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# GEORGIA

## COMPILATION OF GAME & FISH Laws and Regulations

APRIL 1, 1962



GEORGIA  
GAME & FISH COMMISSION

FULTON LOVELL  
Director

Compiled and Edited by State Law Department  
EUGENE KOTIX  
Attorney General

**GEORGIA GAME  
and  
FISH COMMISSION**



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**Compilation of Georgia Laws  
and Regulations Pertaining  
To Game and Fish**



**APRIL 1, 1962**

STATE GAME AND FISH  
COMMISSION  
401 State Capitol  
Atlanta, Georgia

FULTON LOVELL  
Director

Compiled and Edited by State Law Department  
EUGENE COOK  
Attorney General

JIM WARREN



The laws and regulations as contained in this book are the present laws and regulations of this State as compiled by the State Law Department in collaboration with the State Game and Fish Commission.

It is to be noted that the State Game and Fish Commission has the power of extending, shortening or abolishing seasons, changing bag limitations, and prescribing manner and means of pursuing, taking or killing any species of game or fish.

Prior to hunting or fishing seasons it would be advisable to check on any new regulations which may have been adopted.

Respectfully,

FULTON LOVELL, Director,  
Game & Fish Commission

EUGENE COOK  
The Attorney General

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## EDITORIAL NOTE

Since codification of the laws of Georgia in 1933 there have been approximately fifty-two amendments to the Game and Fish laws, as codified in Title 45 of the Code. Many of these amendments completely ignored all previous laws relating to the particular subject in question, with the result that up to the date of passage of the Comprehensive Act of 1955 (S.B. 60; Ga. Laws 1955, p. 483), the provisions of the Game and Fish laws were in utter confusion, hopeless conflict, and incomprehensible duplication.

It is believed that the Comprehensive Act has remedied this difficulty. Section 1 of the Act states that it is "An exhaustive revision, supercession, and consolidation of laws relating to the State Game and Fish Commission and to game and fish." Section 118 enumerates, by specific citation, all previous laws and amendments which have been superseded, and paragraph 55 thereof declares that "the enumeration of certain acts as being repealed shall not be construed as excluding any not so expressly included, except as specifically provided hereafter . . . ." Section 119 enumerates the acts which are not superseded. These acts are (1) the act governing boat traffic on fresh waters (Ga. Laws 1952, p. 281), (2) the act declaring it a misdemeanor to operate a boat on any public waters while intoxicated, or in a dangerous manner (Ga. Laws 1953, Jan.-Feb. Sess., p. 55) and (3) the act exempting commercial fishermen licensed by the Game and Fish Commission from the food tax imposed on wholesale fish dealers (Ga. Laws 1953, Jan.-Feb. Sess., p. 521).



# C O N T E N T S

|   | Page   |
|---|--------|
| Chapter I—Game and Fish Commission .....  | 1      |
| A. Constitutional Provisions .....  | 1      |
| B. Statutory Provisions .....   | 1      |
| C. Provision for Interstate Agreements.....   | 9      |
| D. Federal Acts Assented to by Georgia.....   | 17     |
| <br>CHAPTER II—Licenses .....   | <br>19 |
| A. General Provisions .....   | 19     |
| B. Sport Licenses .....   | 20     |
| C. Scientific and Propagation Permits.....  | 22     |
| D. Commercial Licenses .....  | 22     |
| <br>CHAPTER III—Transportation of Wildlife.....                                     | <br>31 |
| <br>CHAPTER IV—Hunting, Fishing and Trapping—<br>General Provisions .....           | <br>33 |
| <br>CHAPTER V—Trapping .....  | <br>40 |
| <br>CHAPTER VI—Pen-Raised Quail.....  | <br>42 |
| <br>CHAPTER VII—Fishing .....   | <br>46 |
| A. General Provisions .....   | 46     |
| B. Rough Fish Baskets .....   | 49     |
| C. Shad—Use of Gill Net in Tidal or Salt<br>Waters of Georgia .....                 | 50     |
| D. Fresh Water Commercial Fishing.....  | 51     |
| <br>CHAPTER VIII—Minnow and Live Fish<br>Restocking Dealers .....                   | <br>54 |
| <br>CHAPTER IX—Seafood .....  | <br>57 |
| A. Shrimp—Prawn—Crabs .....   | 57     |
| B. Oysters .....  | 62     |
| C. Record of Shrimp, Oysters, Crabs and Fish<br>Kept by Factories, Plants, etc..... | 71     |

|  | Page |
|--|------|
| CHAPTER X—Boats .....  | 73   |
| A. Generally .....   | 73   |
| B. Traffic—Fresh Water Regulations .....   | 73   |
| C. Georgia Motorboat Numbering Act No. 567.....                                      | 74   |
| CHAPTER XI—Miscellaneous Crimes Relating to  |      |
| Game and Fish .....  | 81   |
| A. Hunting on Sunday .....   | 81   |
| B. Fishing on Sunday .....   | 81   |
| C. Larceny of Oysters or Shells, Punishment.....                                     | 81   |
| CHAPTER XII—Regulations .....  | 84   |
| A. Rangers .....   | 84   |
| B. Definition of Game Animals, Birds and Fish....                                    | 84   |
| C. Hunting and Trapping Regulations—<br>Seasons and Bag Limits for 1962-63 .....     | 85   |
| D. Regulations as to Granting Permits and<br>Operating Hunting Preserves.....        | 91   |
| E. Dog Training Permit .....   | 89   |
| F. Regulations Prohibiting Hunting on<br>Georgia Historical Commission Property .... | 92   |
| G. What Wildlife May Be Taken at Night .....   | 92   |
| H. Wildlife Storage Permits .....  | 92   |
| I. Fishing Regulations for 1962-63 .....   | 93   |
| J. Rules and Regulations of Shad Fishing.....  | 94   |
| K. Regulations Relating to the Sale of<br>Game Fish from Private Ponds.....          | 95   |
| L. Commercial Fishing Regulations .....  | 97   |
| M. Use of Seines, Prohibited When .....  | 100  |
| N. Disposition of Confiscated Wildlife .....   | 100  |
| O. Rough Fish—Basket Regulations .....   | 100  |
| P. Seafood .....   | 103  |
| Q. Dredging Oysters in Chatham, Liberty and<br>Bryan Counties .....                  | 104  |
| R. Dredging Oysters—Bond .....   | 104  |
| S. Regulations Governing Butler and<br>Champney Islands .....                        | 105  |

|   |     |
|---|-----|
| T. Trout Fishing Regulations and Schedule—<br>1962. Georgia Co-operative Fish and<br>Game Management Areas, Georgia Game<br>and Fish Commission and Chattahoochee<br>National Forest Cooperating..... | 105 |
|---|-----|

|  |     |
|--|-----|
| CHAPTER XIII—Regulations Relative to Boating<br>Safety, Motorboat Numbering and the Reporting<br>of Motorboat Accidents..... | 119 |
|--|-----|

|   |     |
|---|-----|
| CHAPTER XIV—Reciprocal Agreements and<br>Regulations Pertaining Thereto ..... | 125 |
| A. Reciprocal Agreement—South Carolina.....                                   | 125 |
| B. Reciprocal Agreement—North Carolina .....                                  | 129 |
| C. Reciprocal Agreement—Alabama.....  | 129 |
| D. Capture of Rough Fish by Bow and Arrow.....                                | 134 |

# INDEX

## A

|  | Page     |
|--|----------|
| Accidents, Hunting; Report .....               | 90       |
| Boating; Report .....                          | 78, 123  |
| Agents, Fur Dealers .....                      | 27       |
| <b>Agreements</b>                              |          |
| Alabama, Reciprocal .....                      | 129      |
| Atlantic States Marine Fisheries Compact ..... | 11       |
| Cooperative .....                              | 6, 9, 16 |
| Interstate                                     |          |
| Authority of Commission .....                  | 9        |
| Contiguous waters, licenses .....              | 10       |
| Reciprocal licenses .....                      | 9        |
| Jekyll Island State Park Authority .....       | 116      |
| North Carolina, Reciprocal .....               | 129      |
| Reciprocal .....                               | 125      |
| South Carolina, Reciprocal .....               | 125      |
| Airplane, Hunting from Illegal .....           | 35       |
| <b>Alligators</b>                              |          |
| Hunter's License .....                         | 26       |
| Seasons and Bag Limits .....                   | 88       |
| <b>Animals</b>                                 |          |
| Game Animals                                   |          |
| Definition .....                               | 84       |
| Shell Limit for Shotguns .....                 | 85       |
| <b>Arrest</b>                                  |          |
| See also "Penalties"                           |          |
| Acceptance Cash Bond .....                     | 61       |
| Power of Wildlife Rangers .....                | 8        |
| Violation Boat Regulations .....               | 69, 71   |
| Atlantic State Marine Fisheries Compact.....   | 11       |
| Automobile, Hunting from Illegal .....         | 35       |

## B

|  |    |
|--|----|
| Bag Limits, See "Seasons and Bag Limits" |    |
| <b>Bait</b>                              |    |
| Commercial Salt Water Fishermen .....    | 61 |
| Fishing for in Salt Waters .....         | 61 |
| Baiting of Lands Illegal .....           | 36 |



|  | Page     |
|--|----------|
| Bass, Season and Bag Limits .....                  | 93       |
| Batteries, Illegal to Fish with .....              | 46       |
| <b>Bear</b>  |          |
| Seasons and Bag Limits .....                       | 88       |
| Taking in Lakes, Streams or Ponds Illegal .....    | 90       |
| Beaver, Seasons and Bag Limits .....               | 90       |
| Baskets, Traps, etc., Confiscation .....           | 100      |
| <b>Birds</b>                                       |          |
| Destruction of Nests of Non-Game Birds Illegal.... | 38       |
| Game Birds   |          |
| Definition .....                                   | 84       |
| Shell Limit for Shotguns .....                     | 85       |
| Killing of Certain Birds Illegal .....             | 38       |
| <b>Blue Ridge Management Area, Fishing</b>         |          |
| Regulations .....                                  | 93-106   |
| Boat License, Salt Water Commercial Fishing .....  | 25       |
| <b>Boats</b>                                       |          |
| Accident Reports .....                             | 73, 123  |
| Application for Certificates of Numbers.....       | 122      |
| Arrests and Boating .....                          | 74, 75   |
| Certificate of Number .....                        | 122      |
| Change of Address, Owner to Notify .....           | 76       |
| Change of Ownership, Motorboat License             |          |
| Not Transferable .....                             | 75       |
| Collisions, Accidents, and Casualties .....        | 78, 123  |
| Dealers and Manufacturers Certificates of          |          |
| Number .....                                       | 122      |
| Definitions (Motorboat Numbering Act) .....        | 72-73    |
| Display of Numbers .....                           | 78       |
| Duplicate Certificates of Number .....             | 114      |
| Enforcement—Numbering Act and Regulations.....     | 79       |
| Exemptions for Motorboat Registration .....        | 74, 75   |
| Fees—Motorboat Registration .....                  | 76       |
| Fishing, Commercial, Salt Water .....              | 23       |
| Hunting from Power Boat Illegal .....              | 35       |
| Identification Tag—Salt Water Commercial           |          |
| Fishing .....                                      | 24       |
| Liability for Injury or Damage .....               | 120      |
| Licenses—Commercial Salt Water Fishing .....       | 22, 23   |
| Life Preservers, Requirement for .....             | 112, 113 |
| Lights on Power Boats at Night .....               | 119      |
| Lights on Non-Power Boats .....                    | 119      |

|   | Page      |
|---|-----------|
| Numbering—Georgia Motorboat Numbering Act ...               | 74        |
| Numbering Pattern .....                                     | 113, 114  |
| Penalty—Numbering Act and Regulations .....                 | 80, 116   |
| Reckless or Intoxicated Operation, Penalty .....            | 73        |
| Record Book Kept on Commercial Fishers .....                | 24        |
| Regulations, Commission Authorized to Adopt ....            | 79        |
| Renewal of Motorboat Registration .....                     | 76        |
| Salt Water Commercial Fishing Licenses .....                | 22, 23    |
| Traffic—Fresh Water .....                                   | 73        |
| Traffic—Fresh and Salt Water .....                          | 73        |
| Traffic Regulation, Enforcement .....                       | 74        |
| Transfer of Interest, Notice of .....                       | 77, 78    |
| <br><b>Bond</b>   |           |
| Acceptance cash bond, for violations.....                   |           |
| Commercial Salt Water Fishing for Bait.....                 | 61        |
| <b>Boundary Stakes, Oyster Beds; Interference with ....</b> | <b>68</b> |
| <b>Brant, Seasons and Bag Limits .....</b>                  | <b>93</b> |
| <b>Bream, Seasons and Bag Limits .....</b>                  | <b>93</b> |
| <b>Brook Trout, Seasons and Bag Limits .....</b>            | <b>93</b> |
| <b>Brown Trout, Seasons and Bag Limits .....</b>            | <b>93</b> |
| <b>Butler and Champney Islands, Regulations</b>             |           |
| Governing .....   | 105       |
| <br><b>C</b><br>  |           |
| <b>Camden County, Hours for Commercial Fishing .....</b>    | <b>62</b> |
| <br><b>Canning Plants</b>                                   |           |
| <b>Oyster</b>   |           |
| Duties .....  | 67        |
| Health Department to Regulate .....                         | 68        |
| Records .....   | 69        |
| Sanitary Requirements .....                                 | 68        |
| Shells, Distribution of .....                               | 67        |
| Tax .....   | 69        |
| Seafood, Records .....                                      | 69        |
| <b>Carp, Defined as Rough Fish .....</b>                    | <b>99</b> |
| <br><b>Catfish</b>  |           |
| Catching or Raising for Bait .....                          | 56        |
| Defined as Rough Fish .....                                 | 99        |

|  | Page       |
|--|------------|
| <b>Charts, Oyster .....</b>                              | <b>25</b>  |
| <b>Chattahoochee Management Area,</b>                    |            |
| Fishing Regulations .....                                | 108        |
| <b>Chattahoochee National Forest Area</b>                |            |
| Fishing Permits .....                                    | 110        |
| Fishing Regulations .....                                | 111        |
| <b>Chestatee Management Area, Fishing</b>                |            |
| Regulations .....  | 109        |
| <b>Clams, See "Seafood"</b>                              |            |
| <b>Coastal Fisheries, Supervisor; Appointment,</b>       |            |
| Duties and Compensation .....                            | 5          |
| <b>Cohutta Management Area, Fishing Regulations.....</b> | <b>110</b> |
| <b>Commercial Fisherman's Personal License .....</b>     | <b>25</b>  |
| <b>Commercial Fishing</b>                                |            |
| See also "Fishing, Commercial Fishing"                   |            |
| Fresh Water .....  | 51         |
| Salt Water .....   | 52         |
| <b>Commercial Quail Breeder License .....</b>            | <b>42</b>  |
| <b>Commercial, Shrimping; Opening and Closing</b>        |            |
| of Areas .....   | 58         |
| <b>Commission, State Game and Fish, See</b>              |            |
| <b>"Game and Fish Commission"</b>                        |            |
| <b>Common Carriers</b>                                   |            |
| Shipment of Pen-Raised Quail by .....                    | 43         |
| Transportation of Game Fish .....                        | 52         |
| Transportation of Wildlife .....                         | 31         |
| <b>Condemnation</b>                                      |            |
| Lands by Commission .....                                | 5          |
| Oyster Beds .....  | 66         |
| <b>Confiscation</b>                                      |            |
| Commercial Fishing Gear .....                            | 52         |
| Furs and Hides .....                                     | 39         |
| Minnows, Fish .....                                      | 54         |
| Nets, Power Drawn .....                                  | 57         |
| Traps .....  | 40         |
| Wildlife .....   | 8, 100     |

|  | Page      |
|--|-----------|
| <b>Constitutional Provisions, Game and Fish</b>    |           |
| Commission .....                                   | 1         |
| <b>Contiguous Waters, License Agreements .....</b> | <b>10</b> |
| <b>Contributions, Atlantic State Marine</b>        |           |
| Fisheries Compact .....                            | 11        |
| <b>Cooperative Agreements, see "Agreements"</b>    |           |
| <b>Cooperative Management Areas, Fishing</b>       |           |
| Regulations .....                                  | 104       |
| <b>Coot, Seasons and Bag Limits .....</b>          | <b>85</b> |
| <b>Crabs, see "Seafood"</b>                        |           |
| <b>Crappie, Seasons and Bag Limits .....</b>       | <b>94</b> |

## D

|  |                |
|--|----------------|
| <b>Dams, Obstructive to Travel of Fish .....</b>                               | <b>8</b>       |
| <b>Dealers</b>   |                |
| Furs and Hides .....   | 27             |
| Minnows and Live Fish .....  | 54             |
| <b>Deer</b>  |                |
| Hunting with Bow and Arrow .....   | 85             |
| Hunting with Dogs .....  | 34             |
| Report of Killing .....  | 38             |
| Seasons and Bag Limits .....   | 85             |
| Taking in Lakes, Streams or Ponds Unlawful .....                               | 82             |
| <b>Definitions of Terms .....</b>  | <b>82, 130</b> |
| <b>Destruction of Dens and Homes of Wildlife Illegal ...</b>                   | <b>35</b>      |
| <b>Director of Game and Fish Commission,</b><br>see "Game and Fish Commission" |                |
| <b>Disposition of Confiscated Wildlife .....</b>                               | <b>100</b>     |
| <b>Disposition of Fines .....</b>  | <b>7</b>       |
| <b>Dockery Lake</b>  |                |
| Fishing Limited to Children Under 16 .....                                     | 106            |

**Dogs****Hunting with**

Deer .....36, 88

Foxes ..... 36, 90

Generally ..... 34

Training ..... 89

Turkey ..... 86

Report of When Caught in Trap ..... 41

Training Permit ..... 89

**Wildlife Rangers to Kill When Illegally**

Pursuing Deer ..... 35

Dove, Seasons and Bag Limits ..... 84

Ducks, Seasons and Bag Limits ..... 84

**E**

Eastern Pickerel, Seasons and Bag Limits..... 93

Educational Fund, Disposition of Fines ..... 7

Eels, Defined as Rough Fish .....102

**Election for Taking Shrimp with Power**

Drawn Nets ..... 57

Emergency Regulations .....6, 7

Emergency Trapping Permits ..... 40

Estuaries and Salt Water Creeks, Hunting..... 37

Explosives, Fishing with Illegal ..... 49

**F****False Swearing, Penalty**

Application for Boat License, Salt Water ..... 23

Application for Commercial Fisherman's License.... 25

Application for Hunting and Fishing License ..... 19

Federal Acts Assented to by Georgia ..... 17

**Federal Lands in Georgia**

|  |     |
|--|-----|
| Regulations, Fishing .....             | 103 |
| Rules and Regulations, Generally ..... | 17  |

**Fees**

|   |    |
|---|----|
| Agents Selling Licenses .....                             | 19 |
| Boat Licenses, Salt Water .....                           | 23 |
| Boat Identification Tags .....                            | 24 |
| Commercial Fisherman's License, Salt Water .....          | 25 |
| Commercial Fisherman's License, Fresh Water ....          | 51 |
| Combination, Hunting and Fishing License<br>(Sport) ..... | 20 |
| Fishing Licenses (Sport)                                  |    |
| Non-Resident .....  | 20 |
| Resident .....  | 20 |
| Hunting Licenses (Sport)                                  |    |
| Non-Resident .....  | 20 |
| Resident .....  | 20 |
| Oyster Leases .....                                       | 62 |
| Oyster Tax .....  | 71 |
| Rough Fish Baskets .....                                  | 49 |
| Scientific and Propagation Permits .....                  | 22 |
| Seining and Netting .....                                 | 21 |
| Shad .....  | 22 |
| Trapping .....  | 20 |

**Firearms**

|  |    |
|--|----|
| Fishing with Illegal .....                                     | 46 |
| Hunting Accidents, Report .....                                | 90 |
| Killing Mink or Otter with .....                               | 41 |
| Permissible Calibers for Taking Deer .....                     | 85 |
| Three Shell Limit for Shooting Game Animals<br>and Birds ..... | 87 |
| Use of in Tidal Waters at Night Illegal .....                  | 49 |
| Wildlife Rangers Authorized to Carry .....                     | 8  |

**Fish**

|   |    |
|---|----|
| See also Specific Name and "Seafood"              |    |
| Barter, Sale or Purchase of Game Fish, Illegal... | 45 |

|  | Page    |
|--|---------|
| Baskets .....                                    | 48, 101 |
| Confiscation of .....                            | 56      |
| Free Passageway for, Providing .....             | 8       |
| Fresh Water, Method of Taking, Regulations ..... | 112     |
| Game Fish  |         |
| Bag Limits .....                                 | 93      |
| Catch, Aggregate Limit of All Species .....      | 93      |
| Definition .....                                 | 130     |
| Private Ponds, Purchase and Sale from .....      | 46, 95  |
| Purchase or Sale Illegal when .....              | 46      |
| Shipment into State .....                        | 46      |
| To be Released When Caught by                    |         |
| Commercial Fishers .....                         | 51      |
| Game Fish to be Released When Caught             |         |
| Seining Fisherman .....                          | 100     |
| Transportation .....                             | 52      |
| Obstruction to Free Travel Prohibited .....      | 8       |
| Restoration Projects .....                       | 17      |
| Rough Fish                                       |         |
| Definition .....                                 | 99      |
| Taking by Baskets .....                          | 48, 100 |
| Fish Baskets                                     |         |
| Taking of Rough Fish with .....                  | 48, 100 |
| To Show Name of Owner .....                      | 48, 101 |
| Fish Baskets, Traps, Seines                      |         |
| Confiscation .....                               | 46      |
| Use of by Commission .....                       | 47      |
| Fish Ladders, Erection .....                     | 8       |
| Fishing  |         |
| See also "Fish"                                  |         |
| Bag Limits .....                                 | 92      |
| Baskets .....                                    | 49, 98  |
| Batteries, Generators, Explosives Illegal .....  | 45      |

|   | Page          |
|---|---------------|
| Boat Licenses, Salt Water .....                                     | 23            |
| Blue Ridge Management Area, Regulations .....                       | 107           |
| By Persons Under 16 Encouraged .....                                | 20, 105       |
| Bow and Arrow for Capture of Rough Fish .....                       | 128           |
| Catch, Bag Limit of All Species .....                               | 92            |
| Chattahoochee Management Area,<br>Regulations .....                 | 103, 105, 108 |
| Chattahoochee National Forest Area,<br>Regulations .....            | 112           |
| Chestatee Management Area, Regulations .....                        | 104           |
| Cohutta Management Area, Regulations .....                          | 110           |
| Commercial Fishing  |               |
| Fresh Water   |               |
| Confiscation of Equipment .....                                     | 52            |
| Forfeiture of License .....   | 52            |
| Game Fish to be Released .....                                      | 51            |
| License .....   | 51            |
| Penalties for Illegalities .....                                    | 53            |
| Regulations, Generally  |               |
| Regulations, Seminole Lake .....                                    | 112           |
| Transportation of Fish .....  | 52            |
| Use of Commercial Fishing Gear near<br>Lock or Dam Prohibited ..... | 50            |
| Use of Commercial Fishing Gear near<br>Salt Water Prohibited .....  | 50            |
| Hours for in Certain Counties .....                                 | 62            |
| Record Books, Penalty for Failure to Maintain....                   | 24            |
| Salt Water  |               |
| See also "Seafood"  |               |
| Crabs   |               |
| Catching near Property of Another .....                             | 57            |
| Possession of Female Spawning .....                                 | 57            |
| Taking with Power Drawn Nets .....                                  | 60            |
| Oysters   |               |
| Beds .....  | 62            |
| Generally .....   | 60            |
| Minimum Size .....  | 66            |
| Shrimp  |               |
| Cast Nets, Use .....  | 57            |
| Generally .....   | 55            |



|  | Page    |
|--|---------|
| Power Nets, Election to Use .....                      | 57      |
| Taking for Bait .....                                  | 61      |
| Cooperative Management Areas .....                     | 108     |
| Definition .....                                       | 1       |
| Explosives Prohibited .....                            | 45      |
| Federal Lands, Regulations .....                       | 105     |
| Firearms, Use Illegal .....                            | 46      |
| Fish Baskets   |         |
| Penalty for Illegal Use to Take                        |         |
| Rough Fish .....                                       | 48, 100 |
| Taking Rough Fish .....                                | 48      |
| To Show Name of Owner .....                            | 48      |
| Game and Fish Management Areas,                        |         |
| Regulations .....                                      | 105     |
| General Provisions .....                               | 46      |
| Gigging, Striking, Etc.; Illegal in Fresh Water....    | 49      |
| Island Game Preserves, Illegal .....                   | 48      |
| Jones Creek Refuge, Regulations .....                  | 107     |
| Lands of Another Without Permission .....              | 46      |
| Lake Burton Management Area, Regulations ....          | 109     |
| Lake Russell Management Area .....                     | 110     |
| Licenses   |         |
| See "Licenses"   |         |
| Illegal Without .....                                  | 21      |
| Management Areas, Regulations .....                    | 103     |
| Penalty without License .....                          | 21      |
| Poisons, Use Prohibited .....                          | 45      |
| Private Ponds .....                                    | 45      |
| Regulations  |         |
| Game and Fish Management Areas .....                   | 108     |
| 1958-59, Generally .....                               | 91      |
| Management Areas .....                                 | 108     |
| Rough Fish Baskets .....                               | 48, 100 |
| Seasons and Creel Limits .....                         | 93      |
| Spearing Rough Fish .....                              | 72      |
| Seines, Prohibited When .....                          | 100     |
| Shad, Regulations .....                                | 94      |
| Sunday, Illegal on .....                               | 81      |
| Three Mile Limit, License Authorizes Fishing In        | 21      |
| Traps, Baskets, Seines; Use of Illegal .....           | 47      |
| Fish Restoration Projects, Federal Act Assented to.... | 17      |
| Flood, Hunting Near Stream Illegal .....               | 38      |

|  | Page      |
|--|-----------|
| <b>Fox</b>   |           |
| Hunting with Dogs .....  | 34, 90    |
| Seasons and Bag Limits .....   | 84, 85    |
| <b>Fresh Water, Boat Traffic Regulations .....</b>                           | <b>73</b> |
| <b>Fresh Water Commercial Fishing .....</b>                                  | <b>49</b> |
| <b>Fur Dealers and Agents Licenses .....</b>                                 | <b>27</b> |
| <b>Furs, Confiscation and Disposition when<br/>    Taken Illegally .....</b> | <b>39</b> |
| <b>Fyke Nets, Commercial Fishing .....</b>                                   | <b>99</b> |

## G

|  |                |
|--|----------------|
| <b>Gallinules, Seasons and Bag Limits .....</b>          | <b>8</b>       |
| <b>Game and Fish Commission</b>                          |                |
| Acquisition of Land, Authority .....                     | 5              |
| Administration .....                                     | 4              |
| <b>Agreements</b>  |                |
| Alabama, Reciprocal .....                                | 129            |
| Contiguous Waters, Licenses .....                        | 9, 10          |
| Jekyll Island State Parks Authority .....                | 116            |
| North Carolina, Reciprocal .....                         | 129            |
| Reciprocal .....   | 125            |
| Reciprocal Licenses .....                                | 9, 19          |
| South Carolina, Reciprocal .....                         | 125            |
| <b>Aircraft, Purchase of .....</b>                       | <b>9</b>       |
| <b>Appointment .....</b>                                 | <b>1, 2, 3</b> |
| <b>Appropriations .....</b>                              | <b>3, 7</b>    |
| Acquisition of Land .....                                | 5              |
| Agreements with Other States .....                       | 9, 10, 17      |
| Aircraft, Purchase of .....                              | 9              |
| Designation of Seasons and Species for<br>Trapping ..... | 40             |
| Cooperative .....  | 6, 9, 16       |
| Emergency Regulations, to Adopt .....                    | 6              |
| Fish Baskets, Traps, Seines; Use of .....                | 47             |
| Game Animals and Fish, to Designate .....                | 6              |
| Inspection of Wildlife .....                             | 33             |
| <b>Bag and Creel Limits, Authority to Fix .....</b>      | <b>6</b>       |
| <b>Bond of Members .....</b>                             | <b>2</b>       |

|  | Page  |
|--|-------|
| Chairman .....                                 | 3     |
| Per Diem .....                                 | 3     |
| Compensation and Per Diem of Members .....     | 3     |
| Constitutional Officers                        |       |
| Information from .....                         | 1     |
| Suspension .....                               | 1     |
| Constitutional Provisions .....                | 1     |
| Creation .....                                 | 1, 2  |
| Definition of .....                            | 1, 2  |
| Director                                       |       |
| Authority                                      |       |
| Leases, Game Management Areas .....            | 109   |
| Bond .....                                     | 4     |
| Compensation .....                             | 4     |
| Duties .....                                   | 4     |
| Duties and Powers, Generally .....             | 5     |
| Duties and Responsibilities                    |       |
| Free Passageway for Fish, Duty to Provide..... | 8, 9  |
| Prescribe Rules for Use of Fish Baskets .....  | 48    |
| Emergency Regulations, Authority to Adopt..... | 6     |
| Employees, Appointment and Compensation .....  | 5     |
| Fishing Defined .....                          | 2     |
| Funds .....                                    | 3     |
| Game Animals and Fish                          |       |
| Authority to Designate .....                   | 6     |
| Designation .....                              | 132   |
| Hunt or Hunting Defined .....                  | 2     |
| Interstate Agreements, Power to Make .....     | 9, 17 |
| Jekyll Island Authority, Agreement .....       | 116   |
| Meetings .....                                 | 3     |
| Members  |       |
| Bond .....                                     | 2     |
| Oath .....                                     | 2     |
| Per Diem .....                                 | 3     |
| Terms .....                                    | 2     |
| Vacancies .....                                | 3     |
| Minnows and Live Fish Proclamation             |       |
| to Limit Shipment .....                        | 54    |
| Private Pond Defined .....                     | 2     |
| Records .....                                  | 4     |

## Regulations

|  |     |
|--|-----|
| Adoption, Power of .....                     | 6   |
| Alabama Reciprocal Agreement .....           | 129 |
| Butler and Champney Islands .....            | 105 |
| Cooperative Management Areas, Fishing .....  | 105 |
| Dog Training Permit .....                    | 89  |
| Enforcement, Power of Wildlife Rangers ..... | 8   |
| Federal Lands, Fishing .....                 | 105 |

## Fishing

|  |     |
|--|-----|
| Blue Ridge Management Area .....               | 107 |
| Chattahoochee Management Area .....            | 108 |
| Chattahoochee National Forest Area .....       | 110 |
| Chestatee Management Area .....                | 109 |
| Cohutta Management Area .....                  | 110 |
| Commercial Fishing,                            |     |
| Fresh Water .....                              | 97  |
| Seminole Lake .....                            | 112 |
| Cooperative Management Areas .....             | 107 |
| Federal Lands .....                            | 105 |
| Fresh Water Fish, Methods of Taking .....      | 112 |
| Generally .....                                | 91  |
| Jones Creek Refuge .....                       | 107 |
| Lake Burton Management Area .....              | 109 |
| Lake Russell Management Area .....             | 110 |
| Management Areas .....                         | 105 |
| Oysters, Season .....                          | 103 |
| Pompano, Taking Outside Salt Waters .....      | 103 |
| Rough Fish Baskets .....                       | 100 |
| Seines, Prohibited When .....                  | 100 |
| Shad .....                                     | 94  |
| Game Animals, Birds and Fish, Definition ..... | 84  |
| Game Fish, Sale from Private Pond .....        | 95  |
| Generally .....                                | 80  |
| Hunting and Trapping, Generally .....          | 81  |
| Hunting  |     |
| Accident Report .....                          | 90  |
| Turkey in Mountain Counties .....              | 87  |
| Jekyll Island State Park .....                 | 116 |
| Leases, Game Management Areas .....            | 107 |
| Management Areas                               |     |
| Fishing .....                                  | 105 |

**Oysters**

|  |     |
|--|-----|
| Authority to Promulgate .....  | 67  |
| Dredging Off Chatham, Bryan and<br>Liberty Counties Prohibited ..... | 104 |
| Penalty of Violation .....   | 7   |
| Posting .....  | 6   |
| Promulgation Procedure .....   | 6   |
| Seminole Lake, Commercial Fishing .....                              | 112 |
| South Carolina Reciprocal Agreement .....                            | 125 |

**Wildlife**

|   |      |
|---|------|
| Disposition of When Confiscated .....   | 100  |
| Taking at Night .....   | 92   |
| Wildlife Rangers, Employment, Bond .....  | 83   |
| Wildlife Storage Permits .....  | 91   |
| Research Projects, Use of Traps, Nets,<br>Seines and Chemicals in Fishing ..... | 47   |
| Statutory Provisions .....  | 1    |
| Supervisor of Coastal Fisheries<br>Appointment, Duties and Compensation .....   | 5    |
| Vacancies .....   | 3    |
| Wildlife Defined .....  | 1    |
| Wildlife Rangers<br>Appointment, Compensation and Equipment ....                | 5, 8 |
| Powers and Authority .....  | 5, 8 |
| Regulations .....   | 84   |

**Game and Fish Management Areas**

|                           |     |
|---------------------------|-----|
| Fishing Regulations ..... | 105 |
|---------------------------|-----|

**Game Animals**

|  |    |
|--|----|
| Authority of Commission to Designate ..... | 6  |
| Designation .....                          | 80 |

**Game Birds**

See also "Birds"

|  |    |
|--|----|
| Authority of Commission to Designate ..... | 6  |
| Designation .....                          | 80 |

**Game Fish**

See also "Fish"

|  |   |
|--|---|
| Authority of Commission to Designate ..... | 6 |
|--|---|

|   | Page |
|---|------|
| Barter, Purchase, Sale .....  | 45   |
| Designation .....   | 80   |
| Permit to Sell from Private Ponds .....   | 45   |
| Transportation .....  | 45   |
| Game, Migratory .....   | 90   |
| Gar, Defined as Rough Fish .....  | 98   |
| Geese, Seasons and Bag Limits .....   | 89   |
| Generators, Illegal to Fish With .....  | 46   |
| Gigs, Spears, Fishing in Tidal Waters at<br>Night Illegal .....                 | 49   |
| Gill Nets   |      |
| Confiscation .....  | 52   |
| Use in Taking Shad .....  | 50   |
| Grizzard Shad, Defined as Rough Fish .....                                      | 98   |
| Grinnel Fish, Defined as Rough Fish .....                                       | 98   |
| Grouse, Seasons and Bag Limits .....  | 87   |
| Guns  |      |
| Fish, Killing with Illegal .....  | 46   |
| Mink, Killing with .....  | 40   |
| Otter, Killing with .....   | 40   |
| Permissible Caliber for Taking Deer .....                                       | 85   |
| Permissible Caliber for Taking Rabbits,<br>Squirrels, Opossum and Raccoon ..... | 86   |
| Shell Limit When Hunting Game Animals<br>and Birds .....                        | 88   |

## H

|  |    |
|--|----|
| Hares, See "Rabbits"                                 |    |
| Health Department                                    |    |
| Oyster Beds, Inspection and Condemnation .....       | 68 |
| Oysters, Canning and Shipment, Regulations .....     | 70 |
| Hides, See "Furs"                                    |    |
| Hiring Another to Kill or Capture Wildlife .....     | 24 |
| Hunt, Definition .....                               | 1  |
| Hunting  |    |
| See also "Seasons and Bag Limits"                    |    |
| Accidents, Report .....                              | 90 |
| Alligator Hunter's License .....                     | 26 |
| Automobile, Airplane, Power Boat, Illegal from ..... | 35 |
| Baiting Lands .....                                  | 36 |
| Bear   |    |
| Illegal to Take in Lakes, Streams or Ponds .....     | 88 |
| Seasons and Bag Limits .....                         | 85 |

|  | Page       |
|--|------------|
| Deer   |            |
| Bow and Arrow .....  | 85         |
| Hunting with Dogs .....  | 34, 89     |
| Illegal to Take in Lakes, Streams or Ponds .....                                 | 88         |
| Definition .....   | 1          |
| Dogs .....   | 34, 41, 89 |
| Flood, Hunting near Stream Illegal .....   | 38         |
| Foxes .....  | 34, 90     |
| Intoxicated, Illegal .....   | 34         |
| Land of Another without Permission, Illegal .....                                | 36         |
| Licenses—See “Licenses”  |            |
| Minors Not Required to Have Licenses, When .....                                 | 20         |
| Mistake Not Excuse for Law Violation .....                                       | 33         |
| Night, Hunting at .....  | 37, 92     |
| Penalty without License .....  | 20         |
| Permissible Caliber of Guns for Rabbits,<br>Squirrels, Opossum and Raccoon ..... | 87         |
| Preserves .....  | 27         |
| Public Highway, Illegal on .....   | 35         |
| Rabbits .....  | 36, 87     |
| Regulations, Generally .....   | 84         |
| Salt Water Creeks and Estuaries .....  | 37         |
| Seasons and Bag Limits .....   | 84         |
| Shell Limit for Game Animals and Birds .....                                     | 86         |
| Shells   |            |
| Caliber for Deer .....   | 85         |
| Caliber for Rabbits, Squirrels, Opossum<br>and Raccoon .....                     | 87         |
| Sunday, Illegal on .....   | 81         |
| Hunting Preserves, License to Operate .....                                      | 27         |

## I

|  |        |
|--|--------|
| Identification Tag, Commercial Fishing Boats .....           | 24     |
| Ignorance of Fact, Not Excuse for Violation of Law ..        | 33     |
| Inspection   |        |
| Traps, Each 36 Hours .....                                   | 41     |
| Wildlife, Count of .....                                     | 33     |
| Interstate Agreements, See “Agreements”                      |        |
| Intoxicated Condition  |        |
| Boats, Operation While Illegal .....                         | 73     |
| Hunting While Illegal .....                                  | 34, 91 |
| Invoice, Attachment to Shipment of Pen-Raised<br>Quail ..... | 43     |
| Island Game Preserves, Fishing on Illegal .....              | 48     |

## J

|                                    |    |
|------------------------------------|----|
| Jack, Seasons and Bag Limits ..... | 94 |
|------------------------------------|----|

**Jekyll Island**

|  |     |
|--|-----|
| Agreement, Jekyll Island State Park Authority..... | 116 |
| Regulations Governing .....                        | 116 |

**K**

|   |    |
|---|----|
| Kentucky Bass, Seasons and Bag Limits ..... | 93 |
|---|----|

**L****Lake Russell Management Area, Fishing**

|                   |     |
|-------------------|-----|
| Regulations ..... | 110 |
|-------------------|-----|

**Lands**

|   |    |
|---|----|
| Acquisition by Commission .....               | 5  |
| Baiting .....                                 | 36 |
| Hunting on Anothers Without Permission .....  | 36 |
| Trapping on Anothers Without Permission ..... | 39 |

|   |    |
|---|----|
| Large-Mouth Black Bass, Seasons and Bag Limit ..... | 93 |
|---|----|

**Leases**

|                             |        |
|-----------------------------|--------|
| Game Management Areas ..... | 6, 114 |
| Oyster Beds .....           | 62     |

**Licenses**

|                                       |    |
|---------------------------------------|----|
| Agreement with Adjoining States ..... | 9  |
| Alligator Hunter's License .....      | 26 |

**Application for**

|   |    |
|---|----|
| Boat Licenses, Salt Water .....               | 23 |
| Commercial Fisherman's Personal License ..... | 25 |
| Hunting, Fishing and Trapping Licenses .....  | 20 |
| Hunting Preserves, Operation .....            | 27 |

|                        |    |
|------------------------|----|
| Boat, Salt Water ..... | 23 |
|------------------------|----|

**Butler and Champney Islands,**

|                            |     |
|----------------------------|-----|
| Tresspassing permits ..... | 105 |
|----------------------------|-----|

|  |    |
|--|----|
| Combination Hunting and Fishing Licenses ..... | 20 |
|--|----|

|   |    |
|---|----|
| Commercial Fisherman's Personal License ..... | 25 |
|---|----|

**Commercial Fishing**

|                            |     |
|----------------------------|-----|
| Fresh Water .....          | 51  |
| Effective Date .....       | 51  |
| Non-Resident .....         | 51  |
| Resident .....             | 51  |
| Forfeiture .....           | 52  |
| Nets and Seines, Use ..... | 51  |
| Seminole Lake .....        | 112 |

|                           |    |
|---------------------------|----|
| Commercial Licenses ..... | 22 |
|---------------------------|----|

|   |    |
|---|----|
| Alligator Hunter's License .....              | 26 |
| Boat Licenses, Salt Water .....               | 23 |
| Commercial Fisherman's Personal License ..... | 25 |
| Hunting Preserves, Operation of .....         | 27 |
| Identification Tags for Boats .....           | 24 |
| Minnow and Live Fish Dealers .....            | 54 |
| Oyster Gatherer's Permit .....                | 25 |
| Quail Breeder's Permit .....                  | 43 |



|   | Page    |
|---|---------|
| Shad .....  | 22      |
| Contiguous Waters .....                           | 10      |
| Effective Date, Sport Licenses .....              | 21      |
| False Statement in Application for .....          | 19, 23  |
| Fish Baskets, Permit to Use .....                 | 50      |
| Fishing   |         |
| Commercial Fishing, See Commercial                |         |
| Fishing, this Heading                             |         |
| Honorary .....                                    | 21      |
| Minors not Required to Have, When .....           | 20      |
| Non-Resident .....                                | 20      |
| Resident .....                                    | 20      |
| Sale of .....                                     | 19      |
| Scope, Fresh and Salt Water .....                 | 21      |
| Fishing Permit, Chattahoochee National            |         |
| Forest Area .....                                 | 110     |
| Fur Dealers and Agents Licenses .....             | 26      |
| Game Fish, Permit to Sell .....                   | 45      |
| General Provisions .....                          | 19      |
| Honorary .....                                    | 21      |
| Hunting (Alligators) .....                        | 26      |
| Hunting   |         |
| Honorary .....                                    | 21      |
| Non-Resident .....                                | 20      |
| Resident .....                                    | 20      |
| Sale of .....                                     | 19      |
| Hunting Preserves, Operation of .....             | 27      |
| Minors Not Required to Have, When .....           | 20      |
| Minnow and Live Fish Dealers .....                | 54      |
| Nets and Seines, Fresh Water                      |         |
| Commercial Fishing .....                          | 51      |
| Oyster Dredging Permit .....                      | 67, 104 |
| Oyster Gatherer's Permit .....                    | 25      |
| Pen-Raised Quail .....                            | 42      |
| Quail Breeder's Permit .....                      | 42      |
| Reciprocal .....                                  | 9       |
| Rough Fish Permits .....                          | 49      |
| Sale of Game Fish from Private Pond .....         | 46      |
| Sale of Hunting, Fishing and Trapping Licenses... | 19      |
| Scientific and Propagation Permits .....          | 22      |
| Seining and Netting .....                         | 20      |
| Shad .....  | 22      |
| Spear Fishing .....                               | 49      |
| Sport Licenses                                    |         |
| Combination, Hunting and Fishing .....            | 20      |
| Effective Date .....                              | 21      |
| Fees  |         |
| Non-Resident .....                                | 20      |
| Resident .....                                    | 20      |

|                                    | Page   |
|------------------------------------|--------|
| Honorary .....                     | 21     |
| Non-Resident .....                 | 20     |
| Resident .....                     | 20     |
| Scope .....                        | 21     |
| Seining and Netting .....          | 21     |
| Transportation Permits .....       | 31, 46 |
| Trapping                           |        |
| Emergency Permits .....            | 39     |
| Non-Resident .....                 | 20     |
| Resident .....                     | 20     |
| Sale of .....                      | 19     |
| Wildlife Purchased Out of State,   |        |
| Permit to Possess .....            | 34     |
| Wildlife Storage Permits .....     | 37, 91 |
| Lights, Power Boats at Night ..... | 73     |
| Lower Blue Ridge Management Area   |        |
| See "Jones Creek Refuge"           |        |

