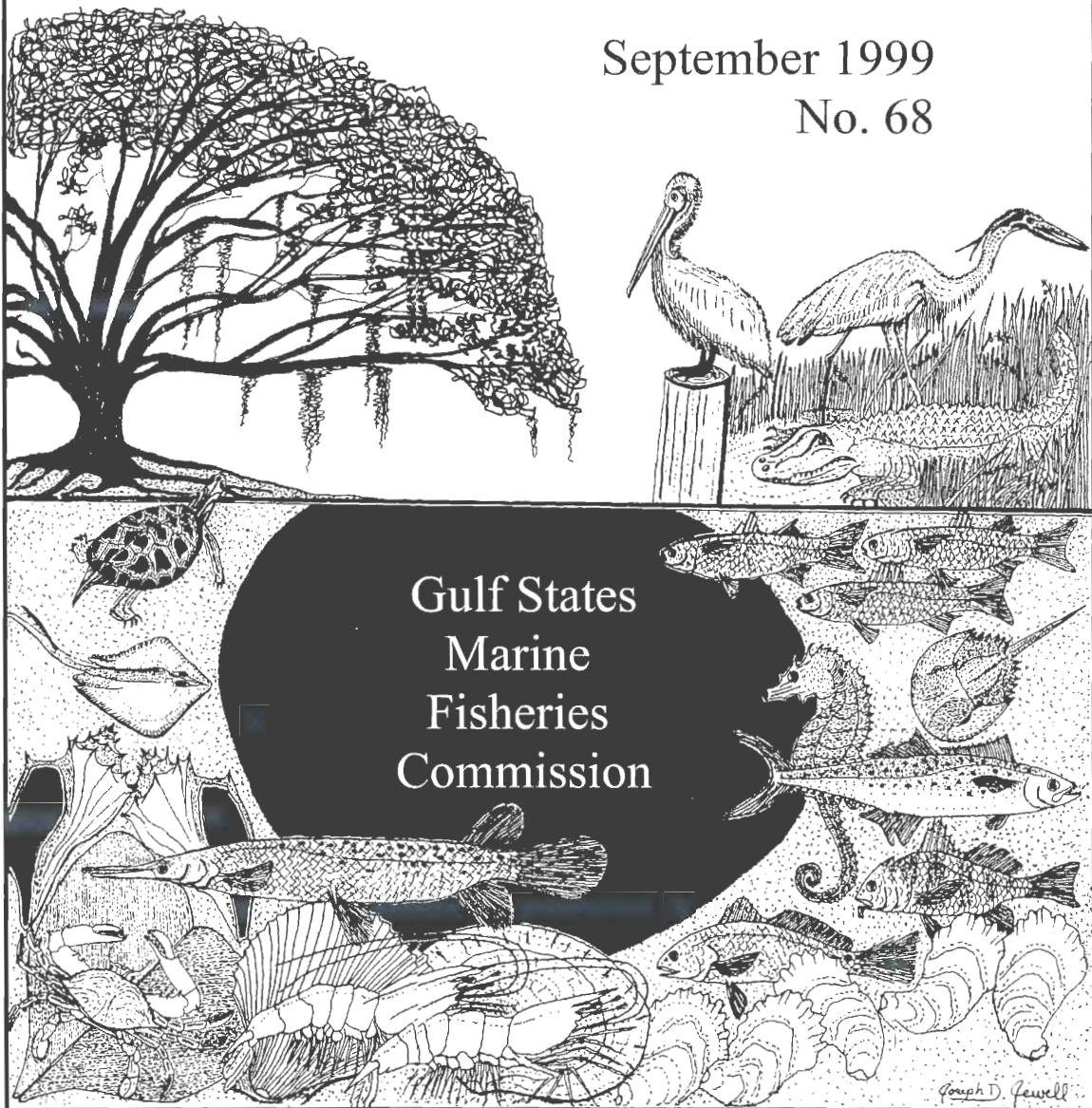


STATE LEGISLATION  
AFFECTING MARINE FISHERIES  
IN THE GULF OF MEXICO  
1999

September 1999  
No. 68





Gulf States Marine Fisheries Commission

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Edited by:  
David Donaldson, Data Program Manager

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# 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 ninth such report and constitutes a compilation of all measures affecting marine fisheries which became law in 1999. Copies are available from GSMFC, (228) 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 that anyone is particularly interested in a specific piece of legislation, the following contact persons are provided:

