Fish. Diamond-Back Terrapin
and Shrimp Laws.

of the State of Louisiana

**Board of Commissioners for the
Protection of Birds, Game
and Fish**

New Orleans

1910

10-33351

Fish, Diamond-Back Terrapin and Shrimp Laws.

Of the State of Louisiana

Laws, Statutes

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FISH LAW.

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ACT NO. 132.

For the protection of fresh and salt water fish; to provide the manner in which said fish may be caught; to fix the seasons in which they may be caught; to authorize the Board of Commissioners for the Protection of Birds, Game and Fish, to issue license to fish; to build and conduct fish hatcheries and do all necessary work to conserve the fresh and salt water fish of the State, and to fix penalties for violations thereof.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all fresh and salt water fish found in the waters of the State shall be and are hereby declared to be the property of the State. Provided, however, that fish artificially propagated and maintained shall be the property of the person, firm or corporation propagating and maintaining them.

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Section 2. Be it further enacted, etc., That no person within the State of Louisiana shall catch, have in possession or attempt to catch or hold in possession, living or dead, any fresh or salt water fish, or purchase, or offer for sale any such fish after same has been caught, except as otherwise permitted.

Section 3. Be it further enacted, etc., That it shall be unlawful for any person engaged in commercial fishing, to set or draw a seine, hoop net, trot-line, bush-line, trow-line, or set-line in the bayous, lagoons, lakes, rivers, canals, or any other water in the State, except as provided herein.

Section 4. Be it further enacted, etc., That it shall be unlawful for any person, firm or corporation, resident or domiciled within the State, to set or draw, or attempt to set or draw any seine of two hundred-(200) feet and upwards in length, in any waters of the State for the purpose of catching fresh or salt water fish, unless a license fee of fifty dollars (\$50.00) for each seine and sail or row boat

operating said seine, has been paid thereon, and is at all times had in possession to be shown on demand of any warden or officer, and on all seines under two hundred (200) feet in length a license fee of twenty-five dollars (\$25.00) shall be paid thereon. Said license to be issued by the Board of Commissioners for the Protection of Birds, Game and Fish, and the proceeds thereof to be turned into the State Treasury and placed to the credit of the said Board.

The provisions of this Act shall not apply to the use of minnow seines or small shrimp seines for the sole and only purpose of catching minnows or shrimp for bait.

Section 5. Be it further enacted, etc., That it shall be unlawful for any bona fide resident of the State to set or use for the purpose of catching fish for commercial purposes or attempt to set or use, any hoop net, trot-line, bush-line, trow-line, set-line, or any similar device, except a rod, hook and line, having not more than three hooks, or a hand line having not more

than three hooks or a trolling line with spoon hooks or other artificial bait attached thereto, in any of the waters of the State, unless the owner of said net or line has paid license for the use thereof, at the rates noted herein, said license to be issued by the Board of Commissioners for the Protection of Birds, Game and Fish, and the proceeds thereof to be turned into the State Treasury, and placed to the credit of said Board.

For Fishing with hoop-nets	\$5.00
For Fishing with trot-line	\$5.00
For Fishing with bush, trow or set line	\$5.00

Section 6. Be it further enacted, etc., That it shall be unlawful for any person to set or draw any seine, hoop net, trot-line, bush-line, or set-line, for the purpose of catching any species of fresh water fish between the first day of April and the first day of June; or for catching any species of salt water fish between the fifteenth day of May and the first day of August.

Section 7. Be it further enacted,

etc., That it shall be unlawful for any person to sell, exchange, expose, offer for sale or exchange, or have in possession for sale, any black bass, commonly called green trout; or white or yellow bass, commonly called striped bass or bar-fish; or crappie, commonly called sac-a-lait; or white perch, or any species of perch and sunfish, between the first day of March and the first day of June.

Section 8. Be it further enacted, etc., That it shall be unlawful for any person, firm or corporation, to sell, expose, offer for sale or exchange, have in possession for sale, or keep in cold storage, either for himself or others, any species of fresh or salt water fish, or any part thereof, in their fresh state, during the close seasons noted herein, irrespective of the time when or place where such fish may have been killed or caught. Provided that fish caught during the open season may be had in possession for five (5) days after the end of the said open season.