## M

|   |     |
|---|-----|
| Management Areas                                  |     |
| Fishing Regulations .....                         | 105 |
| Leases .....                                      | 114 |
| Maximum Catch, All Species of Fish .....          | 94  |
| Migratory Game                                    |     |
| Regulations .....                                 | 84  |
| Seasons and Bag Limit .....                       | 84  |
| Shell Limit .....                                 | 84  |
| Mink  |     |
| Killing with Firearms .....                       | 41  |
| Seasons and Bag Limit .....                       | 84  |
| Trapping .....                                    | 84  |
| Minnow and Live Fish Dealers .....                | 54  |
| Definitions .....                                 | 54  |
| Catching Minnows without Dealer's License .....   | 54  |
| Catfish, Raising or Catching for Bait .....       | 56  |
| Confiscation of Minnows Illegally possessed ..... | 56  |
| Exemption from License .....                      | 56  |
| Import Wholesale Dealer .....                     | 54  |
| Licenses .....                                    | 55  |
| Nets, Size for Catching Minnows .....             | 54  |
| Non-Resident Dealers .....                        | 51  |
| Penalties .....                                   | 53  |
| Retail Dealer .....                               | 54  |
| Minnow and Live Fish Dealers                      |     |
| Shipments into State to Resident Dealers .....    | 55  |
| Shipments into State, License Required .....      | 55  |
| Shipments, Proclamation of Commission             |     |
| Limiting Authorized .....                         | 55  |

|  | Page |
|--|------|
| Motor Vehicles, Hunting from Illegal ..... | 35   |
| Mud Fish, Defined as Rough Fish .....      | 102  |
| Muskelunge, Seasons and Bag Limits .....   | 94   |
| Muskrat, Seasons and Bag Limits .....      | 90   |
| Trapping .....                             | 90   |

## N

|  |       |
|--|-------|
| Agreement with U. S. Government .....          | 18    |
| Fishing Regulations .....                      | 105   |
| Nests and Eggs, Destruction of .....           | 38    |
| Nets and Seines                                |       |
| Definition for Use in Commercial Fishing ..... | 97    |
| Fresh Water Commercial Fishing, Use .....      | 51    |
| License to Use .....                           | 51    |
| Night Fishing .....                            | 62    |
| Night Hunting .....                            | 37    |
| Non-Game Birds                                 |       |
| Killing .....                                  | 38    |
| Regulations .....                              | 5, 38 |
| Non-Resident Sport Licenses .....              | 20    |
| See also "Licenses"                            |       |

## O

|   |         |
|---|---------|
| Operation of Hunting Preserve License .....     | 27      |
| Opossum   |         |
| Maximum Size Shell When Hunting .....           | 84      |
| Seasons and Bag Limits .....                    | 84      |
| Trapping .....                                  | 84      |
| Ordinary, Filling Regulation in Office of ..... | 7       |
| Otter   |         |
| Killing with Firearms .....                     | 41      |
| Seasons and Bag Limits .....                    | 84      |
| Oyster Dredging Permit .....                    | 67, 104 |
| Oyster Gatherer's Permit .....                  | 25      |
| Oyster Shells                                   |         |
| Canning Plants to Distribute .....              | 69      |
| Stealing, Illegal .....                         | 72      |
| Oyster Tax .....                                | 71      |
| Oysters, See "Seafood"                          |         |
| Otter, Illegal Killing with Firearms .....      | 41      |

|   | Page |
|---|------|
| Oysters   |      |
| Dredging without Permit .....   | 67   |
| Gathering from Polluted Areas .....   | 25   |
| Gathering without Permit .....  | 26   |
| Larceny of Shells .....   | 68   |
| Pen-Raised Quail, Violation of Act .....  | 43   |
| Rabbits   |      |
| Exceeding Bag Limit on .....  | 36   |
| Hunting Out of Season .....   | 36   |
| Scientific and Propagation Permits,<br>Violation Provisions .....                             | 22   |
| Shad  |      |
| Illegal Sale, Taking for .....  | 22   |
| Unlawful Taking .....   | 22   |
| Shrimp  |      |
| Fishing for Bait in Tidal Rivers, Tidal Streams<br>and Tidal Creeks of Certain Counties ..... | 61   |
| Shrimp  |      |
| Taking for Bait, Violation .....  | 61   |
| Taking or Possessing Bait for Human<br>Consumption .....                                      | 61   |
| Snares, Pitfalls, Etc., Use of .....  | 35   |
| Trapping Illegally .....  | 40   |
| Trapping without License  |      |
| Non-Resident .....  | 20   |
| Resident .....  | 20   |
| Wildlife  |      |
| Destruction of Dens and Home of .....   | 35   |
| Hunting at Night Illegally .....  | 37   |
| Illegal Possession .....  | 33   |
| Possession of Wildlife Purchased Out of<br>State without Permit .....                         | 34   |
| Purchase or Sale .....  | 33   |
| Refusal to Allow Inspection of .....  | 33   |
| Storage of without Permit .....   | 38   |
| Transportation Violation .....  | 31   |

## P

|  |    |
|--|----|
| Passageway for Fish, Commission to Provide ..... | 8  |
| Penalties  |    |
| Alligators, Violating Hunting Provisions .....   | 26 |
| Baiting of Lands .....                           | 36 |
| Boats, Reckless or Intoxicated Operation .....   | 73 |
| Boats  |    |
| Salt Water, Not Properly Licensed .....          | 23 |
| Violation of Traffic Regulations .....           | 74 |
| Commercial Fishing                               |    |
| Boat Identification Tag, Failure to Have .....   | 24 |
| Boat Licenses, Failure to Obtain .....           | 23 |
| Commercial Fisherman's Personal License .....    | 25 |

|   | Page |
|---|------|
| Record Books, Failure to Keep .....                                   | 24   |
| Shad, Taking without License .....                                    | 22   |
| Crabs   |      |
| Possession of Female Spawning Crabs .....                             | 57   |
| Taking with Power Nets Out of Season .....                            | 62   |
| Deer, Failure to Report Killed .....                                  | 37   |
| False Swearing  |      |
| Boat License, Salt Water .....  | 23   |
| Commercial Fisherman's Personal License .....                         | 25   |
| Hunting, Fishing or Trapping License .....                            | 19   |
| Firearms  |      |
| Killing Fish with .....   | 46   |
| Fish Baskets, Illegal Taking of Rough Fish .....                      | 49   |
| Fishing Lands of Another without Permission .....                     | 46   |
| Fishing on Island Game Preserves .....                                | 48   |
| Fishing on Sunday .....   | 81   |
| Fishing with Batteries, Generators,<br>Explosives, Etc. ....          | 46   |
| Fishing with Gigs, Spears, Firearms in Tidal<br>Waters at Night ..... | 49   |
| Fishing with Traps, Baskets or seines .....                           | 50   |
| Fishing without License   |      |
| Non-Resident .....  | 20   |
| Resident .....  | 20   |
| Fresh Water Commercial Fishing Illegally .....                        | 51   |
| Furs, Dealing in without License .....                                | 26   |
| Game Fish, Purchase, Sale of .....                                    | 46   |
| Gill Nets, Unlawful Use of .....                                      | 50   |
| Honorary Licenses, Unauthorized Use .....                             | 21   |
| Hunting from Automobile, Airplane or Power Boat                       | 35   |
| Hunting in Salt Water Creeks without Permission                       | 37   |
| Hunting near Flooded Area .....                                       | 38   |
| Hunting on Lands of Another without Permission                        | 36   |
| Hunting on Public Highway .....                                       | 35   |
| Hunting on Sunday .....   | 81   |
| Hunting Preserves, Violation Provisions .....                         | 30   |
| Hunting While Intoxicated .....                                       | 34   |
| Hunting with Dogs Illegally .....                                     | 34   |
| Hunting without License   |      |
| Non-Resident .....  | 20   |
| Resident .....  | 20   |
| Ignorance of Fact Not Excuse for Violation<br>of Law .....            | 33   |
| Island Game Preserves, Fishing on .....                               | 48   |
| Mink, Illegal Killing of with Firearms .....                          | 41   |
| Minnow and Live Fish Dealer Regulations,<br>Violation .....           | 54   |
| Non-Game Birds, Killing or destroying Nests .....                     | 38   |
| Pen-Raised Quail  |      |
| Definition .....  | 42   |
| License .....   | 42   |

|  | Page   |
|--|--------|
| Penalties in General .....                           | 44     |
| Penalty for Not Stamping .....                       | 43     |
| Raising, Sale, Etc. ....                             | 42     |
| Failure to Stamp .....                               | 43     |
| Records, Etc. ....                                   | 44     |
| Sale of By Persons Other Than Retail Vendor .....    | 44     |
| Shipment, Invoice to Be Attached .....               | 44     |
| Stamp to Be Used .....                               | 42     |
| Seasons and Bag Limits .....                         | 91     |
| Butler and Champney Islands, Tresspassing .....      | 105    |
| Fish Baskets, to Use .....                           | 49     |
| Fishing, Chattahoochee National Forest Area .....    | 112    |
| Fur Dealers and Agents .....                         | 27     |
| Game Fish  |        |
| Sale of .....  | 46     |
| Transportation of .....                              | 46     |
| Hunting Preserves .....                              | 27     |
| Minnow and Live Fish Dealers .....                   | 54     |
| Oyster Dredging .....                                | 67     |
| Oyster Gatherer's .....                              | 25     |
| Pen-Raised Quail .....                               | 43     |
| Quail Breeder's .....                                | 43     |
| Rough Fish, Taking with Baskets .....                | 48     |
| Rough Fish Baskets, Use .....                        | 48     |
| Sale and Transportation of Game Fish .....           | 44     |
| Scientific and Propagation Permits .....             | 22     |
| Transportation, Wildlife and Game Fish .....         | 31, 45 |
| Trapping, Emergency .....                            | 40     |
| Wildlife, Possession of Purchased Out of State ..... | 34     |
| Wildlife Storage, Regulations .....                  | 92     |
| Wildlife, Transportation of .....                    | 31     |
| Pike, Seasons and Bag Limits .....                   | 94     |
| Federal Acts Consented to .....                      | 17     |
| Poison, Illegal to Fish with .....                   | 46     |
| Posting of Regulations .....                         | 6      |
| Powers and Duties                                    |        |
| Of Commission .....                                  | 5      |
| Of Wildlife Rangers .....                            | 8      |
| Power Drawn Nets                                     |        |
| Taking Crabs .....                                   | 57     |
| Taking Shrimp .....                                  | 57     |
| Definition .....                                     | 1      |
| Fish Baskets, Use in .....                           | 47     |
| Fishing .....  | 46     |
| Sale of Game Fish from .....                         | 46     |
| Propagation Permits .....                            | 22     |
| Property, Power of Wildlife Rangers to Go Upon ..... | 8      |

|                                     | Page |
|-------------------------------------|------|
| Public, Hunting on Illegal .....    | 35   |
| Purchase of Wildlife, Penalty ..... | 33   |

## Q

### Quail

|                                       |    |
|---------------------------------------|----|
| See also "Pen-Raised Quail" .....     | 43 |
| Bobwhite, Season and Bag Limits ..... | 86 |
| Breeder's Permit .....                | 43 |
| License to Pen-Raise .....            | 43 |

## R

### Rabbits (Hares)

|                                      |        |
|--------------------------------------|--------|
| Bag Limit .....                      | 36     |
| Domestic .....                       | 36     |
| Hunting and Sale .....               | 36     |
| Permissible Caliber of Gun .....     | 87     |
| Rabbit Boxes, Use of by Minors ..... | 36     |
| Seasons and Bag Limits .....         | 36, 82 |

### Raccoon

|   |    |
|---|----|
| Permissible Caliber of Gun When Hunting ..... | 87 |
| Seasons and Bag Limits .....                  | 87 |
| Trapping .....                                | 90 |

|                                    |    |
|------------------------------------|----|
| Rail, Seasons and Bag Limits ..... | 89 |
|------------------------------------|----|

|   |    |
|---|----|
| Rainbow Trout, Seasons and Bag Limits ..... | 94 |
|---|----|

Rangers, Wildlife, See "Wildlife Rangers"

Reciprocal Agreements, See "Agreements"

### Record Books

|   |     |
|---|-----|
| Canning Plants, Seafood .....           | 69  |
| Commercial Fishing Boats, Kept on ..... | 24  |
| Pen-Raised Quail .....                  | 42  |
| Rough Fish Taken .....                  | 100 |

|   |    |
|---|----|
| Red Breast Perch, Season and Bag Limits ..... | 93 |
|---|----|

|  |    |
|--|----|
| Red-Eye Bass, Season and Bag Limit ..... | 93 |
|--|----|

### Regulations

See also "Game and Fish Commission"

|   |     |
|---|-----|
| Adoption, Authority of Commission .....       | 3   |
| Alabama Reciprocal Agreement .....            | 129 |
| Butler and Champney Island .....              | 105 |
| Cooperative Management Areas, Fishing .....   | 105 |
| Definition of Game Animals, Birds, Fish ..... | 84  |
| Disposition of Confiscated Wildlife .....     | 100 |
| Emergency .....                               | 6   |
| Enforcement, Power of Wildlife Rangers .....  | 8   |
| Federal Lands in Georgia                      |     |
| Fishing .....                                 | 105 |



|   | Page            |
|---|-----------------|
| Generally .....                               | 17              |
| Fish, Game Fish; Sale from Private Pond ..... | 95              |
| Fishing                                       |                 |
| Blue Ridge Management Area .....              | 107             |
| Chattahoochee Management Area .....           | 108             |
| Chattahoochee National Forest Area .....      | 110             |
| Chestatee Management Area .....               | 109             |
| Cohutta Management Area .....                 | 110             |
| Commercial Fishing, Fresh Water .....         | 97              |
| Commercial Fishing, Seminole Lake .....       | 112             |
| Cooperative Management Areas .....            | 105             |
| Federal Lands .....                           | 105             |
| Fresh Water Fish, Methods of Taking .....     | 97, 110         |
| Fishing, generally .....                      | 91, 128         |
| Jones Creek Refuge .....                      | 107             |
| Lake Burton Management Area .....             | 109             |
| Lake Russell Management Area .....            | 110             |
| Management Areas .....                        | 105             |
| Oysters, Season .....                         | 103             |
| Pompano, Taking Outside Salt Waters .....     | 103             |
| Rough Fish, Baskets .....                     | 100             |
| Seafood, Generally .....                      | 102             |
| Seines, Prohibited when .....                 | 100             |
| Shad .....                                    | 94              |
| Game Animals, Birds and Fish                  |                 |
| Definition .....                              | 84              |
| Generally .....                               | 6, 84           |
| Hunting                                       |                 |
| Accidents, Report .....                       | 90              |
| Turkey in Mountain Counties .....             | 87              |
| Hunting and Trapping .....                    | 85              |
| Jekyll Island State Park .....                | 116             |
| Management Areas, Fishing .....               | 107             |
| Migratory Game .....                          | 89              |
| Posting at Courthouse .....                   | 6               |
| Promulgation .....                            | 6               |
| Seafood .....                                 | 103             |
| Opening and Closing Certain Areas to          |                 |
| Commercial Shrimping .....                    | 138             |
| Oysters                                       |                 |
| Dredging off Chatham, Bryan and Liberty       |                 |
| Counties Prohibited .....                     | 104             |
| Game and Fish Commission to Promulgate ....   | 67              |
| Seasons and Bag Limits .....                  | 84, 86, 92, 106 |
| Seines .....                                  | 100             |
| Seminole Lake, Commercial Fishing .....       | 112             |
| Shad .....                                    | 94              |
| South Carolina Reciprocal Agreement .....     | 125             |
| Turkey Hunting for Mountain Counties .....    | 87              |
| Wildlife                                      |                 |
| Disposition of when Confiscated .....         | 100             |
| Taking at Night .....                         | 92              |



|  | Page |
|--|------|
| Wildlife Rangers, Employment, Bond .....           | 84   |
| Wildlife Storage Permits .....                     | 92   |
| <b>Reports</b>                                     |      |
| Accidents, Hunting .....                           | 90   |
| Commercial Fishing Boats .....                     | 24   |
| Deer Killed .....                                  | 35   |
| Trapping   |      |
| Domestic Animals Caught .....                      | 41   |
| Number of Hides Taken .....                        | 84   |
| <b>Research Projects</b> .....                     | 47   |
| <b>Restoration Projects</b>                        |      |
| Fish .....   | 17   |
| Wildlife .....                                     | 17   |
| <b>Rock Bass, Seasons and Bag Limits</b> .....     | 94   |
| <b>Rock Fish, Seasons and Bag Limits</b> .....     | 94   |
| <b>Rough Fish See "Fish"</b>                       |      |
| <b>Rough Fish Baskets, Regulations</b> .....       | 100  |
| <b>Ruffed Grouse, Seasons and Bag Limits</b> ..... | 84   |
| <b>Rules and Regulations, See "Regulations"</b>    |      |

## S

|  |    |
|--|----|
| <b>Sale of Game Fish</b> .....                                 | 46 |
| <b>Sale of Licenses</b> .....                                  | 19 |
| <b>Sale of Wildlife, Penalty</b> .....                         | 34 |
| Boat Licenses .....  | 23 |
| Fishing for Bait in .....                                      | 61 |
| <b>Salt Water Creeks</b>                                       |    |
| See also "Tidal Streams"                                       |    |
| See also "Tidal Waters"  |    |
| Hunting in .....   | 37 |
| <b>Sanitation, Oyster Canning Plants</b> .....                 | 70 |
| <b>Scientific and Propagation Permits</b> .....                | 22 |
| Transportation of Wildlife by Person Holding .....             | 32 |
| <b>Seafood</b>   |    |
| Canning Plants, Records .....                                  | 69 |
| Clams, Clam Beds, Assignment of Natural<br>Beds, Illegal ..... | 65 |
| Crabs  |    |
| Catching near Property of Resident .....                       | 57 |
| Female Spawning; Possession of Illegal .....                   | 57 |
| Hours for Dragging in Certain Counties .....                   | 62 |
| Power Nets, Use in Taking .....                                | 62 |

|  |            |
|--|------------|
| Record to be Kept by Plants, Factories .....     | 71         |
| Regulations Applicable to Chatham County ..      | 61         |
| Oysters  |            |
| Beds   |            |
| Assignment of Natural Beds Illegal .....         | 65         |
| Health Department Certificate .....              | 66         |
| Condemnation .....                               | 68         |
| Inspection by Health Department .....            | 68         |
| Interference with Boundary Stakes .....          | 65         |
| Lease of   |            |
| Generally .....                                  | 62         |
| Priority .....                                   | 64         |
| Penalty for Taking from Public Beds .....        | 68         |
| Private Owners .....                             | 65         |
| Private, Means of Taking from .....              | 68         |
| Public; Taking from .....                        | 68         |
| Survey Required .....                            | 66         |
| Unauthorized Use Illegal .....                   | 64         |
| Boundary Stakes, Interference with Illegal ..... | 65         |
| Canning Plants                                   |            |
| Duty .....                                       | 69         |
| Health Department to Regulate .....              | 66, 68, 69 |
| Oyster Tax .....                                 | 71         |
| Records .....                                    | 71         |
| Sanitary Requirements .....                      | 70         |
| Charts .....                                     | 25         |
| Dealers, Tax .....                               | 71         |
| Deposit of Shells or Oysters .....               | 63         |
| Dredging   |            |
| Bond .....                                       | 67, 104    |
| In Water off Chatham, Liberty and Bryan          |            |
| Counties Prohibited .....                        | 104        |
| Permit .....                                     | 67, 104    |
| Gatherer's Permit .....                          | 25         |
| Larceny of Oyster Shells, Punishment .....       | 81         |
| Lease of Beds                                    |            |
| Generally .....                                  | 62         |
| Priority .....                                   | 64         |
| Measures, Brand .....                            | 68         |
| Minimum Size .....                               | 66         |
| Penalty for Gathering from Polluted Area .....   | 26         |
| Penalty for Gathering without Permit .....       | 26         |
| Record of Survey of Beds .....                   | 63         |
| Regulations, Game and Fish Commission            |            |
| Promulgate .....                                 | 67         |
| Removal, Reasonable Time Allowed .....           | 65         |
| Sale of in Shell, How Measured .....             | 68         |
| Scoop, Taking with Illegal .....                 | 67         |
| Season .....                                     | 103        |
| Shells, Distribution by Canning Plants .....     | 69         |
| Tax .....  | 71         |

|  |        |
|--|--------|
| Pompano, Regulations for Taking outside<br>Salt Waters .....   | 103    |
| Shrimp   |        |
| Canning Plants, Records .....  | 71     |
| Cast Nets, Use in Taking .....   | 57     |
| Fishing for Bait in Salt Waters .....  | 61     |
| Fishing for Bait in Tidal Rivers, Tidal Streams,<br>and Tidal Creeks of Certain Counties<br>Prohibited ..... | 62     |
| Generally .....  | 55-62  |
| Power Nets, Election to Permit Use .....   | 57     |
| Taking for Bait in Salt Waters .....   | 61     |
| Shrimping  |        |
| Opening or Closing Areas to Commercial .....   | 55, 71 |
| <br><b>Seasons and Bag Limits</b>  |        |
| Alligators .....   | 88     |
| Authority of Commission to Fix .....   | 5      |
| Bear .....   | 88     |
| Beaver .....   | 90     |
| Brant .....  | 93     |
| Bream .....  | 93     |
| Brook Trout .....  | 93     |
| Brown Trout .....  | 93     |
| Coot .....   | 85     |
| Crappie .....  | 94     |
| Deer .....   | 85     |
| Dove .....   | 84     |
| Ducks .....  | 84     |
| Eastern Pickerel or Jack .....   | 93     |
| Fishing .....  | 93     |
| Fox .....  | 85     |
| Game Fish, Combination of Species .....  | 94     |
| Geese .....  | 86     |
| Grouse .....   | 87     |
| Hunting .....  | 81     |
| Kentucky or Red Eye Bass .....   | 93     |
| Large-Mouth Black Bass .....   | 93     |
| Migratory Game .....   | 84     |
| Mink .....   | 84     |
| Muskelunge .....   | 94     |
| Muskrat .....  | 84     |
| Opossum .....  | 84, 87 |
| Otter .....  | 84     |
| Oysters .....  | 103    |
| Quail, Bobwhite .....  | 86     |
| Rabbits .....  | 87     |
| Raccoon .....  | 84, 87 |
| Rail .....   | 84     |
| Rainbow Trout .....  | 94     |
| Rock Bass .....  | 94     |
| Rock Fish or Striped Bass .....  | 94     |

|   | Page   |
|---|--------|
| Shad .....  | 94     |
| Sea Turtles .....   | 84     |
| Skunks .....  | 84     |
| Small-Mouth Black Bass .....                                      | 94     |
| Squirrel .....  | 88     |
| Trapping .....  | 85     |
| Wall-Eyed Pike .....  | 94     |
| White Bass .....  | 94     |
| Yellow Perch .....  | 94     |
| Turkey .....  | 86     |
| Sea Turtles, Seasons and Bag Limits .....                         | 84     |
| Seines, Prohibited When .....                                     | 100    |
| Seining Regulations, for the Taking of Rough or<br>Game Fish..... | 100    |
| Seizure of Wildlife .....   | 100    |
| Setlines, Commercial Fishing .....                                | 52     |
| Shad  |        |
| Commercial License .....  | 22     |
| Fishing Regulations .....   | 93     |
| Gill Net, Use in Tidal or Salt Waters .....                       | 50     |
| Net Sizes .....   | 94     |
| Penalty for Taking without License .....                          | 22     |
| Possession Illegal When .....                                     | 50     |
| Seasons and Bag Limits .....                                      | 94     |
| Shrimp, See "Seafood"   |        |
| Skunk   |        |
| Seasons and Bag Limits .....                                      | 84     |
| Trapping .....  | 84     |
| Small-Mouth Black Bass, Seasons and Bag Limits ...                | 94     |
| Snares and Pitfalls, Use of Illegal .....                         | 35     |
| South Carolina, Reciprocal Agreement .....                        | 125    |
| Spearing Rough Fish for Sport .....                               | 49     |
| Squirrels   |        |
| Maximum Size Shell When Hunting .....                             | 88     |
| Seasons and Bag Limits .....                                      | 88     |
| Stamps, On Carcass of Pen-Raised Quail .....                      | 41     |
| Storage Permits, Wildlife .....                                   | 38, 91 |
| Striped Bass, Seasons and Bag Limits .....                        | 93     |
| State Game and Fish Commission                                    |        |
| See "Game and Fish Commission"                                    |        |
| Sturgeon, Taking with Nets .....                                  | 58     |

|   | Page   |
|---|--------|
| Subpoenas, Service of by Wildlife Rangers .....                         | 8      |
| Suckers, Defined as Rough Fish .....                                    | 102    |
| Sunday  |        |
| Fishing, Illegal .....  | 81     |
| Hunting, Illegal .....  | 81     |
| Supervisor of Coastal Fisheries   |        |
| Appointment, Duties and Compensation .....                              | 5      |
| <b>T</b>  |        |
| Tax, Oyster ... ..  | 71     |
| Three Mile Limit, Licensees may Fish within.....                        | 21     |
| Tidal Streams   |        |
| See also "Salt Water Creeks"  |        |
| See also "Tidal Waters"   |        |
| Control of Shellfish and Water Fowl .....                               | 49     |
| Right of Adjoining Land Owner .....                                     | 48     |
| Tidal Waters  |        |
| See also "Salt Water Creeks"  |        |
| See also "Tidal Streams"  |        |
| Gigs, Spears, Firearms; Use of Illegal at Night....                     | 49     |
| Gill Nets, Use to Take Shad .....                                       | 50     |
| Transportation of Game Fish   |        |
| Taken from Private Ponds .....  | 46     |
| Taken by Commercial Gear .....  | 52     |
| Transportation of Wildlife Beyond State .....                           | 31     |
| Transportation of Wildlife by Common Carrier .....                      | 31     |
| Transportation of Wildlife by Person Holding<br>Scientific Permit ..... | 32     |
| Transportation of Wildlife by Person Killing<br>or Taking .....         | 31     |
| Transportation of Wildlife Permit .....                                 | 31, 32 |
| Trapping  |        |
| Emergency Permits .....   | 40     |
| Generally .....   | 39-73  |
| Lands of Another Consent.....   | 40     |
| License, See "Licenses"   |        |
| Penalties, Generally .....  | 43     |
| Penalty without License .....   | 20     |
| Regulations, Generally .....  | 84     |
| Report of Dog and Fowl, etc. Caught .....                               | 41     |
| Seasons and Bag Limits .....  | 85     |
| Seasons, to be Designated by Commission .....                           | 40     |

|   | Page |
|---|------|
| Snares, Pitfalls, Illegal .....   | 35   |
| Species, to be Designated by Commission .....   | 40   |
| Traps   |      |
| Confiscation of When Illegally Used .....   | 39   |
| Inspection of .....   | 41   |
| Stamped with Owner's Name .....   | 40   |
| Traps   |      |
| Confiscation of .....   | 39   |
| Inspection each 36 Hours .....  | 41   |
| Stamping with Owner's Name .....  | 40   |
| Trotlines, Commercial Fishing .....   | 51   |
| Trout   |      |
| Fishing Regulations and Schedules for the<br>Georgia Co-operative Fish and Game<br>Management Areas ..... | 105  |
| Trout, Seasons and Bag Limits .....   | 93   |
| Trout Streams, Closed for Fishing in<br>Certain Counties .....  | 93   |
| Turkey  |      |
| Hunting in Mountain Counties .....  | 87   |
| Seasons and Bag Limits .....  | 85   |
| <b>U</b>  |      |
| Uniforms, Wildlife Rangers .....  | 5    |
| United States Government  |      |
| Federal Acts Assented to by Georgia .....   | 17   |
| Federal Lands in Georgia .....  | 17   |
| Fish Restoration Projects .....   | 17   |
| Fishing on Lands Belonging to, Regulations.....   | 105  |
| National Forests, Restocking, Seasons .....   | 18   |
| Wildlife Restoration Projects .....   | 17   |
| <b>V</b>  |      |
| Violation of Law, Mistake No Excuse.....  | 33   |
| <b>W</b>  |      |
| Wall-Eyed Pike, Seasons and Bag Limits .....  | 94   |
| Warrants, Execution of by Wildlife Rangers .....  | 8    |
| White Bass, Seasons and Bag Limits .....  | 93   |
| Wildlife  |      |
| See also Specific Animals, Fish, Etc.   |      |
| Baiting of Lands Illegal .....  | 36   |
| Confiscation of .....   | 100  |
| Definition .....  | 1    |

|   | Page           |
|---|----------------|
| Destruction of Dens and Homes Illegal .....         | 35             |
| Disposition of Confiscated Wildlife .....           | 8, 100         |
| Hiring Another to Kill or Capture .....             | 34             |
| Hunting at Night .....                              | 37             |
| Hunting While Intoxicated .....                     | 34, 90         |
| Hunting with Dogs .....                             | 34, 87, 89, 90 |
| Illegal Possession .....                            | 33             |
| Inspection of By Commission .....                   | 33             |
| Penalty for Purchase, Sale, Etc. ....               | 33             |
| Possession of Purchased outside State, Permit ..... | 34             |
| Restoration Projects .....                          | 17             |
| Storage Permits .....                               | 38             |
| Storage Permits, Regulation .....                   | 91             |
| Transportation of .....                             | 31             |
| Transportation                                      |                |
| Beyond State .....                                  | 31             |
| By Common Carrier .....                             | 31             |
| By Person Holding Scientific Permit .....           | 32             |
| By Person Killing or Taking .....                   | 31             |
| Duty of Carrier .....                               | 32             |
| <b>Wildlife Rangers</b>                             |                |
| Appointment, Compensation and Equipment .....       | 84             |
| Arrests, Authority to Make .....                    | 8              |
| Boats, Enforcement of Regulations .....             | 73             |
| Bond .....  | 83             |
| Confiscation and Seizure of                         |                |
| Commercial Fishing Gear .....                       | 52             |
| Fish Baskets, Traps, Seines, Etc. ....              | 47             |
| Gill Nets .....                                     | 50             |
| Hides and Furs .....                                | 39             |
| Minnows, Fish Eggs, Live Fish .....                 | 54             |
| Traps .....   | 40             |
| Wildlife .....                                      | 100            |
| Duty to Kill Dogs Illegally Pursuing Deer .....     | 35             |
| Enforcement   |                |
| Fresh Water Boat Regulations .....                  | 73             |
| Game and Fish Laws .....                            | 8              |
| Firearms, Authority to Carry .....                  | 8              |
| Inspection of Wildlife .....                        | 33             |
| Posted Property, Authority to Enter .....           | 8              |
| Powers and Authority .....                          | 8              |
| Regulations .....                                   | 84             |
| Subpoenas, Service of .....                         | 8              |
| Expenses .....                                      | 5              |
| Uniform .....                                       | 5              |
| Warrants, Execution of .....                        | 8              |
| <b>Yellow Perch, Seasons and Bag Limits .....</b>   | <b>94</b>      |





## CHAPTER I

### GAME AND FISH COMMISSION A—CONSTITUTIONAL PROVISIONS:

#### 1. CREATION OF COMMISSION—APPOINTMENT.

Game and Fish Commission. There is hereby created a State Game and Fish Commission. Said Commission shall consist of one member from each Congressional District in this State, and one additional member from one of the following named counties, to-wit: Chatham, Bryan, Liberty, McIntosh, Glynn or Camden. The first members of the Commission shall consist of those in office at the time this Constitution is adopted with terms provided by law. Thereafter, all succeeding appointments shall be made by the Governor and confirmed by the Senate for a term of seven years from the expiration of the previous term. All members of the Commission shall hold office until their successors are appointed and qualified. Vacancies in office shall be filled by appointment of the Governor and submitted to the Senate for confirmation at the next session of the General Assembly after the making of the appointment.

The Commission shall have such powers, authority, duties, and shall receive such compensation and expenses as may be delegated or provided for by the General Assembly. (Constitution of 1945, Art. 5, Sec. 4, Par. 1; Sec. 2-2201 Annotated Code.)

**2. INFORMATION FROM OFFICERS AND EMPLOYEES; SUSPENSION OF OFFICERS.** The Governor may require information in writing from Constitutional officers, department heads, and all State employees, on any subject relating to the duties of their respective offices of employment. The General Assembly shall have authority to provide by law for the suspension of any Constitutional officer or department head from the discharge of duties of his office, and also for the appointment of a suitable person to discharge the duties of the same. (Constitution of 1945, Art. 5, Sec. 1; ~~Par. 17~~; Sec. 2-3017 Annotated Code.)

### B—STATUTORY PROVISIONS:

#### 1. Definitions—

(a) The word "Commission" shall mean the State Game and Fish Commission.

(b) "Wildlife" shall mean any vertebrate or invertebrate animal life indigenous to the State of Georgia or any such species introduced or specified by the State Game and Fish Commission.

(c) "Hunt" or "hunting" shall mean pursuing shooting, killing and capturing wildlife and all lesser acts

such as disturbing, harrying, or worrying or placing, setting, drawing, or using any device used to take wildlife, whether they result in taking or not; and shall include every act of assistance to any person in taking or attempting to take wildlife.

(d) "Fishing" shall include catching, capturing, or killing fish and all sea-food; and all lesser acts such as attempting to catch, capture, or kill by any device or method; and shall include every act of direct assistance to any person in catching or attempting to catch fish or sea-food.

(e) "Private Pond" is a body of water being wholly on or within the lands of one title, where the fish cannot go up stream or down stream or to the lands of another.

(f) "Big Game" shall mean turkey, deer, bear and wild boar. (Ga. Laws 1955, pp. 483,484, as amended Ga. Laws 1960 p. 974, 1961 p. 515. Code Ann., §45-102.)

**2. COMMISSION; CREATION; MEMBERS.** There is hereby created and established a Commission to be known as the State Game and Fish Commission composed of one member from each congressional district in this State, and one additional member from one of the following named counties, to-wit: Chatham, Bryan, Liberty, McIntosh, Glynn, or Camden. The member from the First Congressional District and the member of the Eighth Congressional District shall not be from any of the six counties named herein. The members of such Commission shall be appointed by the Governor and confirmed by the Senate, and shall hold office until their successors are appointed and qualified. The Governor shall not be a member of such Commission. (Ga. Laws 1955, pp. 483, 484; Code Ann., §45-103.)

**3. OATH; BOND.** Persons appointed to the Commission shall take oath of office and give bond in the sum of \$1,000 in the usual form required of State Officers. (Ga. Laws 1955, pp. 483, 485; Code Ann., §45-104.)

**4. TERMS; PRESENT MEMBERS.** The members of the State Game and Fish Commission appointed hereunder shall hold office for terms of seven years from the expiration of the terms of their predecessors. All members of the State Game and Fish Commission appointed under the provisions of an Act approved February 8, 1943 (Ga. Laws 1943 p. 128), as amended, particularly as amended by an Act approved March 9, 1945 (Ga. Laws 1945, p. 404), shall remain in office until the expiration of their terms under the above said Act, or until removed according to law and they shall have such right, powers, duties and receive such remuneration as herein prescribed by this Act. (Ga. Laws 1955, pp. 483, 485; Code Ann., §45-105.)

5. **VACANCIES.** Any vacancy in said Commission shall be filled by a qualified person appointed by the Governor for the unexpired term, subject to confirmation by the Senate, and any appointment, whether for a full term or to fill a vacancy, made when the Senate is not in session, shall be effective until the same is acted upon by the Senate. (Ga. Laws 1955, pp. 483, 485; Code Ann., §45-106.)

6. **CHAIRMAN; PER DIEM; MEETINGS.** Immediately after appointment, taking the oath of office and qualification, the members of the Commission shall meet at any convenient and designated place within the State of Georgia and elect a chairman, and thereafter the Commission shall elect a chairman annually. The members of the Commission, including the chairman, shall each receive \$20.00 for each day of actual attendance of meetings of the Commission at such designated places, and actual cost of transportation to and from the place of meeting and their respective homes by the nearest practical route not to exceed .06 per mile. The members of the Commission, including the chairman shall receive while on committee assignment \$20.00 for each day of actual service and actual cost of transportation to and from the place of service and their respective homes by the nearest practical route, not to exceed six cents per mile, provided, however, that the total per diem compensation paid in any year to any member of the Commission shall not exceed \$900.00. Such per diem and travel expense shall be paid from funds of the Commission. The Commission shall meet at such times and at such designated places in this State as it may determine and it may convene in called session upon call by the chairman or by a majority of the members of the Commission. (Ga. Laws 1955, pp. 483, 485; Code Ann., §107.)

7. **FUNDS; APPROPRIATIONS.** All funds resulting from the operation of the State Game and Fish Commission and from the administration of the laws and regulations pertaining to wildlife and to the State Game and Fish Commission, excluding fines, but including all license fees and other income, shall be paid into the General Fund of the State Treasury, and each year, at least such amount shall be appropriated to the Game and Fish Commission. (Ga. Laws 1955, pp. 483, 486; Code Ann., §45-108.)

NOTE: Section 6 of HB 219, Act No. 62, enacted at the 1955 Session (Ga. Laws 1955, p. 158) and approved by the Governor prior to passage of SB 60, was expressly superseded by Section 7 above.

8. **APPROPRIATIONS TRANSFERRED.** All appropriations heretofore made to the State Game and Fish

Commission for carrying out the provisions of an Act approved February 8, 1943 (Ga. Laws 1943, p. 128), as amended, particularly as amended by an Act approved March 9, 1945 (Ga. Laws 1945, p. 404), and now unused by said Commission are hereby transferred to the State Game and Fish Commission created under this Act. (Ga. Laws 1955, pp. 483, 486; Code Ann., §45-109.)

**9. ADMINISTRATION; RULES; RECORDS.** The Commission shall have power to adopt all rules, regulations and methods of administration necessary for the efficient operation of the Commission as herein created and established, but the Commission shall do the following:

(a) Keep a public record, correctly disclosing all moneys received and expended by them and all such other information as may be necessary or proper in the conduct of the affairs and business of the Commission. The books and accounts of the Commission shall be audited in the same way as other books and accounts of the other departments of the State are audited.

(b) Keep records of all their meetings and doings in a minute book provided for such purpose, keeping said records in the office at the State Capitol and making them available for public inspection like the other records of this State.

(c) Have and keep a seal of office which shall be used to authenticate all papers and documents issues and executed by them. (Ga. Laws 1955, pp. 483, 487; Code Ann., §45-110.)

**10. DIRECTOR; SALARY; BOND.** The State Game and Fish Commission at its first meeting shall appoint a Director, who shall be the executive secretary and administrative officer of the Commission, and have such other powers and duties as may be prescribed by the Commission and by this Act, for all of which duties combined he shall receive a salary to be fixed by the Commission from time to time which in no event shall exceed \$8,600.00 per annum, including any contingent expense allowance, payable monthly, and traveling expenses necessary in the performance of his duties. The Director shall devote his full time to the duties of his office and shall have such powers and shall perform such duties as may be assigned to and required of him by the Commission. He shall take oath of office and give bond in the sum of \$10,000.00 in the usual form required by State officials. Such Director shall have offices at the State Capitol, which shall also be the office of the Commission. The Director shall hold office at the pleasure of the Commission. No member of the Commission during his tenure of office or within two years thereafter shall be eligible

*note Comm, not Director, is  
empty body!*

for appointment as Director or for any employment under the Commission or the Director. (Ga. Laws 1955, pp. 483, 487; Code Ann., §45-111.)

**11. SUPERVISOR OF COASTAL FISHERIES.** The Commission shall appoint a supervisor of Coastal Fisheries, who shall receive a salary to be fixed by the Commission from time to time, and who shall serve at the pleasure of the Commission. He shall devote his full time to his official duties, and shall take oath and give bond in the sum of \$10,000.00 in the usual form required of State officials. The Supervisor of Coastal Fisheries shall perform such services in connection with the development and protection of fish, shell fish and crustaceans, and such other duties as may be assigned to him by the Commission and Director. (Ga. Laws 1955, pp. 483, 488, Code Ann., §45-112.)

**12. WILDLIFE RANGERS ; OTHER EMPLOYEES.**  
(a) The Commission shall appoint and fix the salaries of such assistants and employees, including a uniformed division to be known as Wildlife Rangers, of such number as may be necessary to carry out the duties assigned to them by the Commission and Director, within funds available to and appropriated therefor, all of whom shall serve at the pleasure of the Commission. The Commission shall not appoint any persons or assistants, or employees including Wildlife Rangers, related by blood in a degree closer than third cousins to the members of the Commission or to the Director.

(b) The State Game and Fish Commission is hereby authorized to purchase, as other State purchases are made, all necessary uniforms to equip the Wildlife Rangers as a uniform division and to pay for said uniforms from any funds made available to the State Game and Fish Commission for the operation of the Department.

(c) The Game and Fish Commission is authorized to pay to each Wildlife Ranger the expenses incurred by the Ranger in the performance of his duties. (Ga. Laws 1956, p. 349. As amended Ga. Laws, 1960, p. 228, Code Ann. §45-113.)

**13. DUTIES AND POWERS OF COMMISSION; GENERALLY.** The Commission is hereby directed and authorized to perform the following duties and functions:

1. Acquire by purchase, condemnation, lease, agreement, gift or devise, lands or waters suitable for the purposes herein enumerated, and develop, operate and maintain the same for the following purposes:

(a) For fish hatcheries, nursery ponds, or game farms, sanctuaries, reservations and refuges:



(b) Lands or waters suitable for wildlife restoration, propagation, protection or management:

(c) For public hunting, fishing or trapping areas, to provide places where the public may hunt, trap or fish in accordance with the provisions of law or the rules and regulations of the Commission.

