

Wildlife and Boating

The most important legislation enacted in 2005 regarding wildlife was the revision of the coastal recreational fishing license system designed to generate additional funds for management and conservation of marine resources. The 2005 General Assembly made only a handful of other changes affecting hunting, fishing, and boating, as described below.

Fishing and Hunting Licenses

In 2004 the General Assembly enacted controversial legislation requiring a license for recreational fishing in coastal waters. North Carolina had been the only southeastern coastal state without a coastal recreational fishing license (CRFL) requirement. The 2004 law was slated to go into effect January 1, 2006. S.L. 2005-455 (S 1126) revises the 2004 law, makes other changes relating to fishing licenses, and delays the effective date of the new license requirement until January 1, 2007.

The new CRFL is the final component of an effort to prevent over-fishing and protect fishing stock, which began in 1997 with the enactment of the Fisheries Reform Act. The license is intended to provide data for resource managers and generate funds for protecting fish habitat, restoring fish stocks, and research.

S.L. 2005-455 retains the \$15 cost of an annual CRFL for state residents but increases the cost for nonresidents to \$30. The duration of a short-term license is extended from seven to ten days and its cost is increased from \$1 to \$5 for residents; it will be \$10 for nonresidents. Students attending North Carolina schools qualify for resident rates for hunting and fishing licenses. Businesses that operate fishing piers or charter and other for-hire boats may purchase a blanket license to cover fishing from the pier or boat, relieving their customers of the individual license requirement.

Lifetime fishing licenses are available for residents and nonresidents at costs ranging from \$100 for infants to \$500 for nonresident adults. Special low-cost lifetime CRFLs are available for residents who are elderly, disabled veterans, or totally and permanently disabled. S.L. 2005-455 exempts from the CRFL requirement children under sixteen, holders of lifetime fishing licenses for the legally blind, holders of fishing licenses for residents of adult care homes, and individuals who obtained certain lifetime licenses by January 1, 2006. The Fourth of July is a free fishing day every year.

The act also establishes unified fishing licenses to cover recreational fishing in both coastal and inland waters and to cover hunting. It repeals the inland fishing license exemption for residents fishing

with hook and line in their home counties using natural bait, but authorizes county departments of social services to issue free fishing license waivers to individuals receiving public assistance. The Wildlife Resources Commission is also authorized to adopt rules to exempt participants in organized fishing events from inland recreational fishing license requirements.

S.L. 2005-455 enacts new G.S. 143-254.5, providing that personal identifying information obtained by the Wildlife Resources Commission is confidential under the public records act and may be disclosed only in limited circumstances. The act also modifies the law governing designation and oversight of Wildlife Resources Commission license agents and directs the commission to adopt rules providing for license agents' qualifications, duties, and accountability.

The fees collected for CRFLs are to be used "to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State." S.L. 2005-455 reorganizes the marine resources funding structure by converting the Saltwater Fishing Fund to a Marine Resources Fund and by creating a Marine Resources Endowment Fund. The principal of the endowment fund will remain in the fund, but its income as well as all funds in the Marine Resources Fund may be disbursed by joint agreement of the Marine Fisheries Commission and the Wildlife Resources Commission. Proposals for disbursement are to be coordinated by the director of the Marine Fisheries Commission, and the chairs of the two commissions must report jointly to the Joint Legislative Commission on Seafood and Aquaculture by October 1, 2006, and annually thereafter. The act provides for the transfer of \$3.4 million from the Wildlife Endowment Fund to the Marine Resources Fund in installments over five years, to account for the CRFL exemption extended to current holders of certain lifetime licenses for hunting and for inland fishing. The act also authorizes the disbursement of up to \$1 million from the Wildlife Resources Fund to implement the act, with the amount disbursed to be repaid from the Marine Resources Fund on July 1, 2010.

In other matters regarding licenses, S.L. 2005-285 (H 1012) clarifies that members of recognized Indian tribes are not required to obtain a permit or license from the Wildlife Resources Commission for hunting, trapping, or fishing on tribal land, as long as they possess identification confirming their tribe membership. S.L. 2005-82 (S 844) amends the requirement that participants in Wildlife Resources Commission managed hunts have licenses, to limit the requirement to adult participants only. The act allows unlicensed individuals under age sixteen to participate in managed hunts if they are members of a party that includes a properly licensed adult.

Other Wildlife Changes

Hunting by Disabled Individuals

S.L. 2005-438 (H 1277) reduces the fee the Wildlife Resources Commission charges disabled persons for participating in the Disabled Sportsman Program, from \$10 a year to \$5 per event not to exceed \$10 a year. The act also gives the commission more flexibility in determining when to schedule special hunting events for disabled persons. S.L. 2005-455, the CRFL rewrite discussed above, expands the range of disabilities that may qualify a person to participate in the Disabled Sportsman Program to include the loss of 50 percent or more of a limb, whether by amputation or natural causes.

During the 2005 session, considerable publicity was drawn to a Texas Web site that offered online hunting, in which a computer user could use the Internet to aim and fire real weapons at animals. The service, which was developed in April 2005 for disabled hunters, generated a swift negative reaction among the public and was banned by the Texas legislature only two months later. North Carolina became one of about a dozen other states to ban Internet hunting when it enacted S.L. 2005-62 (H 772), which makes it a Class 1 misdemeanor to engage in or provide remote, computer-assisted hunting of wild birds or animals located in North Carolina, effective December 1, 2005.

Hunting Safety

S.L. 2005-438 authorizes certain disabled and underage individuals and certain holders of lifetime hunting licenses to hunt without having obtained a hunting safety certificate if they are accompanied by a licensed adult hunter who maintains a proximity that enables the adult to monitor the activities of, and communicate with, the uncertified hunter at all times.

Dog Training with Waterfowl and Game Birds

S.L. 2005-76 (H 1206) authorizes the use of domestically propagated waterfowl and game birds for training hunting dogs during the closed season in limited circumstances prescribed by the Wildlife Resources Commission.

Bear-Baiting Prohibition Amendment

S.L. 2005-298 (H 1395) amends the statute prohibiting bear baiting to limit its scope to black bears and to give the Wildlife Resources Commission additional authority to address problems caused by the placement of processed foods in areas frequented by black bears.

Boating

S.L. 2005-164 (H 1430) authorizes the towing of a vehicle left at a Wildlife Resources Commission public boating access area if the vehicle is parked anywhere not designated for parking or is left for a purpose other than boating. The act also provides that violation of commission rules regarding parking at boating access areas is an infraction punishable by a \$50 fine. S.L. 2005-161 (H 702) increases from twelve to fourteen the minimum age at which a person may operate a personal watercraft under certain conditions, but it does not apply to persons between the ages of twelve and fourteen as of the act's effective date, November 1, 2005.

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