

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

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## ENROLLED

HOUSE BILL No. 339

(By Mr. Gookhorn)

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PASSED Mar 3 1955

In Effect 90 Days from Passage

Filed in the Office of the Secretary of State  
of West Virginia, MAR 9 1955  
D. FITZ O'BRIEN  
SECRETARY OF STATE

ENROLLED

House Bill No. 339

(BY MR. GOSIORN and MR. CHILTON)

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[Passed March 3, 1955; in effect ninety days from passage.]

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AN ACT to amend and reenact section five, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the killing or catching of fish, or the attempt to do so.

*Be it enacted by the Legislature of West Virginia:*

That section five, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. *Unlawful Devices and Methods of Fishing.*—

2 No person shall kill, catch, or attempt to kill or catch any  
3 fish at any time by:

4 (1) The use of seines, nets or traps, or devices of like  
5 nature without the written consent of the director. A  
6 person may use a seine not more than six feet in length,  
7 nor more than four feet in depth for securing minnows

8 for angling, other than game fish or protected nongame  
9 fish; except any person may use a minnow trap, for the  
10 purpose of securing bait, provided the opening is not  
11 larger than one inch in diameter. A dip net so used shall  
12 not exceed thirty-six square feet in over all area, and its  
13 mesh shall not be smaller than one-quarter inch;

14 (2) Draining water out of any pool, pond, or stream  
15 with intent to take or injure fish, except from privately  
16 owned farm ponds;

17 (3) The use of dynamite, or any like explosive or ex-  
18 plosive mixture;

19 (4) The use of poisonous drug or substance;

20 (5) The use of electricity or lime;

21 (6) The use of firearms;

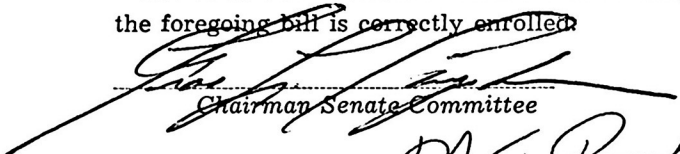
22 (7) Giggling, spearing, gaffing, snaring or grappling,  
23 except the director may permit giggling, snaring or bow  
24 and arrow hunting of nongame fish other than during the  
25 months of May and June under such regulations as he  
26 may promulgate; however, the snaring of any species  
27 of suckers, carp, fallfish and creek chubs through the  
28 ice shall at all time be lawful;

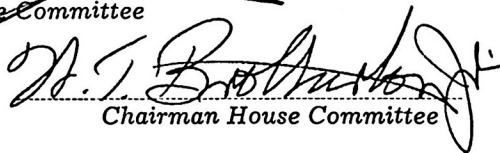
29     (8) Any other means other than by rod, line and hooks,  
30     with natural or artificial lures;

31     A person shall not sell or purchase a seine more than  
32     six feet in length without the prior written permission  
33     of the director.

34     The provisions of this section shall not prevent the  
35     director from using such methods of catching fish as he  
36     shall find necessary and proper for the purpose of propa-  
37     gation, protection, or scientific investigation.

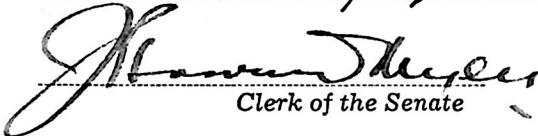
The Joint Committee on Enrolled Bills hereby certifies that  
the foregoing bill is correctly enrolled.


  
Chairman Senate Committee

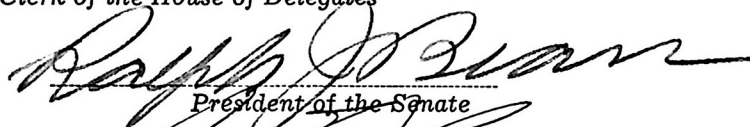
  
Chairman House Committee


Originated in the House of Delegates

Takes effect 90 Days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 8  
day of March, 1955.

  
Governor



Filed In the Office of the Secretary of State  
of West Virginia

APR 9 1955  
D. PITT O'BRIEN