

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 1189  
HOUSE BILL 1085

1 AN ACT TO AMEND CHAPTER 113 OF THE GENERAL STATUTES RELATING TO  
2 COMMERCIAL FISHERIES BY CLARIFYING THE PROVISIONS OF EXISTING  
3 LAWS, REGULATING THE ESTABLISHMENT OF TAKING OF SHRIMP AND  
4 OYSTERS FOR PERSONAL USE AND AUTHORIZING THE DIRECTOR TO  
5 SUSPEND LICENSES UPON CONVICTION OF VIOLATIONS:  
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7 The General Assembly of North Carolina do enact:  
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9 **Section 1.** Chapter 113 of the General Statutes is amended by adding a new Section  
10 immediately following G.S. 113-136, to be designated G.S. 113-136.1 and to read as follows:

11 "**G.S. 113-136.1.** (a) The Board of Conservation and Development is hereby authorized to  
12 empower the Director, acting upon the advice of the Commissioner of Commercial Fisheries  
13 and the Director of the Institute of Fisheries Research, when in his and their opinion such  
14 action is necessary to promote the development of the oystering and shrimping industries and to  
15 effect proper conservation and management of seafood resources, to:

- 16 "(1) Close areas of public oyster bottoms, or to close breeding areas for shrimp  
17 during the breeding and growing seasons;  
18 "(2) Close public bottoms where oysters, oyster shells and other shells have been  
19 planted by or under the direction of the Board;  
20 "(3) Close areas in which water pollution would render seafood products taken  
21 therefrom unsafe for human consumption.

22 "(b) Except in such areas and during such seasons which may have been closed by the  
23 Director as authorized herein, shrimp and oysters may be taken by legal means for personal use  
24 and for home consumption exclusively, from the commercial fishing waters of this State at any  
25 time: Provided, however, that oysters may not be taken for any purpose on any Sunday and that  
26 oysters other than coon oysters may not be taken in June, July and August except as authorized  
27 by the Director.

28 "(c) It shall be unlawful for any person, firm or corporation:

- 29 "(1) To take oysters or shrimp from closed areas, or during closed seasons, for  
30 any purpose, except as herein provided;  
31 "(2) To take oysters for personal use for home consumption in excess of one  
32 bushel per person and five bushels per boat on not more than two days in  
33 any one week during the regular open oyster season, or to take any oysters  
34 by the use of dredges except during the regular open oyster season;  
35 "(3) To place any oysters which have been taken during the regular closed season  
36 upon a private oyster bottom, except during those times which may be  
37 established by the Director for the taking of seed oysters from public  
38 bottoms to be planted upon private beds;  
39 "(4) To take oysters or shrimp during the regular closed seasons or in violation of  
40 any of the above laws;  
41 "(5) To sell any oysters or shrimp which have been lawfully taken for personal  
42 use for home consumption as herein provided.



1 "G.S. 113-352. Any dealer, buy-boat owner or operator, shucking house operator, or other  
2 person engaged in the business of buying or transporting seafood products who shall have been  
3 convicted of a violation of any of the provisions of Articles 15A, 15B, 16, 18, 20, 21, 24 and 25  
4 of this Chapter, or violation of any of the rules and regulations of the Board of Conservation  
5 and Development pertaining to Commercial Fisheries operations, may, upon conviction for a  
6 first offense, have any Commercial Fishing or Commercial Fisheries License which may have  
7 been issued to him by the Commissioner of Commercial Fisheries or by the Board of  
8 Conservation and Development revoked for a period of not less than thirty (30) days in addition  
9 to such other sentence as may have been imposed; upon conviction of a second offense or  
10 violation of the laws or regulations as above set forth, such person shall have his license  
11 suspended for a period of not less than six (6) months. The Director of the Department of  
12 Conservation and Development is authorized and empowered to suspend such license upon  
13 convictions as hereinabove set forth."

14 **Sec. 10.** All laws and clauses of laws, except Chapters 444 and 767, Session Laws  
15 of 1959, in conflict with this Act are hereby repealed, and Chapters 444 and 767, Session Laws  
16 of 1959, shall be and remain in full force and effect.

17 **Sec. 11.** This Act shall be in full force and effect from and after August 1, 1961.

18 In the General Assembly read three times and ratified, this the 22nd day of June,  
19 1961.