

1 HB243  
2 115933-1  
3 By Representative Collier  
4 RFD: Agriculture and Forestry  
5 First Read: 14-JAN-10

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8 SYNOPSIS: Amendment 597 of the Constitution of  
9 Alabama of 1901, now appearing as Section 36.02 of  
10 the Official ReCompilation of the Constitution of  
11 Alabama of 1901, as amended, specifies that all  
12 persons shall have the right to hunt and fish in  
13 this state in accordance with law and regulations.

14 Also, under existing general law, all  
15 persons are prohibited from interfering with  
16 persons who are legally hunting or fishing.

17 This bill would provide for the Commercial  
18 Fishermen's Rights and Privileges Act, relating to  
19 the taking, catching, possessing, or handling of  
20 seafood. The bill would prohibit any person from  
21 interfering with a commercial fisherman who is  
22 legally fishing and would provide civil penalties  
23 for violations.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

1  
2           Providing for the "Commercial Fishermen's Rights and  
3 Privileges Act"; and prohibiting any person from interfering  
4 with any commercial fisherman who is legally fishing; and to  
5 provide for civil penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7           Section 1. (a) This section shall be known as the  
8 "Commercial Fishermen's Rights and Privileges Act."

9           (b) No person, firm, association, corporation, or  
10 municipality shall interfere with or attempt to prevent,  
11 obstruct, impede, disturb, or disparage any person in the  
12 legal taking, catching, possessing, or handling of seafood as  
13 defined in Section 9-2-80, Code of Alabama 1975.

14           (c) Conservation and management measures shall not  
15 discriminate between user groups and shall be fair and  
16 equitable to all fishermen. No measure shall reduce the  
17 ability of any user group to take fish unless there is clear  
18 scientific evidence that this activity would adversely affect  
19 fish population or negatively impact public health.

20           (d) The Commissioner of the Department of  
21 Conservation and Natural Resources may assess a civil penalty  
22 against any person violating this act in an amount not to  
23 exceed five hundred dollars (\$500) for each violation of this  
24 act.

25           Section 2. This act shall become effective  
26 immediately following its passage and approval by the  
27 Governor, or its otherwise becoming law.

