

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 612
HOUSE BILL 974

AN ACT TO REGULATE THE USE OF SPOTTER PLANES IN COMMERCIAL
FISHING OPERATIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 14 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-167. Use of spotter planes in commercial fishing operations regulated.

(a) License. Before an aircraft is used as a spotter plane in a commercial fishing operation, the owner of the aircraft must obtain a license for the aircraft from the Marine Fisheries Commission. A 'spotter plane' is an aircraft used for aerial identification of the location of fish in coastal waters so that a vessel may be directed to the fish. A license for a spotter plane to be used in a commercial fishing operation must be renewed annually on or before January 1 of each year. The fee for an initial license for a spotter plane or the renewal of a license is one hundred dollars (\$100.00).

In an application for a license for a spotter plane, the applicant must identify, either by boat or by company, the specific commercial fishing operations in which the spotter plane will be used during the license year. A license application may be amended during a license year to add a commercial fishing operation not identified in the license application.

(b) Unlawful Activity. The following activities involving the use of a spotter plane in a commercial fishing operation are unlawful:

- (1) To use a spotter plane directed at food fish, except in connection with a purse seine operation authorized by a rule of the Marine Fisheries Commission;
- (2) To use or permit the use of an unlicensed spotter plane or a licensed spotter plane whose license application does not identify the specific commercial fishing operation involved;
- (3) To participate knowingly in a commercial fishing operation that uses an unlicensed spotter plane or a licensed spotter plane whose license application does not identify the specific commercial fishing operation involved.

Violation of this subsection is a misdemeanor punishable by a fine of the greater of one thousand dollars (\$1,000) or the value of any plane, vessel, or catch seized in accordance with G.S. 113-137, by imprisonment for up to two years, or both."

Sec. 2. This act shall become effective October 1, 1989, and shall apply to offenses occurring on or after that date.

In the General Assembly read three times and ratified this the 11th day of July, 1989.