2. To fix bag and creel limits and to fix open and closed seasons for all wildlife on a statewide, regional, or local basis, as they may find to be appropriate, except as otherwise provided by law.

3. To regulate the manner, method, ways, means and devices of killing, taking, capturing, transporting, storing, selling, using, and consuming wildlife, except as otherwise provided by law.

4. To capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, to exercise control measures of undesirable species.

5. To designate by the promulgation of rules and regulations the wildlife that shall be called game animals, furbearing animals, game birds, game fowl and game fish.

6. To promulgate rules and regulations for purposes herein set out.

7. To prohibit anyone from entering or being on any State Game refuge while under the influence of drugs, intoxicating liquors, beers, wines or other beverages.

8. To designate, if any, what non-game birds, their nest and eggs can be taken, captured, killed or possessed at any time.

9. To enter into cooperative agreements with educational institutions and State and Federal and other agencies to promote wildlife management and conservation. (Ga. Laws 1955, pp. 483, 489; Code Ann., §45-114.)

## 14. RULES AND REGULATIONS

### a. Posting—Promulgation.

All rules and regulations promulgated by the State Game and Fish Commission shall have the force and effect of law upon complying with the following procedures:

(1) The Commission shall post at the courthouse door of the county or counties that will be affected, a complete copy of such rules or regulation certified by the chairman of the Commission, and shall file, an additional certified copy thereof in the office of the ordinary of the county or counties affected, at least 30 days before the effective date of such rules or regulation.

(2) The Commission may issue by proclamation, rules and regulations to protect wildlife in areas where

there are forest fires, floods, or other emergency situations without the necessity of posting such regulations in the county or counties affected or filing copy of same in the office of the ordinary. The rules and regulations shall have the force and effect of law upon proclamation by the Commission, and such proclamation shall show the date and hour of proclamation.

(3) When rules and regulations are passed under the authority of the State Game and Fish Commission, they shall be admitted in evidence in any court in this State upon certificate under seal of the Clerk of the Court of Ordinary in the County where said court is sitting, that such is a copy of the rules and regulations of the State Game and Fish Commission, certified by the chairman of the Commission, on file in the Court of Ordinary in said county or as issued by proclamation by the Commission. Said certificate shall show the date of filing of said rules and regulations in the Court of Ordinary and the date of posting said rules and regulations at the courthouse door of said county or the date and hour of proclamation, and said certificate shall be proof of such facts. Provided, however, a certificate from the Director or Chairman of the Commission shall be sufficient as evidence of emergency rules and regulations herein provided for. (Ga. Laws 1955, pp. 483, 490; Code Ann., §45-115.)

b. Penalty for Violation. Any person or corporation who shall violate any of the rules or regulations promulgated by the Commission shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 491; Code Ann., §45-116.)

**15. DISPOSITION OF FINES.** No Wildlife Ranger or other employee of the Game and Fish Department shall receive any portion of fines or forfeitures imposed by the courts for violations of the wildlife laws. The proceeds from all fines and forfeitures arising from the violation of the wildlife laws, rules and regulations shall be used, except as otherwise provided herein, first, to pay the proper officers of the trial court as prescribed by law. The money remaining after said officers have been compensated shall be remitted promptly by the clerk of the court in which the case is disposed of to the County Treasurer of the county in which said fine is assessed, who shall deposit said funds in the General Fund of the county, but to be allocated to the said county school board for school purposes. The clerk of the court in which each case is disposed shall promptly make a written report to the Director of Game and Fish, showing the disposition of each case; and for making each report he shall be entitled to an additional fee of \$1.00 in each case, to be added to the

cost allowed by law against the defendant, to be retained by said clerk as his special compensation for making such report. (Ga. Laws 1955, pp. 483, 491; Code Ann., §45-117.)

**16. WILDLIFE RANGERS; POWERS.** The Wildlife Rangers of this State shall have the power:

(a) To enforce all laws, rules and regulations pertaining to wildlife and as otherwise provided.

(b) To execute all warrants and search warrants for the violation of the laws, rules and regulations pertaining to wildlife.

(c) To serve subpoenas issued for the examination, investigation, and trial of all offenses against the laws, rules and regulations pertaining to wildlife.

(d) To arrest without warrant any person found violating any of the laws, rules and regulations pertaining to wildlife, or to hunting, fishing, or boating.

(e) To seize and take possession of all wildlife or parts thereof, taken, caught, killed, captured or in possession, or under control, or which have been shipped or are about to be shipped at any time in any manner or for any purpose contrary to the laws, rules and regulations pertaining to wildlife. Seizures made under this section shall be donated to some charitable institution in this State, provided that such wildlife so seized shall be liberated when alive and substantially uninjured.

(f) To go upon any property outside of buildings, posted or otherwise, in the performance of their duties.

(g) To carry firearms while performing duties pertaining to wildlife. (Ga. Laws 1955, pp. 483, 491; Code Ann., §45-118.)

**17. COMMISSION TO PROVIDE FREE PASSAGEWAY FOR FISH.** The State Game and Fish Commission is authorized to provide for the free passage of fish in the fresh water streams of Georgia for the purpose of spawning and propagating, and to erect or cause to be erected fish-ladders or other passageways whereby fish may pass over any dam or other obstruction placed in the fresh water streams of Georgia, by any firm, person or corporation.

(a) It shall be the duty of the State Game and Fish Commission to give written notice to any person, firm, or corporation, owning, leasing, or constructing any dam or other obstruction whereby the free passageway of fish is restricted in the fresh water stream of this State to provide a suitable fish-ladder or passageway over any dam or other obstruction, and that such person, firm or corporation shall within 60 days after the receipt of such notice provide at its own expense



such fish-ladder or other suitable passageway for the purpose of allowing fish in such fresh water to freely pass over such dam or other obstruction.

(b) Should any person, firm or corporation owning, leasing or constructing any dam or other obstruction in the fresh water streams of this State, fail and refuse to provide such fish-ladder or other passageway after receiving the notice, as herein required, the State Game and Fish Commission is hereby authorized to build or erect such fish-ladder or other passageway over such dam or obstruction, and the cost of the same shall be assessed by the State Game and Fish Commission against the person, firm or corporation, owning, leasing or constructing such dam or obstruction.

(c) The State Game and Fish Commission is hereby authorized to issue an execution as at common law against such person, firm or corporation for the actual expense incurred in connection of such fish-ladder or other passageway, which shall be collected by levy and sale by the sheriffs or other lawful officers of this State from such person, firm or corporation, owning, leasing or constructing such dam or obstruction, as fi. fas. or executions are called at law. (Ga. Laws 1955, pp. 483, 492, as amended, Ga. Laws 1956, pp. 590, 594; Code Ann., §45-119.

**18. VEHICLES AND AIRCRAFT.** To facilitate the inspection and patrolling of the Wildlife Resources of this State, and to assist in the better enforcement of the laws, rules and regulations relating to wildlife, the Game and Fish Commission is hereby authorized and empowered to purchase, through the State Purchasing Department, as other purchases are made, aircraft and other necessary equipment to be used for such patrolling and inspection.

“Any other provision of law to the contrary notwithstanding, the Game and Fish Commission is hereby authorized and empowered to purchase, through the State Purchasing Department, as other purchases are made, passenger carrying vehicles, and such purchases shall not fall within the restrictions relating to the purchase, use and furnishing of automobiles as provided in Code Chapter 40-20, as amended.” (Ga. Laws 1955, pp. 483, 493, as amended, Ga. Laws 1956, pp. 590, 602; Ga. Laws 1961 p. 564 Code Ann., §45-120.)

## **C—PROVISION FOR INTERSTATE**

### **AGREEMENTS:**

**1. RECIPROCAL LICENSES.** The State Game and Fish Commission is hereby authorized and empowered to make and enter into agreements, from time to time, with the proper authorities of the States of Ala-

bama, Florida South Carolina, North Carolina and Tennessee, whereby a citizen of the State of Georgia who owns farm lands in the said adjoining states may purchase a resident hunting license in the State in which his land is situated which will permit said Georgia citizen to hunt on his own land in the adjoining State without purchasing an out-of-state hunting license. The State Game and Fish Commission is hereby authorized and empowered to reciprocate this courtesy and issue a resident hunting license in Georgia to citizens of said adjoining states who own farm lands in Georgia permitting such citizen to hunt on their own land in Georgia without purchasing an out-of-state hunting license. (Ga. Laws 1955, pp. 483, 494; Code Ann., §45-121.)

**2. CONTIGUOUS WATERS.** The State Game and Fish Commission is hereby authorized and empowered to make and enter into agreements, from time to time, with the proper authorities of the States of Alabama, Florida, North Carolina, South Carolina and Tennessee, whereby a valid fishing license issued by the State of Georgia will be accepted and honored, as and in lieu of a fishing license for the respective states so agreeing, for fishing on the banks and in the waters of lakes, rivers and streams lying between the State of Georgia and such adjoining state or partly within the boundaries of both the State of Georgia and the adjoining state, and valid licenses issued by the respective states so agreeing shall be accepted and honored, as and in lieu of a Georgia fishing license, for fishing upon said lakes, rivers and streams.

(a) The purpose of this section is to authorize the State Game and Fish Commission to enter into such agreements with all States bordering on the State of Georgia, but it is not intended that the benefits of such agreements should extend to licenses of all bordering states on all lakes, rivers and streams lying upon the borders of Georgia, but are to apply separately to those lakes, rivers and streams lying between the State of Georgia and each respective state so agreeing. (Ga. Laws 1955, pp. 483, 494; Code Ann., §45-122.)

**3. ATLANTIC STATES MARINE FISHERIES COMPACT.** Atlantic States Marine Fisheries Compact. The Governor of this State is hereby authorized and directed to execute a compact on behalf of the State of Georgia with any one or more of the states of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina and Florida, and with such other states as may enter into the compact, legally joining therein the form substantially as follows:

## ATLANTIC STATES MARINE FISHERIES COMPACT

The contracting states solemnly agree:

### Article I

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.

### Article II

This agreement shall become operative immediately as to those states executing it whenever any two or more of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

### Article III

Each State joining herein shall appoint three representatives to a Commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by the Commission or Committee on Interstate Cooperation of such State, or if there be none, or if said Commission on Interstate Cooperation cannot constitutionally designate the said member, such legislator shall be designated by the Governor thereof; provided, that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third shall be a citizen who shall have

a knowledge of and interest in the marine fisheries problem to be appointed by the governor. This Commission shall be a body corporate with the powers and duties set forth herein.

#### Article IV

The duty of the said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine and anadromous, of the Atlantic seaboard. The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever, and to assure a continuing yield from the fisheries resources of the aforementioned state.

To that end the Commission shall draft and, after consultation with the Advisory Committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The Commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the Governor of the State its recommendations relating to enactments to be made by the legislature of this compact.

The Commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The Commission shall have power to recommend to the states party hereto the stocking of waters of such states with fish eggs or joint stocking by some or all of the states party hereto and when two or more of the states shall jointly stock waters the Commission shall act as the coordinating agency for such stocking.

#### Article V

The Commission shall elect from its number a Chairman and a Vice Chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall affix and determine their duties, qualifications and compensation. Said Commission shall adopt rules and regulations for

the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

### Article VI

No action shall be taken by the Commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the Commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The Commission shall define what shall be an interest.

### Article VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission cooperating with the research agencies in each state for that purpose. Representatives of said Fish and Wildlife Service shall attend the meetings of the Commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and such other interests of each state as the Commission deems advisable shall be established by the Commission as soon as practicable for the purpose of advising the Commission upon such recommendations as it may desire to make.

### Article VIII

When any state other than those named specifically in Article II of this compact becomes a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of Article II, the participation of such state in the action of the Commission shall be limited to such species of anadromous fish.

### Article IX

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restriction to conserve its fisheries.

### Article X

Continued absence of representation or of any representative on the Commission from any state party hereto shall be brought to the attention of the Governor thereof.



## Article XI

The states party hereto agree to make annual appropriations to the support of the Commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States Department of the Interior, provided no state shall contribute less than two hundred dollars per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars.

The compacting states agree to appropriate initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the catch record of 1938. Subsequent budgets shall be recommended by a majority of the Commission and the cost thereof allocated equitably among the states in accordance with their respective interests and submitted to the compacting states .

### SCHEDULE OF INITIAL ANNUAL STATE CONTRIBUTIONS

|                      |        |
|----------------------|--------|
| Maine .....          | \$ 700 |
| New Hampshire .....  | 200    |
| Massachusetts .....  | 2,300  |
| Rhode Island .....   | 300    |
| Connecticut .....    | 400    |
| New York .....       | 1,300  |
| New Jersey .....     | 800    |
| Delaware .....       | 200    |
| Maryland .....       | 700    |
| Virginia .....       | 1,300  |
| North Carolina ..... | 600    |
| South Carolina ..... | 200    |
| Georgia .....        | 200    |
| Florida .....        | 1,500  |

## Article XII

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other states party hereto. (Ga. Laws 1955, pp. 483, 495; Code Ann., §45-123.)

(a) In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called commission) from the State of Georgia. The first commissioner from the State of Georgia shall be the Director of the Department of Game and Fish of the State of Georgia ex-officio, and the term of any such ex-officio commissioner shall terminate at the time he ceases to

hold said office of Director of the Department of Game and Fish and his successor as commissioner shall be his successor as Director of the Department of Game and Fish. The second commissioner from the State of Georgia shall be a legislator and member of the Commission on interstate cooperation of the State of Georgia ex-officio, designated by said Commission on Interstate Cooperation, and the term of any such ex-officio commissioner shall terminate at the time he ceases to hold said legislative office or said office as Commissioner on Interstate Cooperation and his successor as Commissioner shall be named in like manner. The Governor (by and with the advice and consent of the Senate) shall appoint a citizen as a third Commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said Commissioner shall be three years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such Commissioner from any reason or cause shall be filled by appointment by the Governor (by and with the advice and consent of the Senate) for the unexpired term. The Director of the Department of Game and Fish as ex-officio commissioner may delegate, from time to time, any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceedings of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive Commissioner, provided the said compact shall have then gone into effect in accordance with Article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said Article II. Any Commissioner may be removed from office by the Governor upon charges and after a hearing. (Ga. Laws 1955, pp. 483, 500; Code Ann., §45-124.)

(b) There is hereby granted to the Commission and the Commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the State of Georgia are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the State of Georgia to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the State Government or administration of the State of Georgia are

hereby authorized and directed at convenient times and upon request of the said Commission to furnish the said Commission with information and data possessed by them or any of them and to aid said Commission by loan of personnel or other means lying within their legal right respectively. (Ga. Laws 1955, pp. 483, 501; Code Ann., §45-125.)

(c) Any powers herein granted to the Commissioner shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the State of Georgia, or by the laws of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina and Florida or by the Congress or the terms of said compact. (Ga. Laws 1955, pp. 483, 501; Code Ann., §45-126.)

(d) The Commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the Legislature of the State of Georgia on or before the tenth day of December in each year, setting forth in detail the transactions conducted by it during the 12 months preceding December 1st of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the State of Georgia which may be necessary to carry out the intent and purposes of the compact between the signatory states. (Ga. Laws 1955, pp. 483, 502; Code Ann., §45-127.)

The Comptroller of the State of Georgia is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such Comptroller may deem proper and to report the results of such examination to the Governor of such state. (Ga. Laws 1955, pp. 483, 502; Code Ann., §45-128.)

(e) The sum of two hundred dollars (\$200.00) per annum, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the expenses of the Commissioners created by the compact authorized by this Act. (Ga. Laws 1955, pp. 483, 502; Code Ann., §45-129.)

(f) If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. (Ga. Laws 1955, pp. 483, 502.)



## D—FEDERAL ACTS ASSENTED TO BY GEORGIA.

1. **FEDERAL LANDS IN GEORGIA.** The consent of the General Assembly is hereby given to the making by Congress of the United States, or under its authority, of all such rules and regulations as the Federal Government shall determine to be needful in respect to game animals, game and non-game birds, and fish on such lands in the northern part of Georgia as shall have been, or may hereafter be, purchased by the United States under the terms of the Act of Congress of March 1, 1911, entitled "An Act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers" (36 United States Statutes at Large, page 961), and Acts of Congress, supplementary thereto and amendatory thereof, and in or on the waters thereof. (Ga. Laws 1955, pp. 483, 502; Code Ann., §45-130.)

2. **WILDLIFE RESTORATION PROJECTS.** The State of Georgia hereby assents to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the State in wildlife restoration projects, and for other purposes," approved September 2, 1937 (Public Number 415, 75th Congress, Title 16, Chapter 5 b United States Code, Annotated). The State Game and Fish Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the establishment and conduct of cooperative wildlife restoration projects, as defined in the said Act of Congress, in compliance therewith and rules and regulations promulgated by the Federal agency authorized thereunder. The State Game and Fish Commission shall have authority to do all things necessary in cooperation with all agencies of the United States Government in connection with propagation, restoration and protection of wildlife in this State. (Ga. Laws 1955, pp. 483, 502; Code Ann., §451 131.)

3. **FISH RESTORATION PROJECTS.** The State of Georgia hereby assents to the provisions of the Act of Congress entitled an Act to provide that the United States shall aid the State in fish restoration and management projects, approved August 9, 1950, (Public Laws 681, 81st Congress), and the Fish and Games Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said Act of Congress, in compliance with said Act and rules and regulations

promulgated by the Secretary of the Interior thereunder; and no funds accruing to the State of Georgia from license fees paid by fishermen shall be diverted for any other purpose than the administration of the Division of Fish and Game and for the protection, propagation, preservation, and investigation of wildlife. (Ga. Laws 1955, pp. 483, 503; Code Ann., §45-132.)

**4. NATIONAL FORESTS; RESTOCKING; SEASONS.** The State Game and Fish Commission shall have the right and authority to enter into a cooperative agreement with the United States Government, or with the proper authorities thereof, for the protection and management of the wildlife resources of the National Forest lands within the State of Georgia and for the restocking of the same with desirable species of wildlife.

(a) The Game and Fish Commission shall have authority to close all hunting and fishing within said lands so contracted for with the Federal Government for such period of time as may be, in the opinion of the Game and Fish Commission, necessary; shall have authority from time to time to prescribe the season for hunting or fishing therein, to prescribe the number of animals and game, fish and birds that shall be taken therefrom and the size thereof, and to prescribe the conditions under which the same may be taken. (Ga. Laws 1955, pp. 483, 504; Code Ann., §45-133.)

**5. CONSENT OF STATE FOR ACQUISITION OF LAND AND WATER BY FEDERAL GOVERNMENT.**

"Section 26A. The consent of the State of Georgia is hereby given to the acquisition by the United States by purchase, gift, devise, lease, condemnation, or otherwise, of such areas of land or water or of land and water in the State of Georgia as the United States may deem necessary for the conservation, protection, propagation, and development of all species of fish and wildlife, and for other conservation purposes, reserving, however, to the State of Georgia full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of any act of Congress authorizing such acquisitions: Provided, that prior to such acquisition, notice shall be given by the Federal Government to the Game and Fish Commission of the State of Georgia of plans stating the specific use to be made of and the specific location and description of such lands desired by the Federal Government for any such conservation use, and that such plan for acquisition of said lands be approved by the Game and Fish Commission of the State of Georgia."

All laws and parts of laws in conflict with this Act are hereby repealed. (Ga. Laws 1961, p. 123.)

## CHAPTER II

### LICENSES

Note: Not all of the laws relating to licenses and permits are included in this Chapter. Some of these provisions were more properly left in context of the law of which they constitute a part. Such provisions are as follows:

1. Permits for transportation of wildlife, Chapter III, Section 1, 3 and 4, pp. 31-32.
2. Permits authorizing possession of wildlife purchased outside the state, Chapter IV, Section 6, p. 34.
3. Permits for the storage of wildlife, Chapter IV, Section 20, p. 38.
4. Special permits authorizing trapping during emergencies, Chapter V, Section 3, p. 40.
5. Permits authorizing use of baskets for the taking of rough fish, Chapter VII, Section B (2), p. 50.
6. Fresh water commercial fishing licenses, Chapter VII, Section D (1), p. 52.
7. Leases of oyster beds, Chapter IX, Section B (1), p. 63.
8. Commercial Quail Breeder's Licenses, Chapter VI, *infra*, p. 42.
9. Minnow and live fish (for restocking) dealers' licenses, Chapter VII, *infra*, p. 56.
10. Hunting preserves, p. 27.
11. Bond required of commercial fishermen for bait in salt waters, Chapter IX, §A(4), *infra*, p. 62.

### A—GENERAL PROVISIONS

1. **SALE OF LICENSES.** Hunting, fishing and trapping licenses in this State shall be issued and sold by the Commission upon such forms which contain such information as the Commission may prescribe; provided, said licenses for hunting and fishing shall be sold in each county by some designated bonded agent who shall keep stubs of all licenses sold. All licenses shall be charged to such agent, who shall account for same and for the cash from resulting sales. The agent selling such licenses shall not receive for himself more than twenty-five (25¢) for each license issued. (Ga. Laws 1955, pp. 483, 504; Code Ann., §45-201.)

2. **FALSE STATEMENT IN APPLICATION FOR LICENSE.** Any person who shall knowingly make a false statement in his application for any type of hunting, fishing or trapping license, except as otherwise provided, shall be guilty of a misdemeanor and shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 504; Code Ann., §45-202.)

**B—SPORT LICENSES**

**1. NON RESIDENT.** It shall be unlawful for any person not a resident of Georgia to hunt, fish or trap in the jurisdiction of this State without a proper non-residence license, except as otherwise provided by law and interstate agreements. It shall be unlawful for any non-resident to hunt, fish or trap without carrying the required license on his person. Any person violating any provisions of this section shall be guilty of a misdemeanor and punished as provided by law.

Non-resident license fees shall be as follows:

**Trapping**

- (a) Yearly in location where permitted.....\$25.00

**Hunting**

- (a) Yearly for small game..... \$10.25
- (b) Yearly for big game (small game license required as a prerequisite to purchase) ...\$10.25
- (c) Yearly for public hunting preserves.....\$ 5.25  
(No other license is required on public hunting preserves.) (For private hunting preserves, licenses as provided in (a) or (a) and (b) above, or (d) or (d) and (e) below are required.)
- (d) Yearly for small game with bow and arrow .....\$10.25
- (e) Yearly for big game with bow and arrow (small game bow and arrow license required as a prerequisite to purchase).....\$10.25

**Fishing. Fresh-Water Only**

- (a) Yearly throughout the State..... \$ 6.25

Such licenses issued by the Commission shall bear the date of April first of the year in which issued and shall expire on March thirty-first of the following year. (Ga. Laws, pp. 483, 505, as amended by Ga. Code Ann., §45-203, 204.)

“Section 30A. Any other provision of this Act to the contrary notwithstanding, the Game and Fish Commission is authorized to issue a three-day State-wide non-resident fishing license upon the payment of the fee of One and 25/100 Dollars (\$1.25). Twenty-five cents (25¢) of said fee shall be retained by the agent issuing the license as provided by law and the remainder of said fee shall be disposed of as provided by law,” (Ga. Laws 1961, p. 52).

**2. RESIDENT**

**Hunting**

- (a) Yearly ..... \$ 2.25
- (b) Yearly for hunting with bow and arrow...\$ 2.25

## Fishing

- (a) Yearly for fishing .....\$ 1.25  
Combination hunting and fishing license...\$ 3.25

Persons under 16 years of age shall not be required to obtain hunting and fishing licenses referred to herein. (Ga. Laws 1955, p. 158; (Code Ann. 45, as amended 1960 Laws, p. 974, Act 669, approved March 17, 1960.)

d. SEINING AND NETTING. Residents engaging in seining or netting, where otherwise authorized, shall obtain the fishing license as above provided, or the combination license. (Ga. Laws 1955, p. 158; Code Ann. §45-207.)

e. HONORARY LICENSES. All legal residents of Georgia who are 65 years of age or more and who apply to the Commission shall receive an honorary hunting and fishing license which shall entitle the holder thereof to hunt and fish without the payment of any fee whatsoever.

All honorary hunting and fishing licenses with the exception of the payment of fees, are subject to all other provisions of laws, rules and regulations of this State. Such honorary licenses may be revoked upon the conviction of the holder for any violation of the game and fish laws of this State. It shall be unlawful for any person having an honorary fishing license or hunting license to permit the use of same by any other person. It shall also be unlawful for any person to use an honorary hunting and fishing license who is not entitled to the same. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 438, 506; Code Ann., §45-205.)

NOTE: Prior to passage of S. B. 60, the Comprehensive Game and Fish Bill (Ga. Laws 1955, p. 483), the General Assembly passed and the Governor approved H. B. 219 (Ga. Laws 1955, p. 158), which made provision for resident hunting and fishing licenses. S. B. 60 was amended in committee so as to adopt, in greater part, the provisions of H. B. 219, in lieu of comparable provisions originally made in S. B. 60. The resident licensing provisions of S. B. 60, as adopted from H. B. 219, became effective on April 1, 1955. In addition, section 2 of H. B. 219, which was continued in force in S. B. 60, repealed a local law (Ga. Laws 1949, p. 1361) exempting citizens of a certain designated area from license requirements. This local law was probably unconstitutional anyway. See Constitution, Article I, Section IV, Paragraph I (Code Annotated, Section 2-401); Article I, Section I, Paragraph II (Code Annotated, Section 2-102).



### 3 SCOPE AND EFFECTIVE DATE OF ABOVE LICENSES

(a) **FISHING LICENSES—FRESH AND SALT WATER.** All sport licenses issued under the provisions of Sections 1 and 2 of Part B hereof, shall entitle the holder thereof to sport fish in any of the fresh or salt waters of this State, but in the latter case, only within the three-mile limit (Ga. Laws 1955, pp. 483, 506; Code Ann., §45-225.)

(b) **EFFECTIVE DAY OF LICENSE.** All sport licenses issued under Sections 1 and 2 above, except daily permits issued to non-residents under Section 1, and honorary licenses issued under Section 2(e), which are hereby declared to be permanent, shall be effective from April 1 until March 31 next following. (Ga. Laws 1956, pp. 590, 591; Code Ann., §45-225.)

### C—SCIENTIFIC AND PROPAGATION PERMITS

Under the seal of the Commission, permits may be issued to any person to take, capture, kill, or transport any of the wildlife of this State or the plumage, skin or body thereof, or the nest or eggs of the same for propagation of scientific purposes, or for pets, under such regulations and restrictions as may be imposed by the Commission. Such permits may be issued upon the payment of a fee of \$1.00, and the same may be revoked at the pleasure of the Commission. Such permits, unless sooner revoked, shall be valid from April first of the year in which issued until March thirty-first of the following year. It shall be unlawful for any person or persons to take, capture, kill or transport any of the wildlife of this State or the plumage, skin or body thereof, or the nests or eggs of the same for propagation or scientific purposes, or for pets, without first obtaining a valid permit as herein provided. Anyone violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 507; Code Ann., §45-208.)

**ED. NOTE:** Regulations supplementing these provisions regulating scientific and propagation permits are subject to change. Any questions should be addressed to the State Game and Fish Commission, State Capitol, Atlanta, Ga.

**NOTE:** See also Chap. VI., dealing with Commercial Quail Breeder's Licenses, *infra.*, p. 42.

### D—COMMERCIAL LICENSES

1. **SHAD.** No person shall take shad from the waters of this State without first having procured from the Commission a license as follows: Persons having a residence within this State and being citizens of the United States shall pay a fee of \$1.00 for such a license.

Citizens of other states residing outside of this State shall pay a fee of \$10.00. All licenses provided for in this section shall be effective from April first of the year in which issued until March thirty-first of the following year. Any person or persons who take shad from the waters of this State for the purpose of sale in violation of the provisions of this license herein required, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 508; Code Ann., §45-210, 45-211.)

## 2 BOAT LICENSES; SALT WATER

(a) **Application.** No boat or vessel shall be used in commercial fishing or for commercial taking of any seafood in the waters of this State without being properly licensed. The owner or operator of such boat or vessel shall present in writing an application for such license, setting forth the name and description of such boat or vessel, the name and post office address and residence of the owner and operator of such boat or vessel, the number of the crew and such other data and information as the Commission shall deem necessary. Application shall be made on blank forms as prescribed by the Commission, and shall be under oath and duly witnessed by an officer authorized by law to administer oaths. Any person operating such boat or vessel which is not properly licensed shall be guilty of a misdemeanor and punished as provided by law.

(b) **Issuance** The Commission, upon receipt of such commercial license application, shall investigate the person applying for such license to determine the applicant's credibility. If such investigation reveals that the applicant has been convicted within five years of violating the laws, rules or regulations pertaining to the taking of fish or the taking of seafood in the tidal or salt waters of this State, the license shall be refused. If such investigation does not reveal any such conviction or other good reason for not issuing such license, the Commission shall issue the license for such boat or vessel.

(c) The license fees for commercial boats required under this section shall be as follows:

1. "Boats under 16 feet long and  
under 4 foot beam ..... \$1.05
  2. "Boats over 16 feet long and  
over 4 foot beam .....\$1.05
- "And in addition thereof shall be a fee of 20 cents for each additional foot or fraction thereof of length and beam."

To defray the additional cost of regulation and policing, aliens and non-residents shall be charged an additional license fee of \$25.00 for each boat or vessel used in commercial fishing or in the taking of sea food

owned in whole or in part by such non-resident or alien. The licenses issued under this section either to residents or non-residents or aliens, shall be effective from April 1 through March 31 next following. (Ga. Laws 1955, pp. 483, 508, as amended, Ga. Laws 1956, pp. 590, 592; Code Ann., §45-212.)

(d) **False Swearing.** Any person procuring a license for any boat or vessel as provided in this section by swearing falsely to any information required by the laws or regulations relating thereto shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 509; Code Ann., §45-214.)

**3. IDENTIFICATION TAG FOR BOATS; FEE.** Each boat or vessel licensed by the Commission shall have securely fixed on each side of the bow or pilot house thereof, and conspicuously displayed in order that it may be read from a reasonable distance, a metal tag of such style and size as may be prescribed by the Commission. The licensee of such boat or vessel shall be required to pay, in addition to the license for such boat or vessel, a fee to cover the cost of said tag; provided, the price charged for such tag shall not exceed \$2.00 per boat or vessel. Each boat or vessel so licensed shall also have painted upon such boat or vessel, in a size and upon such parts as prescribed by the Commission, such numbers and letters which shall identify such boat or vessel more easily. The paint used for said purpose shall be different from and in clear contrast in color to the boat or vessel on which applied. The numbers and letters so painted on said boat or vessel shall not be covered at any time while said boat or vessel is trawling or fishing or taking any seafood, by any cloth or other object so as to obscure or make the same invisible to the public or to any inspector or agent of the Commission. Failure to comply with the provisions of this section shall be a misdemeanor and persons so violating shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 509; Code Ann., §45-215, 45-216.)

**4. RECORD BOOKS TO BE KEPT ON BOATS.** Every boat or vessel used in commercial fishing or in the taking of seafood in tidal salt waters of Georgia shall be required to maintain and carry thereon at all times a record book, to be prescribed by the Commission, showing the amount of fish, oyster, prawn, shrimp and other seafood caught daily, to whom sold, the date of sale and delivery, and such other information as may be required by the Commission. Such records shall be open at any and all times to the duly authorized inspectors or agents of the Commission. The owner or licensee of, or any person operating said boat or vessel, shall be required to



make such reports monthly or as may otherwise required by the Commission. Any person failing to keep the record herein required or failing to produce the same upon demand of the duly authoized inspectors or agents of the Comwmission, or who shall in any manner fail to comply with the provisions of this section, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 510; Code Ann., §45-217, 45-218.)

## **5. COMMERCIAL FISHERMEN'S PERSONAL LICENSE.**

No person shall take or catch fish or any kind of seafood from the tidal or salt waters of this State for commercial purposes, except as otherwise provided, without first obtaining the proper license to do so. Such license shall be obtained from the Commission and shall be effective from April 1 through March 31 next following. The fee for such license shall be \$2.00 for residents and \$5.00 for non-residents and aliens, the additional cost for the latter being required to defray the additional cost for regulation and policing. Any person violating the provisions of this section, or any person procuring a license as provided hereunder by swearing falsely to any information required by the laws or regulations relating thereto shall be guilty of a misdemeanor and punished as provided by law. The license required by this section is a personal license separate from the boat licenses required in Section D(2) of this Chapter. (Ga. Laws 1955, pp. 483, 510, as amended. Ga. Laws 1956, pp. 590, 591; Code Ann., §§45-219, 45-220.)

CROSS REFERENCE: See also Chap. IX, §4(b), herein, relating to Bonds required of commercial fishermen fishing for bait, etc.

## **6. OYSTER GATHERER'S PERMIT.**

(a) Issuance. Each and every commercial fisherman shall each year, prior to engaging in commercial oyster gathering, obtain an oyster collector's permit from the Commission. The permit shall be in the form of a chart to which is attached or affixed the date, the name of the individual, the company the individual is working for, and the number of the State health certificate. The chart shows the areas in which oysters cannot be taken because of pollution as determined by the State Department of Health.

A master chart showing the pollution zones shall be kept on file at the office of the Supervisor of Coastal Fisheries. The chart shall also show the areas from

which the applicant may obtain oysters by virtue of demonstrated authority:

- (1) Lease of State-owned land.
- (2) Ownership of lands or authorized agent for owner.
- (3) Lease of lands from landowners.
- (4) Permit from Coastal Fisheries Office to remove oysters from natural oyster beds on unleased State lands.

A duplicate oyster collector's permit with chart shall be filed with the Coastal Fisheries Office of the Commission. The permits provided for herein shall be furnished to the applicants by the office of the Coastal Fisheries at cost price. The Coastal Fisheries Office shall furnish sufficient charts covering the areas of operations to satisfy needs. These charts shall be recent United States Coast and Geodetic charts, or accurate facsimiles of same. (Ga. Laws 1955, pp. 483, 511; Code Ann., §45-221.)

(b) Duty to Carry Permit. Every person, while engaged in commercial oyster collection from oyster beds, shall carry with him the permit as herein required and it shall be unlawful for any person to engage in oyster collection for commercial purposes without first having with him a permit to do so. It shall also be unlawful for any person to collect or engage in collecting oysters from any polluted areas or sources, or from any areas or sources other than as shown and authorized by the permit granted to him. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 512; Code Ann., §45-222, 45-223.)

(c) Permit Not Required—When. Nothing in this section shall prohibit an individual from taking not in excess of two bushels of oysters per day for his own use, when authorized to do so by written permission of the land-owner, which written permission shall be in possession of the person so taking. (Ga. Laws 1955, pp. 483, 512; Code Ann., §45-224.)

**7. ALLIGATOR HUNTERS' LICENSE.** It shall be unlawful for any person to hunt, trap, or in anywise engage in the activity of capturing alligators without first obtaining from the Commission, a special annual alligator hunter's license, for which shall be charged a fee of \$5.00 as to residents, and \$25.00 as to non-residents, the additional costs for the latter being to defray the additional cost of policing and regulation, said licenses to be effective from April 1 in the year which issued through March 31 of the year next succeeding. The open season for hunting and trapping alligators shall be from June 1 to January 31, and no alligator shall be killed or captured which is less than 5 feet in

length. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1956, pp. 590, 595; Code Ann. §45-226.)

## 8. FUR DEALERS AND AGENTS LICENSES.

(a) No person, firm or corporation shall engage in the business of buying and selling furs, hides and pelts of wildlife as herein defined, including alligator hides, without first obtaining from the Commission an annual license, for which shall be charged a fee of \$100.00 for residents, and \$200.00 for non-residents, the additional cost for the latter being to defray the additional cost of policing and regulation, said license to be effective from April 1 in the year which issued through March 31 of the year next succeeding.

(b) No person shall act as agent for another in the buying or selling of such furs and hides above referred to, without first obtaining from the Commission an annual agent's license, for which shall be charged a fee of \$5.00, for both resident and non-resident agents, said license to be effective from April 1 in the year which issued through March 31 of the year next succeeding.

(c) Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1956, pp. 590, 595; Code Ann., §45-228.)

## 9. OPERATION OF HUNTING PRESERVE LICENSE.

(a) Any person, firm or corporation desiring to establish, maintain and/or operate a hunting preserve within the State of Georgia to permit the releasing and shooting and/or taking of pen raised game birds or animals by the public for a fee or otherwise may apply to the State Game and Fish Commission for a license to do so, and the State Game and Fish Commission is hereby authorized to issue such an applicant a license for the purpose, upon the conditions herein set out. (Ga. Laws 1957, p. 295; Code Ann., §45-1001.)

(b) Any license issued hereunder shall permit the licensee to propagate, possess and release for shooting and/or taking on the preserve covered by such license any game bird or animal defined as such by law, rule or regulation under the laws of the State of Georgia and in addition thereto, import, propagate, possess and release for shooting and/or taking on the preserve covered by such license any foreign game bird or animal not a native of the State of Georgia. (Ga. Laws 1957, p. 295; Code Ann., §45-1002.)

(c) The application for such a license shall be accompanied by a fee of Twenty-Five (\$25.00) Dollars

to be the annual charge for the issuance of such license, and shall be further accompanied by information as to the location and description of the premises, including a legal description of the facilities thereon, together with the interest of the applicant therein. It shall further be accompanied by information on the applicant as to his place of residence, age, occupation, or, if a corporation, the place of incorporation, the purpose of incorporation, and the location of its principal place of office, together with full details as to the intended operations on said hunting preserve. Also the applicant shall further furnish to the Commission any additional information required or requested of him by the said Commission. (Ga. Laws 1957, p. 295; Code Ann., §45-1003.)

(d) The following conditions must be complied with before the applicant shall be eligible for the issuance of a hunting preserve license as herein provided for:

(1) The land to comprise said preserve shall consist of not more than 1,000 acres nor less than 100 acres and must be owned or leased by the applicant. In the event the property is under lease to the applicant, said lease shall be for a term of not less than one year from date of application, and such lease is subject to inspection and approval by the Commission in the consideration of granting of such license.

(2) The property comprising such preserve shall be adequately enclosed by fence, said fence to consist of not less than one strand of barbed wire, and the boundary lines of said premises shall be marked by signs located not more than 400 feet apart, indicating that they are boundary line signs in letters not less than two inches in height, and shall further indicate that said premises are posted as against trespassing according to the laws of Georgia for posting lands, which shall have been complied with prior to the issuance of the license.

(3) In addition to game birds released for and taken by hunters, licensee shall release on said premises during the shooting season a minimum of the following:

1 quail for each 8 acres, 1 pheasant and 1 chuckar (or other imported foreign bird to be designated or approved by the Commission) for each 10 acres of said preserve. Only pen raised mallard or black ducks more than two generations removed from the wild may be used for preserve hunting.

(4) All game birds released on a hunting preserve shall have a band on one leg which shall contain information as to the permit number and an identification number—(example — 1957 — Permit No. 15-35), which band must be approved by the Commission and shall remain on the bird whether he be removed from

the preserve dead or alive until said bird is ready for consumption.

(5) A complete record of all birds propagated, released or taken on said preserve, including complete records of all operations of said preserve shall be furnished the Commission within 60 days after the hunting season has closed. (Ga. Laws 1957, pp. 295, 296; Code Ann. §45-1004.)

(e) Any group or organization of five or more members desiring to establish, maintain and/or operate a private hunting preserve within the State of Georgia to permit the propagation, possession, shooting and/or taking of pen raised game birds or animals by the membership thereof may apply to the State Game and Fish Commission for a permit to do so, and the State Game and Fish Commission is hereby authorized to issue such applicant a permit for said purposes. This permit shall be issued by the same procedure and upon the same conditions as herein provided for the issuance of a license for hunting preserve for the public, except that the fee for issuing such permit shall be \$10.00 per year, and the application, in addition to the information required for hunting preserve, shall include complete information as to the type of organization, its official name, its affiliations, its officers and membership, and also such other information as may be required or requested by the Commission. (Ga. Laws 1957, pp. 295, 296; Code Ann., §45-1005.)

(f) The State Game and Fish Commission shall have the authority to regulate the operations of hunting preserves licensed or permitted hereunder, and to set seasons, bag limits, and any other rules and regulations on the operation of said hunting preserves as they are deemed necessary for the best interests of the public. These rules and regulations may be applicable to all such classes of hunting preserves, or may be applicable only to any or all of same as may be designated by said Commission. The same may be amended, repealed or changed in any manner at any time by the Commission and such repeal, amendment or change shall become operative immediately upon the action of the Commission, with or without notice to licensee. (Ga. Laws 1957, pp. 295, 297; Code Ann., §45-1006.)

(g) All laws, rules or regulations in force pertaining to hunting or pertaining to game shall, except as herein provided, prevail on hunting preserves licensed or permitted by the State Game and Fish Commission. The regular appropriate hunting licenses shall apply to all persons hunting on said preserves, except that should the State Game and Fish Commission so desire, it may provide for a special license to be issued applicable to any one particular hunting preserve; provided further that such special license shall apply only to the person



to whom issued and to the particular preserve for which issued. (Ga. Laws 1957; pp. 295, 298; Code Ann. §45-1007.)

(h) Should any licensee under this Section violate any of the provisions of this Section, or violate any law, rule or regulation pertaining to game in this State, or should he fail to comply with the provisions of this Section or any other provision by law, rule or regulation pertaining to game in this State, then, in that event, the Director of the State Game and Fish Commission is hereby empowered to revoke the license or permit hereunder issued immediately. In the event of a revocation of license or permit by the Director of the State Game and Fish Commission, the licensee to whom such license or permit was issued may appeal the action of the Director to the State Game and Fish Commission and he shall be given a hearing before said Commission for a determination of his rights, which hearing shall be granted upon application by said licensee within ninety days of receipt by said Commission of a written request for such hearing. Such appeal for hearing must set out all grounds for such appeal, and upon failure of the appealing licensee to set out proper grounds for a hearing in such written request, then, in that event, the Commission may in its descretion deny such hearing, provided that the appealing licensee is so notified within ninety days from the receipt by the Commission of his written request. (Ga. Laws 1957, pp. 295, 298; Code Ann. §45-1008.)

(i) The licenses and/or permits herein provided for shall be issued annually and shall be effective from April 1st of each calendar year and through March 31st of the next calendar year. (Ga. Laws 1957, pp. 295, 299; Code Ann. §45-1009.)

(j) Any violation by any person of any of the provisions of this Section or the failure to comply with said provisions, including the securing of the license or permit herein provided shall be treated as a misdemeanor, and upon conviction thereof, shall be sentenced as provided by law. (Ga. Laws 1957, pp. 295, 299; Code Ann. §45-1010.)

