

State of Mississippi  
Mussel Regulations

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**§ 49-7-173. Penalties.**

Any person violating any of the provisions of §§ 49-7-161 to 49-7-173 shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

SOURCES: Laws, 1976, ch. 434, § 7, eff from and after July 1, 1976.

**§ 49-9-1. Definitions.**

The term "mussel" as used in this chapter, shall mean and embrace the pearly fresh water mussel, clam, or naiad, and the shells thereof.

SOURCES: Codes, 1942, § 5921; Laws, 1936, ch. 288.

**§ 49-9-3. Mussels to be owned by state.**

The ownership and title of all mussels found in or upon the fresh water bottoms within this state, is hereby declared to be vested in the state.

SOURCES: Codes, 1942, § 5913; Laws, 1936, ch. 288.

Research and Practice References—  
35 Am Jur 2d, Fish and Game §§ 5, 13.  
36A CJS, Fish §§ 2, 10.

**§ 49-9-5. Unlawful to take — when.**

(1) It shall be unlawful for any person to take, catch or kill mussels by means of any kind of apparatus or in any manner whatsoever in any of the fresh waters of this state without first having secured a license or permit issued in accordance with this chapter.

(2) It shall be unlawful for any person to take from any of the fresh waters of this state any kind of mussels in any manner for the purpose of culture or scientific investigation, without first obtaining a permit from the director of conservation and paying therefore a fee of one dollar (\$1.00); provided that such fee shall not be required of duly accredited representatives of public educational or scientific institutions, or government departments of the United States engaged in scientific study of mussels.

SOURCES: Codes, 1942, §§ 5914, 5920; Laws, 1936, ch. 288.

Cross references—  
As to issuance of scientific permits, see § 49-1-41.

Research and Practice References—  
35 Am Jur 2d, Fish and Game §§ 23, 45.  
36A CJS, Fish §§ 21, 36.

**§ 49-9-7. License fee.**

Any person desiring to catch, take or kill mussels in any of the fresh waters of this state other than as provided for by subsection (2) of § 49-9-5, shall make application therefor to the state director of conservation, and if the applicant is a resident of the State of Mississippi the fee therefor shall be the sum of ten dollars (\$10.00), but if the applicant is a nonresident of this state the fee therefor shall be fifty dollars (\$50.00). Any person desiring to purchase mussel shells as mussels in the state shall make application therefor to the director of conservation accompanied by a fee of one hundred dollars (\$100.00) if the applicant be a res

the State of Mississippi and a fee of three hundred dollars (\$300.00) if the applicant be a nonresident.

**SOURCES:** Codes, 1942, § 5915; Laws, 1936, ch. 238; 1970, ch. 190 eff from and after passage (approved April 3, 1970).

**Research and Practice References—**

35 Am Jur 2d, Fish and Game § 45.  
36A CJS, Fish § 36.

**§ 49-9-9. License.**

The director of conservation shall, upon receipt of the proper application provided for in § 49-9-7 and the proper fee, issue a license to catch, take or kill mussels. All licenses issued shall be good from the date of issuance to the first day of July following such issuance. Licenses shall be consecutively numbered as issued and a record shall be kept thereof in the office of the state game and fish commission. Such license shall state whether it is a resident or a nonresident license, the address of the licensee, and the amount paid for the license. The license shall also state what waters have been closed to the capture of mussels by the state game and fish commission. Every person while taking, catching or killing mussels shall have such license in his possession and shall exhibit the same when requested to do so by an authorized officer.

**SOURCES:** Codes, 1942, § 5916; Laws, 1936, ch. 288; 1970, ch. 291, § 1, eff from and after passage (approved April 3, 1970).

**Cross references—**

As to fishing license regulations, see § 49-7-9.

**Research and Practice References—**

35 Am Jur 2d, Fish and Game § 45.  
36A CJS, Fish § 36.

**§ 49-9-11. Funds.**

The Executive Director shall keep a record of all applications and licenses issued by him and on the first day of each month shall deposit all moneys collected under this chapter into the state treasury to the credit of Fisheries and Wildlife Fund. All moneys thus collected and deposited shall be used by the Department of Wildlife Conservation and the Executive Director for the enforcement of this chapter, and the game and fish laws of this state, for propagation and for biological investigation, and such other investigations as may be necessary. For the purposes of this chapter, a nonresident of this state shall be deemed to be any person who has not resided within this state for a period of at least six consecutive months immediately prior to the time application is made for license under the provisions of § 49-9-7.

**SOURCES:** Codes, 1982, ch. 580, § 10, eff from and after July 1, 1982.

**Cross references—**

As to budget and use of funds, see § 49-5-1.

**§ 49-9-13. Regulation of mussel beds — taking of mussels.**

The game and fish commission shall make such requirements and regulations governing the operations of boats and equipment in the tak-

ing of mussels as it may deem best for the proper enforcement of this chapter. To prevent the depletion of the mussel beds and to insure proper propagation of the mussels, the commission may close any beds to operators at any time and for such length of time as it deems necessary. During such closed season on any bed, no one shall take mussels therefrom. When an order is issued closing any mussel bed, notice shall be given as required by law.

**SOURCES:** Codes, 1942, § 5918.5; Laws, 1970, ch. 292, §§ 1 and 2, eff from and after passage (approved April 6, 1970).

**Research and Practice References—**

35 Am Jur 2d, Fish and Game §§ 46, 47.

36A CJS, Fish §§ 28, 30.

#### **§ 49-9-15. Notice of hearings — rules and regulations.**

The state game and fish commission shall set hearings at such times and places, after having given thirty (30) days notice thereof by publication in some newspaper published in the State of Mississippi of general circulation within the state, at which hearings evidence shall be received in regard to the operation of boats and equipment in the taking of mussels in fresh waters of this state. After such hearings, the commission shall issue reasonable rules and regulations in regard to same, and if the evidence so indicates, shall, in order to prevent the depletion of mussel beds and to insure the proper propagation of mussels, adopt such regulations as it deems necessary.

**SOURCES:** Codes, 1942, § 5918.7; Laws, 1970, ch. 289, § 1, eff from and after passage (approved April 3, 1970).

**Research and Practice References—**

35 Am Jur 2d, Fish and Game § 31.

36A CJS, Fish §§ 26, 35.

#### **§ 49-9-17. Violations.**

Any person, firm, or corporation, violating any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars, or be imprisoned not more than three months, or both.

**SOURCES:** Codes, 1942, § 5922; Laws, 1936, ch. 288.

**Research and Practice References—**

35 Am Jur 2d, Fish and Game §§ 52 et seq.

36A CJS, Fish §§ 38 et seq.

#### **§ 49-11-1. Licensing and regulations.**

The state game and fish commission is hereby authorized and empowered to issue operating licenses or permits for shooting preserves, which shall be privately owned and operated, and to make such rules and regulations as may be necessary and proper in carrying out the purposes of this chapter.

**SOURCES:** Codes, 1942, § 5899-01; Laws, 1962, ch. 182, § 1, eff from and after passage (approved June 1, 1962).

**Cross references—**