Section 9. Be it further enacted,

etc., That it shall be unlawful for any person to catch or kill any black bass, commonly called green trout; white and yellow bass, commonly called striped bass and barfish; crappie, commonly called sac-a-lait, or any species of perch and sunfish, except by means of rod, hook and line, having not more than three hooks, or a hand-line having not more than three hooks, or a trolling-line with spoon-hooks, or other artificial bait attached thereto. Any bass shorter than four inches must not be had in possession. All bass under that size that may be caught in this manner must be immediately returned to the waters, and all bass, crappie, perch and sunfish caught in seines or hoop-nets must be immediately returned to the water, uninjured.

Section 10. Be it further enacted, etc., That it shall be unlawful for any person to catch or take from the waters of the State by means of a rod, hook and line having not more than three hooks or a hand-line having not more than three hooks, or a troll-line with spoon-hooks, or other artificial bait

attached thereto, more than fifty (50) black bass, commonly called green trout; or white and yellow bass, commonly called striped bass or barfish; or crappie commonly called sac-a-lait, in any one day.

Section 11. **Be it further enacted,** etc., That it shall be unlawful to ship, carry, transport, or offer for shipment, within or without the State, any package or barrel containing dead fish unless said package or barrel is plainly and clearly marked with the name of the consignor and consignee, with an itemized statement of the numbers of pounds of the fish and the names of the species contained therein. Any package or barrel otherwise shipped, carried, or offered for shipment, together with the contents thereof may be confiscated by any warden or duly authorized officer.

Section 12. **Be it further enacted,** etc., That rules and regulations not inconsistent with the provisions of this Act relating to the use of seines, hoop-nets, trot-lines, bush-lines, trow-lines, or set-lines, in the

waters of the State, may be adopted and promulgated by the Board of Commissioners for the Protection of Birds, Game and Fish.

Section 13. Be it further enacted, etc., That it shall be unlawful for any non-resident, or any unnaturalized foreign-born resident, engaged in commercial fishing to set or draw a seine, hoop-net, or trot-line, in the waters of the State, unless he has in his possession, in addition to the seine, net, or line license, a personal fishing license of five dollars (\$5.00) and shall exhibit same on demand of any warden or officer. Said license to be issued by the Board of Commissioners for the Protection of Birds, Game and Fish and the proceeds thereof to be turned into the State Treasury and placed to the credit of the said Board.

Section 14. Be it further enacted, etc., That all unlicensed nets, seines, hoop-nets, trot-lines, bush-lines, trow-lines, or set lines, set or used in or upon any of the waters or shores thereof, or islands of the State, are

hereby declared to be public nuisances and shall be summarily abated and destroyed by any game and fish warden; Provided however that the Board of Commissioners for the protection of Birds, Game and Fish may direct a game and fish warden to retain certain nets or seines for the use of the State fish hatcheries. No action for damages shall be maintained for such seizure, retention or destruction.

Section 15. Be it further enacted, etc., That it shall be unlawful for any person to have in possession, any jack-light, fyke-net or trammel-net. Possession of said articles shall be prima facie evidence that the same is kept for unlawful use and they may be seized by any officer authorized to enforce the fish laws.

Section 16. Be it further enacted, etc., That it shall be unlawful for any person to place, build, erect, fasten to stakes, floats or buoys, or use any gill-net, fyke-net, or any permanently set means for taking fish in the waters of the State.

Section 17. Be it further enacted, etc., That in all cases of arrest for the violation of the provisions of this Act, the possession of the fish or nets, or seines, or lines, or the possession or operation of any other device, herein prohibited, shall be prima facie evidence of the violation of this Act.

Section 18. Be it further enacted, etc., That the Board of Commissioners for the protection of Birds, Game and Fish may take fish of any kind, when, where, and in such manner as may be necessary, for the purpose of science and of cultivation and dissemination, and they may grant written permits to other persons to take fish for the same purposes and may introduce or permit to be introduced, any kind of fish into any waters. They may after a hearing, set apart, for a term not exceeding ten years, any waters in the State for the purpose of propagation, or for the use of the United States Bureau of Fisheries. The order setting apart such waters shall be recorded in the registry of

deeds of the parish in which they are situated. They may erect and maintain such fixtures as are necessary for the purpose of propagation and maintainance.

Section 19. Be it further enacted, etc., That it shall be unlawful for any person to wilfully enter in or upon any building or other structure, or any area of land or water, set apart and used by or under authority of the Board of Commissioners for the Protection of Birds, Game and Fish, for conducting scientific experiments, or investigations, or for the culture, dissemination and distribution of fish, birds or game, after said commissioners have printed notices of such occupation and use and the purposes thereof, to be placed in a conspicuous position adjacent to any such areas of land or water or upon any such building or other structure, or to wilfully and maliciously injure or deface any such building or other structure, or any notice posted as aforesaid, or injure or destroy any property used in such experiments or

investigations, or to otherwise interfere therewith.

