

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 274

Short Title: Ban Inland Trawling/Net Fishing.

(Public)

Sponsors: Representatives Mitchell; and Hall.

Referred to: Environment.

February 19, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE TAKING OF FISH IN INTERNAL COASTAL
WATERS BY TRAWLING AND THE USE OF CERTAIN TYPES OF NETS.

The General Assembly of North Carolina enacts:

Section 1. Article 20 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-270. Taking fish by trawling and nets.

(a) Offense. – It is unlawful to take fish, as defined in G.S. 113-129(7), in the internal waters and joint waters of the State by using any of the following: trawl net, dredge, seine, purse seine, long-haul seine, gill net, channel net, float net, butterfly net, pound net, or fyke net.

(b) Penalty. – A violation of this section is a Class I felony.

(c) Application. – This section does not apply to the use of a cast net that is no more than 12 feet in diameter dip net or seines less than 12 feet in length and 3 feet deep for the taking of bait fish. This section does not apply to the taking of fish in waters of the Atlantic Ocean."

Section 2. The Department of Environment, Health, and Natural Resources shall develop and implement a "buy back" program to purchase the fully operable nets and dredges from persons who: (i) are licensed by the State to engage in commercial fishing of the inland waters of the State, and (ii) have been engaged in full-time

1 commercial fishing in the State's internal and joint waters during the calendar years of
2 1994, 1995, and 1996. The Department of Environment, Health, and Natural Resources
3 shall either destroy or render inoperable all gear purchased under the program.

4 Gear may be purchased under the program by the Department of Environment,
5 Health, and Natural Resources only from persons who document past sales of
6 commercially harvested fish and shellfish to the satisfaction of the Department. The
7 funds for the purchase of the gear shall be disbursed on a formula devised by the
8 Department that is based on the dollar value of all fish and shellfish sold during the years
9 of 1994, 1995, and 1996.

10 Section 3. There is appropriated from the General Fund to the Department of
11 Environment, Health, and Natural Resources the sum of seven million five hundred
12 thousand dollars (\$7,500,000) for the 1997-98 fiscal year to implement this act.

13 Section 4. Section 1 of this act becomes effective December 1, 1997, and
14 applies to offenses committed on or after that date. Section 3 of this act becomes
15 effective July 1, 1997. The remainder of this act is effective when it becomes law.