

House Bill 1460 (COMMITTEE SUBSTITUTE)

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

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."

SECTION 2.

Said title is further amended by striking paragraphs (10.1), (13.1), (59.1), (59.2), (59.3), and (59.4) of Code Section 27-1-2, relating to definitions relative to game and fish generally, and inserting in lieu thereof the following:

"(10.1) 'Cast net' means a cone shaped net ~~designed to be~~ thrown and retrieved by hand and designed to spread out and capture fish and shrimp as the weighted circumference sinks to the bottom and comes together when pulled by a line."

"(13.1) 'Commercial cast net' means a cast net constructed of a minimum of five-eighths inch bar mesh ~~and having a radius not more than 12 feet and in compliance with the provisions of Code Section 27-4-13.~~"

"(59.1) '~~Recreational bait shrimp cast net~~' means a cast net constructed of a minimum of ~~three-eighths inch mesh with a radius not greater than eight feet and in compliance with the provisions of Code Section 27-4-13. Such term shall include any cast net which exceeds such minimum mesh size~~ Reserved."

(59.2) 'Recreational bait shrimp cast netting' means taking shrimp for noncommercial use as bait by means of a bait shrimp cast net.

(59.3) 'Recreational food shrimp cast net' means a cast net constructed of a minimum of one-half inch bar mesh ~~with a radius not greater than eight feet and in compliance with the provisions of Code Section 27-4-13.~~"

SECTION 3.

Said title is further amended by repealing Code Section 27-4-13, relating to size and construction requirements of cast nets.

SECTION 4.

Said title is further amended in Code Section 27-4-112, relating to lawful methods of fishing generally, by adding a new subsection to read as follows:

"(h) It shall be unlawful to engage in the taking of shrimp for commercial purposes at night as defined in paragraph (45) of Code Section 27-1-2."

SECTION 5.

Said title is further amended by striking paragraph (10) of Code Section 27-4-113, relating to lawful gear generally, and inserting in lieu thereof the following:

"(10) Commercial cast nets as defined in Code Section 27-1-2 ~~and in compliance with Code Section 27-4-13;~~"

SECTION 6.

Said title is further amended by striking subsection (b) of Code Section 27-4-118, relating to required records, and inserting in lieu thereof the following:

"(b) Each person required to maintain records pursuant to the provisions of subsection (a) of this Code section shall report such information to the department, whose address for the purpose of reporting shall be the Coastal Resource Division headquarters, at such times and in such manner as the board provides by rule or regulation."

SECTION 7.

Said title is further amended by striking Code Section 27-4-132, relating to taking of shrimp for noncommercial purposes generally, and inserting in lieu thereof the following:

"27-4-132.

(a) Except as otherwise provided by law, it shall be unlawful to take shrimp for noncommercial purposes in the salt waters of the State of Georgia except by means of a ~~recreational~~ bait shrimp cast net or a recreational food shrimp cast net or by means of a beach seine of a length and mesh size authorized for use in salt waters by subsection (d) of Code Section 27-4-112.

(b) It shall be unlawful to take shrimp for noncommercial food purposes in the salt waters of the state by any cast net other than a recreational food shrimp cast net or by means of a beach seine. Violation of the provisions of this subsection shall constitute a misdemeanor.

(c) It shall be unlawful to take shrimp except at such times and places as the commissioner may establish. The commissioner is authorized to open or close any or a portion of the salt waters of this state to recreational food shrimp cast netting at any time between May 15 and the last day of February and to beach seines at anytime between May 15 and the last day of February."

SECTION 8.

Said title is further amended by striking subsection (a) of Code Section 27-4-132.1, relating to limit on amount of shrimp taken by cast net and penalty for violation, and inserting in lieu thereof the following:

"(a)(1) No person or group of persons occupying the same boat taking shrimp by means of a recreational food shrimp cast net may take more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails in any day. No such person or group of persons occupying the same vessel may possess at any time more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails.

(2) No person or group of persons occupying the same vessel in possession of a commercial shrimp cast netting license taking shrimp by means of a commercial cast net

1 may take in any day or possess at any time more than ~~60~~ 150 quarts of shrimp with heads
2 or ~~38~~ 95 quarts of shrimp tails; provided, however, that beginning December 1 until the
3 close of each food shrimp season, possession at any time shall be limited to 75 quarts of
4 shrimp with heads or 48 quarts of shrimp tails in any day taken by such commercial cast
5 net or a combination of a commercial cast net and a seine.

