

**STATE LEGISLATION
AFFECTING MARINE FISHERIES -
GULF OF MEXICO
1991**

prepared by

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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 second such report and constitutes a compilation of all measures affecting marine fisheries which became law in 1991.

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:	Karen Ripple, Executive Office Texas Parks and Wildlife Department (512) 389-4604
Louisiana:	A. Kell McInnis, Acting 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) 242-3165
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TEXAS

The Texas State Legislature meets every two years, except for special session. They met in 1991, beginning the second Tuesday in January and lasting 140 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

HB 1425 Jackson

Establishes a \$1.50 commercial crab trap tag and allows the Texas Parks and Wildlife Commission to make regulations for the safe use of crab traps.

HB 1448 Saunders

Continues the Texas Parks and Wildlife Commission's authority to manage the shrimp and oyster fisheries.

HB 2494 Tallas

Adds billfish (less swordfish), cobia, jewfish, king mackerel, Spanish mackerel and wahoo to the list of protected fish and sets the same restrictions on them as are currently on red drum and spotted sea trout. Tarpon, snook and striped bass which already were receiving some protection from sale also fall under the new restrictions.

SB 726 Armbrister

Changes some provisions of laws pertaining to the aquaculture industry. It also repeals Chapter 51 of the TPW Code while transferring the requirement from "fish, shrimp, oyster and other forms of edible marine products" to "aquatic products".

SB 977 Brooks

Also deals with aquaculture and duplicates some of the changes made by SB 726. In addition, the bill repeals the authority of the Department to conduct a seafood marketing program.

SB 1220 Armbrister

Allows the Texas Parks and Wildlife Commission by proclamation to establish and conduct a program to require the recovery of oyster shell for replacement into coastal waters.

LOUISIANA

The Louisiana State Legislature met in 1991, beginning the third Monday in April and lasting 85 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

HB 88 (Act 184) Theriot

Creates a lifetime combination sport fishing and hunting license at the cost of \$500 or a lifetime fishing license for \$300.

HB 533 (Act 931) Roach

Increases the maximum door size to 8 ft. x 34 in. for the outside doors on the easy-rig shrimp trawl. Also defines a skimmer net as having a 16 x 12 feet two-sided frame and allows the lead line of each net to be 28 feet.

HB 584 (Act 476) Patti

Clarifies the language on severance taxes on oysters and shrimp.

HB 731 (Act 484) Patti

Provides that no oysters, whether food or not, may be taken unless they come from approved areas.

HB 806 (Act 564) Patti

Allows the Secretary of the Department of Wildlife and Fisheries to grant exemptions for certain culling and harvesting operations.

HB 909 (Act 234) Roach

Requires the Department of Wildlife and Fisheries to draft regulations for Commission approval that will assure the confidentiality of fisheries data.

HB 953 (Act 946) Patti

Moves the inside-outside shrimp line at the eastern end of Chandeleur Sound slightly. Also allows 10% undersized white shrimp when more than 50% by weight of the shrimp possessed are brown shrimp.

HB 956 (Act 566) Patti

Allows trawling and seining over oyster beds unless posted.

HB 957 (Act 567) Patti

Provides for the posting of oyster leases during harvesting

HB 959 (Act 496) Patti

Increases from class 1 to class 2, the penalty for violating laws on culling oysters from natural reefs, seed oyster and reservation laws and the use of dredges.

HB 960 (Act 1051) Patti

Requires the Department of Wildlife and Fisheries to adopt rules for the taking of mullet.

HB 961 (Act 859) Patti

Clarifies the types of gear which can be legally used to harvest crab.

HB 1055 (Act 393) Triche

Declares a moratorium on commercial harvest on bowfin (choupique) and places a minimum size of 22 inches on them commercially. Also makes it illegal to possess bowfin eggs removed from the fish while on the water.

HB 1074 (Act 868) Haik

Increases the penalties for violation of minimum mesh size and maximum lengths of gill nets.

HB 1177 (Act 871) Roach

Requires a \$25 commercial gear license for cast nets over 6 feet. Also sets a possession limit of 50 pounds of shrimp per boat per day when using a recreational cast net under 6 feet.

HB 1271 (Act 698) Higginbotham

Defines a "trigger device" as a piece of gear to harvest finfish.

HB 1350 (Act 258) Odinet

Increases the penalty for using a butterfly net in closed waters to the same as using a trawl in closed waters.