CROSS REFERENCE: Regulations pertaining to the operation of Hunting Preserves, *infra*, Chapter XII, Sec. D.

## CHAPTER III

### TRANSPORTATION OF WILDLIFE

**1. TRANSPORTATION BY PERSON KILLING OR TAKING.** It shall be unlawful for any person to take, ship, or transport from any point within this State to another point within this State or from any point within the State to any point beyond the borders of this State, except as otherwise provided, any wildlife taken, captured, or killed in this State unless such wildlife be in the personal possession of or carried openly by the person who took, captured or killed such wildlife. Such person shipping or transporting such wildlife shall have in his possession at the time a proper license or permit as prescribed by the wildlife laws, rules and regulations. Any violation of this Section shall be a misdemeanor and punished as provided by law, (Ga Laws 1955, pp. 483, 514; Code Ann., §§45-401, 45-402.)

**2. TRANSPORTATION BY COMMON CARRIER.** Any resident of Georgia taking, capturing, or killing wildlife may have such wildlife transported to his home by a common carrier by filing with the common carrier a written statement giving his name and address, the number of wildlife to be so transported, and that said wildlife was legally taken, captured, or killed by himself and is to be lawfully used or sold. A copy of said statement shall be attached to such wildlife or to its packaging. Any resident of Georgia who has such wildlife transported by common carrier without carrying out the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 514; Code Ann., §§45-403, 45-404.)

**3. TRANSPORTATION BEYOND STATE.** Any person who desires to take, ship, or transport wildlife out of the state may do so under the following conditions, but not otherwise:

(a) He must have in his possession at the time of such taking, shipping, or transporting a proper wildlife license or permit duly issued to him by the Commission.

(b) He cannot take from the State more than the limits set by the Commission.

(c) He shall make a sworn statement, duly attested to by any authorized officer of this state, which statement shall show that he has lawfully taken such wildlife and that they are not for sale, except as otherwise permitted by the wildlife laws, rules and regulations, and he shall show the number of wildlife being shipped, transported, or taken out of the state. One copy of this statement shall be given the common carrier and one shall be attached to the wildlife being shipped, transported or taken out of the state.

(d) He shall submit his license and sworn statement to any sheriff, deputy sheriff, or wildlife ranger for inspection.

(e) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 514; Code Ann., §§45-405, 45-406.)

**4. TRANSPORTATION BY PERSON HOLDING SCIENTIFIC PERMIT.** Any person who has been issued and is holding a valid scientific permit may ship, or transport, from any point within this state to any other point within the state or to points beyond the state any wildlife or parts thereof for propagation or scientific purposes. The transportation companies may accept such shipments and both the shipper and transportation company accepting such shipments shall on the same day that the shipment is made report to the Commission the number and the species of such wildlife shipped, and to whom, and by whom shipped. Any violation of this Section shall be a misdemeanor and shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 515; Code Ann., §§45-407, 45-408.)

**5. DUTY OF CARRIER.** It shall be unlawful for any person, company, or common carrier to ship, transport, or to receive for shipment or transportation any wildlife, except as otherwise provided by the wildlife laws, rules and regulations, without having ascertained that the person offering the same for shipment or transportation was then and there in possession of a proper license or permit, duly issued for the period when the shipment was offered. Any person, firm, or corporation who shall ship, or transport the skins, hides, or pelts of fur-bearing animals shall be required to make reports of such shipments or transportation as may be required by the rules and regulations of the Commission. Any person, firm, or corporation who shall violate any terms of this Section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 515; Code Ann., §§45-409, 45-410.)



## CHAPTER IV

### HUNTING, FISHING AND TRAPPING

#### GENERAL PROVISIONS

**1. RIGHT OF COMMISSION TO INSPECT WILDLIFE.** It is hereby made the duty of every person participating in the privileges of killing, taking, capturing or possessing wildlife, to permit the Commission, its officers and wildlife rangers, to inspect and count such wildlife to ascertain whether the requirements of the wildlife laws, rules and regulations are being faithfully complied with. Any person who shall refuse such inspection and count or shall interfere with such officer or obstruct such inspection or count, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 516; Code Ann., §§45-501, 45-502.)

**2. ILLEGAL POSSESSION.** Any person who makes any use of, or has in his possession any wildlife or parts thereof, which have been killed, taken, captured, possessed or destroyed contrary to any of the wildlife laws, rules and regulations, shall be equally guilty of the offense and shall be punished in like manner as the person who caught, took, killed or destroyed such wildlife. (Ga. Laws 1955, pp. 483, 516; §Code Ann., §45-503.)

**3. IGNORANCE NOT EXCUSE VIOLATION.** In any prosecution for the violation of any of the provisions of the wildlife laws, rules and regulations, it shall not be a defense that the person killing, taking, capturing, possessing, selling, shipping or storing wildlife was mistaken as to variety, sex, age, size; it being one of the purposes of the wildlife laws to penalize recklessness resulting in the violation of the wildlife laws, rules and regulations. (Ga. Laws 1955, pp. 483, 516; Code Ann., §45-504.)

**4. PENALTY FOR PURCHASE, SALE, ETC., OF WILDLIFE.** Except as otherwise specifically provided, it shall be unlawful for any person, firm, or corporation in this State to barter, sell, or offer to barter, sell or to purchase or offer to purchase, either under the name of the wildlife laws, rules and regulations or under any other name or guise what ever, any of the game birds, game fowl, or game animals of this State, except that it shall be lawful for any person to commercially raise, grow, propagate, sell and purchase ringneck pheasants in the State of Georgia, provided, however, that wildlife rangers or officers of the Federal Fish and Wildlife Agency may buy, or offer to buy, wildlife or parts thereof for the sole purpose of obtaining evidence of violations of the wildlife laws, rules and regulations. Any person violating the provisions of this section shall

be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 516; Code Ann., §§45-505, 45-506.)

CROSS REFERENCE: Chap. VI, deals with sale of pen-raised quail.

**5. PERSON HIRING ANOTHER TO TAKE OR CAPTURE WILDLIFE.** Any person hiring another to kill, take, capture, or possess wildlife and receive such wildlife shall be deemed as having killed, taken, captured or possessed same and subject to the penalties of the wildlife laws, rules and regulations. (Ga. Laws 1955, pp. 483, 517; Code Ann., §45-507.)

**6. POSSESSION OF WILDLIFE PURCHASED OUTSIDE STATE: PERMITS.** It shall be unlawful for any person, firm or corporation to have in possession in this State any wildlife purchased outside of the State of Georgia, without first securing or obtaining a permit from the Commission. All bills of lading and shipping tickets covering any wildlife which said person, firm or corporation might have in possession, shall be open to and available for inspection by the Commission and any of their agents or representatives. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 517; Code Ann., §§45-508, 45-509.)

**7. HUNTING WHILE INTOXICATED.** No person shall hunt in this State with firearms while under the influence of any intoxicating wines, beers or liquors. Any person violating this section shall be guilty of a misdemeanor and punished as prescribed by law. (Ga. Laws 1955, pp. 483, 517; Code Ann., §45-510.)

## **8. HUNTING WITH DOGS.**

### **(a) Generally.**

It shall be legal to hunt wildlife with dogs except as otherwise provided by the laws, rules and regulations pertaining to wildlife. (Ga. Laws 1955, pp. 483, 517; Code Ann., §45-511.)

### **(b) Foxes.**

It shall be lawful to hunt, chase, or catch foxes with dogs; provided, that no hunter shall go upon the lands of another without the permission of the owner, the lessee of the land or the lessee of the game rights on the land.) Ga. Laws 1955, pp. 483, 517; Code Ann., §45-512.)

### **(c) Deer.**

Any person hunting deer with dogs in any locality other than that prescribed by the rules and regulations

of the Commission shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 518; Code Ann., §45-513.)

**(d) Duty of Wildlife Rangers to Kill Dogs Illegally Pursuing Deer.**

Any person may, and it shall be the duty of every Wildlife Ranger to kill any dog pursuing or killing deer in any locality other than that prescribed by the rules and regulations of the Commission permitting such hunting, and no action shall be maintained against the person for the killing. (Ga. Laws 1955, pp. 483, 518; Code Ann., §45-514.)

**9. HUNTING OR PURSUING GAME ON PUBLIC HIGHWAY ILLEGAL.** It shall be unlawful to hunt or shoot or chase, catch or kill, with or without dogs, any wildlife upon a public highway. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 518; Code Ann., §§45-515, 45-516.)

**10. HUNTING OR PURSUING GAME FROM AUTOMOBILE, AIRPLANE, POWER BOATS, ETC.** It shall be unlawful to hunt, chase or kill any game fowl, game birds, game and furbearing animals or wild fowl from an electric, gas or steam boat, sailboat or airplane, or by hydroplane, or from any automobile or motor vehicle. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 518; Code Ann., §§45-517, 45-518.)

**11. DESTRUCTION OF DENS AND HOMES OF WILDLIFE ILLEGAL.** It shall be unlawful to disturb, mutilate or destroy the den, holes, or homes of any wild animals except as otherwise provided by the wildlife laws, rules and regulations; to blind with lights or to use explosives, chemicals or mechanical devices or smokers of any kind in order to drive such wildlife out of said habitats. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Law 1955, pp. 483, 518; Code Ann., 45-519, 45-520.)

**12. ILLEGAL USE OF SNARES, PITFALLS, ETC. TO CAPTURE BIRDS AND ANIMALS.** It shall be unlawful for any person at any time to make use of any pitfall, deadfall, scaffold, catch, snare, trap, net, salt lick, blind pig, baited hook, or other device for the purpose of killing, taking, capturing or injuring birds or animals protected by the wildlife laws, rules and regulations, except as otherwise provided. Any person violating any part of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 518; Code Ann., §§45-521, 45-522.)

### **13. RABBITS AND HARES — HUNTING AND SALE.**

#### **(a) Seasons—Minors May Take in Rabbit Boxes.**

No person shall take or kill rabbits or hares in this State except during the lawful hunting season, which shall be prescribed by regulation of the Commission; provided, however, that minors not over sixteen (16) years of age may at any time trap or capture rabbits or hares by use of rabbit boxes or similar traps, subject, however, to the provisions of the paragraphs of this section hereafter following.

#### **(b) Bag Limit.**

No person shall take or kill more than five rabbits or hares in any one day, nor shall any person sell or offer to sell any rabbit or hare, or parts thereof.

#### **(c) Penalty for Violation.**

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and punished as provided by law.

#### **(d) Domestic Rabbits and Hares.**

The provisions of this section shall not apply to persons who raise rabbits and kill them for the purpose of resale. (Ga. Laws 1955, pp. 483, 519 as amended, Ga. Laws 1956, pp. 590, 601; Code Ann., §§ 45-523, 45-524.)

**14. HUNTING ON LANDS OF ANOTHER WITHOUT PERMISSION.** Any person who shall hunt upon the lands of another, or enter upon the lands of another in pursuit of wildlife, with or without a license, without first obtaining permission from such landowner or lessee of the land or lessee of the game rights of the land, shall be guilty of a misdemeanor and punished as provided by law. It shall be the duty of wildlife rangers, sheriffs and deputy sheriffs to enforce the provisions of this section. (Ga. Laws 1955, pp. 483, 519; Code Ann., §45-527.)

**15. BAITING OF LANDS ILLEGAL.** It shall be unlawful for the owner of land or any other person to scatter corn, wheat or other grain, or to bait for the purpose of drawing game birds or fowl to the land where such bait was scattered or placed, for the purpose of shooting or allowing to be shot at or killing or taking such game birds at or near the land so baited, and it shall be unlawful for any person to shoot at or kill any game birds at, upon, over or near any baited field or land. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 519; Code Ann., §§45-525, 45-526.)

**16. HUNTING IN SALT WATER CREEKS, STREAMS, AND ESTUARIES.** Any person who shall hunt in any of the creeks, streams or estuaries leading from the Atlantic Ocean, sounds, rivers or bays of this State surrounding the several islands of this State, used or maintained in whole or in part as private or public game preserves, when such creek, stream or estuary leads into such islands, or shall enter such creek, stream or estuary for the purpose of hunting therein, without the consent of the owners or resident guardian of such island, shall be guilty of a misdemeanor and punished as provided by law; provided, that this law shall apply only to a salt water creek, stream or estuary that enters and ends in an island owned in its entirety by a single ownership, family or estate. It shall be the duty of Wildlife Rangers, Sheriffs and Deputy Sheriffs to enforce the provisions of this section. (Ga. Laws 1955, pp. 483, 520; Code Ann., §45-528.)

**17. HUNTING, KILLING OR TAKING WILDLIFE AT NIGHT.** (a) There shall be no night hunting in this State except for raccoons, opossums, foxes, mink, skunk and rabbits and these may not be hunted with lights, commonly known as head lights, attached to the head or otherwise attached to the body. The penalty for any violation of this section shall be a fine not exceeding two hundred dollars or imprisonment not exceeding sixty days.

(b) Every vehicle, boat, animal and firearm used in the hunting of deer at night is hereby declared forfeited to the State and shall be confiscated by any peace officer who shall forthwith deliver it to the Director or his duly authorized agent.

The term "hunting" as used in this section in reference to a vehicle or boat shall include the transportation of a hunter to or from the place of hunting and the transportation of the carcass, or any part thereof, of a deer which has been unlawfully killed at night.

(c) The Director or his authorized agent shall sell any such vehicle, boat, animal or firearm at public auction for cash to the highest bidder in front of the county courthouse in the county in which it was confiscated after having given ten days public notice of such sale by posting advertisement thereof on the door or bulletin board of the county courthouse and by publishing such advertisement at least once in the newspaper in which legal notices for the county are published. Upon such sale the Director shall pay over the net proceeds thereof, after payment of the proper costs and expenses, if any, of the seizure, advertisement and sale, including any proper expenses incurred for the storage of such vehicle or boat or for the housing and feeding of such animal pending the sale, to the



State Treasurer for deposit in the game protection fund. But when such vehicle, boat or animal is of greater value than one thousand dollars, the owner thereof may at any time before sale redeem it by paying to the Director for deposit as aforesaid the sum of one thousand dollars therefor. (Ga. Laws 1955, pp. 483, 520; Ga. Laws 1962, p. 671, Code Ann., §45-529.)

**18.. REPORT OF DEER KILLED.** Every person killing a deer in this State shall within five days report the fact in writing to the Commission. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 520; Code Ann., §§45-530, 45-531.)

**19. HUNTING WITHIN HALF-MILE OF STREAM IN FLOOD UNLAWFUL:** It shall be a misdemeanor, punishable as provided by law, for any person to hunt or kill wildlife within one-half mile of any stream or river which is in flood, until such time that such flood waters shall have receded. The term "in flood" shall be held and deemed to mean such stream that shall have overflowed its bank or banks; provided, however, that this provision shall not prohibit the hunting or killing of water fowl when in season anytime from boats upon said stream or river. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 520; Code Ann., §45-532.)

**20. STORAGE OF WILDLIFE—PERMITS.** The Commission shall promulgate rules and regulations, designating the time allowed for consuming wildlife killed during the legal seasons and the conditions under which the storage of such wildlife may be allowed. Provided, however, that it shall be a misdemeanor for any person, firm or corporation operating a grocery store, hotel, market, cold storage house, restaurant, or any public place designed to receive for storage, to store any wildlife which has been killed, unless the person offering to store such wildlife shall first exhibit a proper game and fish license, together with a written permission from the Commission or their designated officials, to store such wildlife, which permit shall be kept by the person, firm or corporation accepting such wildlife for storage. Said permit shall be exhibited on demand to any agent or representative for the Commission. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 521; Code Ann. §§45-533, 45-534.)

**21. KILLING OF NON-GAME BIRDS ILLEGAL—DESTRUCTION OF NESTS AND EGGS.** Except as otherwise provided by the wildlife laws, rules and regulations, any person who shall kill take or capture or

have in his possession any wild non-game bird, or take or destroy the nest or eggs of any non-game bird or have the same in his possession, shall be guilty of a misdemeanor and punished as provided by law; provided, that any person may ship into this State birds mounted for millinery purposes. (Ga. Laws 1955, pp. 483, 523; Code Ann., §45-611.)

**22. CONFISCATION OF HIDES, FURS, ETC. ILLEGALLY TAKEN.** Wildlife rangers, sheriffs and other peace officers of this state or any county or municipality thereof shall seize any furs, hides, or pelts taken, captured or killed in violation of the wildlife laws and regulations, which shall be sold or disposed of in such manner as the Director of the Game and Fish Commission may direct, anytime after the expiration of 30 days following such seizure, unless the owner thereof files claim within such time in the city, county or superior court having jurisdiction in the county where such seizure was made, which claim shall be tried as other civil cases in said Court. (Ga. Laws 1956, pp. 590; Code Ann., §45-537.)



## CHAPTER V

### TRAPPING

**1. COMMISSION TO DESIGNATE SPECIES AND SEASONS.** The Commission shall, by the promulgation of rules and regulations, designate the kinds and species of wildlife that can be lawfully trapped during trapping seasons. It shall be unlawful for any person, firm or corporation to trap out of season, or to trap any wildlife in this State unless it is the kind and species designated in the rules and regulations of the Commission. Provided, that it shall be lawful for any person to set steel traps within two hundred yards of the residence or dwelling of any such person for the protection of livestock, poultry, or other fowl or domesticated animals from any vermin or predatory animal, bird or fowl. (Ga. Laws 1955, pp. 483, 521; Code Ann., §45-601.)

**2. TRAPS TO BE STAMPED WITH OWNER'S NAME.** All traps set or used for the purpose of taking wildlife shall be stamped with the owner's name in such a manner that the same shall be legible at all times. Any trap or traps found that are not stamped as required above may be confiscated and destroyed by the Commission, its officers, and wildlife rangers. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-602.)

**3. EMERGENCY TRAPPING PERMITS.** In times of emergency, where the health and welfare of the people in a locality are in danger, the Commission may issue permits allowing trapping by designated persons in certain defined localities for the purpose of protecting the public health and welfare. Such designated persons shall not be required to have a trappers' license to carry out such emergency trapping. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-603.)

**4. TRAPPING ON LANDS OF ANOTHER—WRITTEN CONSENT.** It shall be unlawful for any person to set or place any trap, or bait the same upon the lands of, or in the waters adjoining the lands of any person, for the purposes of taking, capturing or killing any wildlife upon the lands of another except during the open seasons on such wildlife, and then only after such persons have obtained the written consent of the owner of the lands, which written consent shall be upon the person who may be using or setting said device. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-604.)

**5. CONFISCATION OF TRAPS, ETC., ILLEGALLY USED.** It shall be the duty of the wildlife rangers to confiscate all traps, pitfalls, deadfalls, scaffold, catch, snare, net, salt lick, blind pig, baited hook, or other similar devices, used in violation of the wildlife laws, rules and regulations and to dispose of same as may be directed by the Commission. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-605.)

**6. TRAPS TO BE INSPECTED EACH THIRTY-SIX HOURS.** All traps shall be inspected within each thirty-six hours and anything caught therein shall be removed. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-606.)

**7. REPORT TO LAND OWNER OF DOGS, FOWL, ETC., CAUGHT IN TRAPS.** Persons trapping upon the lands of another shall at once make the owner of the lands a full written report of the head of stock, fowl, or dog caught in the trap or other trapping device set by such person, giving the date such stock, fowl, or dog was caught with full description thereof. (Ga. Laws 1955, pp. 483, 522; Code Ann. §45-607.)

(a) When damage is done to any persons' stock, fowls, dogs or like property, by reason of being caught by said devices, the one setting or placing said devices shall be liable for all damages done by them. (Ga. Laws 1955, pp. 483, 522; Code Ann., §45-607.)

**8. PENALTY FOR VIOLATION OF TRAPPING LAWS AND REGULATIONS.** Any violation of the provisions of the trapping laws, including the rules and regulations of the Commission, shall be a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 523; Code Ann., §45-610.)

**9. USE OF FIREARMS TO KILL MINK OR OTTER ILLEGAL—WHEN.** It shall be a misdemeanor to use any kind of firearm to kill or injure mink or otter or to possess or offer for sale any mink or otter pelts killed by any kind of firearm; provided, that nothing herein shall prevent a person from killing any of said animals while they are destroying or damaging, or about to destroy or damage, such person's crops, domestic fowl or other personal property. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 523; Code Ann., §§45-609, 45-610.)

## CHAPTER VI

### PEN-RAISED QUAIL

**1. RAISING, SALE, ETC.** Any person, firm or corporation may engage in the business of propagating pen-raised quail, commonly known as bobwhite quail, for restocking, propagation and other commercial purposes by complying with the provisions of this law, and may thereafter sell either live quail or the carcasses of such pen-raised quail for any purpose, including sale for food, either within or without this State. (Ga. Laws 1956, p. 48; Code Ann. §45-535.)

**2. DEFINITION OF PEN-RAISED QUAIL.** A pen-raised quail is a quail that has been hatched from an egg laid by a quail confined in a pen or coop and has itself been wholly raised in a pen or coop by a duly licensed quail breeder holding a permit as provided by law from the Game and Fish Commission. (Ga. Laws 1956, p. 48; Code Ann. §45-535.)

**3. LICENSE.** A Commercial Quail Breeder's License must first be obtained from the Game and Fish Commission, or its agents, and said license shall be applied for within one year after the passage of this Chapter, and each year thereafter, and shall be valid from April 1st to March 31st next following, upon payment of Twenty-five (\$25.00) Dollars for each such license. Such license must bear a number as designated by the Game and Fish Commission, and shall be conspicuously exhibited at all times at the place where quail are bred. (Ga. Laws 1956, p. 48; Code Ann. §45-535.)

**4. STAMP TO BE USED.** Before any sale may be made of the carcass of any bobwhite quail, the holder of a Commercial Quail Breeder's license shall obtain and keep a rubber stamp on which there shall be affixed the name and address of the licensee and the year and number of his license, as follows:

“Georgia Game and Fish Commission  
Commercial Quail Breeder's License,  
No..... for 19....., issued  
to..... of....., Ga.”

and said words thusly to be affixed to said rubber stamp shall be uniformly abbreviated, in order to facilitate the plain impression, by use of harmless ink, of said stamp upon the carcass of each quail, as prescribed by the Game and Fish Commission in its certificate, attached to the game breeder's license and issued, simultaneous with the sale of such license which certificate, when duly detached from said license, and delivered shall be the sole and exclusive authorization for any person, firm or corporation to manufacture or produce

one or more rubber stamps for the breeder named in such license. It shall be unlawful for any person, firm or corporation to manufacture or sell any such stamp without such authorization certificate, which certificate shall be kept on file by such person, firm or corporation manufacturing such stamp or stamps for a period of four (4) full years, and each such stamp shall bear the name and address of the person, firm or corporation, by whom it was made. (Ga. Laws 1956, p. 48; Code Ann., §45-535.)

**5. PENALTY FOR NOT STAMPING.** Before the carcass of a dead pen-raised quail shall be sold, the holder of the Commercial Quail Breeder's license shall plainly stamp and mark each such carcass sold with said rubber stamp. Any person selling or purchasing the carcass of a pen-raised quail not so stamped and marked shall be guilty of a violation of this law. All pen-raised quail offered for sale or sold for commercial purposes must be killed otherwise than by shooting with firearms. (Ga. Laws 1956, p.48, 49; Code Ann., §45-535.)

**6. INVOICE TO BE ATTACHED TO SHIPMENTS.** Such pen-raised quail, when dressed and stamped as herein provided, when delivered into the hands and possession of the purchaser, his agent or common carrier, or into the hands of a donee, and prior to leaving the place of the licensed breeder by whatever method employed, shall have firmly and substantially attached to the package an invoice signed by such licensed breeder, or his agent, stating the number of the license, the number of quail contained in said package and the name and address of the purchaser, consignee, or donee. Such invoice shall authorize transportation within this State, possession and use for thirty (30) days after its date and shall be substantially in the following form:

Name of licensed Breeder. Number of Breeder's  
license, Date\_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_19\_\_\_\_\_  
19\_\_\_\_\_.

Kind and number of quail\_\_\_\_\_.

Name of consignee\_\_\_\_\_.

Address of consignee\_\_\_\_\_.

This authorizes transportation within this State,  
possession and sale for (30) days after date if at-  
tached to package.

By:\_\_\_\_\_ (Breeder)

\_\_\_\_\_ (Agent)

(Ga. Laws 1956, p. 48, 49; Code Ann. §45-535.)

**7. INVOICE TO BE ATTACHED TO SHIPMENT.** When any such package contemplated by Section 2 of this Chapter containing a shipment of quail carcasses

for which an invoice is required, is to be shipped by rail, express or other carrier, public or private, the invoice shall be securely attached thereto or to the package containing the same in plain sight, and the same may then be lawfully carried and delivered within this State to the consignee named in such invoice. (Ga. Laws 1956, p. 48, 49; Code Ann. §45-535.)

**8. INVOICE TO BE KEPT ATTACHED UNTIL WHEN.** If such package or shipment of quail carcasses is kept in storage in any hotel, restaurant, cafe or boarding house, or elsewhere, such invoice shall be kept attached thereto as aforesaid until the same shall have been prepared for consumption. (Ga. Laws, 1956, p. 48, 49; Code Ann. §45-535.)

**9. SALE BY PERSONS OTHER THAN RETAIL VENDOR, INVOICE TO BE COPIED.** In case of the resale or disposition of such quail or any part thereof by any person other than a retail vendor, he shall at such time make an exact copy of such original invoice and endorses thereon the date of this sale, the number of quail carcasses so disposed of and the name of the purchaser, and sign and deliver the same to the purchaser or donee, who shall keep it attached as aforesaid until the quail are prepared for consumption, and the same shall have the same force and effect as the original invoice (Ga. Laws 1956, p. 48, 49; Code Ann. §45-535.)

**10. RECORDS, ETC.** Each person, firm or corporation, holding a Commercial Quail Breeder's license shall keep permanent records in a suitable, permanently bound book of all birds carcasses sold, to whom sold, the date of the sale, the address of the vendee or consignee and the number of carcasses sold, which said record, as well as the premises of such licensed breeder, shall be subject to examination and inspection by any agent of the Game and Fish Commission or peace officer, without the issuance of any warrant upon displaying his credentials of authority to such breeder. (Ga. Laws 1956, p. 48, 59; Code Ann. §45-535.)

**11. WHO SUBJECT TO ACT.** Any person, firm corporation shipping quail into this State shall be subject to the provisions of this Chapter. (Ga. Laws 1956, p. 48, 49; Code Ann. §45-535.)

**12. PENALTY FOR VIOLATION OF CHAPTER.** Any person, firm or corporation violating any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by law. (Ga. Laws 1956, p. 48, 52; Code Ann. §45-536.)

**13. OTHER SECTIONS OF GAME AND FISH LAWS EXCEPTED.** Section C of Chapter II herein, relating to scientific and propagation permits, Chapter III, relating to transportation of game, and Section 20 of Chapter IV relating to storage of game, shall not

apply to the raising, possession, sale, storage, or transportation of pen-raised quail as provided for in this Chapter. (Ga. Laws 1956, 48; Code Ann. §45-535.)



## CHAPTER VII

### FISHING

#### A. GENERAL PROVISIONS

**1. FISHING ON LANDS OF ANOTHER WITHOUT PERMISSION.** Any person who shall fish in the waters or from upon the lands of another with or without a license, without first having obtained permission from such landowner or person in charge, shall be guilty of a misdemeanor and punished as provided by law. Wildlife Rangers, sheriffs and deputy sheriffs, and all other peace officers of this state, any county or municipality thereof, shall enforce the provisions of this section. (Ga. Laws 1955, pp. 483, 523; Code Ann., §45-701.)

**2. PRIVATE PONDS—FISHING BY OWNER AND TENANTS.** The owner of a private pond, his family or tenants with the owner's consent, shall be permitted to fish within the bounds, of said pond at any time and in any manner, without a fishing license; provided, however, that all other persons shall be required to obtain fishing licenses therefor as in other cases as required by this act. (Ga. Laws 1955, pp. 483, 524; Code Ann., §45-702.)

**CROSS REFERENCE:** Definition of "Private Pond" see Chapter I, section B (1) (e).

**3. USE OF BATTERIES, GENERATORS, EXPLOSIVES, POISONS, ETC., FOR TAKING FISH PROHIBITED.** Any person who shall use any battery, generator or other similar device, or any dynamite, explosives or destructive substances, including poisons, walnut hulls, lime, and others, for the purpose of catching, killing, taking or harming fish, shall be guilty of a misdemeanor and punished as provided by law. The possession of any of the foregoing devices or substances in any boat on the fresh waters of this State shall be deemed prima facie evidence of guilt under this section; provided, this provision shall not apply to batteries used to operate motors or lights. (Ga. Laws 1955, pp. 483, 524; Code Ann., §45-703.)

**4. KILLING FISH WITH FIREARMS ILLEGAL.** Any person who shall use any kind of firearm for the purpose of killing fish shall be guilty of a misdemeanor and punished by law. (Ga. Laws 1955, pp. 483, 524; Code Ann., §45-704.)

**5. PURCHASE, SALE, TRANSPORTATION OF GAME FISH.**

(a) No person shall barter, sell or purchase or offer to barter, sell or purchase or have possession for barter or sale, except under conditions hereinafter set out,



any fresh water game fish. Game fish shipped from without the State and accompanied by a bona fide bill of sale giving the details of the source of the fish and a description thereof, may be sold, provided the seller has in his possession such bill of sale and otherwise has conformed to all the provisions of this Act and such rules and regulations as may be adopted by the State Game and Fish Commission pertaining thereto. Owners of private ponds may sell the game fish therefrom by obtaining the written permission of the State Game and Fish Commission or its agent before taking the fish. The State Game and Fish Commission or its agent will approve all requests to sell such game fish, if in their discretion such sale is not adverse to the best interest of the State and the preservation of its wildlife.

In each instance where the request to sell is approved, the State Game and Fish Commission or its agent will issued to the owner of such private pond a permit to sell, in sufficient copies to provide one to the purchaser and to any common carrier or carriers to be engaged in transporting the fish within the State.

(b) All game fish transported within this State for the purpose of barter, sale or purchase, or delivery on a barter, sale or purchase shall be accompanied by a permit to sell issued by the State Game and Fish Commission or its agent, or by proof that they were taken outside the geographical boundaries of this State.

No common carrier shall accept game fish within this State for transportation for barter, sale or purchase, or delivery on a barter, sale or purchase unless said fish be accompanied by a copy of the permit to sell, nor shall any common carrier transport game fish into or through this State for such purpose unless accompanied by proof that they were taken outside the geographical boundaries of this State.

Violation of any of the provisions of this section shall be punished as a misdemeanor. (Ga. Laws 1955, p. 483; 1957, p. 340; 1958, p. 221).

CROSS REFERENCES: Chapter XII, Sec. K., Regulations Relating to the Sale of Game Fish Taken from Private Ponds.

Chap. VIII, dealing with minnow and live fish (for re-stocking) dealers' licenses.

## **6. PLACING OF TRAPS, BASKETS, SEINES, ETC., IN STREAMS PROHIBITED.**

(a) **PLACING OF SEINES, TRAPS, BASKETS, ETC., IN WATERS.** Any person who shall place or cause to be placed in any of the waters of this State, except private ponds as herein defined, any trap, basket, nets, seines or similar devices for the purpose of

catching fish, shall be guilty of a misdemeanor and punished as provided by law. It shall be the duty of the Wildlife rangers, sheriff or deputy sheriff to confiscate and destroy such traps, basket or similar devices, upon discovery of same, and report that fact to the Commission.

**(b) USE BY COMMISSION.** Provided however the Game and Fish Commission may, in conducting fisheries research and other projects in the fresh, salt, or tidal waters of this state, utilize baskets, nets, seines, traps, chemicals and any and all other devices or substances of any description, size or character whatever; provided further however, the use by the Commission thereof shall not be construed as conferring like authority on any person, firm, corporation or institution. (Ga. Laws 1955, pp. 483, 524, as amended, Ga. Laws 1956, pp. 590, 602; Code Ann., §45-706.)

NOTE: Baskets may be used as provided by law for taking rough fish. See Section B, this chapter.

**7. FISHING ON ISLAND GAME PRESERVES.** Any person who shall fish in any of the salt water creeks, streams or estuaries leading from the Atlantic Ocean, sounds, rivers or bays of this State surrounding the several islands of this state used or maintained in whole or in part as private or public game preserves, when such creek, stream or estuary leads into such island, or who shall enter such creek, stream or estuary for the purpose of fishing therein without the consent of the owners or resident guardian of such island, shall be guilty of a misdemeanor and punished as provided by law; provided, that this section shall apply only to a salt water creek, stream or estuary that enters and ends in an island owned in its entirety by single ownership, family or estate. (Ga. Laws 1955, pp. 483, 526; Code Ann., §45-709.)

**8. RIGHT OF ADJOINING LAND-OWNER TO CONTROL TIDAL STREAM OR ESTUARY.** Any individual, firm or corporation, including the State of Georgia, owning the real property on both sides of a tidal stream or estuary for its entire length, shall have the right of full control over the shellfish and/or waterfowl of such tidal stream or estuary. Where the real property on both sides of a tidal stream or estuary is owned by two or more persons, firms or corporations, then the right of full control over such tidal stream or estuary may be exercised jointly by such individuals, firms or corporations. Such person or persons so vested with such right of full control shall also be seized and possessed with exclusive right to take shellfish therefrom, except as otherwise provided; provided that such person or persons shall post conspicuously on either side of the entrance of such stream or

estuary a sign with letters not less than six inches in height, reading "POSTED. No Admittance." Any person who shall take shellfish and/or waterfowl from any such tidal stream or estuary after the same has been posted, shall be guilty of a misdemeanor and punished as provided by law; provided, however, that this Act shall not apply to persons while engaged in commercial shad or cat fishing with hook and line; provided, also that no such owner of lands adjoining any such tidal stream shall be permitted to construct barricades or other obstacles across such stream to prevent ingress and egress to and from such stream. (Ga. Laws 1955, pp. 483, 526; Code Ann., §45-711.)

**9. KILLING OF FISH IN TIDAL WATERS WITH GIGS, SPEARS, FIREARMS, ETC., ILLEGAL.** It shall be illegal for any person to take, capture, or kill at night, any fish in any of the tidal waters of this State by use of any gig, spear, firearm or other similar instrument, and any person violating any provision of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1956, pp. 590, 601; Code Ann. §45-712.)

#### **B. —Rough Fish Baskets**

**1. COMMISSION TO PRESCRIBE REGULATIONS.** Baskets may not be used to take fish in the waters of this State except as provided hereinafter. Baskets may be used to take only rough fish in artificial impoundments and in the streams and waters East of (on the ocean side) the center line of the Seaboard Air Line Railway main line tracks in Chatham, Bryan, Liberty, McIntosh, Glynn and Camden counties. Baskets may also be used to take any type fish in private lakes and private ponds. The Commission shall promulgate rules and regulations prescribing the type and size of baskets which may be used as herein prescribed, except that any type and size of basket may be used to take fish in private lakes and private ponds.

**2. PERMITS.** Before any person shall use any basket for taking rough fish, such person shall be required to obtain a permit for each basket from the State Game and Fish Commission. Such permit shall cost one dollar (\$1.00) for each basket; per year—April 1 through March 31st, provided, however, that the employees of the State Game and Fish Commission shall not be required to have such permit when such basket or baskets are used for rough fish control. Any rough fish taken in said baskets by the employees of the State Game and Fish Commission, when taken for rough fish control, shall be given to a charitable institution.

**3. BASKETS TO SHOW NAME OF OWNER.** Every basket used for the taking of rough fish shall distinctly show on the basket the name and address of the person

using said basket, and the user of said basket shall notify the wildlife ranger in his area where each basket is located while in use.

#### 4. PENALTY FOR VIOLATION OF SECTION.

Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 525; Code Ann., §§45-707, 45-708.)

5. POSSESSION WITHOUT TAG. It shall be unlawful and a misdemeanor to possess any basket or trap made of metal, wire, wood, fabric or other material suitable for use or capable of use in taking fish from the waters of this State without the permit required by this Section and the identification tag required by section 3 attached to each basket or trap. Provided, however, that the owner of a private lake or private pond may possess a basket or trap for use in taking fish therefrom without the necessity of obtaining such permit. Provided, further, that baskets and traps may be possessed for the purpose of sale at a regularly established place for such sale without the necessity of obtaining permits therefor.

6. BASKETS IN VIOLATION CONTRABAND. Any basket or trap found in violation of the provisions of this Act or the rules and regulations in effect hereunder, or found in use in an unlawful manner, is hereby declared to be contraband and shall be seized and destroyed by Wildlife rangers in a manner prescribed by the commission.

#### C.—SHAD—Use of Gill Net in Tidal or Salt Waters of Georgia.

1. The possession or the having in any boat in or upon the waters of this State, nets or other devices for the purpose of taking shad during such time as the law prohibits the taking of such fish, shall be prima facie evidence that the person having such nets or equipment in his possession is guilty of taking shad in violation of the wildlife laws, rules and regulations. (Ga. Laws 1955, pp. 483, 526; Code Ann., §45-710.)

2. It shall be unlawful for any person to use a gill net in any of the tidal or salt waters of this State at any of the tidal or salt waters of this State at any time. Provided, however, that it shall be lawful for properly licensed fishermen to use such nets for the taking of shad in compliance with the laws, rules and regulations applicable to the taking of shad in the waters of this State, and for taking sturgeon with nets of mesh size of not less than eight inches when stretched.

3. All nets violative of this Section found in the tidal or salt waters of this State or in the possession of any

person on or around tidal or salt water shall be seized by wildlife rangers and other peace officers of this State. Nets so seized shall be contraband and shall be destroyed.

4. Any person violating the provisions of paragraphs 2 and 3 above shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. (Ga. Laws 1957, p. 93 Code Ann., §45-713.)

**CROSS REFERENCES:** Chapter XII, Sec. J, Regulations for Shad Fishing.

Chapter XII, Sec. L, par. 12(a), Regulation relative size and description of Gill Nets.

#### **D.—Fresh Water Commercial Fishing**

**1. LICENSE FOR USE OF NETS AND SEINES.** Any person engaged in the taking killing, or capturing of commercial or non-game fish from the public impounded waters and navigable streams of the State of Georgia may use in such commercial fishing operations hoop and fyke nets, seines, gill nets, trammel nets, setlines, trotlines, and snaglines. However, all such nets, setlines, trotlines, snaglines shall conform to the rules and regulations promulgated by the Game and Fish Commission covering same, who shall designate when, where and how same shall be used, and provided further that prior to using any of said nets, seines, or other commercial fishing devices, as herein specified, a person shall have first secured a license permitting the use of such fishing gear, such license to be issued in the manner prescribed by this section. (Ga. Laws 1955, pp. 483, 527; Code Ann., §45-801.)

**CROSS REFERENCE:** Chapter XII Sec. L, par. 12, Regulation relative size and description of gill nets, hoop nets, fyke nets and trammel nets.

**2. LICENSE IS PERSONAL—EFFECTIVE APRIL 1st TO MARCH 31st.** The license required by this section shall be a personal license required of each individual engaging in the activities covered hereby, and shall be effective from April 1st to March 31st next following (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-802.)

**3. LICENSE FEE—RESIDENTS AND NON-RESIDENTS.** Said licenses shall be issued only by the Game and Fish Commission, and the fee therefor shall be ten dollars (\$10.00) for residents, and twenty dollars (\$20.00) for non-residents and aliens, the additional cost for the latter being required to defray the added cost of policing and regulation. (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-803.)

**4. GAME FISH TO BE RELEASED—POSSESSION UNLAWFUL.** All species of fish designated by the



game and fish laws or regulations as "game fish" which are taken by use of commercial fishing gear shall be immediately returned to the waters from which taken, and possession of such fish by commercial fishermen shall be unlawful, and such possession by such commercial fishermen shall be prima facie evidence that such fish were taken by commercial fishing gear. (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-804.)

**5. USE OF COMMERCIAL FISHING GEAR PROHIBITED NEAR LOCK OR DAM.** The use of the commercial fishing gear as designated in this section shall not be permitted within one-half mile below any lock or dam on any waters to which this section applies (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-805.)

**6. USE OF COMMERCIAL FISHING GEAR PROHIBITED NEAR SALT WATERS.** No person shall take or catch or attempt to take or catch any fish by means of any of the fishing gear designated in this section within one hundred yards above or below the mouth of any of the streams, lakes, estuaries, bayous or rivers emptying into any of the salt waters or bays of this State. (Ga. Laws 1955, pp. 483, 528; Code Ann., §45-806.)

**7. CONFISCATION OF EQUIPMENT ILLEGALLY USED.** Should any law enforcement officer of this State or employee of the Game and Fish Commission discover commercial fishing gear being used in violation of the terms of this section, he shall seize and hold the same, and in the event no one within a reasonable time claims seized commercial fishing gear and the owner thereof is unknown to the person finding the same, it shall be confiscated and shall become the property of the Game and Fish Commission and shall be disposed of as ordered by Director of the Game and Fish Commission. (Ga. Laws 1955, pp. 483, 525; Code Ann., §45-807.)

**8. FORFEITURE OF LICENSES UPON CONVICTION OF OFFENSE AGAINST THIS LAW.** Upon conviction of any person for the violation of any of the provisions of this section, all licenses held by any such person to fish commercially or operate or use commercial fishing gear in the public impounded waters or navigable streams of this State may, at the option of the court be forfeited for a period of six months from the date of conviction. (Ga. Laws 1955, pp. 483, 529; Code Ann., §45-808.)

**9. TRANSPORTATION OF FISH ILLEGALLY TAKEN.** It shall be unlawful to knowingly ship or transport or to knowingly receive for shipment or transportation any fish taken from the public impounded waters or navigable streams of this State in violation

of the terms of this section, and should such fish be knowingly shipped or transported or knowingly received for shipment transportation, the same shall be seized and confiscated and upon confiscation shall be disposed of as ordered by the Director of the Game and Fish Commission. (Ga. Laws 1955, pp. 483, 529; Code Ann., §45-809.)

**10. PENALTY FOR VIOLATION OF LAW.** Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 529; Code Ann., §45-811.)

NOTE: The act of 1956 (Ga. Laws 1956, pp. 590, 591) amended part D above by striking an exception relating to sport fishermen not using more than 20 hooks.



**CHAPTER VIII**  
**MINNOW AND LIVE FISH**  
**(RESTOCKING) DEALERS.**

**(1) DEFINITIONS—**

As used in this Chapter, the following terms shall have the definition and meaning placed thereafter:

(a) Wholesale Dealer—Any person, firm, or corporation engaged in the capturing, purchasing, raising, propagating, breeding, or acquisition or possession of live fish or fish eggs for the purpose of stocking or restocking any fresh waters of this State, or the capturing, purchasing, raising, propagating, breeding, or other acquisition of minnows to be used as fresh water bait, either in or outside this State, where any or all of the foregoing are to be sold or furnished to other for the purpose of resale.