Section 20. Be it further enacted, etc., That the Board of Commissioners for the Protection of Birds, Game and Fish, may purchase from persons, firms or corporations, fish roe or fish eggs, giving in exchange or in consideration therefor, a percentage of the young fish hatched or produced at any of the fish hatcheries of the State from the eggs so purchased; and the placing of such young fish in waters on the land of such persons, firms or corporations shall not be deemed a stocking of such waters with fish by the State.

Section 21. Be it further enacted, etc., That no spawn or fish of any species from without the State shall be liberated within the State, except upon written permission of the Board of Commissioners for the Protection of Birds, Game and Fish.

Section 22. Be it further enacted, etc., That the Board of Commissioners for the Protection of Birds, Game and Fish upon the petition of the

Police Jury of a Parish may stock the waters of any stream, bayou, lagoon, lake or river with such fish as they judge to be best suited to such waters. The Board may thereupon prescribe for a period not exceeding three years, such reasonable regulations relative to the fishing in such streams and tributaries, as they deem to be for the public interest, and shall cause such regulations to be enforced.

Section 23. Be it further enacted, etc., That the Board of Commissioners for the Protection of Birds, Game and Fish shall have authority "upon a resolution of the Police Jury and on recommendation of a mass meeting called in pursuance of said resolution," after due notice and public hearing in the locality to be affected, to regulate the times and places in which and the circumstances under which fish may be taken; but they can not authorize the taking of fish at a time in which its capture is prohibited by the laws of the State. Whenever they deem for the best interest of the State, after like notice

and hearing they may entirely prohibit the taking of any kind of fish, in any part of the State, for a series of years not exceeding three. They may adopt, and from time to time, modify or repeal such needful rules and regulations, not contrary to the laws of the State, as they may deem necessary or proper for the protection and preservation of the fish of the State, in conformity with the provisions of this Act.

Section 24. Be it further enacted, etc., That it shall be unlawful for any person to obstruct by means of any rack, screen, wire or otherwise, any bayou, lagoon, lake, bay, river or other body of water, to prevent the passage of fish protected by law.

Section 25. Be it further enacted, etc., That all fish propagated and maintained in confinement shall be the property of the person so propagating and maintaining them; provided that they shall not be sold during the close season for similar fish.

Section 26. Be it further enacted, etc., That it shall be unlawful for any

person sailing, rowing, pushing or floating in any boat or vessel in a waterway, river, bayou, lake or channel, or patrolling the banks of such waterway, river, bayou, lake or channel, to pound, beat or splash the water, or beat or pound the banks, or boat, while a seine or net is set, drawn, held or used in such waterway, river, bayou, lake or channel, to drive fish into such seine or net, which acts are commonly known as "thumping."

Section 27. Be it further enacted, etc., That all "intake pipes" used for the purpose of taking up water for irrigating land shall be provided with a "screen" to keep fish from being taken into said intake pipe and subsequently pumped out on the land. Said "screen" shall be made of 4x4 timber and shall be not more than ten (10) feet square; the outer side of same to be covered with wire screening of not less than one inch mesh, the inner side to be covered with wire screening of not less than one-quarter inch mesh "provided

that this shall not apply to "intake pipes" in the "Mississippi River."

Section 28. Be it further enacted, etc., That any person, firm or corporation, or common carrier, their agents, and officers, violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall on conviction thereof pay the cost of the prosecution and be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) or be imprisoned in the parish jail for not less than thirty (30) days nor more than six (6) months, or both fine and imprisonment at the discretion of the court for each offense.

Section 29. Be it further enacted, etc., That all fines collected under the provisions of this Act shall be paid to the treasurer of the school funds for the use of the public schools of the parish in which the violation occurred; the sheriff to receive ten per cent for the collection of said fines turned over to the treasurer.

Section 30. Be it further enacted, etc., That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed and suspended.

TERRAPIN LAW.

ACT NO. 50.

