§ 13-0339. Marine fish; size limits of marine species; sale of marine species.

1. a. The taking of fish with nets in the marine and coastal district is governed by sections 13-0333, 13-0335, 13-0341, 13-0343, 13-0347 and 11-1521, and regulations adopted pursuant to sections 11-0303, 11-1303, 13-0338, 13-0339-a, 13-0340, 13-0340-a, 13-0340-b, 13-0340-c, 13-0340-d, 13-0340-e, 13-0340-f and 13-0340-g of this chapter. The taking of fish by other means, in the marine and coastal district, is governed by title 13 of article 11 of the Fish and Wildlife Law, subject to restrictions in section 13-0343 as to certain waters, and to provisions of sections 13-0347 and 11-1521 and regulations adopted pursuant to section 11-0303 of this chapter as to striped bass and sections 13-0338, 13-0339-a, 13-0340, 13-0340-a, 13-0340-b, 13-0340-c, 13-0340-d, 13-0340-e, 13-0340-f and 13-0340-g as to other species of marine fish. The taking, and sale or taking for sale, of certain bait fish are governed by section 11-1315 of this chapter.

b. Open seasons, minimum size limits and catch limits for fish other than the marine species named in subdivisions 2 and 3 of this section are specified by regulations adopted pursuant to sections 11-0303, 11-1303, 13-0338, 13-0339-a, 13-0340, 13-0340-a, 13-0340-b, 13-0340-c, 13-0340-d, 13-0340-e, 13-0340-f and 13-0340-g of this chapter. All shortnose sturgeon irrespective of size and all Atlantic sturgeon under the size limits prescribed by regulations adopted pursuant to section 11-1303 of this chapter taken in gill nets shall be immediately returned to the water without unnecessary injury. Other fish named by regulations adopted pursuant to sections 11-0303, 11-1303, 13-0338, 13-0339-a, 13-0340, 13-0340-a, 13-0340-b, 13-0340-c, 13-0340-d, 13-0340-e, 13-0340-f and 13-0340-g of this chapter and under the size limits prescribed in such regulations, shall not be bought, sold or trafficked in.

c. The sale, possession and transportation of fish, other than the marine species named in subdivisions 2 and 3 of this section are governed by sections 11-1319, 11-1521 and 13-0347, and regulations adopted pursuant to sections 11-0303, 11-1303, 13-0338, 13-0339-a,

13-0340, 13-0340-a, 13-0340-b, 13-0340-c, 13-0340-d, 13-0340-e, 13-0340-f and 13-0340-g of this chapter.

2. Fluke or summer flounder (Paralichthys dentatus) and southern flounder (Paralichthys lethostigma) less than fourteen inches in length, weakfish (Cynoscion regalis) less than twelve inches in length, Atlantic cod (Gadus morhua) less than nineteen inches in length, porgy or scup (Stenotomus chrysops) less than seven inches, black sea bass (Centropristis striata) less than nine inches, and winter flounder (Pleuorenectes americanus) less than eleven inches in length may not be taken by angling for recreational purposes.

3. Fluke or summer flounder (Paralichthys dentatus) and southern flounder (Paralichthys lethostigma) less than fourteen inches; blue fish (Pomatomus saltatrix) less than nine inches; porgy or scup (Stenotomus chrysops) less than nine inches; weakfish (Cynoscion regalis) less than twelve inches; mackerel (Scomber scombrus) less than seven inches; black sea bass (Centropristis striata) less than nine inches; Atlantic cod (Gadus morhua) less than nineteen inches; winter flounder (Pleuorenectes americanus) less than twelve inches, may not be taken or possessed for commercial purposes or transported for commercial purposes nor bought, sold or offered for sale. For purposes of this subdivision, commercial purposes includes use of any form of net, comb, dredge or hook and line, except angling.

4. All length measurements in this section shall be taken as the total length which is defined as the longest straight-line measurement from the most anterior or forward part of the fish with the jaws closed to the tip of the tail. The tail rays of a fish with a forked tail may be squeezed together to give the longest overall measurement.

5. Blue marlin (Makaira nigricans), white marlin (Tetrapturus albidus), sailfish (Istiophorus platypterus), and longbill spearfish (Tetrapturus pfluegeri) shall not be bought, sold or offered for sale. Striped marlin (Tetrapturus audax), black marlin (Makaira indica), shortbill spearfish (Tetrapturus angustirostris) shall not be bought, sold or offered for sale unless identified and tagged as such prior to

entry into the state. Such identification and tag shall include at a minimum, the species of billfish and the place of initial landing.