

1 HB333
2 126490-2
3 By Representatives Davis, Faust, Lee, Gaston, McMillan and
4 Ison
5 RFD: Agriculture and Forestry
6 First Read: 24-MAR-11

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8 SYNOPSIS: Under existing law, the holder of a live
9 saltwater bait license may not use a seine or trawl
10 having a width greater than 16 feet when any area
11 has been closed to commercial shrimping.

12 This bill would make this restriction apply
13 only in an area which has been temporarily closed
14 to commercial shrimping.

15 Under existing law, the holder of a live
16 saltwater bait license may have one shrimp basket
17 on his or her boat or truck and two shrimp baskets
18 at his or her place of business.

19 This bill would authorize the holder of a
20 live saltwater bait license to have two shrimp
21 baskets on his or her boat and two shrimp baskets
22 on is or her truck and four shrimp baskets at his
23 or her place of business and would further provide
24 for the sale of dead shrimp.

25 The bill would also increase certain
26 saltwater bait license fees, further provide for
27 the expiration date and purchase of licenses for a

1 new place of business, and would further provide
2 for the duties of licensees and the regulation of
3 bull minnow traps.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT

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9 To amend Sections 9-12-54.1, 9-12-54.2, 9-12-54.3,
10 and 9-12-54.4 of the Code of Alabama 1975, relating to live
11 saltwater bait licenses; to increase certain saltwater bait
12 license fees; to provide for the expiration date and purchase
13 of licenses for a new place of business; to further provide
14 for the duties of licensees and the regulation of bull minnow
15 traps; and to further regulate the sale of dead shrimp, the
16 use of certain nets, and the number of standard shrimp baskets
17 which may be used.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 9-12-54.1, 9-12-54.2, 9-12-54.3,
20 and 9-12-54.4 of the Code of Alabama 1975, are amended to read
21 as follows:

22 "§9-12-54.1.

23 "Before any person, firm, or corporation engages in
24 the taking, catching, transporting, or selling of live
25 saltwater bait and the transporting of dead saltwater bait for
26 commercial purposes, he or she shall have in his or her
27 possession a live saltwater bait dealers license. "Live

1 saltwater bait" shall be defined by regulation promulgated by
2 the Commissioner of the Department of Conservation and Natural
3 Resources. The license shall be sold and issued by the
4 Department of Conservation and Natural Resources to any live
5 saltwater bait dealer upon payment of a fee of ~~fifty dollars~~
6 ~~(\$50)~~ one hundred dollars (\$100), which shall entitle the
7 person to sell live saltwater bait from a place of business
8 and operate one designated live bait catcher boat and one
9 transport truck, or ~~one two~~ two hundred dollars ~~(\$100)~~ (\$200) for
10 the right to sell live saltwater bait from a place of business
11 and operate two designated live bait catcher boats and two
12 transport trucks. Detailed records of transactions involving
13 shrimp shall be maintained at the place of business by seafood
14 dealer licensees and by live saltwater bait dealers who are
15 party to the transaction. The records shall include the name
16 and address of the seller, the date and time of purchase, the
17 amount of purchase (by poundage of purchase), price paid per
18 pound, and shrimp size. Transactions on sales of purchased
19 shrimp shall be totaled daily. These records shall be
20 immediately available for inspection by the Department of
21 Conservation and Natural Resources and shall be maintained for
22 a minimum of 30 days. If the licensee or dealer fails to keep
23 these records, the licensee or dealer is subject to the
24 penalties set forth in Section 9-12-54.7. If the licensee or
25 dealer is found to have kept fraudulent records, the licensee
26 or dealer shall be guilty of a Class A misdemeanor. The
27 Department of Conservation and Natural Resources shall not

1 issue a live saltwater bait dealers license until the
2 applicant has furnished to the Commissioner of Conservation
3 and Natural Resources information as the commissioner may
4 prescribe showing that the applicant has the necessary
5 equipment and facilities to properly keep shrimp and other
6 saltwater species alive for sale as bait. The commissioner,
7 before the issuance of a license, shall cause an inspection of
8 the gear and equipment, place of business, truck, or vessel of
9 the applicant to ascertain if they meet the requirements as
10 set by regulation for keeping bait shrimp and other saltwater
11 species of bait alive. The live saltwater bait dealers license
12 privileges may be suspended at any time during the issuing
13 year that an agent of the Commissioner of Conservation and
14 Natural Resources finds that equipment, gear, truck, or vessel
15 of the licensee no longer meets the minimum requirements for
16 keeping shrimp and other saltwater species alive for sale as
17 bait. Any person who sells, exchanges, barter, or attempts to
18 sell, barter, exchange, or otherwise dispose of live saltwater
19 bait, shall be in violation of Sections 9-12-54.1 through
20 9-12-54.7 unless he or she first purchases the annual live
21 saltwater bait dealers license. ~~This license shall not be
22 required for saltwater species propagated and cultured in an
23 aquaculture or mariculture operation.~~

24 "§9-12-54.2.