<b>Texas:</b>	Ralph Rayburn, Executive Office Texas Parks and Wildlife Department (512) 389-4530
<b>Louisiana:</b>	John Roussel, Assistant Secretary Louisiana Department of Wildlife and Fisheries (225) 765-2801
<b>Mississippi:</b>	Tom Van Devender Mississippi Department of Marine Resources (228) 374-5000
<b>Alabama:</b>	David Dean, Legislative Liaison Alabama Department of Conservation and Natural Resources (334) 242-3165
<b>Florida:</b>	Lee Schlesinger Florida Fish and Wildlife Conservation Commission (850) 487-0554

## TEXAS

The Texas State Legislature met in 1999, beginning January 12 and lasted 90 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

### **HB 1906**

Establishing license plates benefitting parks, fisheries, and wildlife

### **HB 3462**

Relating to the identification of vessels without identification numbers and outboard motors without serial numbers

### **SB 133**

Relating to retention of lightening whelks caught in shrimp trawls

### **SB 1302**

Relating to authority of Parks and Wildlife Department to withhold licenses and permits and to confiscate certain products

### **SB 1303**

Relating to the authority of the Parks and Wildlife Department to establish certain limited entry license management programs

### **SB 1685**

Relating to the regulation and promotion of the oyster industry in this state

## LOUISIANA

The Louisiana State Legislature met in 1999, beginning March 29 and lasted 96 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

### **ACT 11**

Authorizes waiver on 90-day limit on report for eligibility for Fisherman's Gear Compensation

### **ACT 38**

Prohibits shell-dredging from state-owned water bottoms

### **ACT 120**

Increases penalty for oyster theft from private leases

**ACT 177**

Created a new commercial license for persons/entities who are not US citizens

**ACT 178**

Prohibits the action or attempt at interstate sale, transportation, or receiving of fish or wildlife that were taken, acquired, transported, or sold in violation of any state or federal law or regulation

**ACT 179**

Sets recreational possession limit of 144 blue crabs

**ACT 180**

Penalties for possession of undersize crabs

**ACT 181**

Limits amount of shrimp taken from land vehicle by cast net

**ACT 183**

Prohibits selling or purchase of undersize fish species

**ACT 184**

Modifies penalties for Class 6

**ACT 185**

Penalties for bait shrimp permit violations established as Class 4 violation

**ACT 220**

Authorizes commercial fishermen to retain and sell all southern flounder caught as bycatch on a shrimping trip

**ACT 421**

Shrimping net sizes - Provides that the maximum combined length of shrimp trawls in state offshore waters shall be 130 feet of corkline and 165 feet of leadline

**ACT 422**

Methods of taking crabs and disposal of crab traps - Defines serviceable crab trap and requires that owner shall properly dispose of unserviceable traps

**ACT 439**

Oyster Task Force - Established Oyster Task Force in Statute

**ACT 547**

Venue for offenses in the federal and state waters of the Gulf of Mexico will be any district court in any parish bordering the Gulf.

**ACT 622**

Oyster tags and loss tolerance - Provides a Class 1 penalty if 10% or less of the sacks or containers are untagged and that if properly tagged sacks shall be considered to have been taken in polluted waters.

**ACT 700**

Limit for possession of finfish for consumption at sea. Allows possession of two pounds of finfish parts per person on vessels equipped to cook.

**ACT 753**

Changes membership of Seafood Promotion Board to reflect revenue source

**ACT 772**

Creates Shrimp Account in Seafood Promotion Fund to market shrimp, funded by a charge to anybody who purchases any shrimp gear license.

**ACT 804**

Creates a Saltwater Enforcement Fund

**ACT 838**

Authorizes commercial take of mullet with hoopnet in freshwater areas of the state.

**ACT 892**

Codifies provisions for Lake Catherine and Lake Pontchartrain Sanctuaries

**ACT 1170**

Taking of stone crabs - Provides a minimum propodus (claw) size of 2½ inches

**ACT 1252**

Requires that LDWF be able to electronically receive trip ticket data from dealers by January 1, 2001 and exempts catfish and crawfish sales from trip ticket reporting through January 1, 2000

**ACT 1338**

Creates a fresh products license that allows commercial fishermen to sell their own catch directly to consumers in-state and must report monthly detailing sales

**HCR 41**

Commemorates the Gulf States Marine Fisheries Commission 50th Anniversary



**HCR 106**

Memorializes Congress to oppose FDA rules requiring post-harvest treatment of oysters

**HCR 266**

Memorializes Congress to study closing the Mississippi River Gulf Outlet

**HR 75**

Requests LDWF to study saltwater recreational take and possession limits as many fishermen take multi-day trips

**HCSR 1**

Legislative committees to study the effective utilization of the Louisiana Artificial Reef Program, also known as the Rigs-to-Reef Program, and to report the findings of the joint committee to the full legislature prior to the convening of the 2000 Regular Session

