

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 974
Committee Substitute Favorable 5/24/89

Short Title: Spotter Plane Regulation.

(Public)

Sponsors:

Referred to:

March 31, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE USE OF SPOTTER PLANES IN COMMERCIAL
3 FISHING OPERATIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 14 of Chapter 113 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 113-167. Use of spotter planes in commercial fishing operations regulated.**

8 (a) License. Before an aircraft is used as a spotter plane in a commercial fishing
9 operation, the owner of the aircraft must obtain a license for the aircraft from the Marine
10 Fisheries Commission. A 'spotter plane' is an aircraft used for aerial identification of
11 the location of fish in coastal waters so that a vessel may be directed to the fish. A
12 license for a spotter plane to be used in a commercial fishing operation must be renewed
13 annually on or before January 1 of each year. The fee for an initial license for a spotter
14 plane or the renewal of a license is one hundred dollars (\$100.00).

15 In an application for a license for a spotter plane, the applicant must identify, either
16 by boat or by company, the specific commercial fishing operations in which the spotter
17 plane will be used during the license year. A license application may be amended
18 during a license year to add a commercial fishing operation not identified in the license
19 application.

20 (b) Unlawful Activity. The following activities involving the use of a spotter
21 plane in a commercial fishing operation are unlawful:

- 1 (1) To use a spotter plane directed at food fish, except in connection with
2 a purse seine operation authorized by a rule of the Marine Fisheries
3 Commission;
4 (2) To use or permit the use of an unlicensed spotter plane or a licensed
5 spotter plane whose license application does not identify the specific
6 commercial fishing operation involved;
7 (3) To participate knowingly in a commercial fishing operation that uses
8 an unlicensed spotter plane or a licensed spotter plane whose license
9 application does not identify the specific commercial fishing operation
10 involved.

11 Violation of this subsection is a misdemeanor punishable by a fine of the greater of one
12 thousand dollars (\$1,000) or the value of any plane, vessel, or catch seized in
13 accordance with G.S. 113-137, by imprisonment for up to two years, or both."

14 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
15 offenses occurring on or after that date.