

House Bill 1460

By: Representatives Hill of the 180<sup>th</sup>, Lane of the 158<sup>th</sup>, Parrish of the 156<sup>th</sup>, Warren of the 122<sup>nd</sup>, and Reese of the 98<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so  
2 as to extensively revise various provisions relative to shrimp and shrimping; to change  
3 certain provisions relating to definitions relative to game and fish generally; to repeal certain  
4 provisions relating to size and construction requirements of cast nets; to change certain  
5 provisions relating to lawful methods of fishing generally; to change certain provisions  
6 relating to lawful gear generally; to change certain provisions relating to required records;  
7 to change certain provisions relating to taking of shrimp for noncommercial purposes  
8 generally; to change certain provisions relating to limit on amount of shrimp taken by cast  
9 net and penalty for violation; to change certain provisions relating to lawful nets; to change  
10 certain provisions relating to maintenance of records by suppliers; to change certain  
11 provisions relating to taking of shrimp for recreational purposes, lawful nets and use of  
12 shrimp, and penalty for violation; to change certain provisions relating to penalties for using  
13 recreational food shrimp cast netting; to change certain provisions relating to sport bait  
14 shrimping; to change certain provisions relating to bait dealers; to change certain provisions  
15 relating to issuance of licenses, limits, and fees; to repeal conflicting laws; and for other  
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by  
20 adding a new paragraph in Code Section 27-1-2, relating to definitions relative to game and  
21 fish generally, to read as follows:

22 "(5.1) 'Bait shrimp cast net' means a cast net constructed of a minimum of three-eighths  
23 inch bar mesh with a radius not greater than eight feet. Such term shall include any cast  
24 net which exceeds such minimum mesh size."





1 quarts of shrimp tails taken by such commercial cast net or a combination of a  
 2 commercial cast net and a seine in any day; provided, however, that beginning December  
 3 1 until the close of each shrimp season, possession shall be limited to 75 quarts of shrimp  
 4 with heads or 48 quarts of shrimp tails in any day. No such group of persons occupying  
 5 the same vessel may possess at any time more than ~~60~~ 150 quarts of shrimp with heads  
 6 or ~~38~~ 95 quarts of shrimp tails through November 30, after which no such group of  
 7 persons occupying the same vessel may possess at any time more than 75 quarts of  
 8 shrimp with heads or 48 quarts of shrimp tails.

9 (4) No one person taking shrimp solely by means of a seine, whether such person is  
 10 acting alone or in a group of persons, may take more than 24 quarts of shrimp with heads  
 11 or 15 quarts of shrimp tails taken by such seine in any day. No such person may possess  
 12 at any time more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails.

13 (5) No person or group of persons engaged in the harvest of food shrimp for commercial  
 14 purposes shall have on board a vessel more than one type of cast net gear, and such  
 15 person or group of persons shall be limited to the harvest limit allowable for the type of  
 16 cast net gear on board.

17 (6) If any person or group of persons are in possession of a cast net and a seine, such  
 18 person or group of persons shall be subject to the limits imposed upon taking shrimp by  
 19 cast net.

20 (7) No vessel owner shall allow the vessel to be used by any person or persons to take  
 21 ~~more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails~~ the legal quantity  
 22 allowable in any day regardless of the number of trips made or the duration of any trip  
 23 by such vessel. It shall be unlawful for any vessel owner or operator to allow a vessel to  
 24 be left anchored and unoccupied for the purpose of receiving shrimp taken by the  
 25 occupant of any other vessel."

## 26 SECTION 9.

27 Said title is further amended by striking subsections (a.1), (b), and (c) of Code Section  
 28 27-4-133, relating to lawful nets, opening and closing waters, and identification on boats  
 29 taking shrimp, and inserting in lieu thereof the following:

30 ~~"(a.1)(1) It shall be unlawful to trawl for shrimp for human consumption with any trawl~~  
 31 ~~or trawls having a total foot-rope length greater than 220 feet, not including the foot-rope~~  
 32 ~~length of a single trawl not greater than 16 feet when used as a try net. Foot-rope shall~~  
 33 ~~be measured from brail line to brail line, first tie to last tie on the bottom line. The~~  
 34 ~~provisions of this subsection shall not apply to vessels having a maximum draft of seven~~  
 35 ~~feet or less when fully loaded. The department is authorized to exempt trawls used by~~  
 36 ~~persons holding a valid scientific collection permit granted by the department.~~