(b) Retail Dealer—Any person, firm or corporation engaged in the capturing, purchasing, raising, propagating, breeding, or other acquisition or possession of live fish or fish eggs for the purpose of stocking or restocking any fresh waters of this State, or the capturing, purchasing, raising, propagating, breeding, or acquisition or possession of minnows to be used as fresh water bait, either in or outside this State, where any or all of the foregoing are to be sold or furnished to others for use thereby, other than for resale.

(c) Import Wholesale Dealer—any resident person, firm, or corporation engaged in transporting live fish or fish eggs into this State for the purpose of stocking or restocking any fresh waters of this State or the transporting into this State of minnows to be used as fresh water bait, either in or outside this State, where any or all of the foregoing are to be sold or furnished to others for the purpose of resale.

(d) Non-resident—Any non-resident person, firm or corporation, selling, furnishing or shipping into this State from any point outside this State, any minnows for use or sale as fresh water bait, or any live fish or fish eggs, to be used, or resold for stocking or restocking any of the fresh waters of this State, without regard to where such contract of sale or acquisition was executed or consummated.

**(2) CATCHING OF MINNOWS WITHOUT DEALER'S LICENSE, WHEN.** Private individuals having valid sport fishing licenses duly issued by the Game and Fish Commission may capture minnows to be used as bait from any of the fresh waters of this State, by means of dip nets or minnow nets which are not over twenty (20) feet in length, where such minnows are not to be sold or otherwise used for commercial purposes. Any game fish, or fish other than minnows, taken in

such net shall be at once returned to the waters and released, and it is hereby declared unlawful to retain or keep any fish other than minnows taken by such net; Provided further, that the Game and Fish Commission may close by proclamation, as provided in Chapter I, Sec. B (14) hereof, certain waters from time to time, against the taking of minnows, and may regulate the taking of minnows from public waters when this is found necessary.

(3) **LICENSES.** No person shall engage in the business of a wholesale or retail dealer, as herein defined, without first obtaining an annual license from the State Game and Fish Commission as follows, said licenses to be effective from April 1 in the year of issuance through March 31 next following:

|  |         |
|--|---------|
| 1. Resident Retail Dealer.....           | \$ 1.00 |
| 2. Resident Wholesale Dealer.....        | 25.00   |
| 3. Resident Import Wholesale Dealer..... | 100.00  |
| 4. Non-resident Retail Dealer.....       | 35.00   |
| 5. Non-resident Wholesale Dealer.....    | 100.00  |

(4) **SIZE OF MESH FOR NETS.** All nets or seines used for catching minnows for sale as authorized in paragraph (c) above, shall be no longer than twenty (20) feet, and shall have a mesh no larger than three-eighths ( $\frac{3}{8}$ " ) of an inch square.

(5) **SHIPMENTS INTO STATE TO RESIDENT DEALERS, WHEN EXEMPT.** Notwithstanding Section 3 hereof, non-resident persons, firms or corporations may sell and ship minnows or live fish and fish eggs into this State without being required to procure the non-resident licenses hereinbefore provided, where such sale and shipment are made to a Resident Import Wholesale Dealer duly licensed under this chapter.

(6) **LICENSES REQUIRED AS TO SHIPMENTS INTO STATES.** No minnows, live fish, or fish eggs shall be shipped into this State from any point outside thereof by any person, firm or corporation, whether licensed as a Non-resident Dealer or otherwise, unless the following requirements are met:

(a) Notice shall be given to the State Game and Fish Commission at least three (3) days prior to the date such minnows, live fish or fish eggs enter this State, which notice shall state the consignor and consignee thereof, and the place of delivery.

(b) A certificate of inspection from some public agency or recognized laboratory in the State or origin shall accompany said notice, and shall disclose the quantity, species, and diseases present, which certificate shall be procured and paid for by the Non-resident Dealer, where applicable or by the Resident Dealer receiving same as authorized in Section 5 of this chapter, as the case may be.

(c) All imported live fish shall be treated with formaldehyde or other recognized chemicals for control of protozoan parasites, and said fish shall be in water containing at least one part per million (1 p.p.m.) acriflavin or other recognized chemicals to prevent the spread of disease while in transit.

(d) The person receiving said minnows, live fish or fish eggs in this State shall hold same in special holding facilities for not less than two (2) days, unless sooner inspected, for inspection for disease, parasites or obnoxious species (as may be declared by regulation issued by the Game and Fish Commission) by agents of the Game and Fish Commission, before release for sale or into the waters of this State. Such person shall treat, disinfect, or dispose of any diseased or parasitized fish and containers at his own expense as may be required by the Commission or its agents following inspection.

**(7) PROCLAMATIONS BY COMMISSION LIMITING SHIPMENT, ETC.** The Commission may, as provided in Chapter 1, Section B (14) of this Compilation, issue proclamations prohibiting or limiting the importation, possession or sale in this State of designated species of bait minnows, live fish or fish eggs, where the same are found to be harmful to existing fish.

**(8) CONFISCATION OF MINNOWS, FISH, ETC., CAUGHT OR POSSESSED ILLEGALLY.** The Wildlife Rangers, or other agents or officials shall confiscate any minnows, fish eggs, or live fish, caught, imported, purchased, or acquired by any person, firm or corporation in violation of any provisions of this chapter, this compilation, or any regulation promulgated by the Game and Fish Commission.

**(9) PENALTY FOR VIOLATION OF CHAPTER.** Any person violating any provision of this Chapter or any regulation promulgated pursuant thereto, shall be guilty of a misdemeanor and punished as provided by law.

**(10) EXEMPTION FROM LICENSE AS TO PERSONS UNDER 18.** No person under the age of 18 years, not regularly engaged as a wholesale or retail dealer under the terms of this chapter, shall be required to obtain a license hereunder.

**(11) CHAPTER APPLIES TO RAISING AND CATCHING OF CATFISH FOR BAIT PURPOSES.** The provisions of this chapter shall be construed and deemed to include the raising, catching, use, and sale, of live catfish not longer than eight inches by and means available, for live bait purposes. (Ga. Laws 1956, p. 231; Ga. Laws 1962, p. 120.)

## CHAPTER IX

### SEAFOOD

**NOTE:** Commercial fishermen licensed to catch seafood by the Game and Fish Commission, are exempt from the license tax imposed on wholesale fish dealers. See Code Ann. Supp., §42-1103, as amended, Ga. Laws 1953, Jan.-Feb. Sess., p. 521. This exemption was expressly retained in the Act of 1955 (Ga. Laws 1955, p. 483.)

#### A.—Shrimp—Prawn—Crabs

##### 1. POSSESSION OF FEMALE SPAWNING CRABS.

It shall be unlawful for any person, firm or corporation to take from any waters of this State, or to buy or sell or to be possessed of any spawning female crab or crabs. Provided, this provision shall only apply during the months of May and June in every county having a population of not more than 151,480 according to the 1950 United States Census, or any future United States Census. No person shall take, catch, possess, or offer for sale any crabs of size less than five inches from spike to spike across the back. Any person, firm or corporation violating this section shall be guilty of a misdemeanor and punished as provided by law." (Ga. Laws 1955, p. 483, 529; 1957, p. 96.)

Ed. Note: Regulations supplementing this provision on possession of female spawning crabs are not at this time ready for publication. Any questions should be addressed to the Director, State Game and Fish Commission, State Capitol, Atlanta, Georgia.

##### 2. CATCHING CRABS NEAR PROPERTY OF RESIDENT.

It shall be unlawful for anyone to catch crabs for commercial purposes within 100 feet of the property line of any resident or any extension of his dock. (Ga. Laws 1956, pp. 590, 596; Code Ann., §45.)

##### 3. NETS—TAKING OF SHRIMP—ELECTION.

(a) Except as otherwise specifically provided, it shall be unlawful for any person to use a power drawn net in any of the tidal or salt waters of this state between January 1 and March 15 of any year. The State Game and Fish Commission shall have the power to open any portion of the offshore waters of this State to commercial shrimping, during the period herein stated, when the count of shrimp in such portion of the offshore waters count no more than 55 shrimp with heads on to the pound. Officers, agents, or representatives duly authorized by the State Game and Fish Commission shall determine by inspection when the count of shrimp in such portions of the offshore waters are of a count not greater than 55 shrimp with heads on to the pound, and findings by said duly authorized officers, agents, or representatives shall be conclusive as to the count

of shrimp per pound. In order to inform commercial fishermen of the opening of said waters as herein provided, the State Game and Fish Commission shall post notices at the Courthouse and on all shrimp docks in the county in which such offshore waters lie, should they lie in more than one county, and by any other means as may appear feasible.

(b) Except as otherwise specifically provided, it shall be unlawful to fish at any time with nets, other than cast nets, except for shad or sturgeon, in any of the tidal rivers, tidal sounds, tidal bays, and tidal creeks of this State.

(c) Except as otherwise specifically provided, it shall be unlawful to take shrimp in any of the sounds of this State with a net, other than cast nets, except that the taking by net in such sounds may be lawful between March sixteenth and December thirty-first of each year if authorized pursuant to an election first called in the county in which such sound lies, or in each county in which such sound lies, if the same is in more than one county to determine the desire of the people of such county or counties with respect to the opening of such sound. Such election shall be called by the ordinary of the county in which the sound lies, or by the ordinary of each county where the sound lies in more than one county, upon the filing of a petition by ten percent (10%) of those voters of such county who were qualified to vote at the last general election for members of the General Assembly. If the sound lies in more than one county, the election need not be held on the same day in each county. Such elections shall be called within sixty (60) days from the filing of the petition. At such election all persons shall be qualified to vote who were qualified to vote in the last election for the members of the General Assembly. Such elections shall be held in the same manner as elections are held for the members of the General Assembly. At all elections there shall be presented to the voters eligible to participate therein the question to be determined as follows:

To open . . . . sound to shrimp trawling.

Against opening . . . . sound to shrimp trawling.

In the event the majority of the voters **voting** in said election vote in favor of opening such sound, it shall be the duty of the State Game and Fish Commission to declare such sound open for commercial shrimping between such dates; provided, that if the sound lies in more than one county, a majority of those voting in such election in each county must vote in favor of opening such sound before it shall be lawful to take shrimp therefrom by nets. If a majority of those voting in such election in any county in which such sound shall lie in whole or in part shall vote against the opening of such sound, it shall be the duty of the



State Game and Fish Commission to keep such sound closed to shrimping with nets, other than cast nets, and to enforce the law.

Provided, however, that any county or counties voting to open the sounds within said county or counties under an Act approved February 12, 1952 (Ga. Laws 1952, page 77) shall not be required to hold an election to open said sounds under this section; that the county or counties opening said sounds under the Act approved February 12, 1952 (Ga. Laws 1952 p. 77), shall be subject to all provisions of this section as herein provided.

(d) No election authorized in Paragraph (c) of this section shall be held in any county more frequently than once in every two years. The expense of all such elections shall be borne by the county wherein the election is held and it shall be the duty of the governing authority of such county to pay the expense of such election from the general fund of said county. The ordinary of each county in which such an election is held shall immediately, upon the declaration of the result thereof, certify such result to the State Game and Fish Commission.

(e) Any net used in violation of this section, or in violation of Section A (4), Chapter IX, as hereinafter provided, shall be seized by any sheriff or other arresting officer (including wildlife rangers and other agents or representatives of the Game and Fish Commission) who shall report the same within ten (10) days after said seizure, to the solicitor of the county, city or superior court having jurisdiction thereof in the county where the seizure was made, whose duty it shall be, within ten (10) days from receipt of such notice, to institute condemnation proceedings in said court by petition, a copy of which shall be served on the owner, if known, and if such owner is unknown, notice of such proceeding shall be published once a week for two weeks in the newspaper in which the sheriff's advertisements are published. This paragraph shall apply even as to nets which were owned by a person, firm or corporation other than the person illegally using same, in those cases where such owner either loaned such nets to the person illegally using same, or where the latter had legal custody or possession thereof by virtue of a contract of leasing, bailment, renting, conditional sales contract, bill of sale to secure debt, or contract of employment, and in such case, notice shall be given to such owner as hereinbefore provided, as the case may be. If no defense shall be filed within thirty days from the filing of such petition, judgment by default shall be entered by the court at chambers, otherwise the case shall proceed as other civil cases in said court. Should it appear upon the trial of the case that said net was so used, the same shall be sold by order of

court after such advertisement as the court may direct. The proceeds thereof shall be applied:

1. To the payment of the expenses in said case, including the expenses incurred in the seizure;

2. To the payment of the costs of the court which shall be the same as now allowed by law in cases of forfeiture or recognizance;

3. The remainder, if any, shall be paid into the county treasury to be held as a separate fund to be paid out under order of the court as insolvent costs in other cases arising from the violation of any of the provisions of this law; provided, that in any county in which any of the officers of either the county, city or superior courts are now on a salary, or hereafter placed on a salary, such remainder of the funds applicable to the payment of insolvent costs of such officer or officers shall be retained in the general funds of, and become the property of such county.

(f) This section shall not prevent the State Game and Fish Commission from making and promulgating rules and regulations in connection with the taking of shrimp from any of the sounds of this State in which such taking may be legalized. Provided, further, that the State Game and Fish Commission shall have the power, notwithstanding any other provisions in this section, to close any sound or other body of salt water when the count of shrimp taken from such sound or body of water exceeds fifty-five shrimp with heads on the pound. Officers, agents, and representatives duly authorized by the State Game and Fish Commission shall determine by inspection when the count of shrimp taken from said water exceeds said number of shrimp to the pound, and findings by said persons shall be conclusive and said count exceeds the number of shrimp to the pound as herein provided.

(g) It shall be unlawful at any time for any person, firm, or corporation to have in possession any shrimp which count of said shrimp exceeds fifty-five shrimp with heads on to the pound, except as to shrimp used for live bait. Any shrimp found in violation of the provisions of this Section is hereby declared to be contraband and shall be subject to seizure by wildlife rangers. Any shrimp seized under the provisions hereof shall be turned over to a charitable institution for consumption.

(h) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. (Ga. Laws 1955, pp. 483, 525, 533; as amended, Ga. Laws 1956, pp. 590, 596; Ga. Laws 1962, p 477; Code Ann. §45-707, 708; Code Ann., §§45-905, 45-906, 45-917.)



#### 4. FISHING FOR BAIT IN SALT WATERS.

(a) Any other provision of this Act to the contrary notwithstanding, any person may use a power-drawn net at any time in any of the salt waters of this State, not to exceed ten feet (10) at the widest part of its mouth for the purpose of taking shrimp to be used for live bait within the State of Georgia, provided that such shrimp are not to be sold, but are to be used by the person catching same, his friends or relatives.

(b) No person shall engage in the taking of shrimp for live bait to be sold within the State of Georgia, unless such person first executes bond in the amount of \$1,000.00 payable to the Governor, in such form and with such sureties as the commission may require, and conditioned upon the faithful compliance by such person with all the laws and regulations relating to game and fish. Such bond shall be in addition to the boat licenses (where applicable) required by Section 34 of this Act, as amended, and the commercial fisherman's license required by Section 37 herein, as amended, and notation of execution of such bond shall be stamped or endorsed on the applicant's commercial fisherman's license. Such commercial fisherman qualifying under this paragraph shall be authorized to use power-drawn nets at any time in any of the salt waters of this State not larger than twenty feet (20') at the widest part of their mouth.

(c) Any person, firm or corporation violating any provision of paragraph (b) or paragraph (d) of this Section, or who sells or otherwise disposes for human consumption any shrimp caught for bait as provided in paragraph 2 above, or who possesses same for purpose of sale or other disposition for human consumption, or who shall take shrimp with power drawn nets for any purpose from the tidal rivers, tidal streams or tidal creeks of any county as defined in paragraph 4 below shall be guilty of a misdemeanor and punished as provided by law.

d) Neither paragraph (a) or paragraph (b) of this Section shall apply as to the tidal rivers, tidal streams and tidal creeks of any county having a population of more than 150,000 according to the 1950 United States census or any future United States census. Notwithstanding any other provision of the law to the contrary, it shall be unlawful to take shrimp for any purpose with power drawn nets from the tidal rivers, tidal streams or tidal creeks of said counties. (Ga. Laws 1955, p. 483; 1957, p. 122; 1958, p. 408).

ED. NOTE: Sub-paragraph (d) above applies only to Chatham County.

## 5. TAKING OF CRABS WITH POWER DRAWN NETS.

(a) It shall be unlawful to take crabs with power drawn nets between January 1st and March 15th, inclusive, of each year in the outside salt waters and such sounds which have been opened to commercial shrimp trawling under provisions of law, or which are hereafter opened to commercial shrimp trawling under provisions of law, unless the webbing used in the construction of such power drawn nets so used shall be of a minimum mesh size of four inches when stretched.

(b) The presence of a net of a mesh size smaller than four inches, when stretched, on board any boat or vessel fishing for crabs, as provided in this section, shall be prima facie evidence of a violation of this section.

(c) Any person, firm, or corporation violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1956, pp. 590, 601; Code Ann., §45-937.)

**6. HOURS FOR COMMERCIAL FISHING AND DRAGGING IN CERTAIN COUNTIES.** In all counties of this State having a population of not less than 7,320 nor more than 7,360 according to the 1950 United States census or any future such census, commercial fishing and dragging during open seasons shall be permitted only during the hours between five (5) a.m. Eastern Standard Time to eight (8) p.m. Eastern Standard Time. Provided, however, that nothing in this Act shall prohibit or limit the commercial fishing or dragging for crabs. Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law. (Ga. Laws 1958, p. 2695.)

**ED. NOTE:** Paragraph applies only to Camden County.

### B.—Oysters

**1. LEASE OF OYSTER BEDS; TERMS; FEE; NOTICE; FORFEITURE.** It shall be lawful for the Commission to lease to any citizen of this State, or to any firm or corporation chartered under the laws of this State and having its principal shucking plant or canning factory in this State, portions of the oyster beds or bottoms, other than natural or privately owned beds or bottoms, for a period of not exceeding twenty years, with the privilege of renewal at such rate as may be prescribed by the Commission, but in no event shall any person, firm, corporation or combination of persons, lease or hold in excess of 1,000 acres, not to

consist of more than two parcels, nor have the privilege of this section until such person, firm or corporation shall have demonstrated to the Commission willingness, ability and intention to comply with the laws, as well as the rules and regulations prescribed by the Commission for leasing and cultivating oyster beds. The owners of land having water fronts thereon suitable for planting oysters shall have prior rights over all other applicants for assignment and lease of oyster planting grounds adjacent thereto. All applications for lease of land under this law shall be made on blanks to be prescribed by the Commission and shall be sworn to by the applicant. Each application shall be accompanied by a deposit of \$10.00 as a guarantee of good faith, and to apply on cost of survey. Notice of such application shall be published once a week for four weeks in the official newspaper of the county or counties in which such lands lie four weeks prior to making such application. If no good cause shall be shown to the contrary, the Commission may have said ground surveyed and a plat made thereof, and grounds marked off, at the cost of the applicant, at the time the survey shall be made, and at the direction of the surveyor, with suitable stakes, smooth and free from snags and spurs and suitable stakes shall be kept by the lessee in their proper places during the continuance of such lease, so as to conform accurately to the survey. Should such stakes be removed, rot down, or be carried away, the lessee shall replace them at his own expense in their proper places, and if he shall fail to do so within thirty days after being notified by the inspector, wildlife ranger, agent, or representative of the Commission, of the district within which the ground lies, the said lease shall be forfeited. (Ga. Laws 1955, pp. 483, 534; Code Ann., §45-907.)

**2. RECORD OF SURVEY; FEE; ANNUAL RENTAL; DEPOSIT OF SHELLS OR OYSTERS.** The survey and plat of any assignment, as soon as practicable after it is made, and after said grounds shall have been assigned to said applicant, shall be delivered to said applicant, who shall record the same in the office of the clerk of the superior court of the county or counties in which said ground lies, and a copy thereof shall also be filed in the office of the Commission. The surveyor surveying such tract so assigned shall make plats of such surveys for such office, and for the person to whom such assignment is made. Such plat shall be duly recorded in such office in a well bound and substantial book, and indexed in the name of the assignee. The clerk of the superior court shall receive for recording the same in his office the fee required for recording deeds and plats. The annual rental of land leased under this section shall be

such amount per acre as the Commission may fix upon, but in no case less than 25 cents per annum, and shall be due on the first day of September of each year after the date of the assignment, payable on or before the first day of November following. If not paid on or before November first, a 25 per cent fine shall be added, and the inspector, wildlife ranger, agent, or representative of the Commission, of such district shall proceed to levy for rental and fines. The lessee shall be required to deposit, under the supervision of the inspector, wildlife ranger, agent or representative of the Commission, of his district within such time as may be designated by the Commission in his lease, shells or oysters to the amount of not less than 10 nor more than 1,000 bushels per acre for the entire area leased, the amount to be fixed by the Commission. The lessee shall be required to deposit, under the supervision and direction of the Commission, every year during the life of the lease, a number of bushels of shells or oysters on each acre of the tract or parcel of ground leased by him, equal to 25 per centum of the number of bushels of oysters taken by him therefrom. The lessee shall be required to prove compliance with both of these provisions as to deposit of shells or oysters on the ground so leased by him, and in default of such proof thereof the lease shall be annulled. (Ga. Laws 1955, pp. 483, 535; Code Ann., §45-908.)

**3. PRIORITY GIVEN TO CERTAIN PERSONS IN LEASING.** Any person who shall have planted oysters in good faith on lands prior to August 8, 1924, shall have the first option or refusal to have said land leased to him by the Commission, who shall take the fact into consideration in fixing the lease fee to be charged. (Ga. Laws 1955, pp. 483, 536; Code Ann., §45-909.)

**4. USE OF OYSTER BEDS BY UNAUTHORIZED PERSON DECLARED ILLEGAL.** It shall be unlawful for any person to stake in or use, for the purpose of propagation of oysters or shellfish, any natural oyster bed, dock shoal or bottom, or clamming or crabbing ground which has not been assigned to him according to law, nor shall any person who may have occupied and staked off such natural bed, rock, or shoal, or clamming or crabbing ground, or bottom, which has not been assigned to him according to law, continue to occupy the same, and any person violating this provision shall be guilty of a misdemeanor and punished as for a misdemeanor. Said person shall be notified by the Commission to remove all stakes, watch-houses, or other obstructions from such natural beds, rock, or shoal; and if after the notice such person shall refuse to remove such stakes or othe obstructions, the same

shall be removed by the said Commission, or inspector, wildlife ranger, agent or representative of the Commission. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 536; Code Ann., §§45-910, 45-911.)

**5. REASONABLE TIME ALLOWED TO REMOVE OYSTERS—WHEN.** When from any resurvey of oyster planting-grounds or survey made to re-establish the lines of the State survey of natural oyster beds, rocks, or shoals, which may be made under the direction of the Commission, it shall appear that any holder, without his own default and by mistake of any officer of the State, has had assigned to him and included in the plat of his assignment any portion of the natural oyster beds, rocks, or shoals, as defined by law, and it shall appear that any such holder has oyster or shells planted on the said grounds, or the same opened to the public, the said holder shall be allowed a reasonable time, the length of which shall be determined by the Commission in their discretion, within which to remove his planted oysters or shells from the said ground, under the supervision of the Commission. (Ga. Laws 1955, pp. 483, 536; Code Ann., §45-912.)

**6. PROHIBITED ASSIGNMENT OF NATURAL OYSTER BEDS OR CLAM BEDS.** Any inspector, surveyor or other representative of the Commission, who shall knowingly assign to any person any ground within the public survey of the natural oyster beds, rocks or shoals, or clam beds that have been set aside by the Commission, shall be guilty of a misdemeanor and punished as provided by law. Any such assignment shall be void and such official agent or representative of the Commission shall be discharged from the employment of the Commission. (Ga. Laws 1955, pp. 483, 537; Code Ann., §45-913.)

**7. INTERFERENCE WITH BOUNDARY STAKES.** Any person who shall willfully injure, remove or displace any boundary oyster stakes, range monuments, signal beacon; boundary stone or post or buoy, or any appurtenance or enclosure therein erected, constructed or set by the Commission or by their order on the land or waters of this State or upon the lawful beds of any lessee for the purpose of designating, locating, surveying or mapping any shellfish grounds, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 537; Code Ann., §45-914.)

**8. HOW OWNERS OF PRIVATE OYSTER BEDS MAY COME UNDER LAW.** Any person, firm or corporation owning private oyster beds in the waters of Georgia may come under the provisions of this law and have the same protection as is afforded the lessees



of State-owned oyster grounds under the provisions of this law, by planting oysters upon such grounds and placing oysters or shells thereon in the manner prescribed for leased oyster lands under the provisions of this law. (Ga. Laws 1955, pp. 483, 537; Code Ann., §45-915.)

**9. PLAT OR SURVEY REQUIRED—CERTIFICATE FROM HEALTH DEPARTMENT.** The Commission in fixing the area which is or may be leased to any person by the Commission or by a private owner to any person, firm or corporation for the purpose of planting, growing, gathering, marketing, or selling oysters, shellfish or crustaceans shall require that the applicant for any such lease furnish to the Department of Public Health charged with the responsibilities of maintaining the health of the citizens of this State, a plat or survey of the lands proposed to be leased, but no such lease contract shall be entered into or become effective until such Health Department shall issue its certificate, that the particular area in question is not contaminated in any way and that the waters on or adjacent to such area are not polluted or do not contain any matter which would make the taking of oysters, shellfish or crustaceans, in any way dangerous to the life of persons consuming oysters, crustaceans, or shellfish removed therefrom. Any oyster, shellfish or crustaceans removed from an area concerning which such certificate has not previously been issued, shall be subject to confiscation and immediate destruction by the Commission as menacing the public health. Such certificate may be revoked upon subsequent findings by the Health Department. (Ga. Laws 1955, pp. 483, 537; Code Ann., §45-916.)

**10. MINIMUM SIZE OF OYSTERS TO BE TAKEN.** No oysters shall be taken from the public grounds of this State where the shells of such oysters measure less than three inches from hinge to mouth, except that oysters less than three inches from hinge to mouth may be removed if attached to an oyster of that minimum size and such oyster so attached cannot be removed without destroying such three-inch oyster. And it shall be unlawful for any person, firm or corporation engaged in shucking or canning oysters for market, to shuck, can, purchase, or have in possession any quantity of oysters containing more than five per cent of oysters of prohibitive size as herein defined. (Ga. Laws 1955, pp. 483, 538; Code Ann., §45-917.)

**11. ILLEGAL TO TAKE OYSTERS EXCEPT DURING SEASON.** No person shall prick, tong, dredge, scoop, rake, drag, or in any other manner take or catch oysters from any of the waters of this State other than during the yearly, daily and monthly periods as prescribed by the Commission, except for the purpose

of replanting the same in the waters of this State, except as herein provided. In addition to the authority to set the seasons for taking oysters in the waters of this State hereinabove provided, the Commission is hereby vested with authority to close any area from the taking of oysters by the use of a dredge or dredges at any time when, within their discretion, they deem that such closing of the waters would be to the best interest of the conservation and propagation of oysters. Any person violating the provisions of this Section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, p. 483, 583; 1958, p 382; Code Ann., §45-918).

**12. PENALTY FOR TAKING OYSTERS WITH SCOOP, ETC.** Any person who shall take or catch any oysters in any of the waters of this State with or by a scoop, rake, drag, or dredge, or by the use of any other instrument than the oyster tongs heretofore in general use for the taking of oysters, at mean low tide, or who shall use a dredge other than one not exceeding the weight of one hundred fifty (150) pounds, and of conventional drag or rake type that is towed on the end of a chain, rope or cable and collects its catch in a bag, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, p. 843, 539; 1958, p. 382; Code Ann. §45-919).

**13. PERMIT TO DREDGE OYSTERS, BOND, ETC.** No person shall engage in the taking of oysters by the use of a dredge as hereinabove provided, in the waters of this State unless such person first secures a permit to be issued by the Commission, for which he shall pay a fee of One (\$1.00) Dollar, and shall execute a bond payable to the Governor of Georgia in the amount of Five Thousand (\$5,000) Dollars, conditioned upon the faithful compliance by such person with all the laws, rules and regulations relating to the taking of oysters. Upon conviction, plea of guilty, plea of nolo contendere, or forfeiture of appearance bond by any person bonded under this section for any offense under the laws, rules or regulations relating to the taking of oysters, the bond required by this section shall be forfeited. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1958, p. 382).

**14. GAME AND FISH COMMISSION TO PROMULGATE RULES AND REGULATIONS.** The provisions of this Act pertaining to the taking of oysters shall not prevent the State Game and Fish Commission from making and promulgating rules and regulations not in conflict with the provisions of this Act, which rules and regulations when so promulgated and adopted shall have the same effect as law as if the same were incorporated in this Act, and any person violating said



rules and regulations, when so adopted, and the provisions pertaining thereto in Section 15 (a) of this Act have been compiled with, shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws, 1958, p. 382).

**15. OYSTERS TAKEN BY ANY MEANS FROM PRIVATE BEDS IN CERTAIN INSTANCES.** Oysters may be taken by any means or device from any private bed by the owner or lessee for the purpose of transplanting to other beds in this state from unleased territory within said limits. (Ga. Laws 1955, pp. 483, 539; Code Ann., §45-920.)

**16. OYSTERS SOLD IN SHELL; HOW MEASURED; TUBS; BRANDS.** All oysters sold in the shell in Georgia shall be measured in circular tubs, with straight sides, straight and solid bottoms, with holes in the bottom not more than one-half inch in diameter. A bush tub shall measure 18 inches from the inside across the bottom, and 21 inches from the bottom to the top or chine. All measures used for buying or selling oysters shall have a brand, to be adopted by the Commission or the lawful inspectors or patrolmen. All measures found in the possession of persons not meeting the requirements of this section shall be destroyed by the Commission. Any person or persons violating this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 539; Code Ann., §§45-921, 45-922.)

**17. PENALTY FOR TAKING OYSTERS FROM PUBLIC BEDS.** Any person who shall rough take or catch oysters from any of the public beds within the waters of this State, unless the same shall be culled over the beds from which they may be taken, except when the water is such as to render it dangerous to remain at the beds, shall be guilty of a misdemeanor and punished as provided by law; provided, that the terms of this section shall not apply to taking of oysters for the purpose of replanting the same in any of the waters of this State. (Ga. Laws 1955, pp. 483, 540, Code Ann., §45-425.)

**18. INSPECTION OF OYSTER BEDS BY HEALTH DEPARTMENT; CONDEMNATION; ACCESS TO BEDS, ETC.** It shall be the duty of the Department of Health of Georgia, to inspect, or cause to be inspected, as often as said department may deem necessary, the various oyster beds and other places within the jurisdiction of or forming a part of the State of Georgia from which oysters are taken to be distributed or sold for use as food, for the purpose of ascertaining the sanitary conditions of such oyster beds and the fitness of the oysters in such places or which are taken therefrom for use as food.

(a) If the State Department of Health discovers that any oyster bed, or other place from which oysters are or may be taken is subject to pollution or to any other condition which may render the oysters in such places, or which may be taken therefrom, dangerous to health, it shall be the duty of said department to immediately condemn such areas, beds, or other places; and to prohibit the sale, distribution, offering for sale, giving away or having in possession such oysters without a permit from such department to take, sell, distribute, give away, or offer to sell or have in possession.

(b) For the purpose of this section, the distribution, sale, offering for sale, giving away or having in possession with intent to distribute, sell or give away any oysters shall be prima facie evidence that such oysters were intended for use as food.

(c) The State Department of Health shall have the power to adopt, promulgate and enforce such rules and regulations as shall promote the purposes of this Act, and it shall also have power to make such specific orders regarding the growing and handling of oysters and the disposal of polluting matter which may affect the purity of oysters as it may deem necessary to enforce the provisions of the Act.

(d) The members and employees of the State Department of Health shall have free access at all times to all oyster beds, places of business and other places where oysters are grown, kept, stored, had in possession with intent to distribute, or sell, or give away, or sold, and also to all streams, tributaries thereof and lands adjacent thereto, the waters draining from which may come in contact with oysters and shall have the power to make such inspection of such places and to take such samples of oysters as they may deem necessary to carry out the purposes of this Section.

(e) No person shall obstruct or in anywise interfere with any inspector or employee of the State Department of Health in the performance of any duty under this Section. (Ga. Laws 1955, pp. 483, 540; Code Ann., §45-926.)

(f) Any person or persons convicted of a violation of the provisions of this Section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 541; Code Ann., §45-927.)

**19. DUTY OF CANNING PLANTS, ETC., TO DISTRIBUTE OYSTER SHELLS.** Every person, firm or corporation owning or operating a factory for the canning of oysters, or a raw oyster shucking plant in this State, shall each year distribute upon the areas designated by the Commission or its authority a quantity of oyster shells not exceeding 33½ per cent of the quantity required by such cannery or raw shucking

plant during the preceding open season; which distribution or replanting shall be done under the direction or supervision of the Commission or its authority within a radius of twenty miles from the factory or shucking plant distributing the same and before the first day of June. Any failure or refusal to comply with this regulation shall subject the cannery or shucking plant to revocation of its license by the Commission. (Ga. Laws 1955, pp. 483, 542; Code Ann., §45-930.)

**20. SANITARY REQUIREMENTS APPLICABLE TO CANNING PLANTS, ETC.** All premises, sheds, utensils, measure, tools and implements used on premises of canneries or shucking plants must be kept in a sanitary condition, and to that end the State Department of Public Health charged with the responsibilities of maintaining the health of the citizens of the State, shall, from time to time, prescribe such rules and regulations to this end as may be advisable, and any person, firm or corporation who shall violate such regulations on more than one occasion shall be subject to loss of license or to revocation of license by the Commission. (Ga. Laws 1955, pp. 483, 542; Code Ann., §45-931.)

**21. DEPARTMENT OF HEALTH TO PROMULGATE RULES, ETC.** The Department of Public Health shall promulgate such sanitary rules and regulations meeting minimum requirements of the United States Public Health Service and based upon recommendations made by the Committee on Sanitary Control of the Shellfish Industry for interstate shipments, and for the purpose of interstate shipment the Department of Public Health shall certify to all requirements of the United States Public Health Service as may be required under approval for interstate shipments. Such rules and regulations shall apply to oyster beds, or areas, and to shucking houses, equipment, and sanitary handling, preparation and shipping. (Reference—United States Public Health Minimum Requirements for Approval of Shellfish Control Measures and Certification for Shippers in Interstate Commerce.)

(a) Each and every person, firm or corporation handling or shipping oysters in the shell, shall, when shipping oysters in the shell, ship them in clean containers in either barrels, bags, crates or baskets. To each such barrel, bag, crate or basket there shall be attached a tag obtained from the Coastal Fisheries Office, which tag shall be furnished free of cost, which tag shall indicate the source, date of gathering, name and address of consignee, kind of shell stock in container, name of shipper and State Public Health Certificate number. (Ga. Law 1955, pp. 483, 543; Code Ann., §45-932.)

(b) Each and every person, firm or corporation who shall fail to ship or handle oysters in shell stock in

clean containers, in either barrels, bags, crates or baskets, or shall fail to attach thereto the tag containing the information herein required shall be guilty of a misdemeanor and shall be punished as for a misdemeanor. (Ga. Laws 1955, pp. 483, 543), Code Ann., §45-933.)

**22. OYSTER TAX.** All distributors or dealers (including canners who are distributors or dealers) who sell oysters in this State (except those importing and selling the same in the original package which brought into the State) shall pay thereon an occupation tax as follows: One cent of each 60 ounces of canned oysters; two cents of each 60 ounces of canned oysters; two cents on each gallon of raw shucked oysters; five cents upon each bushel of oysters sold in the shell: Provided that nothing in this law shall be construed to place a tax upon or prohibit the sale of oysters for local consumer by peddlers (or hucksters) who sell direct to the consumer: Provided that no one person shall take or remove from the public beds more than 10 bushels of oysters in any one day for such purpose. Each package containing oysters canned in this State, or raw shucked oysters, or oysters in the shell, gathered in this State shall be stamped by the canner or dealer, or distributor, with quantity, of oysters contained in each can, barrel or other package in which the same are offered for sale within the State or shipped therefrom. Each distributor or dealer, including the canners who are distributors or dealers, shall place stamps in the amount necessary upon each of said packages, to comply with the requirements of the payment of the occupation taxes hereinbefore set out. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. Ga. Laws 1955, pp. 483, 539; Code Ann., §§45-923, 45-924.)

### **C.—RECORD OF SHRIMP, OYSTERS, CRABS AND FISH KEPT BY FACTORIES, PLANTS, ETC.**

All persons owning or operating canning factories, shucking plants, or otherwise dealing in or supplying shrimp, oysters, crabs or fish for commercial purposes, shall keep a record in which shall be entered the amount thereof taken from Georgia waters, the name of each person from whom they shall purchase same, together with the date of purchase and quantity purchased; the name, number and approximate tonnage of the boat in which they were brought to the factory, the quantity canned and packed for shipment, and the date and amount of each shipment, as well as a record of all oysters, crabs and shrimp shipped raw and oysters sold in the shell, and make an itemized written report to the Commission not later than the fifth day of each month. They shall also keep on file a copy of the bill

of lading for each shipment; said book and said file of bills of lading to be open at all times to the inspection of the Commission, or their agents, or employees, or to the Comptroller General or his agents, and they shall between the first and fifteenth days of May in each year, make a report to the Commission of the number of canned oysters on hand on the first day of May. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law. (Ga. Laws 1955, pp. 483, 542) Code Ann., §§45-928, 45-929.)

Cross References: See Chapter II, Section D (4). *infra*, relating to the record books, requiring to be kept on boats used in commercial fishing.

## SPEARING OF ROUGH FISH

### SECTION 1

"Section 84-A. The spearing of rough fish solely for the purpose of sport, in the fresh waters of this State, shall be lawful provided the person engaged in the act of spearing shall be completely submerged. 'Rough Fish', as used herein, shall be limited to those fish designated as such by the commission. 'Spearing', as used herein, shall be limited to the use of a spear or similar instrument, that is held in the hand of a person using same and the use of a weapon, other than a firearm, which propels or forces a projector, or similar device therefrom, to which a wire rope line cord, or other means of recovering the propelled projector, or similar device, is attached and is secured to the weapon or to the person using the weapon. When a group of individuals shall meet for the purpose of a competitive spear fishing event, notice thereof shall be given at least seven days prior thereto, the commission designating the time, date and place of the event. Each person engaged in the spearing of rough fish shall, in addition to the Georgia Fishing License, have a rough fish spear fishing license. The fee for the license for spear fishing of rough fish, in addition to the Georgia Fishing License, shall be: State resident license for spear fishing of rough fish, \$2.25; non-resident three day license for spear fishing, \$1.25; non-resident annual license for spear fishing of rough fish, \$3.25.

"Any person who shall violate the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law."

### SECTION 2

All laws and parts of law in conflict with this Act are hereby repealed. (Ga. Laws 1955, p. 483 Ammended by Ga. Laws 1959, p. 181; Code Ann. §45-704-1.)



## CHAPTER X

### BOATS

#### A.—GENERALLY

##### 1. RECKLESS OR INTOXICATED OPERATION.

Any person who shall operate a boat upon any public waterway of this State in a manner which disregards the safety of others or operates such boat while in an intoxicated condition, which intoxicated condition may be caused by the excessive use of intoxicating wines, beers, liquors or drugs, which is manifest by boisterousness or by an indecent condition or action or by vulgar, profane or unbecoming language or loud and violent discourse of the person so intoxicated, shall be guilty of a misdemeanor and punished as for a misdemeanor.

**2. ENFORCEMENT.** Wildlife rangers and other peace officers of this State shall have the power to arrest all persons who violate the provisions of this Act. (Ga. Laws 1953, Jan.-Feb. Sess., p. 55; Code Ann., §26-7325.)

#### B.—TRAFFIC—FRESH WATER REGULATIONS

1. Any boat, vessel or water-going craft of any size or description whatsoever operating upon the fresh waters of this state shall observe the following rules and regulations:

(a) No person shall operate any boat in a reckless or negligent manner so as to endanger the life, limb or property of any person.

(b) When boats are approaching head-on or nearly so, it shall be the duty of each to turn to the right and pass on the port, or left side of the other.

(c) A boat overtaking any other boat shall keep out of the way of the overtaken boat, passing to the left of it if that side is in the clear.

(d) Power boats when moving under power shall keep clear of row boats with occupants, approaching not nearer than fifty (50) feet.

(e) Persons navigating in narrow channels shall keep to the right of the middle of the channel.

(f) When a larger craft approaches or passes a smaller craft, the former should reduce speed so that its wake will not endanger the smaller craft.

(g) Power boats operating at night shall be equipped with lights sufficient to throw light in the direction of travel for a distance of not less than one hundred-fifty (150) feet.

(h) Power boats operated for hire shall be equipped with one life preserving apparatus for each passenger carried. (Ga. Laws 1952, p. 281; Code Ann., §26-7322.)



2. Any person violating any of the foregoing rules and regulations shall, upon conviction, thereof be punished as for a misdemeanor. (Ga. Laws 1952, pp. 281, 282; Code Ann., §26-7323.)

3. **ENFORCEMENT—ARRESTS.** The peace officers of this state and of any county or municipality thereof shall enforce these rules and regulations and make arrests upon the fresh waters of this State or whatever otherwise necessary. (Ga. Laws 1952, pp. 281, 282; Code Ann., §26-7324.)

## **ACT NO. 567**

### **GEORGIA MOTORBOAT NUMBERING ACT**

(1960 Ga. Laws, p. 235.)

#### **AN ACT**

To provide for the regulation of marine traffic; to provide for licensing and numbering of motorboats; to provide the procedure connected therewith and for fees and the disposition thereof; to provide for definition of terms used in the Act; to provide for the formulation of rules and regulations for carrying out the purposes of this Act; to provide for the penalties for violation of this Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

#### **SECTION 1**

The short title of this Act shall be "Georgia Motorboat Numbering Act."

#### **SECTION 2**

**Definitions.** As used in this Act, unless the context clearly implies a different meaning;

(1) "Motorboat" means any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water and propelled by machinery in excess of 10. H.P. whether or not such machinery is the principal source of propulsion: Provided, however, the term "motorboat" shall include a commercial fishing vessel propelled by machinery regardless of H.P. and regardless of whether or not such machinery is the principal source of propulsion.

(2) "Owner" means any person, other than a lien holder having a property right in; title to; or the right of possession in a motorboat.