For the protection of Diamond-Back Terrapin; to make Diamond-Back Terrapin the property of the State; to regulate the catching, killing, raising and sale of same; to regulate the transportation, shipping and carrying of same from and within the State and to provide for the punishment of violations of this Act.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all Diamond-Back Terrapin found in the State are hereby declared to be the property of the State, except that Diamond-Back Terrapin artificially propagated and maintained shall be the property of the person, firm or corporation, propagating and maintaining them.

Section 2. Be it further enacted, etc., That no person within the State of Louisiana, shall kill, catch, have in possession, or attempt to kill, catch, or hold in possession, living

or dead, any Diamond-Back Terrapin, or purchase or offer for sale any such terrapin, after same has been killed or caught, except as otherwise permitted.

Section 3. Be it further enacted, etc., That it shall be unlawful for any person to molest any nest or the eggs of the Diamond-Back Terrapin or have any such eggs in possession.

Section 4. Be it further enacted, etc., That it shall be unlawful for any person to kill, snare, trap or in any way take, capture, annoy or destroy any Diamond-Back Terrapin between the first day of May and the first day of July.

Section 5. Be it further enacted, etc., That Diamond-Back Terrapin artificially propagated and maintained, shall be the property of the person propagating and maintaining them. Any person, firm or corporation legally engaged in their culture and maintenance, or who has legal ownership of them by purchase or otherwise, may take them in his or their own waters, at pleasure, may have and

keep them in their own possession for purposes properly connected with said culture and ownership and maintenance, and may at all times sell or otherwise dispose of them, but shall not sell them for food at seasons during which their capture or possession is prohibited by this Act.

Section 6. Be it further enacted, etc., That all barrels, boxes, and packages, containing Diamond-Back Terrapin, when shipped within the State, shall be plainly and clearly marked with the name of the consignor and consignee, with a statement of the number of terrapin contained therein and said barrels, boxes and packages shall be so constructed as to plainly show their contents. All barrels, boxes, and packages otherwise shipped may be confiscated together with the contents thereof by any warden or other duly authorized officer.

Section 7. Be it further enacted, etc., That any person, firm, corporation, or common carrier, their agents and officers, violating any of the pro-

visions of this Act, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, pay the costs of the prosecution and be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) or be imprisoned in the parish jail for not less than five (5) days nor more than three (3) months, or both fine and imprisonment at the discretion of the Court for each offense.

Section 8. Be it further enacted, etc., That all fines collected under the provisions of this Act shall be paid to the Treasurer of the School Funds for the use of the Public Schools of the parish in which the violation occurred; the sheriff to receive ten per cent for the collection of said fines turned over to the Treasurer.

Section 9. Be it further enacted, etc., That all laws or parts of laws having the same object as this Act are hereby repealed and superseded.

PROTECTION OF WATERS.

ACT NO. 24.

For the protection of fish, by making it a misdemeanor to throw or place dynamite, lyddite, gun powder cartridges, cannon crackers or any other explosives or to throw or place acids, or lime which have not been used in manufacturing or commercial processes, india berries, saw dust, green walnuts, walnut leaves, or any other deleterious substance in the waters of the State and to provide for the punishment of violations thereof.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, that in order to prevent the killing of fish, it shall be unlawful for any person to throw or place dynamite, lyddite, gun powder cartridges, cannon crackers, or any other explosive or to throw or place acids, or lime which have not been used in manufacturing or commercial processes, india berries, saw dust, green walnuts, walnut leaves, or any other deleterious substance into, or on, or where it will run into, the waters of the bayous, lagoons, ponds, lakes, bays, rivers, sounds, or in the Gulf

of Mexico within the territorial jurisdiction of this State.

Section 2. Be it further enacted, etc., That any person violating the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof pay the costs of the prosecution and be imprisoned in the parish jail for not less than five (5) days nor more than twelve (12) months, at the discretion of the Court, and subject to work on the public roads as provided by law, and in the event of the costs not being paid, an additional day for each day of the jail sentence shall be decreed by the Court.

Section 3. Be it further enacted, etc., That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed and superseded.

SHRIMP LAW.

ACT No. 245.

For the protection of salt water shrimp; to provide the manner in which said crustaceans may be caught; to fix the season in which they may be caught; to authorize the issuance of licenses to seine, and to provide penalties for the violations of this Act.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all salt water shrimp found in the waters of this State shall be and are hereby declared to be the property of the State.

Section 2. Be it further enacted, etc., That no person within the State of Louisiana, shall catch or have in possession, living or dead, any salt water shrimp, or part thereof, or purchase, sell, or offer for sale, any such shrimp, or part thereof after same have been caught, except as otherwise permitted.

