

House Bill 100 (AS PASSED HOUSE AND SENATE)

By: Representatives Hill of the 180th, Lane of the 158th, Williams of the 165th, Knight of the 126th, and Burns of the 157th

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 commercial fishing license requirement; to change certain provisions
6 relating to lawful methods of fishing generally; to change certain provisions relating to
7 lawful gear generally; to change certain provisions relating to required records; to change
8 certain provisions relating to lawful commercial shrimping devices; to change certain
9 provisions relating to taking of shrimp for noncommercial purposes generally; to change
10 certain provisions relating to limit on amount of shrimp taken by cast net and penalty for
11 violation; to change certain provisions relating to lawful nets, opening and closing waters,
12 and identification on boats taking shrimp; to change certain provisions relating to
13 maintenance of records by suppliers; to change certain provisions relating to taking of shrimp
14 for recreational purposes, lawful nets and use of shrimp, and penalty for violation; to change
15 certain provisions relating to penalties for using recreational food shrimp cast netting; to
16 change certain provisions relating to sport bait shrimping; to change certain provisions
17 relating to bait dealers; to change certain provisions relating to commercial shrimping license
18 requirement; to change certain provisions relating to issuance of licenses, limits, and fees;
19 to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended in
23 Code Section 27-1-2, relating to definitions relative to game and fish generally, by adding
24 new paragraphs (5.1) and (29.1) to read as follows:

25 "(5.1) 'Bait shrimp cast net' means a cast net constructed of a minimum of three-eighths
26 inch bar mesh."

1 "(29.1) 'Food shrimp cast net' means:

2 (A) Until March 1, 2009, a cast net constructed of a minimum of one-half inch bar
3 mesh; and

4 (B) On and after March 1, 2009, a cast net constructed of a minimum of five-eighths
5 inch bar mesh."

6 **SECTION 2.**

7 Said title is further amended by revising paragraphs (10.1), (13.1), (13.2), (59.1), (59.2),
8 (59.3), and (59.4) of Code Section 27-1-2, relating to definitions relative to game and fish
9 generally, as follows:

10 "(10.1) 'Cast net' means a cone shaped net ~~designed to be~~ thrown and retrieved by hand
11 without mechanical assistance and designed to spread out and capture fish and shrimp as
12 the weighted circumference sinks to the bottom and comes together when pulled by a
13 line."

14 "~~(13.1) 'Commercial cast net' means a cast net constructed of a minimum of five-eighths~~
15 ~~inch bar mesh and having a radius not more than 12 feet and in compliance with the~~
16 ~~provisions of Code Section 27-4-13.~~

17 ~~(13.2) 'Commercial cast netting' means taking shrimp for commercial sale for food~~
18 ~~purposes."~~

19 "~~(59.1) 'Recreational bait shrimp cast net' means a cast net constructed of a minimum of~~
20 ~~three-eighths inch mesh with a radius not greater than eight feet and in compliance with~~
21 ~~the provisions of Code Section 27-4-13. Such term shall include any cast net which~~
22 ~~exceeds such minimum mesh size.~~

23 ~~(59.2) 'Recreational bait shrimp cast netting' means taking shrimp for noncommercial use~~
24 ~~as bait by means of a cast net.~~

25 ~~(59.3) 'Recreational food shrimp cast net' means a cast net constructed of a minimum of~~
26 ~~one-half inch bar mesh with a radius not greater than eight feet and in compliance with~~
27 ~~the provisions of Code Section 27-4-13.~~

28 ~~(59.4) 'Recreational food shrimp cast netting' means taking shrimp for noncommercial~~
29 ~~food purposes by means of a cast net."~~

30 **SECTION 3.**

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

SECTION 4.

Said title is further amended by revising Code Section 27-4-110, relating to commercial fishing license requirement, as follows:

"27-4-110.

