

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 136

*An Act to amend and reenact § 28.2-201 of the Code of Virginia, relating to penalties for violations of Marine Resources Commission regulations.*

[S 818]

Approved March 9, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That § 28.2-201 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-201. Authority of Commission to make regulations, establish licenses, and prepare fishery management plans; enforcement; penalty for violation of regulation.

The Commission may:

1. Promulgate regulations, including those for taking seafood, necessary to promote the general welfare of the seafood industry and to conserve and promote the seafood and marine resources of the Commonwealth. The Commission may also promulgate regulations necessary for the conservation and reasonable use of surf clams. ~~Regulations shall not conflict with statutory law. The penalty for violation of a regulation shall be the same as the penalty prescribed for violation of the specific statute under which the regulation has been promulgated.~~

2. Establish a license commensurate with other licenses in an amount not to exceed \$100 for any device used for taking or catching seafood in the tidal waters of the Commonwealth when the device (i) is not otherwise licensed in this title and (ii) is used for commercial purposes. The Commission may specify, when issuing such a license, any restriction or control over the device or the person operating the device.

3. Prepare fishery management plans containing evaluations of regulatory management options, based upon scientific, economic, biological, and sociological information, and use them in the development of regulations. The Commissioner may appoint a fisheries advisory committee and its chairman, consisting of representatives of the various fishery user groups, to assist in the preparation and implementation of the fishery management plans. The Commission may expend funds to compensate the members of the committee pursuant to § 14.1-5.2.

4. Provide for enforcement of any regulation governing surf clams by any law-enforcement officer of any agency of the Commonwealth or its political subdivisions or by any law-enforcement officer of any agency of the federal government. Enforcement agreements with other agencies or political subdivisions shall be stated in the regulation.

**2. That an emergency exists and this act is in force from its passage.**