

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS15202-SBz-26 (02/07)

Short Title: Prohibit Certain Harvest of Menhaden. (Public)

Sponsors: Senators Brown, Goolsby, and Rabon (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL TO TAKE MENCHADEN OR ATLANTIC THREAD
HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE
OR MORE RUNNER BOATS IN COASTAL FISHING WATERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-187 reads as rewritten:

"§ 113-187. Penalties for violations of Subchapter and rules.

(a) Any person who participates in a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in an operation in connection with which any vessel is used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(b) Any owner of a vessel who knowingly permits it to be used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(c) Any person in charge of a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in charge of any vessel used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(d) Any person in charge of a commercial fishing operation conducted in violation of the following provisions of this Subchapter or the following rules of the Marine Fisheries Commission; and any person in charge of any vessel used in violation of the following provisions of the Subchapter or the following rules, shall be guilty of a Class A1 misdemeanor. The violations of the statute or the rules for which the penalty is mandatory are:

- (1) Taking or attempting to take, possess, sell, or offer for sale any oysters, mussels, or clams taken from areas closed by statute, rule, or proclamation because of suspected pollution.
- (2) Taking or attempting to take or have in possession aboard a vessel, shrimp taken by the use of a trawl net, in areas not opened to shrimping, pulled by a vessel not showing lights required by G.S. 75A-6 after sunset and before sunrise.
- (3) Using a trawl net in any coastal fishing waters closed by proclamation or rule to trawl nets.
- (4) Violating the provisions of a special permit or gear license issued by the Department.



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1 (5) Using or attempting to use any trawl net, long haul seine, swipe net,
2 mechanical methods for oyster or clam harvest or dredge in designated
3 primary nursery areas.

4 (e) Any person who takes menhaden or Atlantic thread herring by the use of a purse
5 seine net deployed by a mother ship and one or more runner boats in coastal fishing waters is
6 guilty of a Class A1 misdemeanor."

7 **SECTION 2.** S.L. 2007-320 is repealed.

8 **SECTION 3.** This act becomes effective December 1, 2012, and applies to
9 offenses committed on or after that date.