

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 570
SENATE BILL 357

AN ACT TO REVISE THE LICENSE PROVISIONS PERTAINING TO MARINE FISHERIES AND TO REPEAL THE SEAFOOD TAX.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 113-151.1 is repealed and a new paragraph is added to G.S. 113-151.1 to read:

"License agents shall be compensated by retaining fifty cents (50c) from each license sold. If more than one license is listed on a consolidated license form, the license agent shall be compensated as if a single license were sold and he shall retain fifty cents (50c)."

Sec. 2. The second paragraph of G.S. 113-152(a) is amended by adding a new sentence on the end to read: "Commercial fishing operations also includes taking people fishing for hire."

Sec. 3. G.S. 113-152(c) is amended by deleting subdivisions (1) through (4a) and inserting the following in lieu thereof:

"(1) Vessels, without motors, regardless of length when used in connection with other licensed vessels, no license required.

- (2) Vessels with or without motors not over 18 feet in length, one dollar (\$1.00) per foot.
- (3) Vessels with or without motors over 18 feet but not over 38 feet in length, one dollar and fifty cents (\$1.50) per foot.
- (4) Vessels with or without motors over 38 feet in length, three dollars (\$3.00) per foot.
- (4a) Vessels owned by persons who are not residents of North Carolina, two hundred dollars (\$200.00) in addition to the fee requirement otherwise applicable under this subsection or subsection (d)."

Sec. 4. G.S. 113-152(d)(1) is amended by deleting the language "one dollar and sixty cents (\$1.60)" and substituting "two dollars (\$2.00)".

Sec. 5. G.S. 113-152(a) is amended by rewriting the first sentence of the last paragraph to read:

"Nothing in this section shall require the licensing of any vessel used solely for oystering, scalloping, or clamming by a person not required to have an oyster, scallop, and clam license under the provisions of G.S. 113-154."

Sec. 6. G.S. 113-152(d)(3) is repealed.

Sec. 7. G.S. 113-152(f) is rewritten to read:

"(f) No person exempt from the oyster, scallop, and clam license under the provisions of this Article may take more than:

- (1) One bushel of oysters per person per day, not to exceed two bushels per vessel per day;
- (2) One-half bushel of scallops per person per day, not to exceed one bushel per vessel; and
- (3) One hundred clams per person per day, not to exceed two hundred per vessel per day."

Sec. 8. G.S. 113-154 is amended by deleting the word "oyster" wherever it appears and substituting "oyster, scallop," and by deleting the word "oysters" wherever it appears and substituting "oysters, scallops,".

Sec. 9. G.S. 113-154(c) is amended by deleting the language "one dollar (\$1.00) upon proof that the license applicant is a resident of North Carolina" and substituting "four dollars (\$4.00) upon proof that the license applicant is a resident of North Carolina: Provided, that persons under 16 years of age are exempt from the license requirements of this section if they are accompanied by their parent or guardian who is in compliance with the requirements of this section or if they have in their possession their parent's or guardian's oyster, scallop, and clam license."

Sec. 10. G.S. 113-155 is repealed.

Sec. 11. G.S. 113-156(e) is amended by renumbering subdivisions "(5)" and "(6)" as "(7)" and "(8)" and by rewriting subdivisions (1) through (4) to read:

- (1) Dealing in oysters:
 - a. Oyster shucker-packer (including sale of shell stock), one hundred dollars (\$100.00).
 - b. Oyster shell stock shipper, fifty dollars (\$50.00).
- (2) Dealing in scallops:
 - a. Scallop shucker-packer (including sale of shell stock), one hundred dollars (\$100.00).
 - b. Scallop shell stock shipper, fifty dollars (\$50.00).
- (3) Dealing in clams:
 - a. Clam shucker-packer (including sale of shell stock), one hundred dollars (\$100.00).
 - b. Clam shell stock shipper, fifty dollars (\$50.00).
- (4) Dealing in hard and soft crabs:
 - a. Crab processor (including dealing in unprocessed crabs), one hundred dollars (\$100.00).
 - b. Unprocessed crab dealer, fifty dollars (\$50.00).
- (5) Dealing in shrimp:
 - a. Shrimp processor (including dealing in unprocessed shrimp), one hundred dollars (\$100.00).
 - b. Unprocessed shrimp dealer, fifty dollars (\$50.00).
- (6) Dealing in finfish:
 - a. Finfish processor (including dealing in unprocessed finfish), one hundred dollars (\$100.00).

b. Unprocessed finfish dealer, fifty dollars (\$50.00)."

Sec. 12. G.S. 113-157 is repealed.

Sec. 13. Chapter 113 of the General Statutes is hereby amended by adding thereto, following G.S. 113-156, a new G.S. 113-156.1 to read as follows:

"§ 113-156.1. Licensing of ocean fishing piers; fees. – (a) Every manager of an ocean fishing pier within the coastal fishing waters who charges the public a fee to fish in any manner from the pier must secure a current and valid pier license from the Department. The manager in his license application must disclose the names of all parties involved in the pier operations, including the owner of the property, owner of the pier if different, and all leasehold or other corporate arrangements, and all persons with a substantial financial interest.