6 (3) No group of persons occupying the same boat, one or more of whom is in possession
7 of a commercial cast netting license and who are taking shrimp by means of a
8 commercial cast net may take more than ~~60~~ 150 quarts of shrimp with heads or ~~38~~ 95
9 quarts of shrimp tails taken by such commercial cast net or a combination of a
10 commercial cast net and a seine in any day; provided, however, that beginning December
11 1 until the close of each shrimp season, possession shall be limited to 75 quarts of shrimp
12 with heads or 48 quarts of shrimp tails in any day. No such group of persons occupying
13 the same vessel may possess at any time more than ~~60~~ 150 quarts of shrimp with heads
14 or ~~38~~ 95 quarts of shrimp tails through November 30, after which no such group of
15 persons occupying the same vessel may possess at any time more than 75 quarts of
16 shrimp with heads or 48 quarts of shrimp tails.

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

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

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

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

SECTION 9.

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

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

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

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

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

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

SECTION 10.

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

1 to engage in the taking of shrimp ~~to be so used at any time except between the hours of~~
 2 ~~one-half hour before official sunrise and one-half hour after official sunset~~ at night. It
 3 shall also be unlawful to engage in the taking of shrimp pursuant to this Code section
 4 except in those rivers or creeks or portions thereof opened to such taking. The
 5 determination of whether to open or close a river or creek or portion thereof shall be
 6 made by the commissioner or his or her designee in accordance with current, sound
 7 principles of wildlife research and management as provided in Code Section 27-4-130.
 8 No person taking shrimp under this subsection shall possess more than two quarts of bait
 9 shrimp at any time, no more than one-half pint of which may be dead; but any such
 10 person may take a maximum of four quarts of bait shrimp during any 24 hour period.
 11 When two or more persons taking shrimp under this subsection occupy the same boat, at
 12 least one such person must have a recreational fishing license; and there may be no more
 13 than four quarts of bait shrimp on board the boat at any time, no more than one pint of
 14 which may be dead; but the persons occupying the boat may take a maximum of eight
 15 quarts of bait shrimp during any 24 hour period. Possessing or taking more than the
 16 limits prescribed in this subsection shall be unlawful. Possessing more than these limits
 17 shall be prima-facie evidence that the shrimp were taken for some purpose other than to
 18 be used as live bait."

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

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

31 **SECTION 14.**

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

34 "(a)(1) It shall be unlawful for any person to engage in the taking of shrimp for live bait
 35 to be sold, to engage in the sale of shrimp for live bait, or to engage in the sale of shrimp
 36 for dead bait unless the person has a bait dealer license and possesses a valid personal

1 commercial fishing license as provided in Code Section 27-2-23 or is an employee of a
 2 licensed bait dealer and possesses a valid personal commercial fishing license as provided
 3 in Code Section 27-2-23. No bait dealer license shall be issued to a person holding a
 4 commercial food shrimp cast netting license issued pursuant to Part 5 of this article. Any
 5 license issued pursuant to this Code section shall be invalid immediately upon the
 6 holder's obtaining such a commercial food shrimp cast netting license. No bait dealer
 7 license shall be issued for an individual whose establishment is located on any dock or
 8 other facility, including platforms, walkways, and buildings, which is one contiguous unit
 9 and where shrimp taken pursuant to Code Section 27-4-133 are ~~unloaded, handled,~~
 10 ~~processed, stored, or sold for retail purposes, or otherwise distributed or where boat~~
 11 ~~docking space is provided for such activities;~~ provided, however, that such prohibition
 12 shall not apply to any person who was granted a bait dealer license for the period from
 13 April 1, 1993, through March 31, 1994, and whose bait dealer license was not revoked
 14 and provided, further, that such exemption shall terminate immediately if the person's
 15 current bait dealer license is revoked by the commissioner or if he or she is found guilty
 16 of a violation of the provisions of this Code section."

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

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

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

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

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

1 (E) Hold a valid commercial food shrimp cast netting license issued pursuant to Part
2 5 of this article or to employ any person holding such a commercial food shrimp cast
3 netting license."

4 **SECTION 15.**

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

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

12 **SECTION 16.**

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