25 ~~"(a) All licenses required herein shall expire on
26 the 30th day of September of each year and shall be renewed or
27 purchased from October 1 to December 31, inclusive, of each~~

1 year. All receipts shall be deposited to the Marine Resources
2 Fund. Nonresidents transporting and/or selling live or dead
3 saltwater bait shall pay a license fee equal to that charged
4 Alabama residents to conduct the same activity in the state of
5 residence of the applicant and in no event less than double
6 that of citizens of the State of Alabama. Vehicles registered
7 in a state other than Alabama shall not be placed on a
8 resident live bait license.

9 ~~"(b) Notwithstanding subsection (a), from January 1~~
10 ~~to September 30, inclusive, of each year, a live saltwater~~
11 ~~bait dealer license may be purchased by any person, firm, or~~
12 ~~corporation building or establishing a new place of business~~
13 ~~for the sale of live saltwater bait. The license shall entitle~~
14 ~~the licensee to sell live and dead saltwater bait from the~~
15 ~~place of business of the licensee. The license, if purchased~~
16 ~~in the time frame other than October 1 to December 31, shall~~
17 ~~not entitle the licensee to operate a boat or truck until the~~
18 ~~license is renewed the following license year. Licensees under~~
19 ~~this subsection shall only sell live saltwater bait purchased~~
20 ~~from live saltwater bait dealers.~~

21 "§9-12-54.3.

22 "Each live saltwater bait licensee shall furnish the
23 Marine Resources Division of the Department of Conservation
24 and Natural Resources with the Alabama Marine Police
25 registration number of the boat or boats designated as a live
26 bait catcher boat and the ~~Alabama~~ license tag number of the
27 truck or trucks he or she designates to use to transport bait.

1 Boats designated by live saltwater bait dealers as a live bait
2 catcher boat shall not be licensed as commercial shrimping
3 vessels thereafter in that license year. A live saltwater bait
4 licensee shall not substitute another boat or truck without
5 first having the boat or truck inspected and approved by the
6 Marine Resources Division of the Department of Conservation
7 and Natural Resources. Each live bait catcher boat and
8 transport truck shall contain the words "live bait" in letters
9 at least six inches high on the port and starboard sides and
10 the operator of the boat or truck shall have a copy of the
11 licensee's live saltwater bait dealer's license in his or her
12 possession.

13 "All bull minnow traps in possession on board a boat
14 on the waters of Alabama or in use by a licensed saltwater
15 live bait dealer shall be marked with the Alabama boat
16 registration number.

17 "§9-12-54.4.

18 "Licensed live saltwater bait catcher boats may,
19 except as otherwise provided by law or regulation, take or
20 catch, or attempt to take or catch, bait shrimp of any size
21 and other saltwater species of bait in waters of the state
22 under the jurisdiction of the Marine Resources Division as
23 defined by rule of the Department of Conservation and Natural
24 Resources not permanently closed to shrimping. Licensed live
25 saltwater bait catchers may take or catch, or attempt to take
26 or catch, live saltwater bait from 4:00 o'clock a.m. until
27 10:00 o'clock p.m. in areas temporarily closed to commercial

1 shrimping, except as otherwise provided by law or regulation.
2 ~~The~~ In an area temporarily closed to commercial shrimping or
3 in an area designated as an exclusive bait area, live
4 saltwater bait ~~shall~~ may not be taken with any seine or trawl
5 having a width greater than 16 feet as measured at the cork
6 line or main top line ~~when any area, other than areas~~
7 ~~permanently closed to shrimping by statute or regulation, is~~
8 ~~closed to commercial shrimping and in designated exclusive~~
9 ~~bait areas.~~ Lengths and widths of leadlines or footropes and
10 trawl boards may be set by regulation. Dead shrimp must be
11 packaged and sold with head attached in lots of no more than
12 ~~one pound. No~~ five pounds. The holder of a live saltwater bait
13 license ~~shall~~ may have in his or her possession pursuant to
14 such license not more than ~~one~~ two standard shrimp ~~basket~~
15 baskets (measuring 17 inches in diameter at the top, 13.5
16 inches at the bottom and 14 inches in height) of shrimp live
17 or dead ~~per~~ on the licensee's boat ~~or,~~ not more than two
18 shrimp baskets on his or her truck, and ~~no~~ not more than ~~three~~
19 a total of four standard shrimp baskets ~~per~~ at the licensee's
20 place of business ~~and such~~ or otherwise. Any shrimp ~~shall~~
21 taken by the licensee may only be sold ~~only~~ as bait."

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.