

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 974

Short Title: Spotter Plane Regulation.

(Public)

Sponsors: Representatives Redwine; Chapin, B. Ethridge, Grady, and Mills.

Referred to: Basic Resources.

March 31, 1989

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"§ 113-167. Licensing of spotter planes; fees.

(a) For the purpose of this section, the term 'spotter plane' means an aircraft used for aerial identification of the location of fish in coastal fishing waters so vessels may be directed to the fish. For the purpose of this section, spotter planes are used in commercial fishing operations. Every owner of an aircraft used in commercial fishing operations shall secure a current and valid license from the Marine Fisheries Commission.

(b) It is unlawful to use a spotter plane in commercial fishing operations directed at food fish. It is unlawful to use a spotter plane except in connection with purse seine operations as authorized by the rules of the Marine Fisheries Commission.

(c) It is unlawful for the owner of an aircraft to permit it to be used in commercial fishing operations including use as a spotter plane without having first procured a license from the Commission. It is unlawful to operate an aircraft in commercial fishing operations that do not meet the license requirements of this Article or of rules made pursuant to this Article. It is unlawful to participate in any commercial fishing operation in connection with which an aircraft is used that was not licensed under the provisions of this Article or of rules made pursuant to this Article.

1 (d) Licenses shall be issued annually on a calendar year basis for aircraft used in
2 commercial fishing operations and may be obtained from the Morehead City offices of
3 the Division of Marine Fisheries. The annual fee per license for such aircraft is one
4 hundred dollars (\$100.00). The owner of the aircraft shall disclose in the license
5 application all commercial fishing operations in which the aircraft will be used during
6 the fishing year. A license is valid only for commercial fishing operations identified in
7 the application or amendments to the application.

8 (e) A violation of this section is punishable by a fine of one thousand dollars
9 (\$1,000) or the value of the catch, vessels, and aircraft seized in connection with the
10 commercial fishing operation using an aircraft, whichever is greater; by imprisonment
11 for not less than two years; or both."

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