It shall be unlawful for any person other than a person in possession of a valid commercial crabbing license as provided for in Code Section 27-4-150, for purposes of such license, or a person in possession of a commercial food shrimp cast netting license as provided in Code Section 27-4-205, for purposes of such license, to engage in commercial fishing in any of the salt waters of this state without first obtaining a commercial fishing license, which shall be carried on his or her person while engaging in such activities. Each license shall be separate and distinct from each other and separate from and in addition to the commercial fishing boat license required by Code Section 27-2-8."

SECTION 5.

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 fish for shrimp for commercial purposes at night."

SECTION 6.

Said title is further amended by revising Code Section 27-4-113, relating to lawful gear generally, as follows:

"27-4-113.

Except as otherwise specifically authorized by law or regulation, it shall be unlawful for any person engaged in commercial salt-water fishing in this state to use any gear other than the following gear, which may only be used for the purposes and in the manner set forth below:

- (1) Power-drawn nets or trawls used to ~~take~~ fish for seafood from any of the salt waters of this state in accordance with Article 4 of this chapter;
- (2) Commercial crab traps used in accordance with Article 4 of this chapter;
- (3) Seines used in salt waters ~~for the taking of~~ to fish for fish or crustaceans and purse seines used in salt waters ~~for the taking of~~ to fish for fish or crustaceans, which seines or purse seines are used in accordance with Articles 3 and 4 of this chapter;
- (4) Wire baskets, trotlines, or hoop nets used ~~for the taking of~~ to fish for catfish in salt water in accordance with Article 3 of this chapter;
- (5) Traps and pots used ~~for taking~~ to fish for adult eels in accordance with Article 3 of this chapter;

- 1 (6) Nets used ~~for taking~~ to fish for sturgeon in accordance with subsection (d) of Code
 2 Section 27-4-91;
- 3 (7) Set nets and drift nets used ~~for taking~~ to fish commercially for shad ~~commercially~~ in
 4 accordance with Article 3 of this chapter;
- 5 (8) Gill nets used ~~for taking~~ to fish for shad or sturgeon in accordance with Code Section
 6 27-4-7 ~~or for taking diamondback terrapins~~ and in accordance with Article 3 of this
 7 chapter;
- 8 (9) Gigs used ~~for taking~~ to fish for flounder in salt water;
- 9 (10) ~~Commercial cast~~ Cast nets ~~as defined in Code Section 27-1-2 and in compliance~~
 10 ~~with Code Section 27-4-13~~;
- 11 (11) Beach seines used ~~for taking~~ to fish for seafood along public beaches in accordance
 12 with Article 4 of this chapter for commercial purposes;
- 13 (12) Tongs and dredges used to ~~take~~ fish for oysters in accordance with Article 4 of this
 14 chapter;
- 15 (13) Clam rakes, other hand-held implements, and dredges used to ~~take~~ fish for clams
 16 in accordance with Article 4 of this chapter for commercial purposes; and
- 17 (14) Pole and line used to ~~catch~~ fish for finfish for commercial purposes."

18 SECTION 7.

19 Said title is further amended by revising subsection (b) of Code Section 27-4-118, relating
 20 to required records, as follows:

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

25 SECTION 8.

26 Said title is further amended by repealing Code Section 27-4-119, relating to lawful
 27 commercial shrimping devices.

28 SECTION 9.

29 Said title is further amended by revising Code Section 27-4-132, relating to taking of shrimp
 30 for noncommercial purposes generally, as follows:

31 "27-4-132.

32 (a) Except as otherwise provided by law, it shall be unlawful to ~~take~~ fish for shrimp for
 33 noncommercial purposes in the salt waters of the State of Georgia except by means of a
 34 ~~recreational bait shrimp cast net or a recreational~~ food shrimp cast net ~~or by means of~~ a

1 beach seine of a length and mesh size authorized for use in salt waters by subsection (d)
2 of Code Section 27-4-112, or a ten-foot net in accordance with Code Section 27-4-170.