Section 3. Be it further enacted, etc., That it shall be unlawful for any person, firm or corporation, to catch salt water shrimp by using a seine or other device which exceeds

one hundred and twenty fathoms (120) in length, except as may be provided herein.

Section 4. Be it further enacted, etc., That it shall be unlawful for any person to seine, catch, or attempt to seine, or catch any salt water shrimp except with cast or dip nets between the first day of June and the fourteenth day of July of any year, both inclusive.

Section 5. Be it further enacted, etc., That it shall be unlawful for any person, firm or corporation, to sell, exchange, expose, offer for sale or exchange, or have in possession for sale, either for himself or others, any salt water shrimp, except canned or dried ones, during the close season noted herein, irrespective of the time when or place where such shrimp may have been caught; provided that shrimp caught during the open season may be had in possession in their fresh state for five (5) days after the end of said open season.

Section 6. Be it further enacted, etc., That rules and regulations not

inconsistent with the provisions of this Act relating to the use of seines in the waters of the State, may be adopted and promulgated by the Board of Commissioners for the Protection of Birds, Game and Fish.

Section 7. Be it further enacted, etc., That it shall be unlawful for any person, firm, or corporation, resident, or domiciled within the State to set or draw, or attempt to set or draw any seine or other device, of fifty (50) fathoms and upwards in length, in any waters of the State for the purpose of catching salt water shrimp, unless a license fee has been paid thereon at the rate noted herein, and is at all times had in possession to be shown on demand of any warden or officer. Said license to be issued by the Board of Commissioners for the Protection of Birds, Game and Fish and the proceeds thereof to be turned into the State Treasury, and placed to the credit of said Board.

On all seines from two hundred feet to one thousand feet in length, \$10.00. . .

On seines over one hundred and seventy-five fathoms in length, an additional license of \$1.00 for each twenty (20) fathoms.

Section 8. Be it further enacted, etc., That it shall be unlawful for any non-resident, or unnaturalized foreign resident, firm or corporation not domiciled within the State, to set or draw, or attempt to set or draw any seine or other device, in any waters of the State for the purpose of catching salt water shrimp unless a license fee has been paid thereon at the rate noted herein, and is at all times had in possession to be shown on demand of any warden or officer. Said license to be issued by the Board of Commissioners for the Protection of Birds, Game and Fish and the proceeds thereof to be turned into the State Treasury, and placed to the credit of the said Board. Any evasion of this section by simulated sale, agreement, understanding or any other manner shall subject the owner of said seine to a forfeiture of the li-

cense, in addition to the penalty prescribed in this Act for violations thereof.

On all seines up to one hundred and seventy-five (175) fathoms in length, \$50.00.

On seines over one hundred and seventy-five (175) fathoms in length an additional \$5.00 for each Twenty fathoms.

Section 9. Be it further enacted, etc., That all seines and other devices of two hundred feet and upward in length, set or used for the purpose of catching salt water shrimp, in or upon any of the waters of the State, without the official license tag being attached thereto, are hereby declared to be public nuisances and shall be summarily abated and destroyed by any game or fish warden; provided, however, that the Board of Commissioners for the Protection of Birds, Game and Fish may direct a game and fish warden to retain certain seines for the use of the State fish hatcheries. No action for damages shall be maintained for such seizure, retention or destruction.

Section 10. Be it further enacted, etc., That it shall be unlawful for any person, firm or corporation to set or draw any seine for the purpose of catching salt water shrimp in any waters of the State, from a boat provided with such means of propulsion as steam, gasoline, electricity, compressed air, or any other power or device other than oars or sails.

Section 11. Be it further enacted, etc., That any person, firm, or corporation, or common carrier, their agents and officers, violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor and shall, on conviction thereof, pay the costs of the prosecution and be fined not less than five dollars (\$5.00) nor more than two hundred and fifty dollars (\$250.00), or be imprisoned in the parish jail for not less than five (5) days, nor more than six (6) months, or both fine and imprisonment at the discretion of the court, for each offense and in addition thereto the boats, seines or other devices used in such violation may be confiscated by order of the court.

Section 12. Be it further enacted, etc., That all fines collected under the provisions of this Act shall be paid to the treasurer of the school funds for the use of the public schools of the parish in which the violation occurred; the sheriff to receive ten per cent for the collection of said fines turned over to the treasurer.

Section 13. Be it further enacted, etc., That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed and superseded.

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