(3) "Waters of this State" shall include all fresh and salt waters in this state and the marginal sea adjacent to this State and the high seas when navigated as a part of a journey or ride to or from the shores of this State except privately-owned ponds or lakes not open to the general public.

(4) "Person" means an individual, partnership, firm, corporation, association, or other entity except the United States or a State of the United States or Political subdivision thereof.

(5) "Operate" means to navigate or otherwise use a motorboat.

(6) "Commission" means the State Game and Fish Commission.

(7) "Director" means the Director of the State Game and Fish Commission.

### SECTION 3

The provisions of this Act shall be applicable to all motorboats operating on the "Waters of this State" as defined in Section 2 hereof, except vessels that have a valid marine document issued by the Bureau of Customs.

### SECTION 4

The Commission shall establish a procedure for the registration and licensing of all motorboats including commercial fishing vessels, operated in the waters of this State, except as hereinafter excepted, and shall receive and account for all license fees provided by this Act.

### SECTION 5

Except as hereinafter provided, the operation of motorboats not licensed and so identified by license number as required by this Act is prohibited on the waters of this State. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is licensed and numbered in accordance with this Act, or in accordance with applicable Federal law, or in accordance with federally approved number system of another state, and unless a) the certificate of number awarded to such motorboat is in full force and effect and (b) the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat as required by the Commission. Provided further that a motorboat shall not be required to be licensed and numbered under this Act if it is:

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to Federal law or federally approved numbering system of another state: Provided that such boat shall not have been within this State for a period in excess of ninety (90) consecutive days

(2) A motorboat from a country other than the United States temporarily using the waters of this State;

(3) A motorboat owned by the United States, a State of the United States or a subdivision thereof;

(4) A ship's lifeboat;

(5) A motorboat belonging to a class of boats which has been exempted from numbering by the Commission after said agency has found that the numbering of motorboats of such class will not materially aid in their identification; and, if an agency of the Federal government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs, after the Commission has further found that the motorboat would also be exempt from numbering if it were subject to Federal law.

## SECTION 6

(a) Motorboat licenses shall be issued and sold by the Commission upon such forms which shall contain such information as the Commission may prescribe: Provided, the Commission may at its discretion authorize any person in any of the counties of this State to act as agent for the awarding of licenses. In the event that a person accepts such authorization, he may be assigned a block of license numbers which upon award, in conformity with this Act and with any rules and regulations of the Commission, shall be valid as if awarded directly by the Commission. All agents so appointed shall be bonded in an amount determined by the Commission to be sufficient to protect the State of Georgia and all licenses delivered to such agent shall be charged to him and he shall account for same and for the cash from resulting sales. The agent shall receive for himself twenty-five cents (25¢) for each license issued and shall account for or forward the fee for each less their commission along with other information required at regular intervals of not more than 60 days, as established by the Commission.

(b) The fee required for the issuance of a motorboat license number in this State shall be based on the length of said boat as follows:

|  |         |
|--|---------|
| Class a, less than 16 feet in length .....                                   | \$5.25  |
| Class I, sixteen feet or over but less than<br>26 feet in length.....        | \$ 7.75 |
| Class II, twenty-six feet or over but<br>less than forty feet in length..... | \$10.25 |
| Class III, forty feet or over.....   | \$15.25 |

Except the owner of a motorboat that is commonly referred to as a livery boat, that is, a boat owned for the purpose of renting to another, shall be entitled to register each such boat as herein provided upon the payment of a fee of \$1.25 per boat for the first twenty (20) boats and for those in excess of twenty (20), the owner shall pay \$.50 per boat. Each certificate of number issued at this "livery boat" rate shall be plainly marked "Livery Boat."

## SECTION 7

(a) The owner of a motorboat shall paint on or

attached to each side of the bow of the motorboat the identification number in such manner and in such size as may be prescribed by rules and regulations of the Commission in order that it may be clearly visible. Provided, however, the Commission is authorized to provide for a means of identification for use on motorboats used by boat dealers as demonstrators that may be easily transferred from one boat to another in the same class range. The number shall be maintained in legible condition. The license indicating the number shall be pocket size and shall be available at all times for inspection upon demand on the motorboat whenever such motorboat is in operation.

(b) The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number with the Commission, or as may be directed by the Commission, prior to operating the motorboat on the waters of this State in excess of the ninety (90) day reciprocity period provided for in this Act. Such recordation shall be in such manner as the Commission may direct, except that no additional or substitute number shall be issued.

(b) Should the ownership of a motorboat change, the new owner shall file with the Commission a completed registration form, accompanied by a one dollar (\$1.00) fee made payable to the Commission by a money order or certified check, and shall at the same time furnish to the Commission a signed statement requesting that the Commission transfer the Certificate of Number issued to such motorboat to him as the new owner, giving his name, address, number of the motorboat, and the name and address of the previous owner. Upon receipt of the application and fee the Commission shall transfer the Certificate of Number issued for such motorboat to the new owner. Unless such application is made and fee paid within fifteen (15) days, or such other period of time as the Commission shall prescribe, such motorboat shall be deemed to be without a Certificate of Number, and it shall be unlawful for any person to operate such motorboat, until the certificate is issued.

(d) In the event that an agency of the United States Government shall have in force an over-all system of identification numbering for motorboats within the United States, the license numbering system employed pursuant to this Act by the Commission shall be in conformity therewith.

(e) All records of the Commission made or kept pursuant to this section shall be public records.

(f) Every license awarded pursuant to this Act shall be for a period of not more than three calendar years and shall become subject to renewal after November 1 of the third calendar year of its use. However, such license

shall be valid on through December 31 of the third calendar year of its use, but if not renewed prior to or on the last mentioned date said license shall lapse and expire and be of no further validity. On any renewal, provided the license has not lapsed, the user thereof shall continue to be assigned the same number.

(g) The owner shall furnish the Commission notice of the transfer of all or any part of his interest, other than the creation of a security interest, in a motorboat licensed in this State or of the destruction or abandonment of such motorboat licensed in this State or of the destruction or abandonment of such motorboat, within fifteen (15) days, or such other period of time as shall be prescribed by the Commission. Such transfer, destruction, or abandonment shall terminate the license for such motorboat except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, such transfer shall not terminate the license.

(h) Any holder of a license shall notify the Commission within fifteen (15) days or such other period of time as shall be prescribed by the Commission if his address no longer conforms to the address appearing on the license and shall, as a part of such notification, furnish the Commission with his new address. The Commission may provide by rules and regulations for the surrender of the license bearing the former address and its replacement with a license bearing the new address or for the alteration of an outstanding license to show the new address of the holder.

(i) No number other than the license number awarded to a motorboat or granted reciprocity pursuant to this Act shall be painted, attached, or otherwise displayed on either side of the bow of such a motorboat.

## SECTION 8

### Collisions, Accidents, and Casualties.

(a) It shall be the duty of the operator of a motorboat involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own motorboat, crew, and passengers, if any, to render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also to give his name, address, and identification of his motorboat in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(b) In the case of collision, accident, or other casualty involving a motorboat, the operator thereof, if the collision accident, or other casualty results in death or injury to a person or damage to property in excess of \$100.00 or such lower amount as may be set by the rules and



regulations adopted by the Commission, shall file with the Commission a full description of the collision, accident, or other casualty, including such information as said agency may, by regulation, require.

## SECTION 9

Transmittal of Information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Commission pursuant to Section 8 (b) shall be transmitted to said official or agency of the United States.

## SECTION 10

The Commission shall have authority to adopt all rules and regulations necessary for the administration and enforcement of the provisions of this Act. Rules and regulations shall be promulgated in compliance with the provisions of Section 15 of an Act approved March 7, 1955 (Ga. L. 1955, p. 483), as amended (Ga Code Ann., §45-115.) When so promulgated, the rules and regulations shall have the force and effect of law and the violation thereof shall be a misdemeanor and punished as provided by law.

## SECTION 10A

The Commission, to promote safety in boating, is hereby authorized to adopt, promulgate and enforce safety rules and regulations relative to boat equipment, operation, lights and navigation rules as the Commission shall deem necessary; provided, however, that such rules and regulations promulgated and adopted by the Commission each year shall remain in force and effect until the next regular session of the General Assembly, at which time the General Assembly shall confirm or reject said rules and regulations.

## SECTION 11

During the times when the Commission is not in session, the Director of the State Game and Fish Commission shall have authority to take any action that the Commission is herein authorized to take.

## SECTION 12

(a) It shall be the duty of the Commission, through the wildlife rangers of this State, to enforce the provisions of this Act, the rules and regulations promulgated hereunder, and to make arrests for the violations thereof.

(b) The several sheriffs, their deputies, law enforcement officers of the Department of Public Safety and other peace officers of this State may make arrests for the violation of the provisions of this Act and the rules and regulations promulgated hereunder.



(c) In making arrests for the violation of the provisions of this Act and the rules and regulations promulgated hereunder and making investigations relating to violations, the officers enumerated in subsections (a) and (b) of this section, may go aboard any motorboat for the purpose of performing his duties without liability for trespass.

### SECTION 13

Any person who shall violate any of the provisions of this Act or any rules or regulations adopted in accordance herewith shall be guilty of a misdemeanor and upon conviction thereof, punished as provided by law.

### SECTION 14

A copy of the rules and regulations adopted pursuant to this Act, and any amendments thereto, shall be filed in the office of the Commission and in addition thereto shall be published by the Commission in convenient places.

### SECTION 15

This Act shall become effective upon approval by the Governor.

### SECTION 16

In the event any section, subsection, sentence, clause or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional was not originally a part thereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

### Section 17

All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 7, 1960

## CHAPTER XI

### MISCELLANEOUS CRIMES RELATING TO GAME AND FISH

#### A.—Hunting on Sunday.

Any person who shall hunt any kind of game with gun or dogs, or both, on the Sabbath day shall be guilty of a misdemeanor. (Ga. Laws 1873, p. 39; Code Sec. 26-6906).

#### B.—Fishing on Sunday.

26-6908

Any person who shall fish or attempt to catch any kind of fish by employing any equipment or method which requires the sanction of any Commercial Fishing License on the Sabbath day shall be guilty of a misdemeanor, and upon conviction therefore, shall be punished as for a misdemeanor. (Ga. Laws 1961, p. 157.)

Section 1A. This Act shall not become effective in and shall not apply to any counties in this State having a population of not less than 6,515 nor more than 6,650 according to the United States Census of 1960 or any future such census. This Act shall not become effective in and shall not apply to any counties in this State having a population of not less than 10,140 and not more than 10,150 according to the United States Census of 1960 or any future such census. This Act shall not become effective in and shall not apply to any counties in this State having a population of not less than 500 nor more than 2,000 according to the United States Census of 1960 or any future such census. (Ga. Laws 1962, p. 2344) Editorial Note: Section 1A applies to counties of Echols, Clinch and Effingham.

#### C.—Larceny of Oysters or shells; punishment.

Any person who shall take, steal or carry away without permission of the owner any oysters or shells shall be deemed guilty of larceny thereof; and upon conviction thereof shall be punished as for a misdemeanor and be confined in jail not less than three months nor more than six months, or for a like time in the county chain gang, and fined not less than \$25 nor more than \$100 for each offense. (Ga. Laws 1924, p. 108; Code Sec. 26-2614).

#### D.—Crabbing in Certain Counties Regulated.

An Act to provide that in all counties of this State having a population of more than 150,000, according to the 1950 United States Census or any future such census, that it shall be unlawful to catch crabs for commercial purposes within 100 yards of the property line of any resident or any extension of his dock; to regulate the manner of setting out crab traps, crab pots and crab trap floats in the rivers, streams, creeks, sounds, cuts, bays and estuary in this State; to provide for penalties; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. The provisions of this Act shall only be applicable to all counties of this State having a population of more than 150,000, according to the 1950 United States Census or any future such census.

Section 2. The term "crab trap," as used herein, shall include all crab pots, crab traps and any other similar device used for the taking of crabs.

The term "crab trap float," as used herein, shall mean and include those corks, floats or substances of any and whatever kind attached by a line or chain to a crab trap and which remains on the surface of the water.

The term "crab trap anchor," as used herein, shall mean and include all weights or devices used to anchor the crab trap float into position.

The term "stream," as used herein, means any creek, bay, stream, cut, sound, river or estuary, including the Intracoastal waterway as shown on the Coast and Geodetic Survey Chart of said waterway in this State.

Section 3. No crab trap float nor crab trap anchor shall be anchored any farther out than twenty (20) yards from the mean low water mark in any stream of three hundred (300) yards or more in width at mean low water; provided, however, that a crab trap may be placed farther out in the said stream, if it is so attached to the crab trap anchor that the line from the crab trap float goes to the bottom of the stream to the crab trap anchor, and a line of non-floating material is laid from the crab trap anchor along the bottom of the stream to the crab trap.

Section 4. No crab trap float nor crab trap anchor shall be anchored any farther out than ten (10) yards from the mean low water mark in any stream which is fifty (50) yards or more in width at mean low water and not more than three hundred (300) yards in width at mean low water. Provided, however, that a crab trap may be placed farther out in the said stream if it is so attached to the crab trap anchor that the line from the crab trap float goes down to the bottom of the stream to the crab trap anchor, and a line of non-floating material is laid from the crab trap anchor along the bottom of the stream to the crab trap.

Section 5. No crab trap, crab trap anchor, or crab trap float shall be placed any farther out than five (5) yards from the mean low water mark of any stream twenty-five (25) yards or more in width at mean low water and less than fifty (50) yards in width at mean low water.

Section 6. No crab trap or crab trap float shall be placed in any stream of less than twenty-five (25) yards in width, at mean low water.

Section 7. Each crab trap float when in position in any stream, must be attached thereto in such manner as to be clearly visible for not less than 100 yards in the daytime, a red flag of not less than 16 square inches,

on a staff not less than 18 inches in length. Each crab trap float when in position in any stream, must have attached thereto in such a manner as to adequately reflect light to a distance of not less than 50 yards at night, in all directions, luminous paint, tape, or other reflective substance. Each crab trap and crab trap float when in position in any stream, must have attached thereto, on both the crab trap and crab trap float, in such a manner as to be clearly legible, the name and address of the owner.

Section 8. No person shall catch crabs for commercial purposes within 100 yards of the property line of any resident or any extension of his dock.

Section 9. Any person violating any provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as for a misdemeanor.

Section 10. All laws and parts of laws in conflict with this Act are hereby repealed.

#### **E.—Cash Bonds in Game and Fish Cases.**

Any sheriff of the State of Georgia or his lawful agent or deputy, or any other county officer charged with the duty of enforcing traffic, game, fish or baiting laws of this State who makes an arrest outside of the corporate limits of any municipality of this State for the violation of any traffic, game, fish or boating law, and has been authorized, as provided herein, by the judge having jurisdiction of such offense, to accept cash bonds, may accept a cash bond for the personal appearance of the person so arrested in lieu of a statutory bond or recognizance. No such officer shall be authorized to accept a cash bond unless he has been authorized to receive cash bonds in such cases by an order of the judge having jurisdiction of such offense, which order may be granted or dissolved in the discretion of such judge and which shall be filed with other records of the court over which said judge presides.

If any person arrested for a violation of the traffic, game, fish or boating laws of the State of Georgia gives a cash bond as above provided for his appearance and fails to appear at the next regular term of court convening thereafter without legal excuse therefor, then and in that event, in the discretion of the court, said cash bond shall then and there be forfeited without the necessity for the statutory procedure provided for in the forfeiture of statutory bail bonds, and a judgment may be entered accordingly, in the discretion of the court, ordering the case disposed of and settled and the proceeds shall be applied and distributed as any fine would be. However, if the judge shall not desire to enter, in his discretion, a judgment ordering the case disposed of and settled, the forfeiture of the cash bond shall not be a bar to a subsequent prosecution of the arrested person for such violation. (Ga. Laws 1962, p. 530.)

## CHAPTER XII

### REGULATIONS

NOTE: The Comprehensive Game and Fish Act of 1955 (S.B. 60, Ga. Laws 1955 pp. 483, 544) retained in force and effect, until amended or repealed by the Commission, all rules and regulations previously promulgated. See Section 116 of the Act.

#### A.—Rangers—

The following rules and regulations be and the same are hereby adopted and promulgated by a majority vote of the State Game and Fish Commission in regular meeting on this the 1st day of April, 1950.

1. That the Director is hereby authorized and directed acting for and on behalf of the State Game and Fish Commission to appoint in writing each Wild Life Ranger of the State Game and Fish Commission as a State Game Protector and is further directed to maintain a written record of each such appointment showing the date appointed and the date the Rangers and Protector may leave his employment. That after such appointment each Wild Life Ranger shall be known as Wild Life Rangers and State Game Protectors and invested with the full power and authority of State Game Protectors. It is further ordered that this rule and regulation shall become effective as of April 1, 1950, and that.
2. Wildlife Rangers of the State of Georgia shall be bonded in the sum of \$1,000 after February 2, 1950. The fee for said bond shall be paid by the Commission.

#### B.—Definition of Game Animals, Birds and Fish

The following animals are hereby proclaimed and declared to be game and/or fur bearing animals:

|                         |         |
|-------------------------|---------|
| Deer                    | Mink    |
| Rabbit                  | Otter   |
| Bear                    | Beaver  |
| Squirrel                | Muskrat |
| Raccoon                 | Fox     |
| Opossum                 | Bobcat  |
| Alligators              | Weasel  |
| Sea Turtles and<br>eggs | Skunk   |
|                         | Nutria  |

The following birds are hereby proclaimed and declared to be game birds:

|                  |                    |
|------------------|--------------------|
| Turkey           | Brant              |
| Quail (Bobwhite) | Rails & Gallinules |
| Grouse (Ruffed)  | Coots              |
| Doves            | Woodcock           |
| Ducks            | Wilson Snipe or    |
| Geese            | Jacksnipe          |



The following birds are hereby proclaimed and declared as non-game birds and are not protected:

|                  |              |
|------------------|--------------|
| Hawks            | Black birds  |
| Owls             | Starlings    |
| Buzzards         | Golden Eagle |
| Crows            | Jays         |
| English Sparrows |              |

All other birds not herein named are protected and there shall be no open season for the taking or killing of same.

The following fresh water fish are hereby declared and proclaimed to be game fish, within the meaning of the laws and regulations pertaining to game and fish, to wit:

|                         |                     |
|-------------------------|---------------------|
| Bass                    | Trout               |
| Bream                   | Eastern Pickerel or |
| Perch                   | Jack                |
| Crappie                 | Wall-eyed Pike      |
| (Adopted June 21, 1955) | Muskelunge          |

### **C.—Hunting and Trapping Regulations—Seasons and Bag Limits for 1962-63**

The effective date of these rules and regulations is to be February 6, 1962 or thirty (30) days after the posting of same, as required by the aforesaid law, whichever is the first effective date and continuing in force until changed by law or proclamation.

All opening dates begin with sunrise on the opening date and all closing dates end with sundown on the closing date. Hunting hours are from sunrise to sunset.

Each Deer and each Wild Turkey killed must be reported in writing to the Georgia Game and Fish Commission within five (5) days.

Shotguns must be plugged to limit them to a capacity of three (3) shells on both native birds and animals and migratory birds.

BOWS FOR THE PURPOSE of taking Deer and Turkey are legal during the regular hunting season and must have a minimum recognized pull of 40 pounds. Bows must be unstrung when transported or possessed in or upon motor vehicles.

Any resident 16 years of age or over is required to have a hunting license while hunting.

License requirements shall be a valid state hunting license, either resident or non-resident and, in the case of a non-resident, a valid non-resident license as required by law.

It shall be the duty and responsibility of each person killing a deer to tag the same with a deer tag, furnished by the State Game and Fish Commission as a part of the license to hunt deer, within ten (10) minutes after the person comes into possession of the deer. The deer



tag shall remain on the deer at all times until it has been processed for consumption. It shall be unlawful for any person to have possession of a deer that is not properly tagged and any deer that is found not properly tagged will be confiscated and the person in possession thereof shall be guilty of a misdemeanor.

No private or commercial cold storage plant, processing plant or carrier shall accept for storage, processing, shipment, or for any other purpose, any deer that is not properly tagged. Any deer found at any place, or in the possession of any person, that is not properly tagged, shall be confiscated. Deer tags are not transferrable, nor can they be re-used.

**BOBWHITE QUAIL.** Opening date November 20, 1962 and the closing date February 28, 1963. Bag limit 12 daily and 30 weekly.

**WILD TURKEY.** Opening date November 1, 1962; closing date January 5, 1963 in the following Counties: Screven, Effingham, Chatham, Bulloch, Bryan, Liberty, Evans, Candler, McIntosh, Long, Tattnall, Wayne, Glynn, Camden, Brantley, Ware, Charlton, Stewart, Marion, Chattahoochee and Muscogee. Bag limit two (2) for season.

Opening date November 20, 1962; closing date February 28, 1963 in the following Counties: Thomas, Grady, Decatur, Seminole, Baker, Dougherty and Calhoun. Bag limit two (2) for season.

Opening date March 26, 1962; closing date April 14, 1962 outside of the Wildlife Management Areas in the following Counties: Gilmer, Murray, Fannin, Dawson, Union, Lumpkin, Towns, White, Rabun, Habersham, Stephens and that portion of Banks County lying north of Georgia Highway #51. Bag limit one Turkey Gobbler only.

Opening date April 9, 1962; closing date April 14, 1962 in the following Counties: Chattooga, Floyd, Gordon, Walker and Whitfield. Bag limit one (1) Turkey Gobbler only.

Opening date March 26, 1962; closing date April 14, 1962 in the following Counties: Screven, Effingham, Chatham, Bulloch, Bryan, Liberty, Evans, Candler, McIntosh, Long, Tattnall, Wayne, Glynn, Camden, Brantley Ware, Charlton, Stewart, Marion, Chattahoochee and Muscogee. Bag limit one (1) Turkey Gobbler only.

Spring Gobbler hunting will be allowed on the following areas as follows:

Blue Ridge Wildlife Management Area: The Blue Ridge Area will be open to the hunting of turkeys from April 9, 1962, through April 14, 1962. Bag limit one (1) Turkey Gobbler only. A permit costing \$2.00 a day

will be available at the checking stations. No dogs allowed. Camping will be allowed on the Blue Ridge Area.

**Lake Burton Wildlife Management Area:** The Lake Burton Area will be open to the hunting of turkeys from April 9, 1962 through April 14, 1962. Bag limit one (1) Turkey Gobbler only. A permit costing \$2.00 a day will be available at the checking stations. No dogs allowed. NO camping will be allowed on the Lake Burton Area.

**Johns Mountain Game Management Area:** The Johns Mountain Game Area will be open to the hunting of turkeys from April 9, 1962 through April 14, 1962. Bag limit one (1) Turkey Gobbler only. A permit costing \$2.00 a day will be available at the checking stations. No dogs allowed. NO camping will be allowed on the Johns Mountain Area.

**Clark Hill Game Management Area:** The Clark Hill Area will be open to the hunting of turkeys from April 9, 1962 through April 14, 1962. Bag limit one (1) Turkey Gobbler only. A permit costing \$2.00 a day will be available at the checking stations. No dogs allowed. NO camping will be allowed on the Clark Hill Wildlife Management Area.

Firearms for hunting Turkeys in all counties and Game Management Areas during the Spring Gobbler Hunts within the dates of March 26, 1962 through April 14, 1962, are limited to shotguns with No. 2 shot or smaller and bow and arrow.

The remainder of the State is closed entirely to the hunting of turkeys.

**RABBITS.** Opening date will be November 20, 1962; closing date February 28, 1963. The daily bag limit will be five (5) in Heard, Coweta, Spalding, Butts, Jasper, Putnam, Hancock, Warren, Glascock, McDuffie, Richmond and all Counties north of the above-listed Counties. The bag limit for all other Counties will be 10 (10) daily. Firearms limited to shotguns with No. 4 shot or smaller and .22 Rim Fire Rifles.

**O'POSSUM.** Opening date will be October 15, 1962; closing date January 31, 1963, except Coweta County, which will be from October 2, 1962 to January 31, 1963. No bag limit. Firearms limited to shotguns with No. 4 shot or smaller and .22 Rim Fire Rifle.

**RACCOON.** Opening date October 15, 1962; closing date January 31, 1963. No bag limit. Firearms limited to shotguns with No. 4 shot or smaller and .22 Rim Fire Rifles.

**RUFFED GROUSE.** Opening date October 15, 1962; closing date January 5, 1963. Bag limit three (3) daily.

THERE IS NO OPEN SEASON ON ALLIGATORS,  
SEA TURTLES AND EGGS.

**SQUIRREL.** Opening date October 15, 1962; closing date January 5, 1963 in Harris, Talbot, Upson, Monroe Jones, Baldwin, Hancock, Warren, McDuffie, Richmond and all Counties north of the above-listed Counties.

Opening date November 1, 1962; closing date January 5, 1963 in all the remaining Counties.

Bag limit ten (10) daily in all Counties of the State. Firearms limited to shotguns with No. 4 shot or smaller and .22 Rim Fire Rifles.

**BEAR.** Opening date November 1, 1962; closing date January 5, 1963 in the following Counties: Echols, Clinch, Charlton, Ware, Brantley, Camden, Glynn, Wayne, McIntosh, Long, Liberty, Bryan and Chatham. No bag limit. All other Counties in the State closed to the hunting of Bear.

**DEER.** The killing of antlerless deer in this State is illegal at any time with the exception of the Counties of Baker, Calhoun, Dougherty, Grady, Thomas, Decatur and Seminole. These Counties will be open November 1, 1962 through January 5, 1963 with a bag limit of one buck and one doe or two bucks.

The killing of antlerless deer in the State (other than in Counties listed above) shall be illegal and a violation of this regulation for any person to knowingly possess the meat of any antlerless deer, except as hereinbefore provided, after same has been killed by any persons without a special permit for such possession from the State Game and Fish Commission.

It shall be illegal for any person to knowingly conceal the illegal killing of any antlerless deer by any person or persons by accident or otherwise. Evidence for the purpose of determining the sex must be shown on all deer while in the possession of the hunter. Guns for hunting deer are limited to shotguns loaded with slugs or No. 1 buckshot or larger, or to rifles using any center fire cartridge .22 caliber or above with the following exceptions: .25-20; .32-20; .30 Army Carbine; .22 Hornet, or; .218 Bee.

Buck only with visible antlers. Opening date November 1, 1962; closing date November 15, 1962. Bag limit one (1) in the following Counties: Gilmer, Murray, Fannin, Union, Lumpkin, Towns, White, Rabun, Habersham, Stephens and that portion of Banks County lying north of Georgia Highway #51. Also Talbot, Henry, Butts, Monroe, Jasper, Jones, Putnam, Baldwin, Greene, Hancock, Warren, McDuffie. Columbia and that portion of Newton and Morgan Counties lying south of U. S. Highway #278 and that portion of Lincoln County lying south of U. S. Highway #378, and that portion of

Wilkes County lying east of Georgia Highway #47 and south of U. S. Highway #378. The hunting of deer with dogs in these Counties is prohibited. It shall be illegal for any person to run, chase or pursue deer with dogs for the purpose of taking same in any or either of the above Counties.

That part of Union and Towns Counties, including the Gumlog Game Management Area, lying east of U. S. Highway #19-#129—from Blairsville north to the North Carolina State Line, and west and north of U. S. Highway #76 from Blairsville to Young Harris thence from Young Harris north on Georgia Highway #66 to the North Carolina State Line is closed to deer hunting.

The season for hunting deer in Paulding, Dade, Walker, Chattooga, Floyd, Polk and Haralson Counties shall be November 1, 2 and 3, 1962. The use of dogs to run, chase or pursue deer in these Counties is prohibited. Bag limit one Buck deer.

Buck only with visible antlers. Bag limit two (2). Opening date November 1, 1962; closing date January 5, 1963 in the following Counties: Muscogee, Stewart, Chattahoochee, Marion, Glascock, Jefferson, Screven, Bulloch, Effingham, Tattnall, Evans, Bryan, Chatham, Liberty, Long, McIntosh, Wayne, Glynn, Brantley, Camden, Ware, Charlton, Clinch, Irwin and those portions of the following Counties: Emanuel County—That portion lying east of U. S. Highway #1 and north of U. S. Highway #80. Tift County—That portion lying east of U. S. Highway #41 and north of U. S. Highway #82. Echols County—That portion of Echols County lying east of Alapaha River. Washington County—That portion of Washington County east of Georgia Highway #15 and north of Georgia Highway #24. Burke County—That portion of Burke County lying east of U. S. Highway #25.

CANDLER COUNTY—Buck only with visible antlers. Bag limit one (1) Buck only. Each Thursday, and Thursday ONLY. Opening date November 1, 1962; closing date January 3, 1963.

The total bag limit for deer in this State shall not exceed two (2) deer per hunter during the 1962-63 season. The killing of more than two (2) deer per hunter during the 1962-63 season is a violation of this regulation.

Bows for the purpose of taking deer are legal during the regular hunting season and must have a minimum recognized pull of 40 pounds. Bows must be unstrung when transported or possessed in or upon motor vehicle. Archery license is required for the hunting of game with bow and arrow.

Regulations on MIGATORY GAME such as DOVE, DUCKS, GEESE, BRANT, RAIL and COOT ARE THE

SAME AS THE FEDERAL REGULATIONS, WHICH WILL BE PUBLISHED WHEN ESTABLISHED.

Shotguns must be plugged to limit them to a capacity of three (3) shells on both NATIVE game birds and animals and MIGRATORY BIRDS.

The opening date of the Trapping Season on FOX, O'POSSUM, MUSKRAT, OTTER, MINK, RACCOON and SKUNK is to be November 20, 1962 and the closing date February 28, 1963. No bag limit.

EXCEPTION: The trapping season on Raccoon is November 20, 1962 through January 31, 1963 only, in the following Counties and all Counties north thereof: Heard, Coweta, Spalding, Butts, Jasper, Putnam, Hancock, Warren, McDuffie and Richmond.

Trapper must report number of hides shipped to the State Game and Fish Commission, 401 State Capitol, Atlanta, Georgia.

FOX and BEAVER. No closed season. Running and hunting of Fox with the use of dogs is legal. Hunting license required.

Separate rules and regulations are promulgated governing the taking of deer and small game on the Game Management Areas in the Chattahoochee National Forest, Piedmont Game Management Area and Clark Hill Management Area and will be published when established.

Any person causing or being involved in a hunting accident in which a human being is killed or injured by means of a firearm or bow and arrow must identify himself, giving what assistance he can, and report accident to the nearest office of the State Game and Fish Commission, State Police, or Sheriff.

Pit, Cage (except in taking wild animals in accordance with law), drugs, poison, chemical, smoke, gas, explosive, fischew, weasel, guinea pig, or rodent of any kind, artificial light, or mechanical device other than firearm, may not be used. Throwing or casting of rays of spotlight, headlight or other artificial light on highway, field, or woodlands or forest in apparent attempt or intent to locate game by use thereof is prima facie evidence of unlawful use.

It is unlawful to hunt in this State while under the influence of any intoxicating beverages.

It is unlawful to take bear or deer in lakes, streams or ponds.

It is unlawful to set fire to grass, trees or marsh lands for the purpose of driving out game, or to take, attempt to take, game so driven out.

EDITOR'S NOTE: Subject to change yearly to conform to Federal Regulations.



#### D. Regulations as to Granting Permits and Operating Hunting Preserves

Any person, firm or corporation applying for and securing a permit to establish, maintain and/or operate a hunting preserve, either commercial or private under the provisions of an Act of the General Assembly of Georgia of 1957, entitled An Act Providing for the Issuance of Licenses and/or Permits by the State Game and Fish Commission for the Establishment, Maintenance and/or Operation of Hunting Preserves, being Senate Bill No. 57, approved March 7, 1957, shall in addition to complying with the terms of said Act, comply with the following rules and regulations:

The application shall be submitted so that the same shall reach the office of the Commission in Atlanta, Georgia, no later than August 16 each year and shall be accompanied by a U. S. Postal Money Order payable to the State Game and Fish Commission in an amount necessary to cover the fee provided by law.

Applicants must show proof of a minimum of 500 birds on hand or a firm bid for a minimum of 500 birds to be released before or during the hunting season. This evidence must be furnished before a permit will be issued.

All game birds either at the time the same reaches full growth, if raised, or on receipt thereof, if purchased, shall be tagged with a butt end aluminum band containing in full the following information, either printed with a lasting paint or ink or impressed in the metal, thereon; the abbreviation GA; the abbreviation of the year, i.e., 57; the owner's permit number and the animal number to be designated by the owner. All game animals must likewise be tagged but with an appropriate form of tag which must be approved by the Commission.

All records pertaining to the operations of the preserve, including accurate and complete records of all game birds and/or game animals purchased, raised, possessed, released and taken, shall be kept in a manner acceptable to the Commission and made available for inspection on the premises at any reasonable time by the Commission or any agent or representative thereof. These records, or a true copy thereof, shall be forwarded to the Commission at its office in Atlanta, Georgia, together with any other information requested, in a form acceptable to the Commission, within sixty days after the hunting season has closed, or, if requested at any other time, within thirty days of the receipt of such request.

No game birds and/or game animals may be brought into the State and introduced or kept on the premises of a preserve without first obtaining prior approval from the Commission and notice of the intent to so bring such game birds and/or animals into the State



and for introduction to or to be kept on the premises, must be given the Commission a sufficient time in advance so that the same might be inspected by the Commission if it so desires.

The violation of or the failure to comply with the provisions of these rules and regulations, as well as the violation of or failure to comply with any provisions or law or any other rules and regulations pertaining to hunting preserves or to game in this State by a licensee shall amount to a forfeiture of the right to hold any permit issued and the same shall be immediately revoked by the Director of the State Game and Fish Commission.

The season for operation of a preserve licensed hereunder shall be from October 1 through March 31 of each year. There shall be no bag limit on released birds properly banded.

Any and all applications and/or reports required by law or regulation in relation to hunting preserves to be filed with the Commission shall be either sworn to or affirmed by the person so filing the same.

The effective date of these rules and regulations is to be thirty (30) days after the posting of same as required by law, and will continue in force and effect until changed by law or proclamation. (Adopted February 10, 1958).

#### **F. Regulations Prohibiting Hunting on Georgia Historical Commission Property Located in McIntosh County.**

Hunting on the property of the Georgia Historical Commission is prohibited. Signs are to be posted giving the boundary lines of such property by the Georgia Historical Commission bearing endorsement of the State Game and Fish Commission.

Any persons failing to comply with this regulation will be handled as provided by law. (Adopted November 13, 1956).

#### **G. What Wildlife May Be Taken At Night**

Pursuant to and by authority of Section 67 of the comprehensive Act of 1955, the following wildlife may be hunted and taken at night by any method otherwise provided by law for so hunting and taking, provided such person hunting or taking has permission of the land owner on whose land he is hunting, to wit: Opossums, raccoons, fox, skunk, mink and rabbits.

#### **H. Wildlife Storage Permits**

Any person other than those otherwise designated by the comprehensive Act of 1955, desiring to storage any wildlife, with the exception of fish, shall apply to the Commission for a permit so to do within five days after the season closes for the taking of each specific kind of wildlife and shall not have in his possession or on storage at any time more than double the weekly allowance for taking and possessing of wild quail and

rabbit, and shall at no time have in his possession or on storage more than two turkeys or three deer. (July 6, 1955.)

I. FISHING REGULATIONS FOR 1962-63

Effective date February 6, 1962, or 30 days after posting of same, whichever is the first effective date, and continuing in force until changed by law or proclamation, all of the fresh water streams, lakes and ponds of Georgia will be open to legal fishing throughout the year with the following exception:

**EXCEPTION:** The trout streams OUTSIDE THE MANAGEMENT AREAS in the following Mountain Counties: Dawson, Fannin, Gilmer, Habersham, Lumpkin, Murray, Pickens, Towns, Union, White and Rabun, and the waters of the Chattahoochee River from Buford Dam southwest to the Roswell Bridge on Highway #19 between Sandy Springs and Roswell, including all backwaters thereto in streams between these points, regardless of water level, are open to fishing from April 1 through September 15, except the main channel of the Chattooga River in Rabun County, which is open the year around. This regulation for the mountain trout streams shall apply from the head to the mouth of said streams, and the mouth of those streams which flow into a lake shall be considered at the point where the stream reaches the body of the lake regardless of its level. No permit is required to fish the outside streams; but everyone over sixteen (16) years of age is required to have a valid State Fishing License.

Trout streams in the MANAGEMENT AREAS shall be open from May 2 through Labor Day on specified days according to trout fishing schedule. A permit costing \$1.00 and a valid Georgia Fishing License is required before fishing.

There is no closed season on taking shad fish with rod and reel, fly rod, or pole and line. The daily limit shall be 8 fish per person. Shad fish taken by the above methods cannot be sold. This covers all species of shad fish including what is commonly known as white shad and hickory shad.

The restrictions and limitations upon the taking of fish in this State shall be as follows:

|   |               |
|---|---------------|
| Rock fish or striped bass .....                                 | 15 in one day |
| Large-mouth black bass .....                                    | 15 in one day |
| Small-mouth black bass .....                                    | 15 in one day |
| Coosae bass .....   | 15 in one day |
| Kentucky or Red-eye bass .....                                  | 15 in one day |
| White bass .....  | 30 in one day |
| Yellow bass .....   | 30 in one day |
| Bream: Bluegill, Red Breast and other<br>species of Bream ..... | 70 in one day |

|                                |               |
|--------------------------------|---------------|
| Yellow perch .....             | 40 in one day |
| Crappie .....                  | 40 in one day |
| Eastern Pickerel or Jack ..... | 15 in one day |
| Wall-eye Pike .....            | 8 in one day  |
| Sauger .....                   | 8 in one day  |
| Muskelunge .....               | 2 in one day  |
| Brook trout .....              | 8 in one day  |
| Rainbow trout .....            | 8 in one day  |
| Brown trout .....              | 8 in one day  |
| Shad .....                     | 8 in one day  |
| Channel Catfish .....          | No Limit      |

Provided, however, that it shall be unlawful for any person to possess at any one time more than 75 fish in the aggregate of all species named, except channel catfish; and provided that no more than 15 in the aggregate large or small-mouth bass and no more than 30 in the aggregate of white and yellow bass can be taken in any one day; provided that no more than 8 trout of any or all species in the aggregate can be taken in one day.

## J. RULES AND REGULATIONS OF SHAD FISHING

Pursuant to authority conferred in the Act approved March 7, 1955 (Ga. Laws 1955, p. 483), comprehensively and exhaustively consolidating, revising and superseding the laws relating to the State Game and Fish Commission, the following regulations is hereby promulgated and declared to become effective as provided in Section 15 of said act:

Effective February 6, 1962 or 30 days after the posting of this regulation, according to the aforesaid law, whichever is the first effective date, and continuing in force until changed by law or proclamation, the season for taking shad fish in the St. Mary's River shall be from December 15 to April 15 of each year, and nets shall be a minimum of 3½ inch mesh size when stretched. Nets shall be set so as to allow ⅓ of the stream width free for passage of fish. Stream as here used shall apply not only to the main run or channel of the stream, but shall also apply to any slough, estuary or other part of water formed by the waters of said stream, whether by high water, tide, or otherwise, and shall extend to and include the water bed and banks of said streams so that no net shall be so set that it will not allow at least ⅓ of the width of the stream or the mouth or inlet of the slough, estuary or other part of water of the stream to be open, it being the intent of this regulation that no stream or part thereof shall be closed by a net extending over more than ⅔ of the width of the stream or mouth or inlet to any part thereof so as to prevent at all times the free passage of fish. Nets shall not be set within 150 feet of a net previously set.

These regulations shall apply in the St. Mary's River and in all other streams, except that the season in all other streams shall be from January 1st to April 15th of each year, instead of December 15th to April 15th.

A valid State Fishing License is required for the taking of shad by pole and line fishermen. All other gear, except pole and line, used for the taking of shad shall be considered commercial fishing and a Commercial Fishing License will be required by the operator.

During each week of such open season there shall be a closed time during which no shad fish shall be taken from the waters of this State with nets, and no shad nets shall remain in or be placed in such waters, beginning at sundown Saturday of each week, and extending until sunrise on Monday following.

**DEFINITION.** The above regulations shall cover all species of shad fish, including what is commonly known as white shad and hickory shad.

#### **K. REGULATIONS RELATING TO THE SALE AND TRANSPORTATION OF GAME FISH TAKEN FROM PRIVATE PONDS AND OTHERWISE**

Pursuant to and by authority of the comprehensive Act of the General Assembly of Georgia completely and exhaustively revising and superseding the laws relating to the State Game and Fish Commission and to game and fish, approved March 7, 1955 (Ga. Laws 1955, p. 483), and more particularly Section 14 and 85 (as amended by Senate Bill No. 156; approved March 8, 1957 and H. B. No. 992, approved March 8, 1957) (Ga. Laws 1957, p. 340) thereof, the following rules and regulations are hereby promulgated and adopted by the Commission, to wit:

Under this discretion given the Commission by Section 85 of the General Assembly of Georgia approved March 7, 1955 (Ga. Laws 1955, p. 483) as amended by an Act of the General Assembly approved March 8, 1957 (Ga. Laws 1957, p. 340), no person shall barter, sell or purchase or offer to barter, sell or purchase, or or have in possession for barter or sale, except under conditions hereinafter set out, any fresh water game fish. Game fish shipped from without the State and accompanied by a bona fide bill of sale giving the details of the source of the fish and a description thereof, may be sold, provided the seller has in his possession such bill of sale and otherwise has conformed to all the provisions of this Act. Owners of private ponds may sell the game fish therefrom by obtaining the written permission of the State Game and Fish Commission or its agent before taking the fish. The State Game and Fish Commission or its agent will approve all requests to sell such game fish, if in their discretion,

such sale is not adverse to the best interests of the State and the preservation of its wildlife.

In each instance where the request to sell is approved, the State Game and Fish Commission and its agents will issue to the owner of such private pond a permit to sell, in sufficient copies to provide one to the purchaser and to any common carrier or carriers to be engaged in transporting the fish within the State.

All game fish transported within this State for the purpose of barter, sale or purchase, or delivery on a barter, sale or purchase, shall be accompanied by a permit to sell issued by the State Game and Fish Commission or its agent, or by proof that they were taken outside the geographical boundaries of this State.

No common carrier shall accept game fish within this State for transportation for barter, sale or purchase, or delivery on a barter, sale or purchase, unless said fish be accompanied by a copy of the permit to sell, nor shall any common carrier transport game fish into or through this State for such purposes unless accompanied by proof that they were taken outside the geographical boundaries of this State.