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

7 (c) It shall be unlawful to ~~take~~ fish for shrimp except at such times and places as the
8 commissioner may establish. The commissioner is authorized to open or close any or a
9 portion of the salt waters of this state to ~~recreational~~ fishing for food shrimp cast netting
10 at any time between May 15 and the last day of February if the commissioner has
11 determined that such action in opening or closing such waters is in accordance with current
12 sound principles of wildlife research and management."

13 SECTION 10.

14 Said title is further amended by revising subsection (a) of Code Section 27-4-132.1, relating
15 to limit on amount of shrimp taken by cast net and penalty for violation, as follows:

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

21 ~~(2) No person or group of persons occupying the same vessel in possession of a~~
22 ~~commercial shrimp cast netting license taking shrimp by means of a commercial cast net~~
23 ~~may take in any day or possess at any time more than 60 quarts of shrimp with heads or~~
24 ~~38 quarts of shrimp tails taken by such commercial cast net or a combination of a~~
25 ~~commercial cast net and a seine~~ Reserved.

26 (3)(A) No group of persons occupying the same boat, one or more of whom is in
27 possession of a commercial food shrimp cast netting license and who are ~~taking~~ fishing
28 for shrimp by means of a ~~commercial~~ food shrimp cast net, may take more than ~~60~~ 150
29 quarts of shrimp with heads or ~~38~~ 95 quarts of shrimp tails taken by such ~~commercial~~
30 cast net or a combination of a ~~commercial~~ cast net and a seine in any day; provided,
31 however, that beginning December 1 and until the close of each food shrimp season,
32 possession shall be limited to 75 quarts of shrimp with heads or 48 quarts of shrimp
33 tails in any day.

34 (B) No such group of persons occupying the same vessel may possess at any time more
35 than ~~60~~ 150 quarts of shrimp with heads or ~~38~~ 95 quarts of shrimp tails; provided,
36 however, that beginning December 1 and until the close of each food shrimp season,

1 no such group of persons occupying the same vessel may possess at any time more than
 2 75 quarts of shrimp with heads or 48 quarts of shrimp tails.

3 (4) No one person ~~taking~~ fishing for shrimp solely by means of a seine, whether such
 4 person is acting alone or in a group of persons, may take more than 24 quarts of shrimp
 5 with heads or 15 quarts of shrimp tails ~~taken by such seine~~ in any day. No such person
 6 may possess at any time more than 24 quarts of shrimp with heads or 15 quarts of shrimp
 7 tails. If any person or group of persons are in possession of a food shrimp cast net and
 8 a seine, such person or group of persons shall be subject to the limits imposed upon
 9 taking shrimp by food shrimp cast net.

10 (5) No person or group of persons fishing for food shrimp for commercial purposes shall
 11 have on board a vessel ~~more than one type of cast net gear, and such person or group of~~
 12 ~~persons shall be limited to the harvest limit allowable for the type of cast net gear on~~
 13 ~~board any cast net other than a food shrimp cast net~~ any cast net other than a food shrimp
 14 cast net.

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

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

24 SECTION 11.

25 Said title is further amended by revising Code Section 27-4-133, relating to lawful nets,
 26 opening and closing waters, and identification on boats taking shrimp, as follows:

27 "27-4-133.

28 (a) Except as otherwise specifically provided, it shall be unlawful for any person to use a
 29 power-drawn net in any of the salt waters of this state for commercial shrimping for human
 30 consumption. All sounds shall be closed to such fishing, except that the commissioner may
 31 open Cumberland, St. Simons, Sapelo, St. Andrew, Wassaw, or Ossabaw sounds or any
 32 combination of such sounds at any time between September 1 and December 31, provided
 33 that he or she has determined that the shrimp in the waters of each sound to be opened are
 34 45 or fewer shrimp with heads on to the pound; and the commissioner shall close each
 35 sound so opened when he or she has determined that the shrimp in the waters of the sound
 36 exceed 45 shrimp with heads on to the pound. The commissioner may open any waters

