



**THE ATTORNEY GENERAL  
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON  
ATTORNEY GENERAL**

December 30, 1957

Mr. F. T. Graham  
Criminal District Attorney  
Brownsville, Texas

Opinion No. WW-332

Re: Is the operator of a shrimp boat, whose boat has double-rig trawls, required to pay two \$15.00 licenses under Par. 5(b) of Section 3 of Article 934a of the Penal Code?

Dear Mr. Graham:

You have requested an opinion from this office concerning the above captioned question.

The shrimp trawl licenses are governed by Paragraph 5, of Section 3 of Article 934a, Vernon's Penal Code of Texas, and which paragraph reads as follows:

"5. (a) Shrimp Trawl License, for each boat operating or towing a trawl not more than ten (10) feet in width at the mouth, and not more than twenty (20) feet in length, fee Two Dollars (\$2).

"(b) Shrimp Trawl License, for each boat operating or towing a trawl more than ten (10) feet wide at its mouth or more than twenty (20) feet in length, fee Fifteen Dollars (\$15); which said license shall permit the use of a 'try net' as auxiliary to said trawl." (Emphasis added).

You state that it has been the practice in the past for each trawler to have a "single trawl" usually about ninety (90) feet in length, and operated from a single boom. However, some of the boats are now being, or have already been, rigged so that two trawls, one about half the size of the single trawl and the other perhaps a little shorter, that is to say, forty-five (45) and forty (40) feet long respectively, are rigged to two booms, but the two trawls, or double trawl rigging, are operated more or less simultaneously in conjunction with a "bridle", special blocks, etc.

Mr. F. T. Graham, page 2 (WW-332)

The problem that concerns you is whether the shrimp trawl license is based on the number of trawls each boat carries, or on each boat.

As previously stated, the Shrimp Trawl License is governed by Paragraph 5 of Section 3 of Article 934a, Vernon's Penal Code of Texas. It is clearly set out in that Article that each boat operating a trawl more than twenty feet long must have a Shrimp Trawl License costing Fifteen Dollars. The Article further provided that such Shrimp Trawl License shall permit the use of a "try net" or auxiliary to the trawl. The statute itself authorizes two trawls, a regular trawl and a "try net" as auxiliary to the trawl. Therefore, it was clearly the intent of the Legislature that the Shrimp Trawl License should be determined by each boat and not by the number of trawls each boat carries.

It is the opinion of this office that the conclusion you reached is correct in regard to the Shrimp Trawl License. That is to say, that each boat operating or towing a trawl more than twenty feet in length must pay \$15.00 for a Shrimp Trawl License. The license permit is for each boat and not the number of Trawls each boat carries.

The brief submitted with your request has been of material aid to the department in preparing the opinion and we are grateful for your efforts in this connection.

S U M M A R Y

The Shrimp Trawl License is based on each boat operating or towing a trawl or trawls and not the number of trawls each boat carries.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By *Linward Shivers*  
Linward Shivers  
Assistant

LS:zt

APPROVED:  
OPINION COMMITTEE  
Geo. P. Blackburn, Chairman  
W. V. Geppert  
J. C. Davis, Jr.  
Leonard Passmore  
REVIEWED FOR THE ATTORNEY GENERAL  
BY: James N. Ludlum