Any person, group of persons, firm or corporation who is the owner of a private pond as defined by law to be a private pond in the State of Georgia may apply for a permit to sell the fish taken from such pond when the same is drained for corrective purposes and it is determined by the Director that such drainage is either necessary or desirable for that purpose, provided that the applicant shall file an application with the Director so that the same shall be received in the Atlanta Office of the Commission at least three (3) days before the proposed date of draining said pond or ponds. Said application shall contain the following information:

Name of Applicant or Applicants

Age or ages

Residence

Name of pond or ponds

Location

Acreage or size

Anticipated number and species of fish to be sold, and if known to whom.

Such application shall be sworn to or affirmed by applicant, or where more than one applicant, by at least one of the applicants, as to the facts contained therein before a proper attesting authority. Where at all possible, the Director shall have an authorized agent of the State Game and Fish Commission present on the site on the date the pond is to be drained, who shall have authority to secure from the person so draining the pond, and the person so draining shall furnish to



said agent such information as may be necessary or desirable concerning the drainage of the pond, the taking of the fish, and the sale thereof.

This permit shall be issued for such period as may be determined by the Director to be necessary in the premises, and upon failure of the applicant to comply with the requirements of these regulations or the instructions of the Director, the same shall be revocable by the Director.

Upon completion of the drainage of such private pond and the sale of fish and within sixty (60) days thereafter, the applicant granted such permit shall file with the Game and Fish Commission a complete report of the results thereof, approximate pounds and number sold and to whom sold. The permits so issued in the name of the Commission shall be issued in such number as may be necessary to comply with the laws relative thereto. The application and report required herein shall contain the information required in such form as to meet the approval of the Director, or shall be made on a form to be furnished by the Commission, a copy of which is thereto attached and made a part of these regulations.

All rules and regulations or parts thereof in conflict herewith are hereby repealed.

The effective date of these rules and regulations is to be thirty (30) days after the posting of same as required by law, and will continue in force and effect until changed by law or proclamation.

## **L. FRESH WATER COMMERCIAL FISHING REGULATIONS**

Pursuant to the Act of the General Assembly of Georgia approved February 8, 1943 and amended March 9, 1945 creating a State Game and Fish Commission, the following Amendment to the regulations governing commercial fishing in Georgia is hereby promulgated and adopted by the Commission, to wit:

The taking of non-game fish (such as carp, suckers, catfish, etc.) from all public streams and lakes, with the **exception** of the streams and lakes designated by the Georgia Game and Fish Commission as **trout streams or lakes** and other than those species designated as game fish for the purpose of sale, is permitted in accordance with the following provisions:

1. Any and all varieties of fish not classified as game fish may be taken and sold commercially, including channel catfish. Game fish shall be known as the various species of bass, various species of bream, yellow perch, crappie, pickerels, wall-eyes, muskellunges, sauger, various species of trout and white shad. All species of "game fish" which are taken by use of commercial



fishing gear shall immediately be returned to the waters from which taken, except channel catfish, and possession of such fish by commercial fishermen shall be unlawful, and such possession by such commercial fishermen shall be prima facie evidence that such fish were taken by commercial fishing gear. Channel catfish may be taken with commercial fishing gear and sold commercially.

2. A license is required of each individual engaged in the activities covered hereby, and shall be effective from April 1st to March 31st next following. The license shall be on the person at all times during any operation of commercial fishing and shall be exhibited on demand to any Wildlife Officer or other peace officer.

3. Said license shall be issued only by the Game and Fish Commission and the fee therefor shall be ten dollars (\$10.00) for residents and twenty dollars (\$20.00) for non-residents and aliens.

4. Should any law enforcement officer of this State or employee of the Game and Fish Commission discover commercial fishing gear being used in violation of the terms of this Section, he shall seize and hold the same, and in the event no one within a reasonable time claims commercial fishing gear and the owner thereof is unknown to the person finding game, it shall be confiscated and shall become the property of the Game and Fish Commission and shall be disposed of as ordered by the Director of the Game and Fish Commission.

5. It shall be unlawful to knowingly ship or transport, or to knowingly receive for shipment or transportation, any fish taken from the public impounded waters or navigable streams of this State in violation of the terms of this Section, and should such fish be knowingly shipped or transported or knowingly received for shipment or transportation, the same shall be seized and confiscated, and upon confiscation shall be disposed of as ordered by the Director of the Game and Fish Commission.

6. The Game and Fish Commission has the power to zone certain areas for the sport fishermen. These areas shall not be commercially fished in order to prevent poor relationship between sport fishermen and commercial fishermen.

7. All other laws governing commercial fishing shall remain in full force and effect.

8. All rough fish, such as gar, grinnel, and suckers captured shall not be returned to the waters, but shall be taken to a place designated by the Game and Fish Commission and disposed in such a manner as to prevent a health hazard or from being obnoxious. Any

commercial fisherman disposing of rough fish that cannot be sold in violation of the terms of this Section shall have his license suspended.

9. A Wildlife Ranger of the Game and Fish Commission will observe the operation of the commercial fishermen within the area.

10. Each type of fishing gear shall have metal tag attached with words stamped or embossed on it as follows: Georgia Game-Fish 4-1-62. A charge of ten cents will be charged for each tag. All types of fishing gear that does not have the metal tag with Georgia Game-Fish and date on them shall be impounded and disposed of as ordered by the Director of the Game and Fish Commission.

11. Records of rough fish captured by species and poundage pursuant to these regulations shall be recorded daily and mailed weekly by the commercial fisherman to the Wildlife Ranger within the area.

12. The following descriptions, definitions, and manners of fishing shall apply to commercial fishing gear:

(a) Gill nets: A single net or webbing of mesh of not less than three (3) inches on the square and attached to float and lead lines, and fished so as to ensnare or entangle the fish in the meshes. Gill nets must be fished in a stationary manner. **EXCEPTION:** Provided during the months of October, November, December, January and February, gill nets with mesh of not less than two (2) inches on the square may be used in Lake Seminole. **NOTE:** Georgia license valid only in confines of Georgia.

(b) Hoop nets: Also known as set net, trap net, barrel net, funnel or brush net. A barrel shaped net of linen, cotton or rayon cord with meshes of not less than two (2) inches on the square after being tarred or shrunk and supported by wooden or metal hoops. A throat or throats are located within the hoop structure.

(c) Fyke nets: Also known as wing nets. A variation of the hoop net having as many as three wings or leads equipped with floats and lead lines. The webbing of the wings shall be constructed of twine net smaller than size No. seven (7) in nylon, or size nine (9) in cotton. Construction of the wings of the fyke net out of gill netting or wire of any description is prohibited. The net and wings must have meshes of not less than two (2) inches on the square, after being tarred or shrunk.

(d) Trammel net is defined to be a net having three (3) webs hunt to a single top and bottom line. There are two (2) outside webs of walls (this netting is called walling) and an inside web. The two (2) outside walls

shall have meshes of not less than ten (10) inches on the square. The inside web shall have meshes of a minimum of two (2) inches on the square. Any trammel net found to be set or used contrary to these regulations will be impounded and disposed of as ordered by the Director of the Game and Fish Commission.

(e) Trot line: A trot line is designated as commercial fishing gear and a Commercial Fishing License will be required whenever more than fifty (50) hooks are used on one line or whenever any person uses more than 50 hooks in any combination of lines for commercial fishing. If fifty (50) or less hooks are used in any combination, the operator will be considered sport fishing and the usual valid State Fishing License is required.

#### **M.—Use of Seines Prohibited, When**

No seine shall be used for the taking of fish except as otherwise provided by law for commercial fishing, fishing for shad and shrimp in any of the waters of the State of Georgia, except that minnows for live bait may be taken by a seine from streams of Georgia, except in wildlife management areas, and those waters closed by proclamation of the Commission, but shall in no instance use a seine longer than twenty (20) feet in length and said seine shall not have a mesh larger than three-eighths of an inch square or in diameter. Any game fish or fish other than minnows taken in such net shall be at once returned to the waters and released, and it is hereby declared unlawful to retain any game fish so taken. It is hereby made unlawful to take fish in any manner other than by hook and line except as otherwise herein provided or provided by other regulations or laws.

#### **N.—Disposition of Confiscated Wildlife**

All wildlife, including fish, seized by any Ranger or other officer of the Commission shall be donated to some charitable organization and the Ranger or other officer so seizing such wildlife or fish and who by authority of this regulation and the above referred to law shall secure receipts and thereafter make a report in triplicate to the Commission, which report shall include the kind of game or fish, date of the donation, the amount or number thereof, and the location of the seizure and from whom made. For the purposes of this regulation the term "wildlife" shall include in addition to game and fish, all seafood. (July 6, 1955.)

#### **O.—Rough Fish—Basket Regulations**

**Section 1.** No person shall use any basket for the taking of rough fish in any of the waters of this State without first having obtained a permit for each basket

so used from the State Game and Fish Commission. Such permit shall be obtained by making application to the Commission on blank forms to be provided by the Commission and upon payment of a permit fee of \$1.00 for each basket. A separate permit shall be issued and a separate application shall be made for each basket to be so used. Each permit shall be valid for the period of the year from April 1st through March 31st in which such permit is issued. Permits shall not be transferable.

**Section 2.** Every basket used for the taking of rough fish shall distinctively show the name and address of the person using said basket by an official metal tag issued by the State Game and Fish Commission and attached to the top of the first funnel of the basket. Such tags shall be obtained at the time of obtaining a permit by the payment to the State Game and Fish Commission of the sum of \$0.10 which shall be the actual cost of the tag. Each such tag shall be marked to indicate the permit year for which the same is issued and will expire with the permit. No duplicate tags will be issued and the same shall not be transferable.

**Section 3.** Permits shall be on the person at all times during the inspection of baskets and shall be exhibited on demand to any wildlife officer or other peace officer.

**Section 4.** No permit shall be issued pursuant to these regulations to any applicant unless such applicant is the holder of a valid fishing license issued by the State Game and Fish Commission as provided by law. The provisions of this section shall apply to residents as well as non-residents and to holders of resident fishing licenses as well as to holders of non-resident fishing licenses.

**Section 5.** Application for permit shall contain the applicant's name and address, physical description, name of the stream or lake where the basket shall be operated, name of county in which basket will be operated, the name of the nearest town or city to such point, the name of the landing from which the applicant will depart and return when operating the basket, and such other information as may be required by the official application form.

**Section 6.** Every person holding a permit pursuant to these regulations shall notify the wildlife ranger in the area where each basket is located, of the location and use of each basket while the same is in use, and the days or times when each basket will be fished.

**Section 7.** All baskets operated pursuant to these regulations shall be inspected or "run" according to temperature of the water in order to prevent fish from dying in the baskets from lack of attention. From

October through the month of April, such baskets will be fished or "run" at least once each seventy-two hours. From May through the month of September, all such baskets shall be fished or "run" at least once each forty-eight hours.

**Section 8.** Rough fish are those fish that 98% of the sportsmen don't try to catch, such as the various suckers, carp, catfishes, gizzard shad, hickory shad, the "mud" "black" or grinnel fish, gar and eels.

Game and sport fish must be released immediately into the water from whence they came, these fish are: rock or striped bass, bream, perch, crappie, pickerels or jacks, muskelunges, brook trout, brown trout, rainbow trout, and white shad.

**Section 9.** Should any species of fish designated by regulations or laws of this State as game or sport fish be taken by the use of any baskets or basket permitted by these regulations, such fish shall be immediately returned to the waters from whence they were taken.

**Section 10.** Upon conviction of any person for the violation of any of the provisions of these regulations or the Act or Acts of the General Assembly pursuant to which these regulations are adopted, all permits held by such person to fish by the use of baskets in this State shall be forfeited and such person shall be ineligible to procure a new permit until after the expiration of a period of six months from the date of such conviction.

**Section 11.** The Commission or any of its authorized agents or employees may, for cause, revoke, suspend or cancel any permit issued pursuant to these regulations or refuse any initial application for a permit or any renewal of same. Upon such refusal, revocation, cancellation or suspension, the applicant or permittee may demand and obtain a hearing before any agent of the Game and Fish Commission authorized to hold the same. Such hearing shall be held in the county of such applicant's or permittee's residence and the evidence taken at such hearing shall be recorded and be referred to the State Game and Fish Commission with or without the recommendation of the hearing agent, for decision and the said Commission shall decide whether the permit was properly refused, suspended or cancelled.

**Section 12.** Records of rough fish captured by the use of baskets pursuant to these regulations will be made available by the operator of same within five days after each calendar month of basket fishing for collection by any employee of the Game and Fish Commission. These records shall include total pounds of fish captured and the use made thereof.



**Section 13.** No basket shall be employed and no permit shall be issued for the use of any basket within this State failing to meet the following specifications:

- (a) The over-all length shall not exceed five feet.
- (b) The circumference shall be from 68 inches to 72 inches.
- (c) The shape shall be semi-circular with a flat bottom.
- (d) The basket shall have two funnels. The first shall be located in the middle of the basket and shall have an opening approximately 18 to 20 inches in circumference at the smallest part. The second funnel shall be located near the mid-section and have a trap door where fish may enter but not return.
- (e) Such baskets shall be constructed of wire having not less than one-inch mesh. (January 12, 1954.)

## **P.—Seafood**

**1. POMPARNO—OUTSIDE SALT WATERS.** Regulation governing the taking of pompano fish from the outside salt waters of this State:

No seine or gill net may be used less than 2½ from knot to knot or 1¼“ bars measured from knot to knot after being tarred and shrunk in catching or taking pompano fish from the outside waters of this state.

No person may take from the outside waters of this state or have in his possession any pompano fish of less than 9” in length measured from the tip of his nose to the fork of his tail.

Outside salt waters are defined as those waters from the outermost part of the coast line to the limit of the three-mile jurisdiction, and embrace that part of the Atlantic Ocean under the jurisdiction of this state. Inland salt waters not included in outside salt waters include all sounds, estuaries, saltwater rivers and creeks.

## **2. SEASON FOR TAKING OYSTERS**

Any person who shall prick, tong, dredge, or in any other manner take or catch oysters from any of the waters of this State, except from private beds, from the first day of May to the 31st day of August, except for the purpose of replanting the same in the waters of this State, and any person who shall take oysters for any purpose during any season from one hour after sunset on Saturday until one hour before sunrise on the following Monday, shall be guilty of a misdemeanor. Permit must be secured from State Game and Fish Commission before taking oysters for propagation purposes. (July 6, 1955.)



## **Q.—Rules and Regulations of the State Game and Fish Commission Relating to Dredging Oysters in Chatham, Liberty and Bryan Counties**

The waters in and adjacent to the Counties of Chatham, Liberty and Bryan are hereby closed from and after the effective date of this Regulation for the dredging of oysters and shall be so closed until changed by law or Regulation of this Commission.

These Rules and Regulations shall become effective as provided by Section 15-a of the Act hereinabove referred to.

Any Rule or Regulation or part thereof in conflict herewith is hereby repealed. (Adopted January 20, 1958).

## **R.—Dredging Oysters—Bond**

Pursuant to and by authority of an Act of the General Assembly of Georgia completely and exhaustively revising and superseding the laws relating to the State Game and Fish Commission and game and fish, approved March 7, 1955 (Ga. Laws 1955, p. 483) and more particularly Sections 14 and 106(a) thereof as amended and particularly by Senate Bill No. 275 adopted by the General Assembly of Georgia at its 1958 Session, approved March 25, 1958, the following rules and regulations are hereby promulgated and adopted, to wit:

No person, firm or corporation shall engage in the taking of oysters by the use of a dredge, which dredge shall conform to Section 106 of the above Act as amended by Act approved March 25, 1958, unless and until such person, firm or corporation first secures a permit to be issued by the Commission for which he shall pay a fee of \$1.00 and shall execute a bond in the amount of five thousand (\$5,000.00) dollars payable to the Governor of the State of Georgia, in the form hereby prescribed to be in accordance with the form hereto attached, with a surety company duly authorized by the Insurance Commissioner to do business in the State of Georgia which is sound and solvent financially, conditioned upon the faithful compliance of such person, firm or corporation with all the rules and regulations concerning the taking of oysters. This bond shall be in addition to the boat licenses, commercial fishing licenses and oyster gathering permits required by the laws of this State, and is to be given pursuant to the provisions of Section 106(a) of the Act of the General Assembly of Georgia completely and exhaustively revising and superseding the laws relative to the State Game and Fish Commission, and game and fish approved March 7, 1955 (Ga. Laws 1955, p. 483) as amended by Senate Bill No. 275 adopted by the General Assembly of Georgia at its 1958 session, approved March 25, 1958, relative to the taking of oysters by the use of a dredge.

## **S.—Regulations Governing Butler and Champney Islands**

Butler and Champney Islands shall be closed to all hunting and trapping. All trespassing, except by written permission from the Director of his agent, shall be prohibited on the above named islands except on specified areas as indicated by signs (i.e. highway and public boat landing).

The possession of firearms on Butler and Champney Islands, except on the public highway or the public docks thereof shall be illegal and punished as a misdemeanor.

Any wildlife ranger or other personnel of the State Game and Fish Commission shall have the power to arrest all persons who violate this regulation. (April 20, 1955.)

## **T.—Trout Fishing Regulations and Schedule—1962. Georgia Cooperative Fish and Game Management Areas, Georgia Game and Fish Commission.**

“45-336. FEDERAL GAME REGULATIONS ON UNITED STATES GOVERNMENT LANDS IN GEORGIA: CONSENT OF STATE. The consent of the General Assembly is hereby given to the making of Congress of the United States, or under its authority, of all such rules and regulations as the Federal Government shall determine to be needful in respect to game animals, game and non-game birds, and fish on such lands in the northern part of Georgia as shall have been, or may hereafter be purchased by the United States under the terms of the Act of Congress of March 1, 1911.”

Pursuant to the Act of the General Assembly of Georgia approved February 8, 1943, and amended March 9, 1945, creating a State Game and Fish Commission, the following rules and regulations for fishing in the Chattahoochee National Forest, are hereby promulgated and adopted by the Commission, to wit:

Trout streams OUTSIDE THE MANAGEMENT AREAS shall be open for fishing from April 1 through September 15, 1961. No permit is required to fish the outside streams; but everyone over sixteen (16) years of age is required to have a valid State fishing license.

Trout streams in the MANAGEMENT AREAS shall be open **only** on days as specified herein.

**PERMITS:** A special permit costing \$1.00 is required of each person each day, regardless of age. The permit is necessary in addition to a regular State Fishing License. State license is unnecessary for children under 16 years of age.

Permits will not be issued prior to 6:00 A. M. of date to be used. All fishermen must have ceased fishing by 7:00 P. M. Fish must not be cooked and/or disposed of until creel has been checked in at checking station.

Permits are valid only on specified streams, and open portions of tributaries thereof, and on the date for which secured.

Fishermen must obtain license and permit before they begin fishing. Fishermen must buy the license before going to the streams because the Rangers do not sell the fishing license. Permits can be obtained from the Wildlife Rangers at the checking stations, on the area specified.

Persons found fishing without first obtaining permits will be liable for legal action.

All gates shall be open on each of the Management Areas during the trout fishing season, which is from May 1 through October 1, 1960.

Camping shall be permitted on all the Management Areas at designated Places.

**Manner of Fishing:** Fish may be taken only with rod and line. Each permittee shall have in use at any one time on the area not more than one rod and line, held in hand.

Edmundson Pond on Rock Creek and Long Creek Pond on Noontootley Creek will be reserved for the Exclusive fishing use of women, children under 16 years of age, and physically handicapped persons.

**Fishing Time:** Fishing shall be permitted only between the hours of daylight and 7:00 P. M. of the same day.

**Creel Limit:** The maximum catch in any day and the maximum number in possession of one person shall not exceed eight fish of any one or all species, of any size.

**Creel Census:** The trout fisherman when securing permit at checking station shall let the checking clerk or Ranger have his fishing license to hold until the trout fisherman returns to checking station, at which time the fishing license shall be returned to the owner. The purpose of holding the fishing license is to get a creel census from every fisherman, so as to know when to restock the stream or streams for the benefit of the fishermen. From a good creel census, other valuable information will be obtained, such as the number of hatchery-reared and the number of native-reared trout that have been captured. This and other information is needed in formulated stocking lists by the Game and Fish Department.

**Fire Danger:** Be very careful with fire in the woods. It may be necessary to delay opening the fishing season if critical fire danger exists. If this becomes necessary, fishermen will be notified via news releases and radio broadcasts. For other information, ask your Wildlife Ranger in the area whom you will find to be courteous at all times. Help conserve our Game and Fish by cooperating.

The right is retained by the Georgia Game and Fish Commission to refuse to issue a permit to anyone who fails to check out at the end of any day's fishing. The permit also may be refused, or cancelled if already issued, to any individual who appears to be intoxicated or whose conduct is unseemly or in violation of existing rules and regulations.

Cars belonging to fishermen are subject to search for illegal fish, game and firearms while in the Game and Fish Management Areas. No firearms are permitted in baggage, vehicle, or on person on any of the Management Areas during fishing season.

## BLUE RIDGE MANAGEMENT AREA

### ROCK CREEK (Except Mill Creek)

Directions from Atlanta: Go to Dahlonega, travel 3 miles on U. S. Highway No. 19, turn left on Camp Wahsega Road, go 7½ miles to Three-Notch Gap, turn right and go 3½ miles to Cooper's Gap turn left and go 4 miles to Hightower Gap.

|           |                   |                                |
|-----------|-------------------|--------------------------------|
| May       | Sat. & Sun.       | 5-6, 12-13, 19-20, 26-27       |
| June      | Wed. & Thurs.     | 6-7, 13-14, 20-21, 27-28       |
|           | Saturday          | 30                             |
| July      | Sat. & Sun.       | 1, 4, 7-8, 14-15, 21-22, 28-29 |
| August    | Wed. & Thurs.     | 1-2, 8-9, 15-16, 22-23, 29-30  |
| September | Sat., Sun. & Mon. | 1, 2, 3                        |

### NOONTOOTLEY CREEK

Directions from Atlanta: Go to Dahlonega, travel 3 miles north on U. S. No. 19, turn left on Camp Wahsega Road, go 7½ miles to Three-Notch Gap, turn right and go 3½ miles to Cooper's Gap, turn left and go 8 miles to Winding Stair Gap, turn right and go 3 miles to checking station.

|        |               |                          |
|--------|---------------|--------------------------|
| May    | Wed. & Thurs. | 2-3, 9-10, 16-17, 23-24  |
| June   | Sat. & Sun.   | 2-3, 9-10, 16-17, 23-24  |
| July   | Wed. & Thurs. | 4-5, 11-12, 18-19, 25-26 |
| August | Sat. & Sun.   | 4-5, 11-12, 18-19, 25-26 |

## JONES CREEK REFUGE OR LOWER BLUE RIDGE AREA

### NIMBLEWILL CREEK

Directions from Atlanta: Go about 9 miles West of Dahlonega on Highway No. 52, turn right at Grizzles Store, go 3 miles to Nimblewill Church, turn right at church, and go 2 miles to Jones Creek Checking Station.

|        |               |                            |
|--------|---------------|----------------------------|
| May    | Sat. & Sun.   | 5-6, 12-13, 19-20, 26-27   |
| June   | Sat. & Sun.   | 2-3, 9-10, 16-17, 23-24-30 |
| July   | Sat. & Sun.   | 1, 4, 14-15, 21-22, 28-29  |
| August | Wed. & Thurs. | 1-2, 8-9, 15-16, 22-23     |

### JONES CREEK

Directions from Atlanta: Go about 9 miles West of

Dahlonega on Highway No. 52, turn right at Grizzles Store, go 3 miles to Nimblewill Church, turn right at church, and go 2 miles to Jones Creek Checking Station.

|           |                   |                               |
|-----------|-------------------|-------------------------------|
| May       | Sat. & Sun.       | 5-6, 12-13, 19-20, 26-27      |
| June      | Sat. & Sun.       | 2-3, 9-10, 16-17, 23-24       |
| July      | Wed. & Thurs.     | 4-5, 11-12, 18-19, 25-26      |
| August    | Wed. & Thurs.     | 1-2, 8-9, 15-16, 22-23, 29-30 |
| September | Sat., Sun. & Mon. | 1, 2, 3                       |

## MONTGOMERY CREEK

Directions from Atlanta: Go about 9 miles West of Dahlonega on Highway No. 52, turn right at Grizzles Store, go 3 miles to Nimblewill Church, turn right at church, and go 2 miles to Jones Creek Checking Station.

|        |               |                             |
|--------|---------------|-----------------------------|
| May    | Wed. & Thurs. | 2-3, 9-10, 16-17, 23-24     |
| June   | Wed. & Thurs. | 6-7, 13-14, 20-21, 27-28    |
|        | Saturday      | 30                          |
| July   | Sat. & Sun.   | 1, 7-8, 14-15, 21-22, 28-29 |
| August | Sat. & Sun.   | 4-5, 11-12, 18-19, 25-26    |

## CHATTAHOOCHEE AREA

### CHATTAHOOCHEE & SPOIL CANE CREEKS

Directions from Atlanta: Travel 3/10 of a mile North from Robertstown on Highway No. 75, then cross the river bridge, turn right and travel ½ mile north to Chattahoochee River Checking Statiton.

|           |                   |                              |
|-----------|-------------------|------------------------------|
| May       | Sat. & Sun.       | 5-6, 12-13, 19-20, 26-27     |
| June      | Wed. & Thurs.     | 6-7, 13-14, 20-21, 27-28     |
|           | Saturday          | 30                           |
| July      | Sat. & Sun.       | 1, 7-8, 14-15, 21-22, 28-29  |
| August    | Wed. & Thurs.     | 1-2, 8-9, 15-16, 22-23 29-30 |
| September | Sat., Sun. & Mon. | 1, 2, 3                      |

### DUKES CREEK

Directions from Atlanta: Travel 3/10 of a mile North from Robertstown on Highway No. 75, then cross river bridge, turn left, travel, 3.2 miles West to Dukes Creek Checking Station.

|           |                   |                              |
|-----------|-------------------|------------------------------|
| May       | Wed. & Thurs.     | 2-3, 9-10, 16-17, 23-24      |
| June      | Sat. & Sun.       | 2-3, 9-10, 16-17, 23-24      |
| July      | Wed. & Thurs.     | 4, 5, 6, 11-12, 18-19, 25-26 |
| August    | Sat. & Sun.       | 4-5, 11-12, 18-19, 25-26     |
| September | Sat., Sun. & Mon. | 1, 2, 3                      |

### SMITH CREEK & McCLURE CREEK

Directions from Atlanta: Turn right in Robertstown on Unicoi Park Road, travel 3.1 miles east to head of Unicoi State Park Lake to Smith Creek Checking Station.

|        |               |                          |
|--------|---------------|--------------------------|
| May    | Wed. & Thurs. | 2-3, 9-10, 16-17, 23-24  |
| June   | Sat. & Sun.   | 2-3, 9-10, 16-17, 23-24  |
| July   | Wed. & Thurs. | 4-5, 11-12, 18-19, 25-26 |
| August | Sat. & Sun.   | 4-5, 11-12, 18-19, 25-26 |



## CHESTATEE AREA

### DICKS AND WATERS CREEK

Direction from Atlanta: From Dahlonega travel North 15 miles on Highway No. 19, turn left and go 2½ miles to Checking Station.

|           |                   |                               |
|-----------|-------------------|-------------------------------|
| May       | Sat. & Sun.       | 5-6, 12-13, 19-20, 26-27      |
| June      | Wed. & Thurs.     | 6-7, 13-14, 20-21, 27-28      |
|           | Saturday          | 30                            |
| July      | Sat. & Sun.       | 1, 7-8, 14-15, 21-22, 28-29   |
| August    | Wed. & Thurs.     | 1-2, 8-9, 15-16, 22-23, 29-30 |
| September | Sat., Sun. & Mon. | 1, 2, 3                       |

### BOGGS CREEK AND CHESTATEE RIVER

Directions from Atlanta: From Dahlonega travel North 15½ miles on Highway No. 19 to Turner's Corner Checking Station.

|           |                   |                          |
|-----------|-------------------|--------------------------|
| May       | Wed. & Thurs.     | 2-3, 9-10, 16-17, 23-24  |
| June      | Sat. & Sun.       | 2-3, 9-10, 16-17, 23-24  |
| July      | Wed. & Thurs.     | 4-5, 11-12, 18-19, 25-26 |
| August    | Sat. & Sun.       | 4-5, 11-12, 18-19, 25-26 |
| September | Sat., Sun. & Mon. | 1, 2, 3                  |

## LAKE BURTON MANAGEMENT AREA

### WILDCAT CREEK

Directions from Atlanta: Go to Clarkesville, take Highway No. 197, after traveling past Buford LaPrade's Camp continue on the highway until you pass the first creek and go to top of the first hill, then turn left on the dirt road, travel to Checking Station.

|           |                   |                               |
|-----------|-------------------|-------------------------------|
| May       | Sat. & Sun.       | 5-6, 12-13, 19-20, 26-27      |
| June      | Wed. & Thurs.     | 6-7, 13-14, 20-21, 27-28      |
|           | Saturday          | 30                            |
| July      | Sat. & Sun.       | 1-4, 7-8, 14-15, 21-22, 28-29 |
| August    | Wed. & Thurs.     | 1-2, 8-9, 15-16, 22-23, 29-30 |
| September | Sat., Sun. & Mon. | 1, 2, 3                       |

### MOCCASIN CREEK

Directions from Atlanta: Go to Clarkesville, take Highway No. 197, after traveling past Buford LaPrade's Camp continue on the highway until you pass the first creek and to the top of the first hill, then turn left on the dirt road, travel to checking statiton.

|           |                   |                          |
|-----------|-------------------|--------------------------|
| May       | Sat. & Sun.       | 5-6, 12-13, 19-20, 26-27 |
| June      | Sat. & Sun.       | 2-3, 9-10, 16-17, 23-24  |
| July      | Wed. & Thurs.     | 4-5, 11-12, 18-19, 25-26 |
| August    | Sat. & Sun.       | 4-5, 11-12, 18-19, 25-26 |
| September | Sat., Sun. & Mon. | 1, 2, 3                  |

### DICK'S CREEK

Directions from Atlanta: Go to Clarkesville, take Highway No. 197, travel past the Lake Burton Fish Hatchery to the first creek, to the checking station.

|     |               |                         |
|-----|---------------|-------------------------|
| May | Wed. & Thurs. | 2-3, 9-10, 16-17, 23-24 |
|-----|---------------|-------------------------|



## WARWOMAN AREA

### TUCKALUGE CREEK AND FINNY CREEK

Directions from Atlanta: Go to Clayton on Highway 23, turn right on Highway No. 76 and go only one block, then turn left on Warwoman Road and 3½ miles to Checking Station which is located at Finny Creek.

|        |               |                               |
|--------|---------------|-------------------------------|
| May    | Wed. & Thurs. | 2-3, 9-10, 16-17, 23-24       |
| June   | Sat. & Sun.   | 2-3, 9-10, 30                 |
| July   | Wed. & Thurs. | 1-4, 7-8, 14-15, 21-22, 28-29 |
| August | Sat. & Sun.   | 22-23, 29-30                  |

### WALNUT FORK AND HOOD CREEK

Directions from Atlanta: Go to Clayton on Highway No. 23, turn right on Highway No. 76 and go only one block then turn left of Warwoman Road and go 3½ miles to checking station at Finny Creek.

|           |                   |                 |
|-----------|-------------------|-----------------|
| May       | Sat. & Sun.       | 5-6, 12-13      |
| June      | Sat. & Sun.       | 16-17, 23-24    |
| July      | Wed. & Thurs.     | 4-5, 11-12      |
| August    | Wed. & Thurs.     | 1-2, 8-9, 15-16 |
| September | Sat., Sun. & Mon. | 1, 2, 3         |

### SARAHS CREEK

Directions from Atlanta: Go to Clayton on Highway No. 23, turn right on Highway No. 76 and go only one block, then turn left on Warmoman Road and go 3½ miles to checking station located at Finny Creek.

|           |                   |                          |
|-----------|-------------------|--------------------------|
| May       | Sat. & Sun.       | 5-6, 12-13, 19-20, 26-27 |
| June      | Wed. & Thurs.     | 6-7, 13-14, 20-21, 27-28 |
| July      | Wed. & Thurs.     | 4-5, 11-12, 18-19, 25-26 |
| August    | Sat. & Sun.       | 4-5, 11-12, 18-19, 25-26 |
| September | Sat., Sun. & Mon. | 1, 2, 3                  |

## COHUTTA MANAGEMENT AREA

JACKS RIVER AND CONASAUGA RIVER shall be open for fishing from MAY 1 through OCTOBER 1, 1960. No permits will be required on these streams. Live bait and artificial lures are permitted.

## LAKE RUSSELL MANAGEMENT AREA

This lake is open for year-around fishing.

TROUT STREAMS OUTSIDE THE MANAGEMENT AREAS SHALL BE OPEN FROM APRIL 1 THROUGH SEPTEMBER 15, 1962. A FISHING LICENSE IS REQUIRED OF EVERYONE 16 YEARS OF AGE AND OVER. NO PERMITS ARE REQUIRED ON THE OUTSIDE STREAMS.

## AMENDMENT TO TROUT FISHING SCHEDULE IN CHATTAHOOCHEE NATIONAL FOREST—1962

Pursuant to and by authority of a comprehensive

act of The General Assembly of Georgia completely and exhaustively revising and superseding the laws relating to the State Game and Fish Commission and to game and fish, approved March 7, 1955 (Ga. Laws 1955, p. 483), and more particularly Section 14 thereof, the following Amendment to the Trout Fishing Regulations and Scheduled for 1962 are hereby promulgated and adopted by the Commission, to wit:

## DOCKERY LAKE

The Chestatee Area will be open to fishing on Dockery Lake only to children who have not reached the age of sixteen (16) between the hours of 1:00 P.M. and 6:00 P.M. on the following dates. No fees will be charged for the privilege of fishing on Dockery Lake.

|        |           |           |
|--------|-----------|-----------|
| June   | Saturdays | 2, 9      |
| July   | Saturdays | 7, 14     |
| August | Saturdays | 4, 11, 18 |

Fishing will be regulated and limited the same as on other management areas with the exception that the creel limit will not exceed five (5) in any one day for each individual fishing.

Adults may accompany the children as needed for supervisory purposes as to safety. They may not aid in fishing in this Lake, except to help prepare fishing tackle and bait for the minors and in preparation of the fish, after they have been landed, for the creel.

No adults will be allowed to fish under any circumstances in Dockery Lake at any time.

No overnight camping will be allowed in the area.

No cars will be allowed beyond the gate or entrance as established by the U. S. Forest Service.

Any fires in preparation of picnic lunches will be thoroughly extinguished as soon as possible after lunch has been prepared.

All people, whether adults or minors, will leave the area promptly at 6:00 P.M.

All picnickers, as well as fishermen, will observe all other rules and regulations as to other game law violations, while on the area, such as the prevention of forest fires. No open fires will be left. No guns will be allowed on the areas by fishermen or others, during the fishing season.

No boats will be allowed, except by supervisory personnel which shall be personnel of the State Game and Fish Commission, U. S. Forest Service, and the Lumpkin County Game and Fish Club.

Signs, creel limits, and rules and regulations prescribed will be posted throughout the fishing season by the Lumpkin County Game and Fish Club.

The State Game and Fish Commission and the U. S. Forest Service enter into this jointly sponsored project with the Lumpkin County Game and Fish Club. The Club will have one Deputy Wildlife Ranger or more, along with other members of the Club necessary for supervision at all times, during the open hours of fishing. It will be their duty to enforce these rules and regulations and to see that no one is left in the area after 6:00 P.M.

This amendment is entered into for the purpose of encouraging fishing by minors, and the three agencies, The U. S. Forest Service, the Lumpkin County Game and Fish Club and The State Game and Fish Commission, will exercise due supervisory measures for the enjoyment of those participating but will accept no further responsibility.

The Lake will be stocked on regular schedule provided for Dick's and Water's Creeks from fish available at the Chattahoochee Rearing Station.

#### **U.—Commercial Fishing Regulations for Seminole Lake**

The taking of non-game fish (such as carp, suckers, catfish) from designated streams and lakes, other than those species designated as game fish for the purpose of sale, is permitted in accordance with the following provisions:

1. Any and all varieties of fish not classified as game fish may be taken and sold commercially. Game fish shall be known as the various species of bass, various species of bream, yellow perch, crappie, pickerels, wall-eyes, muskellunges, various species of trout, and white shad. All species of "game fish" which are taken by use of commercial fishing gear shall be immediately returned to the waters from which taken, and possession of such fish by commercial fishermen shall be unlawful, and such possession by such commercial fishermen shall be prima facie evidence that such fish were taken by commercial fishing gear.

2. A license is required of each individual engaged in the activities covered hereby, and shall be effective from April 1st to March 31st next following. The license shall be on the person at all times during any operation of commercial fishing and shall be exhibited on demand to any wildlife officer or other peace officer.

3. Said licenses shall be issued only by the Game and Fish Commission, and the fee therefor shall be ten dollars (\$10.00) for residents and twenty dollars (\$20.00) for non-residents and aliens.

4. Should any law enforcement officer of this State or employee of the Game and Fish Commission discover commercial fishing gear being used in violation of the

terms of this section, he shall seize and hold the same, and in the event no one within a reasonable time claims seized commercial fishing gear and the owner thereof is unknown to the person finding the same, it shall be confiscated and shall become the property of the Game and Fish Commission and shall be disposed of as ordered by the Director of the Game and Fish Commission.

5. It shall be unlawful to knowingly ship or transport, or to knowingly receive for shipment or transportation, any fish taken from the public impounded waters or navigable streams of this State in violation of the terms of this section, and should such fish be knowingly shipped or transported or knowingly received for shipment or transportation, the same shall be seized and confiscated and upon confiscation shall be disposed of as ordered by the Director of the Game and Fish Commission.

6. The Game and Fish Commission has the power to zone certain areas for the sport fishermen. These areas shall not be commercially fished in order to prevent poor relationship between sport fishermen and commercial fishermen.

7. All other laws governing commercial fishing shall remain in full force and effect.

8. All rough fish such as gar, grinnel, and suckers captured shall not be returned to the waters, but shall be taken to a place designated by the Game and Fish Commission and disposed in such manner as to prevent a health hazard or from being obnoxious. Any commercial fisherman disposing of rough fish that cannot be sold in violation of the terms of this section shall have his license suspended.

9. A Wildlife Ranger of the Game and Fish Commission will observe the operation of the commercial fishermen at all times within the ares.

10. Each type of fishing gear shall have a metal tag attached with words stamped or embossed on it as follows: Georgia Game—Fish 4-1-58. A charge of ten cents will be charged for each tag. All types of fishing gear that does not have the metal tag with Georgia Game—Fish and date on them shall be impounded and disposed of as ordered by the Director of the Game and Fish Commission.

11. Records of rough fish captured by species and poundage pursuant to these regulations will be made available by the commercial fishermen daily for collection by an employee of the Game and Fish Commission.

12. The following descriptions, definitions, and manners of fishing shall apply to commercial fishing gear:

(a) Gill Nets: A single net or webbing of mesh of

not less than three (3) inches on the square and attached to float and lead lines and fished so as to ensnare or entangle the fish in the meshes. Gill nets must be fished in a stationary manner.

(b) Hoop Nets: Also known as set net, trap net, barrel net, funnel or brush net. A barrel shaped net of linen, cotton, or nylon cord with meshes or not less than two (2) inches on the square after tarred or shrunk and supported by wooden or metal hoops. A throat or throats are located within the hoop structure.

(c) Fyke Net: Also known as wing net. A variation of the hoop net having as many as three wings or leads equipped with floats and lead lines. The webbing of the wings shall be constructed of twine net smaller than size No. seven (7) in nylon, or size nine (9) in cotton. Construction of the wings of the fyke net out of gill netting or wire of any description is prohibited. The net and wings must have meshes not less than two (2) inches on the square, after being tarred or shrunk.

(d) Trammel Net is defined to be a net having three (3) webs hung to a single top and bottom line. There are two (2) outside webs or walls (this netting is called walling) and an inside web. The two (2) outside walls shall have meshes of not less than ten (10) inches on the square. The inside web shall have meshes or a minimum of two (2) inches on the square. Any trammel net found to be set or used contrary to these regulations will be impounded and disposed of as ordered by the Director of the Game and Fish Commission.

The commercial fishing license mentioned in this regulation shall not be transferable.

The State Game and Fish Commission reserves the right to suspend the operation without being subject to refund the money paid for licenses.

All regulations that conflict with this regulation are hereby repealed. (Adopted February 10, 1958).

## **V.—LEASES—Game Management Areas**

The Director of the State Game & Fish Commission is hereby authorized on behalf of the Commission to negotiate and enter into agreements with the proper authorities or agencies of the United States of America, other agencies or departments of the State or subdivisions thereof, or with individuals, private firms or corporations, whereby lands and areas within the State may be acquired by lease for the purpose of designating and operating a game preserve or reservation for the restoration, propagation, protection and management of wildlife.

In negotiating or consummating such agreements,



however, he must find the following facts to exist in each instance:

1. The area to be incorporated shall consist of not less than 15,000 acres and must be in one tract or contiguous tracts of land.

2. The terms of the lease shall not be less than 15 years with a right of renewal of 10 additional years on the part of the Commission.

3. The area shall not have more than 15 occupied residences within the established exterior boundaries.

4. There shall be no more than three areas within the exterior boundaries of each 15,000 acre area held adversely to the leasehold interest acquired by the Commission, regardless of size.

5. The total of areas held adversely regardless of number shall not exceed 10% of the total preserve or reservation in acres.

6. Even though the program within a given management area may primarily deal with what is usually termed big game, all game shall come within the program and shall be protected and the harvesting thereof shall be in accordance with the best scientific practice and come under the direction of the Commission. The harvesting of all game birds and animals shall include hunting, or other approved means, by the public under supervised programs established and directed by the Commission.

7. Any area to be acquired which will fall within a Federal Aid program in the establishment and/or management thereof, must be approved first before the acquisition thereof by the Fish and Wildlife Service of the U. S. Department of the Interior, or such department of the Federal Government as may then be charged with the jurisdiction thereof.

In addition to the above, the Director of the State Game & Fish Commission is hereby vested with the authority to impose such other requirements as he may in his discretion deem necessary or expedient in the particular instance, but on no occasion and under no circumstance shall the Director incur obligations on the part of the Commission which will or may require the expenditure of unappropriated funds for such program.

These rules and regulations shall become effective as provided by Section 15-a of the Act, hereinabove referred to, and shall remain in full force and effect until changed by law or regulation.

Any rule or regulation or part thereof in conflict herewith is hereby repealed.