1 outside, on the seaward side, of the sounds between May 15 and December 31, provided
 2 that he or she has determined that the shrimp in such outside waters are 45 or fewer shrimp
 3 with heads on to the pound; and the commissioner shall close the waters so opened when
 4 he or she has determined that the shrimp in such outside waters exceed 45 shrimp with
 5 heads on to the pound. The commissioner may open any waters outside the sounds during
 6 the months of January and February, provided that he or she has determined that the shrimp
 7 in such outside waters are 50 or fewer shrimp with heads on to the pound; and the
 8 commissioner shall close such outside waters so opened when he or she has determined
 9 that the shrimp in such outside waters exceed 50 shrimp with heads on to the pound. The
 10 department shall conduct inspections for such shrimp count, and a determination by the
 11 commissioner shall be conclusive as to the count. The commissioner shall provide public
 12 notice of the opening and closing of such waters, as provided in this Code section, by
 13 posting a notice of all openings and closings at the courthouse and on all shrimp docks and
 14 by such other means as may appear feasible. The notices shall be posted at least 24 hours
 15 prior to any change in the opening and closing of any such waters, provided that such
 16 notice is required only when waters are opened or closed by action of the commissioner.

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

24 (2) A vessel operator who violates the provisions of this subsection shall be guilty of a
 25 misdemeanor and, upon conviction, shall be fined not less than \$500.00 nor more than
 26 \$2,500.00 or imprisoned for not longer than 30 days or both, and any trawl on board the
 27 vessel shall be contraband and may be seized.

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

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

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

8 (d) The department shall have the power to close all or any portion of the salt waters of
 9 this state to commercial and recreational fishing in the event of a disaster likely to cause
 10 seafood to be unfit for human consumption or in the event of any other emergency
 11 situation.

12 (e) Nothing contained in this Code section shall be construed to prohibit any person from
 13 fishing in the salt waters of this state for shrimp to be used or sold for live bait pursuant to
 14 Code Sections 27-4-170 and 27-4-171, provided that it shall be unlawful to ~~use for~~
 15 ~~obtaining~~ fish for shrimp for bait with any trawl equipment which has been used for
 16 ~~obtaining~~ to fish for shrimp pursuant to this Code section.

17 (f) In accordance with current, sound principles of wildlife research and management, as
 18 provided by Code Section 27-4-130, the commissioner is authorized to authorize any
 19 person to ~~take~~ fish for crabs or whelks with power-drawn nets of four-inch stretched mesh
 20 from any waters outside, on the seaward side, of the sounds at any time during the year, or
 21 from the waters of Cumberland, St. Simons, Sapelo, St. Andrew, Wassaw, and Ossabaw
 22 sounds during the months of January, February, and March, when the commissioner has
 23 determined that ~~taking of~~ fishing for crabs or whelks within such waters will not be
 24 detrimental to the conservation of crabs or shrimp. Possession of any net with mesh
 25 smaller than that provided in this subsection while taking crabs or whelks shall be
 26 prima-facie evidence of the violation of this Code section.

27 (g) It shall be unlawful for any person ~~taking~~ fishing for shrimp for commercial purposes
 28 pursuant to this Code section to fail to have positioned on the bow or cabin of the boat
 29 taking such shrimp a board with a background color of daylight fluorescent orange and
 30 with such numerals and letters painted or affixed thereon as are specified by the department
 31 for the boat. The numerals and letters shall be at least 16 inches in height, black in color,
 32 of block character, and spaced so as to be readable from the air from left to right.

33 (h) Any determination to open or close the salt waters pursuant to this Code section shall
 34 be made in accordance with current, sound principles of wildlife research and
 35 management."

