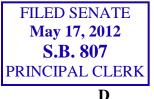
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011



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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:		

1 A BILL TO BE ENTITLED 2 AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD 3 HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS. 4 5 The General Assembly of North Carolina enacts: 6 SECTION 1. G.S. 113-187 reads as rewritten: 7 "§ 113-187. Penalties for violations of Subchapter and rules. 8 Any person who participates in a commercial fishing operation conducted in (a) 9 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 10 11 its implementing rules is guilty of a Class A1 misdemeanor. 12 Any owner of a vessel who knowingly permits it to be used in violation of any (b) provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor. 13 14 Any person in charge of a commercial fishing operation conducted in violation of (c) any provision of this Subchapter and its implementing rules or in charge of any vessel used in 15 16 violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 17 misdemeanor. 18 (d) Any person in charge of a commercial fishing operation conducted in violation of 19 the following provisions of this Subchapter or the following rules of the Marine Fisheries 20 Commission; and any person in charge of any vessel used in violation of the following 21 provisions of the Subchapter or the following rules, shall be guilty of a Class A1 misdemeanor. 22 The violations of the statute or the rules for which the penalty is mandatory are: Taking or attempting to take, possess, sell, or offer for sale any oysters, 23 (1)24 mussels, or clams taken from areas closed by statute, rule, or proclamation 25 because of suspected pollution. Taking or attempting to take or have in possession aboard a vessel, shrimp 26 (2) taken by the use of a trawl net, in areas not opened to shrimping, pulled by a 27 vessel not showing lights required by G.S. 75A-6 after sunset and before 28 29 sunrise. 30 Using a trawl net in any coastal fishing waters closed by proclamation or (3)rule to trawl nets. 31 32 Violating the provisions of a special permit or gear license issued by the (4) 33 Department.



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1	(5) Using or attempting to use any trawl net, long haul seine, swipe no	et,
2	mechanical methods for oyster or clam harvest or dredge in designate	ed
3	primary nursery areas.	
4	(e) Any person who takes menhaden or Atlantic thread herring by the use of a pur	se
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.	