

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 860

Short Title: Limit Marine Net Fishing.

(Public)

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Sponsors: Representatives Richardson and McComas (Co-sponsors); Alexander, Arnold, Barbee, Barnes, Black, Blue, Bowie, Cansler, Cunningham, Daughtry, Easterling, Ellis, Hackney, Hayes, Hensley, H. Hunter, Hurley, Lemmond, Linney, Luebke, McAllister, McCrary, McMahan, Neely, Pate, Reynolds, Tallent, and Wilkins.

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Referred to: Rules, Calendar and Operations of the House.

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April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM TO LIMIT MARINE NET FISHING.

The General Assembly of North Carolina enacts:

Section 1. Article 16 of Chapter 113 of the General Statutes is amended by adding a new section to read:

**"§ 113-90. Limiting marine net fishing.**

(a) The marine resources of the State of North Carolina belong to all of the people of the State and should be conserved and managed for the benefit of the State, its people, and future generations. To this end the General Assembly enacts limitations on marine net fishing in estuarine waters to protect saltwater finfish, shellfish, and other marine animals from unnecessary killing, overfishing, and waste.

(b) It is unlawful to use either a gill net or other entangling net in estuarine waters for the purpose of catching or taking any saltwater finfish, shellfish, or other marine animals.

(c) In addition to the prohibition set forth in subsection (b) of this section, no other type of net containing more than 500 square feet of mesh area shall be used in estuarine waters. Additionally no more than two nets which shall not be connected shall be used

1 from any vessel, and no person not on a vessel shall use more than one net in estuarine  
2 waters.

3 (d) The following definitions apply in this section:

4 (1) Entangling net. – A drift net, trammell net, stab net, or any other net  
5 which captures saltwater finfish, shellfish, or other marine animals by  
6 causing all or part of heads, fins, legs, or other body parts to become  
7 entangled or ensnared in the meshes of the net. The term does not  
8 include a hand-thrown cast net.

9 (2) Estuarine waters. – All the water of the Atlantic Ocean within the  
10 boundary of North Carolina and all the waters of the bays, sounds,  
11 ivers, and tributaries thereto seaward of the dividing line between  
12 coastal fishing waters and inland fishing waters, as set forth in the most  
13 recent official published agreement adopted by the Wildlife Resources  
14 Commission and the Department of Environment, Health, and Natural  
15 Resources.

16 (3) Gill net. – One or more walls of netting which captures saltwater finfish  
17 by ensnaring or entangling them in the meshes of the net by the gills.  
18 The term does not include a hand-thrown cast net.

19 (4) Mesh area of a net. – The total area of netting with the meshes open to  
20 comprise the maximum square footage. The square footage shall be  
21 calculated using standard mathematical formulas for geometric shapes.  
22 Seines and other rectangular nets shall be calculated using the maximum  
23 length and maximum width of netting. Trawls and other bag type nets  
24 shall be calculated as a cone using the maximum circumference of the  
25 net mouth to derive the radius, and the maximum length from the net  
26 mouth to the tail end of the net to derive the slant height. Calculations  
27 for any other nets of combination type nets shall be based on the shape  
28 of the individual components.

29 (e) This section shall not apply to the use of nets for scientific research or  
30 governmental purposes.

31 (f) Nothing in this section prohibits the establishment by law of more restrictions  
32 on the use of nets for the purpose of catching or taking any saltwater finfish, shellfish, or  
33 other marine animals."

34 Sec. 2. The question of whether North Carolina should limit marine net fishing  
35 as set out in the statutory amendment in Section 1 of this act shall be submitted to the  
36 qualified voters of the State at the general election in November 1996, which election  
37 shall be conducted under the laws then governing elections in the State. Ballots, voting  
38 systems, or both may be used in accordance with Chapter 163 of the General Statutes.  
39 The question to be used in the voting systems and ballots shall be:

40 "[ ] FOR [ ] AGAINST  
41 **LIMITING MARINE NET FISHING".**

42 Sec. 3. If a majority of the votes cast on the question are in favor of the  
43 amendment set out in Section 1 of this act, the State Board of Elections shall certify the

1 amendment to the Secretary of State. The amendment becomes effective upon this  
2 certification. The Secretary of State shall enroll the amendment so certified among the  
3 permanent records of that office.

4           Sec. 4. This act is effective upon ratification.