

1 HB333
2 126490-3
3 By Representatives Davis, Faust, Lee, Gaston, McMillan and
4 Ison
5 RFD: Agriculture and Forestry
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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§9-12-54.1.

"Before any person, firm, or corporation engages in the taking, catching, transporting, or selling of live saltwater bait and the transporting of dead saltwater bait for commercial purposes, he or she shall have in his or her possession a live saltwater bait dealers license. "Live saltwater bait" shall be defined by regulation promulgated by the Commissioner of the Department of Conservation and Natural Resources. The license shall be sold and issued by the Department of Conservation and Natural Resources to any live

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

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

22 "§9-12-54.2.

23 ~~"(a) All licenses required herein shall expire on
24 the 30th day of September of each year and shall be renewed or
25 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

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

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

19 "§9-12-54.4.

20 "Licensed live saltwater bait catcher boats may,
21 except as otherwise provided by law or regulation, take or
22 catch, or attempt to take or catch, bait shrimp of any size
23 and other saltwater species of bait in waters of the state
24 under the jurisdiction of the Marine Resources Division as
25 defined by rule of the Department of Conservation and Natural

1 Resources not permanently closed to shrimping. Licensed live
2 saltwater bait catchers may take or catch, or attempt to take
3 or catch, live saltwater bait from 4:00 o'clock a.m. until
4 10:00 o'clock p.m. in areas temporarily closed to commercial
5 shrimping, except as otherwise provided by law or regulation.
6 ~~The~~ In an area temporarily closed to commercial shrimping or
7 in an area designated as an exclusive bait area, live
8 saltwater bait ~~shall~~ may not be taken with any seine or trawl
9 having a width greater than 16 feet as measured at the cork
10 line or main top line ~~when any area, other than areas~~
11 ~~permanently closed to shrimping by statute or regulation, is~~
12 ~~closed to commercial shrimping and in designated exclusive~~
13 ~~bait areas.~~ Lengths and widths of leadlines or footropes and
14 trawl boards may be set by regulation. Dead shrimp must be
15 packaged and sold with head attached in lots of no more than
16 ~~one pound. No~~ five pounds. The holder of a live saltwater bait
17 license ~~shall~~ may have in his or her possession pursuant to
18 such license not more than ~~one~~ two standard shrimp ~~basket~~
19 baskets (measuring 17 inches in diameter at the top, 13.5
20 inches at the bottom and 14 inches in height) of shrimp live
21 or dead per on the licensee's boat or, not more than two
22 shrimp baskets on his or her truck, and ~~no~~ not more than ~~three~~
23 a total of four standard shrimp baskets per at the licensee's
24 place of business and such or otherwise. Any shrimp ~~shall~~
25 taken by the licensee may only be sold only as bait."

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