**SCR 12**

Memorializes Congress to pursue viable alternatives to current TED regulations

**SCR 33**

Creates the Seafood Standards of Identity Task Force to make recommendations for more universal and efficient standards

**SCR 45**

Requests additional funding for a fisheries data collection program and a detailed historical study on price trends in the shrimping industry

**SCR 71**

Urges the Department to conduct Coast Watchers workshops

**SCR 73**

Requests the Department not release confidential trip ticket information

**SCR 80**

Requests black drum repellent development to protect oyster beds

## MISSISSIPPI

The Mississippi State Legislature met in 1999, beginning January 5 and lasted 90 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

### **HB 1304**

Revised license and fee requirements and set a 15 cents-per-sack shell retention fee on harvesters and processors

### **SB 2756**

Provided for a moratorium on license sales if necessary to conserve a fishery, and established a fund to promote construction and maintenance of artificial reefs

### **SB 2804**

Transferred marine law enforcement to the Department of Marine Resources and will reconstitute the makeup of the Commission on Marine Resources on July 1, 2002

### **SB 2821**

Authorized the Department of Marine Resources to regulate marine aquaculture programs

## ALABAMA

The Alabama State Legislature met in 1999, beginning January 26 and lasted 96 days. However, there was no legislation affecting marine fisheries which was signed into law.

## FLORIDA

The Florida State Legislature met in 1999, beginning March 2 and lasted 60 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

### **Florida Fish and Wildlife Conservation Commission Merger**

Establishes the Florida Fish and Wildlife Conservation Commission (FFWCC) and establishes the Division of Administrative Services, Division of Law Enforcement, Division of Freshwater Fisheries, Division of Wildlife, Division of Marine Fisheries, and Florida Marine Research Institute as distinct entities within the FFWCC

### **Marine Fisheries Issues**

Requires FFWCC to adopt rules by 3/1/00 to regulate the sale of farmed red drum and spotted seatrout, providing for the protection of wild resources without restricting certified aquaculturists to sell farmed fish; specifies certain conditions that must be included in these rules regarding product separation, feed for farmed fish, and container labeling and handling

Requires FFWCC to develop procedures by 7/1/00 to allow certified aquaculturists to sell and transport live snook produced in private ponds or hatcheries as brood stock, to stock private ponds, or for aquarium display

Allows aquaculture products, except snook, bass, and restricted freshwater and marine species, but including spotted seatrout and red drum, to be sold without restriction by certified aquaculturists provided that product origin can be identified

Deletes the aquaculture of anadromous sturgeon from special activity license provisions and instead authorizes FFWCC to issue licenses to permit importation, possession, and aquaculture of native anadromous sturgeon until best-management practices are implemented for the cultivation of this species

Authorizes FFWCC to issue licenses to permit importation and possession of wild anadromous sturgeon

Identifies one representative from FFWCC to serve on Sturgeon Production Working Group, and revises the group's duties and responsibilities regarding the management and production of sturgeon

Authorizes FFWCC to allow the harvest or possession of reasonable quantities of saltwater aquaculture species for brood stock under certain conditions, and allows the authorized use of special gear for such purposes

Revises certain aquaculture definitions, and certificate and registration/renewal provisions

Prohibits the possession, interference with, or removal of live bait from another person's live bait trap or cage

Establishes a cultured shellfish theft reward program to provide rewards up to \$2,500 for information leading to convictions for illegal possession or harvest of cultured shellfish, and provides for appropriated and donated funding and promotion of the program

Includes a severability clause to allow passage of provisions independently of one another if any of the provisions are deemed unconstitutional

Expresses legislative intent that, notwithstanding any other legislation passed and either signed or allowed to become law by the Governor, this bill be its full and total intent, regardless of when it's presented to the Secretary of State

### **Algal Bloom Management**

Establishes a Harmful Algal Bloom Task Force, appointed by Florida Marine Research Institute (FMRI), to study red tides and other harmful algal blooms and recommend control and mitigation strategies - requires reports

Requires FMRI to implement a program to increase knowledge of harmful algal blooms to improve control and mitigation of harmful effects

Creates a financial disbursement program within FMRI to fund algal bloom research at various institutions

Appropriates \$3 million to FMRI in general revenue for 1999-00 FY (\$1 million to fund existing contracts, \$2 million split 50/50 with FMRI and Mote Marine Laboratory to fund a cooperative harmful-algal-bloom study)

**Brevard County Clams**

Provides for the issuance of new clam harvesting licenses in Brevard County under certain conditions

Extends Brevard County clam license act provisions until July 1, 2003

**Licenses**

Elimination of three-day, \$5 non-resident recreational fishing licenses

Review of licensing and permitting every five years, beginning in 2000