

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 86  
HOUSE BILL 118

AN ACT TO MAKE TECHNICAL CORRECTIONS TO SUBCHAPTER IV OF  
CHAPTER 113 OF THE NORTH CAROLINA GENERAL STATUTES  
CONCERNING MARINE FISHERIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-184 reads as rewritten:

**"§ 113-184. Possession and transportation of prohibited oyster equipment.**

(a) It is unlawful to carry aboard any vessel subject to licensing requirements under Article 14 under way or at anchor in coastal fishing waters during the regular closed oyster season any scoops, scrapes, dredges, or winders such as are usually or can be used for taking oysters.

(b) If any vessel has recently been under way or at anchor in coastal fishing waters engaged in activity similar in manner to that in which oysters are taken with scoops, scrapes, or dredges and at a time or place in which the taking of oysters is prohibited, the presence on board of the vessel of wet oysters or scoops, scrapes, dredges, lines, or deck wet, indicating the taking of oysters, constitutes **prima facie** evidence that the vessel was engaged in taking oysters unlawfully with scoops, scrapes, or dredges at the time or place prohibited.

~~(c) It is unlawful to carry aboard any vessel subject to licensing requirements under Article 14 under way or at anchor in coastal fishing waters any dredge weighing more than 100 pounds."~~

Sec. 2. G.S. 113-185(a)(1) reads as rewritten:

**"§ 113-185. Fishing near ocean piers; trash or scrap fishing.**

(a) It is unlawful to fish in the ocean from vessels or with a net within 750 feet of an ocean pier licensed in accordance with G.S. 113-156.1. The prohibitions shall be effective when:

(1) Buoys ~~and~~ or beach markers, placed at the owner's expense in accordance with the rules adopted by the Marine Fisheries Commission, indicate clearly to fishermen in vessels and on the beach the requisite distance of 750 feet from the pier, and

(2) The public is allowed to fish from the pier for a reasonable fee.

The prohibition shall not apply to littoral proprietors whose property is within 750 feet of a duly licensed ocean pier."

Sec. 3. G.S. 113-189(a) reads as rewritten:

**"§ 113-189. Protection of sea turtles and porpoises.**

(a) It is unlawful to willfully take, disturb or destroy any sea turtles including green, hawks bill, loggerhead, Kemp's ridley, and leatherback turtles, or their nests or eggs."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 14th day of May, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives