

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 463
HOUSE BILL 319

AN ACT TO ENCOURAGE THE MARKING OF OYSTER AND CLAM BOTTOM
AREAS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-208(a) reads as rewritten:

"(a) It is unlawful for any person, other than the holder of private shellfish rights, to take or attempt to take shellfish from any privately leased, franchised, or deeded shellfish bottom area without written authorization of the holder and with actual knowledge it is a private shellfish bottom area. Actual knowledge will be presumed when the shellfish are taken or attempted to be taken:

- (1) from within the confines of posted boundaries of the area as identified by signs, whether the whole or any part of the area is posted, or
- (2) when the area has been regularly posted and identified and the person knew the area to be the subject of private shellfish rights.

A violation of this section shall constitute a misdemeanor, punishable by imprisonment not to exceed 30 days, or by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00), or both such fine and imprisonment. The written authorization shall include the lease number or deed reference, name and address of authorized person, date of issuance, and date of expiration, and it must be signed by the holder of the private shellfish right. Identification signs shall include the lease number or deed reference and the name of the holder."

Sec. 2. G.S. 113-208 is amended by rewriting the catch line to read "**Protection of private shellfish rights.**"

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of June, 1987.