1 ~~(2) A vessel operator who violates the provisions of this subsection shall be guilty of a~~  
 2 ~~misdemeanor and, upon conviction, shall be fined not less than \$500.00 nor more than~~  
 3 ~~\$2,500.00 or imprisoned for not longer than 30 days or both, and any trawl on board the~~  
 4 ~~vessel shall be contraband and may be seized.~~

5 ~~(b) It shall be unlawful to use a power-drawn net in any of the salt waters of this state~~  
 6 ~~except between the hours of 5:00 A.M. eastern standard time and 8:00 P.M. eastern~~  
 7 ~~standard time. It shall also be unlawful to use a power-drawn net in any sound between the~~  
 8 ~~hours of 8:00 P.M. eastern standard time on Saturday and 5:00 A.M. eastern standard time~~  
 9 ~~on Monday Reserved.~~

10 (c)(1) Except as otherwise specifically provided, it shall be unlawful to fish with nets  
 11 other than cast nets in any of the tidal rivers or creeks, except to fish for shad or sturgeon,  
 12 provided that nothing contained in this Code section shall be construed so as to prohibit  
 13 any person from using a beach seine along any public beach.

14 (2) It shall be unlawful to fish for shrimp in the salt waters of the state by means of a  
 15 seine or a cast net other than a bait shrimp cast net except at such times and places as the  
 16 commissioner may establish. The commissioner is authorized to open or close for ~~such~~  
 17 ~~purpose~~ commercial food shrimp purposes any or a portion of the salt waters of this state  
 18 at any time between May 15 and the last day of February, provided that the commissioner  
 19 has determined that such action in opening or closing said salt waters is in accordance  
 20 with current, sound principles of wildlife research and management."

## 21 SECTION 10.

22 Said title is further amended by striking paragraph (2) of subsection (a) of Code Section  
 23 27-4-136, relating to maintenance of records by suppliers, and inserting in lieu thereof the  
 24 following:

25 "(2) Each person required to maintain records pursuant to paragraph (1) of this  
 26 subsection shall report such information to the department, whose address for the purpose  
 27 of reporting shall be the Coastal Resource Division headquarters, at such times and in  
 28 such manner as the board provides by rule or regulation."

## 29 SECTION 11.

30 Said title is further amended by striking subsection (a) of Code Section 27-4-139, relating  
 31 to taking of shrimp for recreational purposes, lawful nets and use of shrimp, and penalty for  
 32 violation, and inserting in lieu thereof the following:

33 "(a) It shall be unlawful for any person engaged in recreational food shrimp cast netting  
 34 to use any cast net other than a recreational food shrimp cast net as such term is defined in  
 35 Code Section 27-1-2 ~~and which is in compliance with Code Section 27-4-13.~~"



1 which may be dead; but the persons occupying the boat may take a maximum of eight  
 2 quarts of bait shrimp during any 24 hour period. Possessing or taking more than the  
 3 limits prescribed in this subsection shall be unlawful. Possessing more than these limits  
 4 shall be prima-facie evidence that the shrimp were taken for some purpose other than to  
 5 be used as live bait."

6 "(c)(1) It shall be unlawful for any person engaged in recreational bait shrimp cast netting  
 7 to use any cast net other than a recreational bait shrimp cast net as such term is defined  
 8 in Code Section 27-1-2 ~~and in compliance with Code Section 27-4-13.~~

9 (2) The salt waters of the state shall be open to recreational bait shrimp cast netting at  
 10 any time of the year; provided, however, that when recreational cast net food shrimp  
 11 season is closed, any person taking shrimp under this paragraph shall possess no more  
 12 than two quarts of bait shrimp at any time, all of which may be dead; and provided,  
 13 further, that any such person may take a maximum of four quarts of bait shrimp during  
 14 any day. When two or more persons taking shrimp under this subsection occupy the  
 15 same boat, there may be no more than four quarts of bait shrimp on board the boat at any  
 16 time, all of which may be dead; and the persons occupying the boat may together take a  
 17 maximum of eight quarts of bait shrimp during any day."