1 **SECTION 12.**

2 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section
3 27-4-136, relating to maintenance of records by suppliers, as follows:

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

8 **SECTION 13.**

9 Said title is further amended by repealing and reserving Code Section 27-4-139, relating to
10 taking of shrimp for recreational purposes, lawful nets and use of shrimp, and penalty for
11 violation.

12 **SECTION 14.**

13 Said title is further amended by revising Code Section 27-4-140, relating to penalties for
14 using recreational food shrimp cast netting, as follows:

15 "27-4-140.

16 (a) Any enforcement officer or other law enforcement officer who discovers an illegal cast
17 net being used on the waters of this state shall confiscate the net, which shall be forfeited.

18 (b) Any person convicted of using an illegal cast net to ~~take~~ fish for shrimp from the
19 waters of this state for commercial sale for food purposes shall be guilty of a misdemeanor.

20 (c) Any person convicted for the second or any subsequent time of using an illegal cast net
21 ~~to take shrimp from the waters of this state for commercial sale for food purposes~~ shall, in
22 addition to any other penalty imposed by law, forfeit the vessel on which the violation
23 occurred and in addition all commercial fishing and boat licenses issued to such person
24 shall be revoked in accordance with the provisions of Code Section 27-2-25.

25 (d) Any person convicted of illegally ~~taking~~ fishing for shrimp from the waters of this state
26 for commercial sale for food purposes shall be guilty of a misdemeanor. Possession of a
27 ~~commercial cast net~~ quantity of shrimp in excess of the noncommercial food shrimp
28 possession limit allowed pursuant to Code Section 27-4-132.1 shall be prima-facie
29 evidence of the intent of the person or persons so in possession to take shrimp for
30 commercial purposes."

31 **SECTION 15.**

32 Said title is further amended by revising subsections (a) and (c) of Code Section 27-4-170,
33 relating to sport bait shrimping, as follows:

1 "(a) Any provision of this title to the contrary notwithstanding, any person who has a
 2 recreational fishing license may use a power-drawn net in accordance with this Code
 3 section, such net not to be larger than a ten-foot net ~~as defined in paragraph (71.1) of Code~~
 4 ~~Section 27-1-2~~ and to be constructed of mesh not smaller than one inch when stretched, for
 5 the purpose of ~~taking~~ fishing for shrimp to be used for live bait in this state, provided that
 6 the shrimp are not to be sold. In addition to the general provisions of this Code section, the
 7 Board of Natural Resources is authorized to promulgate rules and regulations establishing
 8 the gear and methods allowed for sport bait shrimping. It shall be unlawful to ~~engage in~~
 9 ~~the taking of~~ fish for shrimp to be so used ~~at any time except between the hours of one-half~~
 10 ~~hour before official sunrise and one-half hour after official sunset at night.~~ It shall also be
 11 unlawful to ~~engage in the taking of~~ fish for shrimp pursuant to this Code section except in
 12 those rivers or creeks or portions thereof opened to such taking. The determination of
 13 whether to open or close a river or creek or portion thereof shall be made by the
 14 commissioner or his or her designee in accordance with current, sound principles of
 15 wildlife research and management as provided in Code Section 27-4-130. No person
 16 ~~taking~~ fishing for shrimp under this subsection shall possess more than two quarts of bait
 17 shrimp at any time, no more than one-half pint of which may be dead; but any such person
 18 may take a maximum of four quarts of bait shrimp during any 24 hour period. When two
 19 or more persons ~~taking~~ fishing for shrimp under this subsection occupy the same boat, at
 20 least one such person must have a recreational fishing license; and there may be no more
 21 than four quarts of bait shrimp on board the boat at any time, no more than one pint of
 22 which may be dead; but the persons occupying the boat may take a maximum of eight
 23 quarts of bait shrimp during any 24 hour period. Possessing or taking more than the limits
 24 prescribed in this subsection shall be unlawful. Possessing more than these limits shall be
 25 prima-facie evidence that the shrimp were taken for some purpose other than to be used as
 26 live bait."

