

2018 Regular Session

SENATE BILL NO. 327

BY SENATOR LAMBERT

FISH/FISHING. Provides possession limits of certain species of fish caught in saltwater areas of the state. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 56:325(B)(4) and 325.1(C)(1) and (2)(a) and (c) and to enact
3 R.S. 56:325.1(A)(4), relative to possession limits for recreational fishing; to remove
4 a sunset provision for possession limits for largemouth bass and spotted bass taken
5 in saltwater areas of the state; to provide for a possession limit for red drum and
6 spotted sea trout taken in saltwater areas of the state; to provide for violations of
7 certain possession limits; to provide for certain fines; to provide terms, conditions,
8 and requirements; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 56:325(B)(4) and 325.1(C)(1) and (2)(a) and (c) are hereby amended
11 and reenacted and R.S. 56:325.1(A)(4) is hereby enacted to read as follows:

12 §325. Daily take, possession, and size limits; freshwater recreational fish; possession
13 of finfish filets prohibited

14 B. * * *

15 (4) The possession limit for largemouth bass (*Micropterus salmoides*) and
16 spotted bass (*Micropterus punctulatus*) taken south of U.S. Highway 90 shall be
17 three times the daily take limit when the fisherman holds and is in possession of a

1 current **valid** recreational fishing license and can show a landing receipt from a
 2 public boat launch located south of U.S. Highway 90 that demonstrates to the
 3 satisfaction of the department that the fisherman has been actively on the water or
 4 at a remote camp that can be accessed only by water for two days or more. ~~Such~~ **The**
 5 fish shall be kept whole or whole gutted in separate bags for each species of fish ~~and~~
 6 ~~date taken and which.~~ **The bags** shall be marked with the date the fish were taken,
 7 the species, ~~and~~ the number of fish contained in the bag, and the name and license
 8 number of the person taking the fish. The fish shall only be in the possession of the
 9 person who took the fish. However, no fisherman shall be actively fishing or
 10 engaged in fishing while in possession of more than the daily take limit. ~~The~~
 11 ~~provisions of this Paragraph shall be null and void and of no effect beginning July~~
 12 ~~1, 2016, and thereafter.~~

* * *

14 §325.1. Size and possession limits, recreational saltwater finfish; penalties

15 A. * * *

16 **(4) The possession limit for red drum and spotted sea trout taken south**
 17 **of U.S. Highway 90 shall be three times the daily take limit when the fisherman**
 18 **holds and is in possession of a valid recreational fishing license and can show a**
 19 **landing receipt from a public boat launch located south of U.S. Highway 90 that**
 20 **demonstrates to the satisfaction of the department that the fisherman has been**
 21 **actively on the water or at a remote camp that can be accessed only by water for**
 22 **two days or more. The fish shall be kept whole or whole gutted in separate bags**
 23 **for each species of fish. The bags shall be marked with the date the fish were**
 24 **taken, the species, the number of fish contained in the bag, and the name and**
 25 **license number of the person taking the fish. The fish shall only be in the**
 26 **possession of the person who took the fish. However, no fisherman shall be**
 27 **actively fishing or engaged in fishing while in possession of more than the daily**
 28 **take limit.**

* * *

1 C.(1) Violation of this Section constitutes a class two violation. However,
 2 if the take or possession limit as provided in ~~Paragraph A(2)(a) or (b) or (3)~~
 3 **Subparagraphs (A)(2)(a) or (b) or Paragraphs (A)(3) or (4) of this Section** or any
 4 such take or possession limit set by the commission is exceeded by one hundred
 5 percent or more the violation shall be a class four violation.

6 (2) In addition to the penalties provided in Paragraph (1) of this Subsection,
 7 the following penalties shall apply:

8 (a) Violation of ~~Paragraph A(2)(a) or (3)~~ **Subparagraph (A)(2)(a) or**
 9 **Paragraphs (A)(3) or (4) of this Section** for red drum or Paragraph ~~B(1)~~ **(B)(1) of**
 10 **this Section** shall be punishable by a fine of twenty-five dollars per fish under
 11 sixteen inches in total length or over the limit of five, or in violation of such
 12 minimum size and take and possession limits as may be established by the
 13 commission.

14 * * *

15 (c) Violation of Paragraph ~~A(2)(b) or (3)~~ **Subparagraph (A)(2)(b) or**
 16 **Paragraphs (A)(3) or (4) of this Section** for spotted sea trout or Paragraph ~~B(B)(3)~~
 17 **of this Section** shall be punishable by a fine of twenty-five dollars per fish under
 18 twelve inches in total length or over the limit of twenty-five or in violation of such
 19 minimum size and take and possession limits as may be established by the
 20 commission.

21 * * *

22 Section 2. This Act shall become effective upon signature by the governor or, if not
 23 signed by the governor, upon expiration of the time for bills to become law without signature
 24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 26 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by McHenry Lee.

DIGEST

SB 327 Engrossed 2018 Regular Session Lambert

Present law authorizes the possession limit of three times the daily take limit for largemouth bass and spotted bass taken south of U.S. Hwy. 90. The fisherman must hold and be in possession of a valid recreational fishing license and show a landing receipt from a public boat launch that demonstrates that the fisherman was actively on the water or at a remote camp two days or more. Requires the fish to be kept in separate bags for each species of fish and requires that the bags be marked with the date the fish were taken, the species, the number of fish contained in the bag, and the name and license number of the person who took the fish. Provides that the fish be in possession of the person who took the fish. Provides that the increased possession limit be null and void beginning July 1, 2016.

Proposed law retains present law but repeals the sunset provision of July 1, 2016.

Proposed law authorizes the possession limit of three times the daily take limit for red drum and spotted sea trout taken south of U.S. Hwy. 90. The fisherman must hold and be in possession of a valid recreational fishing license and show a landing receipt from a public boat launch that demonstrates that the fisherman was actively on the water or at a remote camp two days or more. Requires the fish to be kept in separate bags for each species of fish and requires that the bags be marked with the date the fish were taken, the species, the number of fish contained in the bag, and the name and license number of the person who took the fish. Provides that the fish be in possession of the person who took the fish.

Present law provides that violations of saltwater recreational finfish possession limits constitute a class two violation but will be a class four violation if the possession limit is exceeded by 100%.

Proposed law provides that the possession limits set by proposed law for red drum and spotted sea trout south of U.S. Hwy. 90 can be classified as a class four violation if they are exceeded by 100%.

Present law provides that the punishment for violation of the size and possession limit for red drum is \$25 per fish under 16-inches in length or over the limit of five or in violation of limits established by the commission.

Proposed law includes the same punishment for violations of the limits set for red drum south of U.S. Hwy. 90 set by proposed law.

Present law provides that the punishment for spotted sea trout is punishable by a fine of \$25 per fish under twelve inches in total length or over the limit of 25 or in violation of limits established by the commission.

Proposed law includes the same punishment for violations of limits for spotted sea trout south of U.S. Hwy. 90 set by proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 56:325(B)(4) and 325.1(C)(1) and (2)(a) and (c); adds R.S. 56:325.1(A)(4))