HB 1365 (Act 957) Roach

Requires that state water bottoms be cleared of all obstructions when an oil or gas well is removed using the same procedures, where possible, as those required for federal waters.

HB 1529 (Act 270) Alexander

Increases the penalties for taking fresh and saltwater gamefish illegally.

HB 1536 (Act 525) Triche

Requires the confiscation and loss of anything seized in connection with a class 6 or class 7 violation.

HB 1548 (Act 272) Salter

Repeals the \$200 fee for non-resident minnow dealers.

HB 1573 (Act 885) Adley

Requires that failure to pay the fine on a class 1 violation will result in an immediate loss of all recreational fishing and hunting licenses and that the person can get no new licenses until the entire fine is paid.

HB 1574 (Act 966) Adley

Makes most boating violations class 1 violations.

HB 1592 (Act 708) Roach

Provides for authority of the Wildlife and Fisheries Commission to regulate the harvesting of all species of finfish; provides standards for conservation and management of saltwater finfish.

HB 1593 (Act 886) Roach

Limits the number and length of gill nets used in saltwater lakes of the state.

HB 1594 (Act 887) Roach

Increases the gear fee for saltwater gill nets from \$25 to \$250.

HB 1596 (Act 888) Roach

Requires game wardens to seize all gear used to take seafood when a person is caught fishing without a valid commercial fishermen's license.

HB 1670 (Act 294) Benoit

Repeals the license requirement and regulation for a wholesaler's agent who buys shrimp.

HB 1916 (Act 900) Roach

Allows the Wildlife and Fisheries Commission to open the oyster tonging season in Calcasieu Lake between October 15 and November 1.

HB 1972 (Act 719) Roach

Authorizes the Secretary to commission federal agents to enforce state wildlife and fisheries laws in certain areas of Cameron and Calcasieu Parishes.

HB 2010 (Act 913) Smith

Dedicates the money received from the sale of confiscated items to be used to get equipment for game wardens and for uniform cleaning.

HCR 16 Siracusa

Recreates the special committee to study the transfer of oyster industry regulations to the Department of Agriculture.

HCR 31 Roach

Provides for the opening date of oyster season in Calcasieu Lake.

HCR 32 Roach

Directs the Department of Wildlife and Fisheries to review the shrimp management plan data and proposal and give the Legislative Natural Resources Committees an evaluation.

HCR 65 Toomy

Provides that Jefferson Parish shall be the domicile of the Louisiana Marine Fisheries Museum and provides for a developing and coordinating agency.

HCR 122 Patti

Directs the Department of Wildlife and Fisheries and the Louisiana Shrimp Task Force to study and report on alternatives to TEDs.

HCR 277 Patti

Directs the Wildlife and Fisheries Commission to conduct a profile and stock assessment on red drum to determine whether its status as a gamefish should be continued.

SB 108 (Act 587) Hinton

Allows any Louisiana citizen who is serving in the military to fish or hunt free, when on leave from a post outside the state.

SB 534 (Act 157) Bankston

Keeps redbfish gamefish indefinitely, but requires the Department of Wildlife and Fisheries to make a yearly report to the legislature on biological condition of redbfish and whether or not they should be kept as gamefish.

SB 548 (Act 987) Bankston

Allows the sale of gamefish, except black, yellow, white, striped or shadow bass, crappie (sac-au-lait) and bream, raised by approved colleges as part of their research programs.

SB 549 (Act 822) Bankston

Allows certain fish raised in an aquaculture environment to be imported into the state.

SB 787 (Act 173) Foster

Exempts sales of bait menhaden to wholesalers and retailers in 100-pound lots from advance sales tax collection.

SB 852 (Act 824) Nunez

Allows fishermen using pompano nets in the waters of Breton and Chandeleur Sounds to have a recreational limit of shark, Spanish mackerel or cobia in their possession.

SB 853 (Act 631) Nunez

Defines a gill net as not having more than two layers.

SB 916 (Act 788) Chabert

Clarifies fishing rights in areas of oyster leases and to strengthen the annual 10% oyster seeding requirement.

SB 1084 (Act 641) Landry

Allows a 10% percent tolerance by number of undersized channel catfish in possession.