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

31 (2) The salt waters of the state shall be open to recreational fishing for bait shrimp cast
 32 ~~netting~~ at any time of the year; provided, however, that when food shrimp season is
 33 closed, any person ~~taking~~ fishing for shrimp under this paragraph shall possess no more
 34 than two quarts of bait shrimp at any time, all of which may be dead; and provided,
 35 further, that any such person may take a maximum of four quarts of bait shrimp during
 36 any day. When two or more persons taking shrimp under this subsection occupy the
 37 same boat, there may be no more than four quarts of bait shrimp on board the boat at any

1 time, all of which may be dead; and the persons occupying the boat may together take a
2 maximum of eight quarts of bait shrimp during any day."

3 SECTION 16.

4 Said title is further amended by revising paragraphs (1) and (5) of subsection (a), subsection
5 (l), and subsection (m) of Code Section 27-4-171, relating to bait dealers, as follows:

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

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

27 (A) Use any power-drawn net which is larger than a 20 foot net ~~as defined in paragraph~~
28 ~~(72.1) of Code Section 27-1-2~~ or constructed of mesh smaller than one inch or greater
29 than one and three-eighths inches when stretched;

30 (B) ~~Engage in the taking of Fish for~~ shrimp pursuant to this Code section ~~at any time~~
31 ~~except between the hours of one-half hour before official sunrise and one-half hour~~
32 ~~after official sunset at night~~. All salt waters of this state shall be closed to ~~the taking~~
33 ~~of fishing for~~ shrimp pursuant to this Code section, except those rivers or creeks or
34 portions thereof opened to such taking. The determination of whether to open or close
35 a river or creek or portion thereof shall be made by the commissioner or his or her

1 designee in accordance with current, sound principles of wildlife research and
2 management as provided by Code Section 27-4-130;

3 (C) Have on board the boat used for ~~the taking~~ fishing for shrimp pursuant to this Code
4 section more than 50 quarts of shrimp at any one time, no more than 10 percent of
5 which may be dead;

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

10 (E) Hold a valid commercial food shrimp cast netting license issued pursuant to Part
11 5 of this article or to employ any person holding such a commercial food shrimp cast
12 netting license."

13 "(l) It shall be unlawful for any person ~~taking~~ fishing for shrimp pursuant to this Code
14 section to fail to have positioned on the bow or cabin of the boat ~~taking the~~ being used for
15 fishing for shrimp a board with a background color of daylight fluorescent orange with
16 such numerals and letters painted or affixed thereon as are specified by the department for
17 a particular established bait dealership. The numerals and letters shall be at least 16 inches
18 in height and two inches in width or thickness, black in color, of block character, clearly
19 legible, and spaced so as to be readable from the air from left to right. The numerals and
20 letters required for compliance with this subsection shall be assigned by the department at
21 the time the bait dealer licenses are issued pursuant to Code Section 27-2-23.

22 (m) It shall be unlawful for more than one boat to be ~~engaged in the taking of~~ in use for
23 fishing for shrimp at any one time for an established bait dealer."

24 SECTION 17.

25 Said title is further amended by revising Code Section 27-4-205, relating to commercial
26 shrimping license requirement, as follows:

27 "27-4-205.

28 It shall be unlawful for any person to ~~take~~ fish for shrimp with a cast net from the waters
29 of the state for commercial sale for food purposes or to sell for food purposes any shrimp
30 he or she has taken with a cast net from the waters of the state unless he or she is in
31 possession of a commercial food shrimp cast netting license as provided in this part. Such
32 license shall be required in addition to a commercial fishing boat license issued pursuant
33 to Code Section 27-2-8."

SECTION 18.

1
2 Said title is further amended by revising subsection (c) of Code Section 27-4-206, relating
3 to issuance of licenses, limits, and fees, as follows:

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

SECTION 19.

9
10 All laws and parts of laws in conflict with this Act are repealed.