

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1047

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/26/99

Short Title: Protect Certain Cultch Planting Areas.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE TAKING OF SHELLFISH WITHIN ONE HUNDRED FIFTY FEET OF A PUBLICALLY OWNED PIER BENEATH WHICH THE DIVISION OF MARINE FISHERIES HAS DEPOSITED CULTCH MATERIAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-207 reads as rewritten:

"§ 113-207. ~~Clamming on posted oyster rocks~~ **Taking shellfish from certain areas forbidden; penalty.**

(a) ~~The Department shall post to~~ To the extent that funds are available, the Department shall post oyster rocks or appropriate landing sites to forbid the taking of clams upon such rocks by use of rakes or tongs or any other device which will disturb or damage the oysters thereon. ~~Within the meaning of this section, oyster rocks shall be defined as those rocks producing oysters upon which the tide rises and falls.~~ As used in this section, 'oyster rocks' mean those rocks in the coastal fishing waters upon which oysters grow.

(b) ~~It shall be~~ is unlawful for any person to take clams on oyster rocks posted by the Department by use of rakes, tongs, or any other device which will disturb or damage the oysters growing thereon. This section will not apply to the taking of clams by signing. ~~A violation of this section shall constitute a Class 3 misdemeanor.~~

1 (c) It is unlawful for any person to take shellfish within 150 feet of any part of a
2 publically owned pier beneath which the Division of Marine Fisheries has deposited
3 cultch material.

4 (d) A person who violates this section is guilty of a Class 3 misdemeanor."

5 Section 2. This act becomes effective September 1, 1999, and applies to
6 violations occurring on or after that date.