MISSISSIPPI

The Mississippi State Legislature met in 1991, beginning January 8 and lasting 113 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

HB 18 Ryan

Authorizes the Commission on Wildlife, Fisheries and Parks to allow certain shrimping during the closed season. It also provide that any operator, firm or corporation convicted of shrimping during the closed season without proper authority, may forfeit their nets.

HB 1106 Compretta

Revises the areas in which certain nets, seines and traps may be used and authorizes the Board of Supervisors of Hancock and Harrison Counties to propose regulations to the Bureau of Marine Resources in order to regulate the use of certain nets within their respective counties.

SB 2395 Gollott

Deletes the repealer on the "Mississippi Marine Litter Act of 1989". Revises the penalties for littering in the marine waters of the state and to require certain substances be kept in closed containers on vessels in marine waters.

SB 2521 Hale

Authorizes the Commission on Wildlife, Fisheries and Parks to regulate live bait catcher boats and revises the regulations governing the live bait industry in Mississippi waters.

SB 2961 Hale

Provides an exception to commercial fishing in the Pascagoula River system and regulates bait shrimping in the Bay of Biloxi.

ALABAMA

The Alabama State Legislature met in 1991, beginning April 16 and lasting 105 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

HB 596 **Penry, Harper, McMillan, Carter and Rockhold**
Further provides for the tax exemptions on certain vessels and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard licensed by the Department of Conservation and Natural Resources.

HB 794 **Turner**
Further provides for and regulates commercial fishing in Alabama. It provides for an exception (to otherwise applicable licensing requirements) for certain assistants and provided for an increase in certain license and issuance fees, relating to the use of certain commercial fishing equipment.

FLORIDA

The Florida State Legislature met in 1991, beginning March 5 and lasting 59 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

HB 325 **Mitchell**
Increases non-resident saltwater fishing license fees for residents of states contiguous to Florida and authorizing the Department of Natural Resources to enter into reciprocal agreements with those states to reduce the increases. It also modifies income requirements for restricted species endorsements, provides for disabled angler fishing days and reenacts the Apalachicola Bay Oyster Harvesting License.

HB 365 **Rudd and Mitchell**
Creates resident lifetime and 5-year hunting and recreational fishing licenses for both fresh and saltwater fishing and provides for their design, issuance, fees and replacement. It also outlines what activities are covered by the various licenses and sets license fees.

HB 1339 **Rudd and Figg**
Creates a dead shrimp production permit, with a fee of \$250, for dead shrimp producers in Tampa Bay. It also provides for the issuance of permits and the regulation of the fishery.

HB 1385 **Saunders, Rudd and Friedman**
Creates a marine turtle sticker and provides additional authority to the Department of Natural Resources to protect marine turtles, hatchlings, nests and habitat.

SB 102 Saunders

Reenacts several provisions determined unconstitutional as part of ch. 89-175, L.O.F. The provisions included those providing severe penalties for damaging coral reefs and dumping litter in commercial quantities; provisions requiring litter receptacles in ports and marinas; provisions prohibiting the dumping of raw human waste and those requiring a freshwater needs assessment of Apalachicola Bay.

SB 438 Sembler

Modifies the northern boundary of the Indian River-Vero Beach to Fort Pierce Aquatic Preserve. The new boundary is the southern corporate boundary of the city of Vero Beach, as it existed on June 3, 1970. The modification results in the inclusion of Prang Island into the preserve.

SB 1768 Rudd, Bloom and Saunders

Creates a trap certificate program for the spiny lobster fishery and provides for the administration and endorsement of the program. It creates the Trap Certificate Technical Advisory and Appeals Board to consider and advise the department on disputes and other problems arising from the implementation of the spiny lobster trap certificate program. It also authorizes the Department of Natural Resources to designate 2 Disabled Angler Fishing Days annually.

SB 1792 Thurman

Improves the state's administration over the development of the aquaculture industry by strengthening coordination among the appropriate parties. It also reenacts the Department of Natural Resources' aquaculture program, exempts perpetual leaseholds from a \$5 surcharge per acre and deletes provisions that require monitoring of shellfish grants and leaseholds in the Apalachicola Bay.

SB 1926 Sansom

Increases vessel registration fees by 50 cents and applies this revenue towards manatee rehabilitation, rescue and release. It provides for voluntary contribution of funds for manatee rehabilitation, rescue and release and for the expenditures of such funds. It also provides for an annual census to be taken of the manatee population in the state.