(b) Within 30 days following a change of ownership of a pier, or a change as to the manager, the manager or new manager must secure a replacement pier license from the Department. The replacement license is issued without charge.

(c) The pier license authorizes the manager and all employees utilized in operating the pier to engage in the activities of fish dealers, except for dealing in shellfish, without any dealer license or licenses required by G.S. 113-156.

(d) Pier licenses are issued upon payment of fifty cents (50c) per linear foot, to the nearest foot, that the pier extends into coastal fishing waters beyond the mean high tide line. The length of the pier must be measured to include all extensions of the pier.

(e) The manager who secures the pier license must be the individual with the duty of executive-level supervision of pier operations."

Sec. 14. G.S. 113-153 is amended by deleting the word "either" after the word "Carolina", in the fourth line of the first sentence and by deleting in the fifth and sixth lines the words "or by complying, if eligible, with the provisions of G.S. 113-155".

Sec. 15. G.S. 113-156(b) is amended by rewriting subdivision (3) to read as follows:

"(3) Fishermen who sell their catch exclusively to fish dealers licensed under this section if the fish taken by any fisherman meets one of the following requirements:

- a. The fish were taken lawfully in coastal fishing waters other than through the use of a vessel licensed under G.S. 113-152, and the value of such fish sold does not exceed five hundred dollars (\$500.00) in any 12-month period.
- b. The fish were taken in a commercial fishing operation meeting all licensing requirements, and he was a party to the operation.
- c. The fish were taken by him, whether by sports or commercial methods, through the use of a vessel currently and validly licensed under G.S. 113-152.
- d. The fish were taken by him in inland fishing waters in conformity with the laws and regulations administered by the Wildlife Resources Commission and are of a type permitted to be sold by the Wildlife Resources Commission.
- e. The fish taken were oysters, scallops, or clams and the person satisfies the dealer that he took them or participated in the

taking, that he then had a current and valid oyster, scallop, and clam license issued to him personally, and that they were taken lawfully."

Sec. 16. G.S. 113-152(b) and G.S. 113-154(d) are amended to delete the phrase "15 days" wherever it appears and to substitute the phrase "30 days".

Sec. 17. G.S. 113-158 is amended to delete subsection (a) and to revise the caption to the section to read: "Permits to transplant oysters and clams.—".

Sec. 18. G.S. 113-162 is amended to recaption the section and to rewrite subsection (a) to read as follows:

§ 113-162. Fraud or deception as to licenses, permits, or records. – (a) It is unlawful for any person to give any false information or willfully to omit giving required information to the Department or any license agent when the information is material to the securing of any license or permit under this Article. It is unlawful to falsify, fraudulently alter, or counterfeit any license, permit, identification, or record to which this Article applies or otherwise practice any fraud or deception designed to evade the provisions of this Article or reasonable administrative directives made under the authority of this Article."

Sec. 19. G.S. 113-164 is amended to delete the word "seafood" in the caption and to substitute the phrase "fisheries resources" and to rewrite the first sentence of the section to read as follows: "The Marine Fisheries Commission may make reasonable regulations governing possession, transportation, and disposition of fisheries resources by all persons, including those not subject to fish-dealer licensing requirements, in order that inspectors may adequately distinguish regulated coastal fisheries resources from those not so regulated and enforce the provisions of this Article equitably and efficiently."

Sec. 20. G.S. 113-165 is rewritten to read as follows:

§ 113-165. Violations with respect to coastal fisheries resources. – It is unlawful to take, possess, transport, process, sell, buy, or in any way deal in coastal fisheries resources without conforming with the provisions of this Article or of regulations made under the authority of this Article."

Sec. 21. G.S. 105-164.13(9) is rewritten to read as follows:

"(9) Sales of boats, fuel oil, lubricating oils, machinery, equipment, nets, rigging, paints, parts, accessories, and supplies to persons for use by them principally in commercial fishing operations within the meaning of G.S. 113-152, except when the property is for use by persons principally to take fish for recreation or personal use or consumption. As used in this subdivision, 'fish' is defined as in G.S. 113-129(7)."

Sec. 22. The last two sentences of G.S. 113-152(b) are rewritten to read as follows: "The Marine Fisheries Commission may provide by regulation for the replacement of lost, obliterated, destroyed, or otherwise illegible license plates or decals upon tender of the original license receipt or upon other evidence that the Marine Fisheries Commission deems sufficient. The Department may charge a fee of fifty cents (50c) for replacement of a plate or decal."

Sec. 23. This act shall become effective January 1, 1984.

In the General Assembly read three times and ratified, this the 21st day of June, 1983.