONFORM THE COMMISSION ON MARINE RESOURCES PROCEDURE FOR ADOPTING LIVE BAIT REGULATIONS TO THE ADMINISTRATIVE PROCEDURES ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-15-64.1, Mississippi Code of 1972, is amended as follows:

49-15-64.1. (1) The shrimp season shall open on the first Wednesday of June. The shrimp season shall be closed from January 1 until it is opened the first Wednesday of June, except south of the Intercoastal Waterway. The shrimp season shall be closed south of the Intercoastal Waterway from May 1 until it is opened the first Wednesday of June, except as may be provided in subsection (2) of this section. For the purposes of this section only, that portion of the Intercoastal Waterway that extends from a point south of Long Beach to a point south of Point Clear is described as follows:

Begin at green buoy or beacon number 1 which is located approximately three (3) miles north of West Point on Cat Island, thence extending southwesterly to buoy or beacon number 4P, thence southwesterly to Pass Marianne Light, thence southwesterly to buoy or beacon number 15P at the northernmost point of Merrill Coquille, thence southwesterly to buoy or beacon number 17P, thence southwesterly to buoy or beacon number 22, thence westerly to Lighthouse Point and continuing westward

following the meandering of the shoreline to the boundary line of the state.

(2) The commission, by majority vote, may open the season at an earlier or later date in designated areas only after sampling areas within its jurisdiction where shrimp may be caught for the purpose of determining the count of shrimp per pound. The commission may also, by majority vote, close certain designated areas where the shrimp count is found, by sampling, to be in excess of sixty-eight (68) per pound. If a natural or man-made disaster has the potential of adversely affecting the shrimp fishery, the commission, by majority vote, may open legal shrimping areas.

(3) The following waters are protective and staging areas for young shrimp, and are permanently closed to commercial and recreational shrimping activities:

All waters north of a line beginning at a point one-half mile due South of the shoreline at the Mississippi-Alabama state boundary; thence running westerly following the meanderings of the shoreline one-half mile therefrom to Light "5" in the Bayou Casotte Channel; thence running northerly to Light "7" in the Bayou Casotte Channel; thence running westerly following the meanderings of the shoreline one-half mile therefrom to the intersection with the Pascagoula Channel; thence running northwesterly to Beacon "50" in the Pascagoula Channel; thence running southwesterly to Beacon "49" in the Pascagoula Channel; thence running in the most direct line to the northeast point of Singing River Island; thence running westerly along the north shoreline to the northwest point of Singing River Island; thence running northwesterly to a point one-half mile due south of the mouth of Graveline Bayou; thence running westerly following the meanderings of the

shoreline one-half mile therefrom to Beacon "18" in the Biloxi Bay Channel; thence running northwesterly to Beacon "22" in the Biloxi Bay Channel; thence running northwesterly to Beacon "26" in the Biloxi Bay Channel; thence running westerly to Beacon "34", exclusive of the Biloxi Channel itself; thence running westerly to Beacon "30" in the Biloxi Channel, exclusive of the Biloxi Channel itself; and thence running due South to a point on the north shore of Deer Island; thence running westerly following the north shore of Deer Island to the westernmost tip; thence running westerly in the most direct line to Biloxi Beacon "8"; thence running westerly following the meanderings of the shoreline at a distance of one-half mile therefrom to a point on the centerline of the CSX Railroad Bridge over St. Louis Bay; thence running westerly along the centerline of said bridge to a point one-half mile south of the western abutment; thence running southwesterly following the meanderings of the shoreline, at a distance of one-half mile therefrom, to a point one-half mile due East of the mouth of Bayou Caddy; thence running due West to the mouth of Bayou Caddy; thence running southwesterly following the meanderings of the shoreline to the southernmost point of the Mississippi shoreline on the east bank of the mouth of the Pearl River thence following the meanderings of the east bank of the Pearl River to a point where the east bank of the Pearl River intersects the centerline of the Highway 90 bridge; thence westerly along the centerline of the Highway 90 bridge to a point that intersects the Mississippi-Louisiana state boundary.

(4) The redesignation of beacon numbers by the United States Coast Guard shall not alter the description of the boundary described in this section.

SECTION 2. Section 49-15-64.3, Mississippi Code of 1972, is amended as follows:

49-15-64.3. (1) It is unlawful for any person, firm or corporation to take, catch or have in their possession within territorial waters of the State of Mississippi shrimp of a size weighing in the raw state less than one (1) pound to each sixty-eight (68) shrimp, except as provided under Section 49-15-64.1, except when a valid permit or affidavit of another state identifies the catch as having been taken in non-Mississippi waters, or except in case of live bait shrimp.

(2) It is unlawful to take, catch or have in possession live bait shrimp of a size weighing in the raw state less than one (1) pound to each one hundred (100) shrimp. This provision may be changed by a two-thirds (2/3) vote of the commission. The commission may adopt rules, regulations, guidelines and other operation criteria in conjunction with licensing live bait dealers and live bait catcher boats as it deems appropriate to ensure that only bona fide operations will be licensed. * * *

(3) If a live bait dealer or live bait catcher boat is convicted of a violation of this chapter or a duly adopted ordinance of the commission, the commission may, in addition to punishment duly adjudicated, revoke the license of the vessel or dealer to whom it is issued for a period not exceeding two (2) weeks following conviction of the first offense, not exceeding six (6) months following conviction of the second offense, and up to one (1) year following conviction of the third and subsequent offenses, if the subsequent offenses are committed within three (3) years of the first offense. Upon the revocation of the license, the commission may require the posting of a cash performance bond not to exceed One Thousand Dollars ($1,000.00)

before the reissuance of that revoked license. The commission may require the forfeiture of that bond upon the subsequent conviction of any violation of this chapter or a duly adopted ordinance of the commission. If a person who posts bond under this section desires to no longer engage in the live bait business, that person shall certify that fact to the commission who shall return the bond. If that person desires to again engage in the live bait business, a cash performance bond may be required before the issuance of a license.

SECTION 3. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
March 7, 2012

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 4, 2012

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED ~~BY THE~~ GOVERNOR

Phil Bryant

GOVERNOR

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