

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 118*
Second Edition Engrossed 4/11/91

Short Title: Fisheries Technical Corrections.

(Public)

Sponsors: Representatives Grady, Chapin, and Kimsey.

Referred to: Agriculture.

February 21, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO SUBCHAPTER IV OF
3 CHAPTER 113 OF THE NORTH CAROLINA GENERAL STATUTES
4 CONCERNING MARINE FISHERIES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 113-184 reads as rewritten:

7 "**§ 113-184. Possession and transportation of prohibited oyster equipment.**

8 (a) It is unlawful to carry aboard any vessel subject to licensing requirements
9 under Article 14 under way or at anchor in coastal fishing waters during the regular
10 closed oyster season any scoops, scrapes, dredges, or winders such as are usually or can
11 be used for taking oysters.

12 (b) If any vessel has recently been under way or at anchor in coastal fishing
13 waters engaged in activity similar in manner to that in which oysters are taken with
14 scoops, scrapes, or dredges and at a time or place in which the taking of oysters is
15 prohibited, the presence on board of the vessel of wet oysters or scoops, scrapes,
16 dredges, lines, or deck wet, indicating the taking of oysters, constitutes **prima facie**
17 evidence that the vessel was engaged in taking oysters unlawfully with scoops, scrapes,
18 or dredges at the time or place prohibited.

19 ~~(c) It is unlawful to carry aboard any vessel subject to licensing requirements~~
20 ~~under Article 14 under way or at anchor in coastal fishing waters any dredge weighing~~
21 ~~more than 100 pounds."~~

22 Sec. 2. G.S. 113-185(a)(1) reads as rewritten:

23 "**§ 113-185. Fishing near ocean piers; trash or scrap fishing.**

1 (a) It is unlawful to fish in the ocean from vessels or with a net within 750 feet of
2 an ocean pier licensed in accordance with G.S. 113-156.1. The prohibitions shall be
3 effective when:

4 (1) Buoys ~~and~~or beach markers, placed at the owner's expense in
5 accordance with the rules adopted by the Marine Fisheries
6 Commission, indicate clearly to fishermen in vessels and on the beach
7 the requisite distance of 750 feet from the pier, and

8 (2) The public is allowed to fish from the pier for a reasonable fee.

9 The prohibition shall not apply to littoral proprietors whose property is within 750 feet
10 of a duly licensed ocean pier."

11 Sec. 3. G.S. 113-189(a) reads as rewritten:

12 "**§ 113-189. Protection of sea turtles and porpoises.**

13 (a) It is unlawful to willfully take, disturb or destroy any sea turtles including
14 green, hawks bill, loggerhead, Kemp's ridley, and leatherback turtles, or their nests or
15 eggs."

16 Sec. 4. This act is effective upon ratification.