## **W.—Regulation on the Methods of Taking Fresh Water Fish**

It is hereby unlawful to take fish from any of the fresh waters of Georgia, by gigging, striking, snaring, snatching or by other similar methods with hooks, wires, spears, forks, sharp pointed instruments or other similar devices.

This regulation is to be read with Section 45-505, Georgia Code 1933, as amended, and shall become effective thirty (30) days after posting as required by law. This regulation shall remain in force until changed by law or by proclamation of the Game and Fish Commission.

Violators of this regulation shall be punished as for a misdemeanor.

All rules and regulations in conflict with this regulation are hereby repealed.

(Adopted May 8, 1952)

## **X.—Agreement Between Game and Fish Commission and Jekyll Island State Park Authority—Regulations Governing Jekyll Island Agreement**

It is hereby mutually agreed between the parties hereto that the Authority, for and in consideration of the benefits from one to the other as hereinafter set out, does hereby agree for a period of ten (10) years, beginning the 1st day of September, 1954, and ending on the 31st day of August, 1964, with an option to renew on expiration of this agreement for a period of ten (10) more years by giving the Authority notice that such renewal is desired at least ninety (90) days before the expiration of this agreement, all of the rights and privileges hereafter enumerated.

I. In the undeveloped areas of Jekyll Island, to be defined and redefined by the Authority from time to time, the Commission is given hereby the following privileges:

a. To manage and direct said areas as a wildlife refuge, provided, however, that no hunting privileges shall be made to the public. This management shall be directed at the discretion of the Director of the State Game and Fish Commission and entirely under his control.

b. Maintenance of existing forest openings.

c. Establishment and maintenance of desirable herbaceous vegetation in open areas by seeding, fertilizing, disking and mowing. Most of the acreage to be devoted to grasses, legumes and small grains.

d. Establishment of small observational plantings of bi-color lespedeza.

- e. Restocking with deer and turkey, if needed.
- f. Removal of surplus game for restocking of other management areas.
- g. Protection from poaching and illegal trespassing under such rules and regulations as the Commission may deem desirable or necessary.
- h. Predator control when necessary or deemed desirable by the Commission.

II. In the undeveloped areas of Jekyll Island, to be defined and redefined by the Authority from time to time, the Commission is given hereby the following additional privileges subject to the prior approval of the Authority:

- a. The right to drill wells.
- b. Controlling of water levels, including salinity, for the most desirable waterfowl food plant production. Embrace aquatic semi-aquatic and agricultural types. Most of the waterfowl area shall be managed in permanent pond types.
- c. The clearing of additional forest openings where needed.
- d. Construction of fire lanes where needed. These fire lanes to be treated as other forest openings.
- e. Controlled burning where applicable.
- f. Posting of boundaries where deemed proper by the Commission.
- g. Maintenance of roads necessary for wildlife purposes.

III. If the Authority redefines any undeveloped areas for future development and the same causes the loss of use of any improvements made by the Commission, for the Commission's use, then, the Authority shall be liable to the Commission for reimbursement of the fair depreciation replacement cost for the replacement of such improvements.

IV. In addition to the privileges enumerated in paragraphs 1 and 2 hereof, the Commission is further given the power to make such regulations as it may desire or deem necessary for the best interests of the propagation or protection of all wildlife and fish in the areas defined and redefined by the Authority.

V. The Authority agrees to furnish one cottage, in a liveable condition, of its own choice, to the regular employees of the Commission engaged in work upon Jekyll Island, to be maintained in a reasonable state of repair by the Authority.

VI. Regulations. It shall be illegal and a violation of this agreement and regulations to hunt, trap, or

possess any wildlife on Jekyll Island, and any person or persons knowingly carrying or concealing any fire arms shall be guilty of a misdemeanor and punished as provided by law.

And Wildlife Ranger and other peace officers of this State shall have the power to arrest all persons who violate this agreement and regulations.

## Chapter XIII

### REGULATIONS RELATIVE TO BOATING SAFETY MOTORBOAT NUMBERING AND THE REPORTING OF MOTORBOAT ACCIDENTS

SECTION 1. ANY PERSON OPERATING A BOAT, VESSEL, OR WATERGOING CRAFT on the waters of this State shall observe the following rules and regulations:

(a) No Person shall operate any watercraft or manipulate any water skis, aqua-plane, or similar device in a reckless or negligent manner so as to endanger the life, limb or property of any person.

(b) When watercraft approach each other obliquely or at right angles, the watercraft approaching on the right side shall have the right of way, and the other craft must stay clear.

(c) Watercraft passing close to swimming areas, docks, floating boat houses, moored boats, or boats engaged in fishing or similar activities, must adjust their speed so as to prevent their wash or wake from causing damage or unnecessary inconvenience to occupants of the area or other craft.

(d) No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other operating conditions.

(e) No person shall operate a motorboat on any of the waters of this State towing a person on water skis, an aqua-plane, or similar device, nor shall any person engage in water skiing, aqua-planing, or similar activity unless such person being towed is wearing a life preserver. Provided, that this regulation shall not apply to persons engaging in organized water ski tournaments, competitions, expositions, or trials therefor.

(f) No person shall operate a motorboat on any of the waters of this State towing a person on water skis, an aqua-plane, or similar device, nor shall any person engage in water skiing, aqua-planing, or similar activity at any time between the hours from one hour after sunset to one hour before sunrise.

(g) The operator of each motorboat and the operator of each watercraft on the waters of this State (as defined in Section 2(3) of the Georgia Motorboat Numbering Act, 1960 Georgia Laws, page 235), shall have aboard for each person, a life preserver, buoyant vest, buoyant cushion or ring buoy (all such equipment to be United States Coast Guard approved) in good and servicable condition.

(h) No person shall operate any watercraft on any of the waters of this State during hours of darkness unless showing a light sufficient to make the watercraft's

presence and location known to any and all other craft within a reasonable distance.

(i) As used in these rules and regulations, the term "watercraft" shall be defined as any contrivance, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(j) Any motorboat, when operated upon the salt waters of this state or the marginal sea adjacent to this state, shall be required to comply with the regulations of the U. S. Coast Guard pertaining to lifesaving equipment, fire extinguishers, lights and other equipment and shall observe the Inland or International Rules of the Road where applicable.

SECTION 2. THE OWNER OF A WATERCRAFT shall be liable for any injury or damage occasioned by the negligent operation of such watercraft, and damage caused by their wake, or in the failure to observe ordinary care. The owner shall not be liable, however, unless such watercraft is being used with his or her express or implied consent. It shall be presumed that such watercraft is being operated with the knowledge and consent of the owner if, at the time of the injury or damage, it is under the control of a member of his or her immediate family. Nothing contained herein shall be construed to relieve any other person from any liability which he would otherwise have.

SECTION 3. THE NUMBERING PATTERN to be used shall be as follows:

(a) The identification numbers awarded under the Georgia Motorboat Numbering Act shall consist of three parts. The first part shall consist of the letters "GA" indicating this State. The second part shall consist of not more than four (4) arabic numerals. The third part shall consist of not more than two (2) letters.

(b) The parts shall be separated by a hyphen or an equivalent space. As examples:

GA-1-A;      GA-1234-aa;      GA 56 ZZ

(c) Since the letters "I", "O", and "Q" may be mistaken for arabic numerals, they shall not be used in the suffix.

SECTION 4: THE OWNER OF A MOTORBOAT, required to be numbered by the Georgia Motorboat Numbering Act, must paint or firmly attach the number awarded on each side of the bow of the boat in such position as to provide easy identification before such boat may be operated on the waters of this State. The numbers shall read from left to right. They must be in block characters of good proportion, not less than three (3) inches in height nor more than one (1) inch apart, of a color that contrasts with the background color of the boat, and must be so maintained as to be clearly visible

and legible. No other number may be displayed on either side of the bow.

**SECTION 5. A PERSON ENGAGED IN THE MANUFACTURE OR SALE** of motorboats of a type requiring numbering by the Georgia Motorboat Numbering Act may obtain certificates of number for use in the testing or demonstration only of such motorboats which number may be in such form as to be easily transferred from one boat to another in the same class range. Boat dealers desiring such registration shall make application on standard motorboat registration forms which must be accompanied by an affidavit stating that he is a boat dealer. For the purpose of this regulation, a boat dealer shall be defined as any person engaged in the business of manufacturing boats or selling new or used boats at an established place of business and having boats in possession. Numbers assigned by such certificates may be used by temporary placement on motorboats within the certificate's class range when they are tested or demonstrated and must be plainly marked "Boat Dealer." Such temporary placement of numbers of registration shall be otherwise as prescribed by the Commission. It is the explicit intent of this regulation to provide that only one such motorboat be operated under one such certificate of number at any given time.

**SECTION 6. IF A CERTIFICATE OF NUMBER IS LOST OR DESTROYED**, a duplicate certificate will be issued by the Commission upon receipt of a properly filled-in standard motorboat registration form marked **DUPLICATE**, accompanied by an affidavit stating the circumstances of the loss together with a money order or cashier's check in the amount of \$1.00.

(a) If a valid registration decal is lost or destroyed, a duplicate decal will be issued by the Commission upon receipt of an affidavit stating the circumstances of the loss, the motorboat's description and registration number, and a money order or cashier's check in the amount of \$1.00.

(b) Should the ownership of a motorboat change, the new owner shall file with the Commission a completed registration form, accompanied by a one dollar (\$1.00) fee made payable to the Commission by a money order or certified check, and shall at the same time furnish to the Commission a signed statement requesting that the Commission transfer the Certificate of Number issued to such motorboat to him as the new owner, giving his name, address, number of the motorboat, and the name and address of the previous owner. Upon receipt of the application and fee the Commission shall transfer the Certificate of Number issued for such motorboat to the new owner. Unless such application is made and fee paid within fifteen (15) days, or such



other period of time as the Commission shall prescribe, such motorboat shall be deemed to be without a Certificate of Number, and it shall be unlawful for any person to operate such motorboat, until the certificate is issued.

SECTION 7. THE APPLICATION FOR A NUMBER shall include the following:

- (a) Name and address of owner.
- (b) Citizenship of Owner.
- (c) Present Number on boat (if any).
- (d) Hull material (wood, steel, aluminum, plastic, other).
- (e) Type of propulsion (outboard, inboard, or other).
- (f) Type of fuel (gas, diesel, other).
- (g) Make, model and year built (if known).
- (h) Length.
- (i) Statement as to use (pleasure, livery, dealer, commercial-fishing, commercial-passenger, other).
- (j) A statement of ownership by applicant.
- (k) Signature of owner.

SECTION 8. THE CERTIFICATE OF NUMBER shall show the following:

- (a) Name and address of boat owner.
- (b) Number issued.
- (c) Expiration date.
- (d) Make or model or type of boat.
- (e) Hull material (wood, steel, aluminum, plastic, other).
- (f) Length of vessel.
- (g) Propulsion (inboard, outboard, other).

The certificate of number shall be available at all times for inspection upon demand on the motorboat whenever such motorboat is in operation. Provided, however, that a decal meeting the approval of the Director of, and issued by, the State Game and Fish Commission may be used by owners of motorboats numbered in compliance with the Georgia Motorboat Numbering Act, so as to facilitate enforcement procedures and to serve as a convenience to the owners of the numbered craft. Such decal shall be attached to the sprayshield (windshield) of such motorboat in a position which will facilitate the inspection thereof, except that on motorboats not equipped with sprayshields, a metal or wooden plate shall be provided for the attachment of such decal, which plate shall be in a position adjacent to the control point of the motorboat and which shall be mounted so as to be clear to the view of and accessible to boarding and inspecting officers.

SECTION 9. THE REPORTING OF MOTORBOAT ACCIDENTS shall be in accordance with the following procedure:

(a) A written report is required whenever any one or more of the following occurs on board, or involving any motorboat.

(1) The death of any person from whatever cause;

(2) The disappearance of any person from on board under circumstances which suggest any possibility of their death or injury;

(3) The injury of any person sufficient to cause their incapacitation for 72 hours or longer;

(4) The loss or damage to property of any kind (including the motorboat) in an amount of \$100.00 or more.

(b) Whenever death or injury has (or may) result from a boating accident, a written report shall be submitted to the State Game and Fish Commission within 48 hours. For every other reportable boat accident, a written report shall be submitted within five (5) days.

(c) Every written report of a boating accident shall be submitted on forms supplied by the State Game and Fish Commission and which shall contain the following information:

(1) The numbers and/or names of the vessels involved.

(2) The locality where the accident occurred.

(3) The date and time of the accident.

(4) The weather and water conditions.

(5) The name, address, age and boating experience of the operator of the reporting boat.

(6) The names and addresses of the operators of other boats involved.

(7) The names and addresses of the owners of boats or other property involved.

(8) The names and addresses of all persons killed or injured.

(9) The nature and extent of injury to any person.

(10) A description of the accident (including opinions as to the causes).

(11) The length, propulsion, horsepower, fuel and construction of the reporting vessel.

(12) A description of damage to any property (including boats) and estimated cost of repairs.

(13) Names and addresses of known witnesses.

SECTION 10. NO ONE OTHER THAN THE GAME AND FISH COMMISSION shall reproduce, by

any mean whatsoever, a Georgia Certificate of Number for a Motorboat.

SECTION 11. ANY PERSON VIOLATING any of the foregoing rules and regulations shall, upon conviction thereof, be punished as for a misdemeanor.

SECTION 12. THESE RULES AND REGULATIONS shall become effective thirty (30) days after posting as required by law.

## Chapter XIV

### RECIPROCAL AGREEMENTS AND REGULATIONS PERTAINING THERETO

#### A.—Reciprocal Agreement—South Carolina

#### A G R E E M E N T

AN AGREEMENT TO CHANGE THE PROVISIONS OF RECIPROCAL AGREEMENTS BETWEEN THE STATE OF GEORGIA AND THE STATE OF SOUTH CAROLINA CONCERNING THE ENFORCEMENT OF FISHING LAWS ON WATERS CONTIGUOUS TO THE STATES OF GEORGIA AND SOUTH CAROLINA.

WHEREAS under authority of enabling acts the State of Georgia by and through the Game and Fish Commission of the State of Georgia and under enabling acts of the State of South Carolina by and through the Division of Game of the Wildlife Resources Department of the State of South Carolina under date of March 30, 1954, entered into a certain agreement relative to the enforcement of laws on waters contiguous to the two States and thereafter on November 25, 1957 amended the agreement in conformity with a provision therefor in the agreement of March 30, 1954 and

WHEREAS the parties to the aforesaid agreements desire to change the provisions thereof so that when approved the agreement shall be and read:

#### NOW THEREFORE, IT IS AGREED:

1. That the provisions of this agreement shall be applicable to the waters forming the boundary line between the State of South Carolina and the State of Georgia. South Carolina and Georgia are divided by the Savannah River, from its entrance into the Ocean to the confluence of the Tugaloo (Toogaloo) and Seneca Rivers, thence up the Tugaloo (Toogaloo) River to Yonah Lake, thence to the confluence of the Tugaloo (Toogaloo) and the Chattooga Rivers, thence up the Chattooga River to the 35th Parallel of North latitude, which is the boundary of North Carolina. The boundary line between the States of Georgia and South Carolina borders the counties of Jasper, Hampton, Allendale, Barnwell, Aiken, Edgefield, McCormick, Abbeville, Anderson, and Oconee of the State of South Carolina and the counties of Chatham, Effingham, Screven, Burke, Richmond, Columbia, Lincoln, Elbert, Hart, Franklin, Stephens and Rabun of the State of Georgia. This agreement is to include the impoundments of the Clark Hill Dam, the Hartwell Dam, Yonah Lake and Tugaloo (Toogaloo) Lake but not include any tributary streams to said impoundments nor tributary streams to the

rivers forming the boundary between the States of Georgia and South Carolina so that licenses and permits issued by the States of Georgia and South Carolina shall be recognized and honored by agents of both States for the benefit and enjoyment of citizens of both States; and provided further that residents of both States shall be permitted to launch boats and remove the same as freely as if they were citizens of the States at the points of launching or landing or both.

2. The following rules and regulations, until changed by law or by agreement of the parties hereto, shall govern all fishing in the rivers forming the boundary line between the States of Georgia and South Carolina but not to include any tributary streams, but to include the impoundments of the Clark Hill Dam, the Hartwell Dam, Yonah Lake and Tugaloo (Toogaloo) Lake.

(a) Any resident of the State of Georgia properly licensed by Georgia and any resident of the State of South Carolina properly licensed by South Carolina may fish anywhere in the said area with no other license being required.

(b) Any person fishing in the said area shall comply with the laws, rules and regulations of the State in which the waters are located.

(c) No person may land in or carry to either State more fish than the laws of that State permit, even though the fish may have been caught in the waters of the other State.

3. The following rules and regulations, until changed by law or by agreement of the parties hereto, shall govern all fishing in the area impounded by Clark Hill Dam, Hartwell Dam, Yonah Lake and Tugaloo (Toogaloo) Lake, but not to include any tributary streams.

(a) Any resident of the State of Georgia properly licensed by Georgia and any resident of the State of South Carolina properly licensed by South Carolina may fish anywhere in the said area with no other license being required.

(b) It shall be unlawful for any one person to catch or have in his possession on any one day on the above described waters or the lands adjacent thereto more than (10) trout (rainbow, brook and brown) or bass (including not more than two (2) rockfish or striped bass) or more than thirty (30) other game fish (including white bass, bream, crappie or combination thereof) or an aggregate of more than forty (40) game fish.

(c) Any person using baskets, seines, trot lines and/or nets for the taking of fish from the said waters is hereby classified as a commercial fisherman and regardless of his residence shall comply with the laws,

rules, and regulations of the State in which the waters of the herein described area may be located in so using such method of taking fish.

(d) The catching of game fish in the area shall be only with hook and line, fly rod, spinning rod, casting rod, pole and line and hand line and not more than two (2) of the above mentioned devices may be used at the same time by any one individual while fishing.

(e) No person shall have a rifle in his possession nor in a boat in the above described waters of either State nor shall a person fire a rifle within one hundred (100) yards from the shoreline of the herein described waters.

4. Since the laws relating to the requirements for licenses differ in Georgia and South Carolina, it is agreed that all residents of the State of Georgia twelve (12) years of age or older must hold a valid Georgia fishing license or permit in his possession while fishing on the South Carolina side of the boundary line between the two States in the waters of the area above described, and that all residents of the State of South Carolina twelve (12) years of age or older must hold a valid South Carolina fishing license or permit in his possession while fishing on the Georgia side of the boundary line between the two States in the waters of the area above described.

5. The parties hereto agreed that the rules and regulations adopted herein shall be published in a newspaper with circulation in the area at least once a week for three (3) weeks in each county affected by them before becoming effective so that the citizens and residents of both States may be fully informed on this subject at all times and each Department is to become responsible for cost of publication in its respective State.

6. Except as modified or changed herein all prevailing laws, rules and regulations of each State shall remain in full force and effect over all waters lying within the boundaries of the respective States.

7. The parties hereto agree that this reciprocal contract shall become effective immediately after the proper advertisement as herein required.

8. The holder of a valid Nonresident fishing license issued by Georgia or South Carolina shall be entitled to fish anywhere in the waters covered by this agreement.

9. It is further understood and agreed that either State party to this agreement may abrogate and cancel the same upon ninety (90) days written notice to the other party of such intention to abrogate and cancel, such notice to be delivered to the Director of the game and fish department of the respective State to be so notified.



## 2. RULES AND REGULATIONS

1. All rules and regulations adopted September 9, 1952, and re-adopted as a part of the rules and regulations for the years 1954 and 1955, with specific reference to taking of fish from Clark Hill Reservoir, are hereby repealed.

2. The following rules and regulations are made applicable to and with sole reference to that part of Clark Hill Reservoir within the State of Georgia.

(a) It shall be unlawful for any one person to catch or have in possession on any day on the above referred to waters or the land adjacent thereto, more than ten (10) bass or more than thirty (30) other game fish, or an aggregate of forty (40) game fish.

(b) Any resident of Georgia using baskets or trot lines shall comply with all the laws, rules, and regulations now prevailing for this type taking of fish in other waters of Georgia. Non-residents of Georgia shall comply with existing laws, rules, and regulations applicable to non-residents for the use of baskets or trot lines now prevailing as to other waters in the State of Georgia.

(c) Use of high powered lights or flashlights of over five cells for night fishing is forbidden.

(d) The catching of game fish in the waters of the Clark Hill Reservoir on the Georgia side shall be only with hook and line, fly rod, spinning rod, casting rod, pole and line and hand line; not more than two of the above mentioned devices may be used at the same time, by any one individual while fishing, except as hereinafter provided.

(e) No person shall have any rifle in his possession in any boat in the subject waters of Georgia, nor shall any person fire any rifle within one hundred (100) yards from the shoreline of such waters.

(f) In conformance with a certain compact entered into between the State of South Carolina and the State of Georgia on the 30th day of March, 1954, under the authority therein referred to, a resident of the State of South Carolina fishing on the Georgia side of the boundary line between the two states shall not be required to have non-resident license, but his South Carolina license shall be recognized as sufficient authority for so fishing as provided in said compact.

### Amendment to Regulations

The following amendment to regulations passed by the Commission on April 13, 1954 governing Clark Hill Reservoir is hereby promulgated and adopted to-wit:

Paragraph C, which reads as follows "Use of high powered lights or flashlights of over five cells for night fishing is forbidden" is hereby repealed.

All other provisions of the aforementioned regulations shall remain in full force and effect until otherwise changed by law or regulation.

#### **B.—Reciprocal Agreement—North Carolina**

ED. NOTE: (This agreement cancelled by North Carolina 1956.)

#### **C.—Reciprocal Agreement—Alabama**

A reciprocal agreement between the State of Georgia and the State of Alabama concerning the enforcement of the fishing laws in the Chattahoochee River and impoundments thereon:

##### **I. Agreement**

WHEREAS, by Act of the General Assembly of the State of Georgia of 1955, approved March 7, 1955, by the Governor (Ga. Laws 1955, p. 483-494; Ga. Code Ann. 45-122), and especially under authority of Section 22 of said Act, the State Game and Fish Commission is authorized to enter into a reciprocal agreement with the duly constituted authority of the State of Alabama along with other adjoining States in the furtherance of the enforcement of the Game and Fish laws in the areas hereinafter described, whereby a valid fishing license issued by the State of Georgia will be accepted and honored as and in lieu of a fishing license for the State of Alabama for fishing on the banks and in the waters of the areas hereinafter described, and a valid fishing license issued by the State of Alabama will be accepted and honored as and in lieu of a fishing license for the State of Georgia for fishing on the banks and in the waters of the areas hereinafter described; and

WHEREAS, by an Act of the Legislature of the State of Alabama at its 1957 Session, approved August 13, 1957, by the Governor (Act No. 196, 1957 Regular Session) the Department of Conservation of the State of Alabama is authorized to enter into a reciprocal agreement with the State of Georgia in furtherance of the fishing laws in the areas hereinafter described, whereby a valid fishing license issued by the State of Alabama will be accepted and honored as and in lieu of a fishing license of the State of Georgia for fishing on the banks and in the waters hereinafter described, and a valid fishing license issued by the State of Georgia will be accepted and honored as and in lieu of a fishing license of the State of Alabama for fishing on the banks and in the waters of the areas hereinafter described; and

WHEREAS, it is the desire of the States of Georgia and Alabama to adopt and enforce rules and regulations covering the preservation, propagation and taking of fish in and from the waters of the Chattahoochee River and the impoundments thereon by Goat Rock

Dam and Bartlett's Ferry Dam located thereon, and such other impoundments which may be constructed at some future time but not other streams and tributaries which flow into said River or impounded waters so that the laws and rules pertaining to fishing applying throughout such areas shall become as uniform as possible and so that the licenses issued by one State shall be recognized and honored by the agents of the other State within such areas as concerns sports fishing.

NOW, THEREFORE, it is agreed by and between the State of Georgia, acting by and through the Director of its State Game and Fish Commission, and the State of Alabama, acting by and through the Director of its Department of Conservation that:

### DEFINITIONS

for the purpose of this agreement "sports fishing" as herein used shall be defined as the lawful taking of fish by ordinary hook and line, pole, casting with reel and rod, and use of artificial lures, spinning reel and rod, or by fly rod.

The area affected by this agreement shall be defined as either the water or from the banks of said water of the Chattahoochee River or the impoundments thereof by Goat Rock Dam and by Bartlett's Ferry Dam from the Great Bend of the Chattahoochee River, formerly known as Miller's Bend, and thence along and down the said Chattahoochee River to its junction with the south boundary line of Alabama.

1. Any resident of the State of Alabama may sports fish as herein defined in any of the waters of the areas above described and on the Georgia side of the boundary line between the State of Alabama and the State of Georgia which is recognized to be the western bank of the said Chattahoochee River along the line or limit of the high-water mark from what was formerly known as Miller's Bend to its junction with the south boundary line of Alabama as herein defined, if he has obtained and has in his possession while so fishing the permits and/or licenses required by the State of Alabama for fishing from the land and in the waters, and like permits and/or licenses required and issued by the State of Georgia for fishing from the land and in the waters of its own residents while so fishing.

2. Any resident of the State of Georgia may sports fish as herein defined in any of the waters or from the banks thereof of the areas herein described and on the Alabama side of the boundary line between the State of Georgia and the State of Alabama as recognized in paragraph 1 hereof if he has obtained and has in his

possession while so fishing the permits and/or licenses required by the State of Georgia, for fishing from the land and in the waters, or like permits and/or licenses for fishing from the land or in the waters, required and issued by the State of Alabama of its own residents while so fishing.

3. No license or permit shall be required by either State of any person a resident of either State Sixteen (16) years of age or younger, and honorary permits issued to persons over sixty-five (65) years of age to residents of the issuing State shall be recognized by the other State, party hereto.

4. The following rules and regulations, until changed by law or by agreement of the parties hereto, shall govern all fishing in the area:

(a) No person shall take, catch or have in possession, on any one day, on the above described waters or the land adjacent thereto more than fifteen (15) in the aggregate of all species of Black Bass or more than seventy (70) in the aggregate of all species of Bream or more than one day's creel limit of any other species of game fish, or take, catch or have in possession more than seventy-five (75) in the aggregate of all species of game fish. The daily creel limit set forth as follows:

Daily Creel Limit

|  |    |
|--|----|
| Black Bass: (Largemouth, Smallmouth, Kentucky, or Spotted, Red Eye or Coosa) | 15 |
| Bass: Saltwater Striped or Rockfish (taken in fresh water)                   | 15 |
| Bass: White Bass   | 30 |
| Yellow Bass  | 30 |
| Bream: (Bluegill, Redbreast, Rock Bass and all other species of bream)       | 70 |
| Crappie: White and Black   | 40 |
| Wall Eyed Pike   | 15 |
| Pickeral: Any species  | 15 |
| Yellow Perch   | 30 |

(b) The use of traps, seines and nets for the taking of fish from said waters is hereby prohibited; provided, however, that seines meeting the requirements of the respective States for catching minnows for use as live bait; and provided, further that baskets and trot lines may be used for catching and taking non-game fish, upon securing from the proper authority or authorities of the State upon whose side of the boundary line between the States such basket or trot line is used, any license required for the use of such basket or trot line, and upon compliance with any other laws or rules of the State governing the use of such baskets or trot lines.

5. The parties hereto agree that the rules and regulations adopted herein or hereafter to be adopted, shall be published in newspapers circulating in the area at least once a week for three successive weeks prior to the effective date of same, so that the citizens and residents of both States may be fully informed there about at all times. A copy of this agreement shall be published immediately as above provided.

6. Except as modified and changed hereby, all prevailing laws, rules and regulations of each State now existing or thereafter adopted shall remain in full force and effect over all waters lying within the boundaries of the respective States.

7. The parties hereto hereby agree that this agreement shall become effective as of the first day of April, 1958.

IT IS FURTHER UNDERSTOOD AND AGREED that either State, party to this agreement, may abrogate and cancel the same upon 90 days written notice to the other party of such cancellation, such notice to be directed and delivered to the Director of the Department of State having jurisdiction of such matters if the respective State to be so notified.

IN WITNESS WHEREOF, the State of Georgia, acting by and through Fulton Lovell, Director of the State Game and Fish Commission, duly authorized, has executed this agreement on the 11th day of February, 1958.

THE STATE OF GEORGIA  
Fulton Lovell, Director  
State Game and Fish Commission

IN FURTHER WITNESS WHEREOF, the State of Alabama, acting by and through William H. Drinkard, Director of the Department of Conservation, State of Alabama, duly authorized this agreement on the 11th day of February, 1958.

THE STATE OF ALABAMA  
William H. Drinkard, Director  
Department of Conservation

## 2. Rules and Regulations

Pursuant to and by authority of an Act of the General Assembly of Georgia, completely and exhaustively revising and superseding the laws relative to the State Game and Fish Commission, game and fish, and wildlife approved March 7, 1955 (Ga. Laws 1955, p. 483), and more particularly Section 14 thereof, and in compliance with the provisions of a certain Reciprocal



Agreement made and entered into between the States of Georgia and Alabama on February 11, 1958, the following rules and regulations are hereby promulgated and adopted, to wit:

These rules and regulations shall pertain to sports fishing only, which shall for the purposes of these rules and regulations be defined as the lawful taking of fish by ordinary hook and line, pole, casting with reel and rod, and use of artificial lures, spinning reel and rod, or by fly rod.

The area to which these rules and regulations shall apply shall be defined as either the water or from the banks of said water of the Chattahoochee River or the impoundments thereof by Goat Rocks Dam and by Bartlett's Ferry Dam from the Great Bend of the Chattahoochee River, formerly known as Miller's Bend, and thence along and down the said Chattahoochee River to its junction with the south boundary line of Alabama.

1. Any resident of the State of Alabama may sports fish as herein defined in any of the waters of the areas above described and on the Georgia side of the boundary line between the State of Alabama and the State of Georgia which is recognized to be the western bank of the said Chattahoochee River along the line or limit of the high-water mark from what was formerly known as Miller's Bend to its junction with the south boundary line of Alabama as herein defined, if he has obtained and has in his possession while so fishing the permits and/or licenses required by the State of Alabama for fishing from the land and in the waters, or like permits and/or licenses required and issued by the State of Georgia for fishing from the land and in the waters of its own residents while so fishing.

No person shall take, catch or have in possession, on any one day, on the above-described waters or the land adjacent thereto more than fifteen (15) in the aggregate of all species of Black Bass or more than seventy (70) in the aggregate of all species of Bream or more than one day's creel limit of any other species of game fish, or take, catch or have in possession more than seventy-five (75) in the aggregate of all species of game fish. The daily creel limit is specifically set forth as follows:

#### Daily Creel Limit

|  |    |
|--|----|
| Black Bass: (Largemouth, Smallmouth, Kentucky,<br>or Spotted, Red Eye or Coosa)..... | 15 |
| Bass: Saltwater, Striped or Rockfish<br>(taken in fresh water).....                  | 15 |
| Bass: White Bass.....  | 30 |
| Yellow Bass.....   | 30 |



|  |    |
|--|----|
| Bream: (Bluegill, Redbreast, Rock Bass and<br>all other species or Bream)..... | 70 |
| Crappie: White and Black.....  | 40 |
| Wall Eyed Pike.....  | 15 |
| Pickrel: Any species.....  | 15 |
| Yellow Perch .....   | 30 |

The effective date of the above and foregoing rules and regulations shall be April 1, 1958, and shall remain in force and effect until repealed, changed or modified, but not longer than the Agreement hereinabove referred to between the States of Alabama and Georgia shall be in full force and effect according to the provisions thereof.

In addition to complying with the provisions of Section 15-a of the Act of the General Assembly hereinabove referred to, these rules and regulations shall be published immediately in newspapers circulating in the area affected at least once a week for three successive weeks prior to the effective date of same.

Any rules and regulations or parts thereof in conflict herewith are hereby repealed.

(Adopted February 10, 1958).

## CAPTURE OF ROUGH FISH BY BOW AND ARROW

This regulation provides for the taking of rough fish solely for the purpose of sport in the public water of the State.

It shall be lawful in the State of Georgia to use Bow and Arrow for the taking of rough fish from the public waters of the State of Georgia with the exception of classified, or waters designated as trout streams from June 1 through March 14. SEASON CLOSED FROM

MARCH 15 THROUGH MAY 31.

“Rough Fish” shall be defined in the laws of the regulations of the State Game and Fish Commission.

A regular fishing license will be on the person using such Bow and Arrow while the user is in the act of hunting or taking fish. The license so designated will mean the regular fishing license for residents and non-residents as described in the laws.

An archer must be capable of drawing an arrow suitable for the taking of game and fish and his full draw and shooting will carry the arrow from the bow a distance of 100 yards. The arrows shall be so equipped with barbs, or other devices on the point to act as a harpoon for recovering fish. The arrows discharged by any archer will be attached to the person or bow by a wirt, rope, line, or cord, sufficient for recovering the arrows or rough fish. Arrows with poisonous or exploding heads are illegal. Shooting from any bridge, public road, or elevation above water level shall be illegal.

Bows, drawn, held, or released, by mechanical devices shall be unlawful for the taking of rough fish. It shall be illegal to discharge arrows into waters nearer than 150 feet from anyone engaged in any other means of legal fishing.

Legal hours for the taking of rough fish by bow and arrow shall be from sun up to sun down.

Any game fish in possession of bow and arrow fishermen shall be prima facie evidence of taking and possessing fish illegally.

Any person who shall violate provisions of this regulation, or laws pertaining to fishing shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

All regulations that conflict with this regulation are hereby repealed.

## RECIPROCAL AGREEMENT BETWEEN

THE STATE OF GEORGIA AND THE STATE OF  
FLORIDA CONCERNING THE ENFORCEMENT OF  
FISHING LAWS IN THE ST. MARY'S RIVER

WHEREAS, by Act of the General Assembly of the State of Georgia of 1955, approved March 7, 1955, by the Governor (Ga. Laws 1955, p. 483-494; Ga. Code Ann. 45-122), and especially under authority of Section 22 of said Act, the State Game and Fish Commission is authorized to enter unto a reciprocal agreement with the duly constituted authority of the State of Florida along with other adjoining States in the furtherance of the enforcement of the Game and Fish Laws in the areas hereinafter described, whereby a valid fishing license issued by the State of Georgia will be accepted and honored as and in lieu of a fishing license for the State of Florida for fishing on the banks and in the waters of the areas hereinafter described, and a valid fishing license issued by the State of Florida will be accepted and honored as and in lieu of a fishing license for the State of Georgia for fishing on the banks and in the waters of the areas hereinafter described: and

WHEREAS, by an Act of the Legislature of the State of Florida at its 1961 Session, Chapter 61-523, Laws of Florida, was passed and filed in the office of the Secretary of State, June 22, 1961, by which the Florida Game and Fresh Water Fish Commission is authorized to enter into a reciprocal agreement with the State of Georgia relative to the taking of game and fresh water fish from the waters of the St. Mary's River, whereby a valid fishing license issued by the State of Florida will be accepted and honored as and in lieu of a fishing license of the State of Georgia for fishing on the banks and in the waters hereinafter

described, and a valid fishing license issued by the State of Georgia will be accepted and honored as and in lieu of a fishing license of the State of Florida for fishing on the banks and in the waters of the areas hereinafter described; and

**WHEREAS**, it is the desire of the States of Georgia and Florida to adopt and enforce rules and regulations covering the preservation, propagation and taking of fish in and from the waters of the St. Mary's River, so that the rules and regulations pertaining to fishing applying throughout such area shall become as uniform as possible, and so that the license issued by one State shall be recognized and honored by the agents of the other State within such areas as concern sports fishing:

**NOW, THEREFORE**, it is agreed by and between the State of Georgia acting by and through the Director of the State Game and Fish Commission, and the State of Florida acting by and through its Director of the Game and Fresh Water Fish Commission:

### DEFINITIONS

that for the purposes of this agreement "sports fishing" as herein used shall be defined as the lawful taking of fish by ordinary hook and line, pole, casting with reel and rod, and use of artificial lures, spinning reel and rod, or by fly rod.

The area affected by this agreement shall be defined as the waters of the St. Mary's River not to include its tributaries.

1. Any resident of the State of Florida, or non-resident holding a properly issued non-resident license to fish in Florida, may sport fish as herein defined in the waters of the area above described and on the Georgia side of the boundary line between the State of Florida and the State of Georgia, if he has obtained and has in his possession while so fishing the permits and/or licenses required by the State of Florida for sports fishing from the land and in the waters above described, or like permits and/or licenses required and issued by the State of Georgia for fishing from the land and in the waters of its own residents, of non-residents, not resident of Florida, while so fishing.

2. Any resident of the State of Georgia, or non-resident holding a properly issued non-resident license to fish in the fresh waters of the State of Georgia, may sports fish as herein defined in the waters or from the banks thereof of the area herein described on the Florida side of the boundary line between the State of Georgia and the State of Florida if he has obtained and has in his possession while so fishing the permits and/or licenses required by the State of Georgia for sports fishing from the land and in the waters described

hereinabove, or like permits and/or licenses for fishing from the land or in the waters hereinabove described required and used by the State of Florida of its own residents or non-residents, not residents of the State of Georgia, while so fishing.

3. No license or permit shall be required by either State of any person a resident of either State sixteen (16) years or younger, and honorary permits issued to persons over sixty-five (65) years of age to residents of the issuing State shall be recognized by the other State, party hereto.

4. The following rules and regulations, until changed by law or by agreement of the parties hereto, shall govern all fishing in the area:

(a) No person shall take, catch or have in possession, on any one day, on the above described waters or the land adjacent thereto more than fifteen (15) in the aggregate of all species of Black Bass or more than seventy (70) in the aggregate of all species of Bream or more than one day's creel limit of any other species of game fish, or take, catch or have in possession more than seventy-five (75) in the aggregate of all species of game fish. The daily creel limit is specifically set forth as follows:

**Daily Creel Limit**

|  |    |
|--|----|
| Black Bass: (Largemouth, Smallmouth, Kentucky,<br>or Spotted, Red Eye or Coosa)..... | 15 |
| Bass: Saltwater striped or rockfish (taken in<br>fresh water).....                   | 15 |
| Bass: White Bass .....   | 30 |
| Yellow Bass .....  | 30 |
| Bream: (Bluegill, Redbreast, Rock Bass<br>and all other species of bream).....       | 70 |
| Crappie: White and Black .....   | 40 |
| Wall Eyed Pike .....   | 15 |
| Pickerel: Any Species .....  | 15 |
| Yellow Perch .....   | 30 |

(b) The use of traps, seines and nets for the taking of fish from said waters is hereby prohibited; provided, however, that minnow seines meeting the requirements of the respective States for catching minnows for use as live bait may be used, and provided, further, that baskets and trot lines may be used for catching and taking non-game fish, upon securing from the proper authority or authorities of the State upon whose side of the boundary line between the States such basket or trot line is used, any license required for the use of such basket or trot line, and upon compliance with any other laws or rules of the State governing the use of such baskets or trot lines.

5. The parties hereto agree that the rules and

regulations adopted herein or hereafter to be adopted, shall be published in newspapers circulating in the area at least once a week for three successive weeks prior to the effective date of same, so that the citizens and residents of both States may be fully informed thereabout at all times. A copy of this agreement shall be published immediately as above provided.

6. Except as modified and changed hereby, all prevailing laws, rules and regulations of each State now existing or hereafter adopted shall remain in full force and effect over all waters lying within the boundaries of the respective States.

7. The parties hereto hereby agree that this agreement shall become effective as of the 21st day of August, 1961.

IT IS FURTHER UNDERSTOOD AND AGREED that either State, party to this agreement, may abrogate and cancel the same upon ninety days written notice to the other party of such cancellation, such notice to be directed and delivered to the Director of the Department of State having jurisdiction of such matters of the respective State to be so notified.

#### REGULATIONS RELATING TO THE ESTABLISHMENT AND MANAGEMENT OF WILDLIFE SANCTUARY AT THE HOLY GHOST MONASTERY, ROCKDALE COUNTY, CONYERS, GEORGIA

In the interest of the conservation and propagation of wildlife, there is hereby established a wildlife sanctuary at the Holy Ghost Monastery, Conyers, Georgia, Rockdale County, consisting of 1995.4 acres.

This sanctuary shall include all lands and lakes located within the boundary of said Monastery. Within the boundaries of this Sanctuary, it shall be unlawful to take any wildlife (either animals or birds) in any manner whatsoever.

Any person who shall violate any of the foregoing provisions shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law.

#### PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THE OPENING OR CLOSING OF CERTAIN AREAS TO COMMERCIAL SHRIMPING

In accordance with the authority granted the State Game and Fish Commission by the above referred to Acts of the General Assembly of Georgia, it is hereby directed that the following procedures shall be complied with in connection with the opening or closing of a sound, other body of salt water, or portion of the offshore waters of this State to commercial shrimping when such opening or closing is based on the count of shrimp taken therefrom as provided for in Section



94(f) of the Act of the General Assembly of Georgia approved March 7, 1955 (Ga. Laws, 1955, p. 483) and in Section 12 of Act No. 380, approved March 9, 1956 (Ga. Laws, 1956, p. 590):

When the results of the periodic inspections of the coastal waters of this State, which shall be made by Game and Fish Commission agents in order to determine the sizes of shrimp present at various times, indicate that the Commission should exercise its authority to open or close a particular area or portion of these coastal waters to commercial shrimping, the Director of the Commission shall be notified and a formal inspection of the area shall be made by an inspection party composed of agents of the Commission and four residents of the county in which the area lies, three of whom shall be engaged in the shrimping industry of that county.

Test samples of shrimp from several locations in the area being inspected shall be taken with a shrimp trawl of conventional try net size and which is constructed of webbing having a stretched mesh of not less than  $1\frac{3}{4}$  inches.

The shrimp from each test sample shall be weighed and the average heads on per pound count shall be determined for each of the several locations tested. At the conclusion of the inspection, the average heads on per pound count obtained from each of the several test samples shall be added together and the resultant average shall be considered as the heads on per pound count of shrimp in the area inspected. A detailed report of the inspection shall be signed by the members of the inspecting part and forwarded to the Director of the Commission.

When the average count of shrimp taken from such area is found to be fifty-five or less shrimp with heads on to the pound, the Director shall declare such area open to commercial shrimping. Should the average count of shrimp taken from such area be greater than fifty-five shrimp with heads on to the pound, the Director shall declare such area closed to commercial shrimping.

In order to notify commercial fishermen of the opening or closing of these certain areas to commercial shrimping, the Commission shall have notices posted at least 24 hours in advance of such opening or closing, at the Courthouse and on all the shrimp docks in the county in which such area lies. Advantage shall also be taken of any additional means of public notice as may be available.

Any person who shall use a power-drawn net in the area declared closed to commercial shrimping



in compliance with the foregoing procedures shall be guilty of a misdemeanor and punished as provided by law.





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