#### 18 SECTION 14.

19 Said title is further amended by striking paragraphs (1) and (5) of subsection (a) of Code  
 20 Section 27-4-171, relating to bait dealers, and inserting in lieu thereof the following:

21 "(a)(1) It shall be unlawful for any person to engage in the taking of shrimp for live bait  
 22 to be sold, to engage in the sale of shrimp for live bait, or to engage in the sale of shrimp  
 23 for dead bait unless the person has a bait dealer license and possesses a valid personal  
 24 commercial fishing license as provided in Code Section 27-2-23 or is an employee of a  
 25 licensed bait dealer and possesses a valid personal commercial fishing license as provided  
 26 in Code Section 27-2-23. No bait dealer license shall be issued to a person holding a  
 27 commercial food shrimp cast netting license issued pursuant to Part 5 of this article. Any  
 28 license issued pursuant to this Code section shall be invalid immediately upon the  
 29 holder's obtaining such a commercial food shrimp cast netting license. No bait dealer  
 30 license shall be issued for an individual whose establishment is located on any dock or  
 31 other facility, including platforms, walkways, and buildings, which is one contiguous unit  
 32 and where shrimp taken pursuant to Code Section 27-4-133 are ~~unloaded, handled,~~  
 33 ~~processed, stored, or sold for retail purposes, or otherwise distributed or where boat~~  
 34 ~~docking space is provided for such activities;~~ provided, however, that such prohibition  
 35 shall not apply to any person who was granted a bait dealer license for the period from  
 36 April 1, 1993, through March 31, 1994, and whose bait dealer license was not revoked

1 and provided, further, that such exemption shall terminate immediately if the person's  
 2 current bait dealer license is revoked by the commissioner or if he or she is found guilty  
 3 of a violation of the provisions of this Code section."

4 "(5) It shall be unlawful for any person engaging in the taking of shrimp for live bait  
 5 pursuant to this Code section to:

6 (A) Use any power-drawn net which is larger than a 20 foot net as defined in paragraph  
 7 (72.1) of Code Section 27-1-2 or constructed of mesh smaller than one inch or greater  
 8 than one and three-eighths inches when stretched or to use any cast net other than a bait  
 9 shrimp cast net as defined in paragraph (5.1) of Code Section 27-1-2;

10 (B) Engage in the taking of shrimp pursuant to this Code section at any time except  
 11 ~~between the hours of one-half hour before official sunrise and one-half hour after~~  
 12 ~~official sunset~~ at night. All salt waters of this state shall be closed to the taking of  
 13 shrimp pursuant to this Code section, except those rivers or creeks or portions thereof  
 14 opened to such taking. The determination of whether to open or close a river or creek  
 15 or portion thereof shall be made by the commissioner or his or her designee in  
 16 accordance with current, sound principles of wildlife research and management as  
 17 provided by Code Section 27-4-130;

18 (C) Have on board the boat used for the taking more than 50 quarts of shrimp at any  
 19 one time, no more than 10 percent of which may be dead;

20 (D) Fail to maintain on the commercial fishing boat bait-holding facilities which  
 21 comply with the requirements set forth in subsection (b) of this Code section, except  
 22 that it shall not be necessary for the boat to meet the requirements of paragraph (5) of  
 23 subsection (b) of this Code section; or

24 (E) Hold a valid commercial food shrimp cast netting license issued pursuant to Part  
 25 5 of this article or to employ any person holding such a commercial food shrimp cast  
 26 netting license."

## 27 SECTION 15.

28 Said title is further amended by striking subsection (c) of Code Section 27-4-206, relating  
 29 to issuance of licenses, limits, and fees, and inserting in lieu thereof the following:

30 "(c) If the number of licenses issued pursuant to subsection (b) of this Code section does  
 31 not total 200, the department may issue the remaining allotment of commercial food shrimp  
 32 cast netting licenses in the initial or any subsequent license year by lottery devised and  
 33 operated by the department. After such lottery has been conducted, any remaining  
 34 unissued licenses may be issued via a method devised and operated by the department."



1

**SECTION 16.**

2 All laws and parts of laws in conflict with this Act are repealed.