
By: **Chairman, Environmental Matters Committee (Departmental - Natural Resources)**

Introduced and read first time: February 3, 2000

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2000

CHAPTER _____

1 AN ACT concerning

2 **Tidal Fish License - Transfer and Authorization Provisions**

3 FOR the purpose of including the number of certain tidal fish license authorizations
4 relinquished to the Department of Natural Resources under certain procedures
5 among the factors considered by the Department when modifying the target
6 number of certain authorizations; altering certain provisions under certain
7 circumstances that certain persons may transfer a tidal fish license or
8 authorization to certain persons; establishing a procedure for a certain licensee
9 to relinquish certain authorizations and receive a certain authorization;
10 requiring the Department to make a certain adjustment to the number of
11 certain authorizations; and generally relating to tidal fish licenses.

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section ~~4-701(i)~~ 4-701(g)(2) and (i)
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1999 Supplement)

17 BY adding to
18 Article - Natural Resources
19 Section 4-701(j-1)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1999 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Natural Resources**

2 4-701.

3 (g) (2) The Department shall set by regulation targets for the number of
4 tidal fish license authorizations under subsection (d)(2)(ii) of this section to be the
5 number issued between September 1, 1998 and March 31, 1999. The Department may
6 modify by regulation the target number of authorizations based on:

7 (i) Recommendations of the Tidal Fisheries Advisory Commission;

8 (ii) Recommendations of fishery management plans adopted by the
9 Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries
10 Commission, the Mid-Atlantic Fisheries Management Council, or any other
11 appropriate management body;

12 (iii) The number of people historically participating; [and]

13 (iv) Target species, size, number, weight, incidental catch, total
14 biomass, annual harvest, mortality rates, and other factors which are necessary and
15 appropriate; AND

16 (V) THE NUMBER OF AUTHORIZATIONS RELINQUISHED TO THE
17 DEPARTMENT UNDER SUBSECTION (J-1) OF THIS SECTION.

18 (i) (1) A license or authorization may be transferred only under the
19 provisions of this subsection.

20 (2) The Department shall review and may approve the permanent
21 transfer of a license or an authorization to a person who is the licensee's spouse,
22 daughter, son, stepchild, grandchild, step grandchild, parent, sister, brother,
23 grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law,
24 sister-in-law, or brother-in-law, and only:

25 (i) If the licensee makes application to the Department requesting
26 transfer and the transferee has paid the fee for the license or authorization; or

27 (ii) Upon death of the licensee, if the licensee OR AN AUTHORIZED
28 REPRESENTATIVE OF THE LICENSEE INDICATES OR had indicated that person's name
29 [on the license application on file with] TO the Department.

30 (3) (i) The Department may approve a temporary transfer for not less
31 than 30 days and not more than 90 days.

32 (ii) A person may not transfer a license in exchange for any type of
33 remuneration.

34 (4) (i) The Department shall establish by regulation a procedure for a
35 licensee, except a fishing guide licensee or a master fishing guide licensee, to

1 voluntarily register the licensee's commercial fishing vessel number on the face of the
2 license.

3 (ii) If a licensee has voluntarily registered the vessel number on the
4 license under subparagraph (i) of this paragraph, the licensee may allow another
5 person to use the vessel for the commercial activities authorized on the license.

6 (iii) If a licensee allows another person to utilize a vessel under
7 subparagraph (ii) of this paragraph, for purposes of the license suspension criteria in
8 subsection (k) of this section, the licensee shall be held responsible for any violations
9 committed by the person using the vessel.

10 (5) (i) This paragraph applies only to a:

11 1. A licensee who has HELD A VALID TIDAL FISH LICENSE IN
12 EACH OF THE THREE IMMEDIATELY PRECEDING SEASONS; OR

13 2. AN AUTHORIZED REPRESENTATIVE OF A DECEASED
14 LICENSEE IF THE DECEASED LICENSEE held a valid tidal fish license in each of the
15 three immediately preceding seasons REGARDLESS OF THE NUMBER OF SEASONS
16 THE DECEASED LICENSEE HELD A VALID TIDAL FISH LICENSE.

17 (ii) The Department shall review and may approve a permanent
18 transfer of a license or authorization under this paragraph to a person who has:

19 1. A. Purchased a vessel used for commercial fishing from
20 the license holder; or

21 B. Purchased equipment and assets with a minimum value of
22 \$2,000 and the commercial fishing business from the license holder;

23 2. Been a crew member for at least 2 years in any commercial
24 fishery as certified by three tidal fish licensees;

25 3. Paid the fee for the license or authorization; and

26 4. Provided a notarized bill of sale.

27 (J-1) (1) AT THE TIME OF LICENSE RENEWAL, A LICENSEE WHO POSSESSES
28 THREE OR MORE AUTHORIZATIONS UNDER SUBSECTIONS (D)(2)(II)1 AND (D)(2)(II)2A
29 THROUGH E OF THIS SECTION, ONE OF WHICH IS A CRABBING AUTHORIZATION, MAY
30 RELINQUISH EACH AUTHORIZATION AND RECEIVE AN AUTHORIZATION UNDER
31 SUBSECTION (D)(2)(II)2F OF THIS SECTION.

32 (2) THE DEPARTMENT SHALL ADJUST THE NUMBER OF
33 AUTHORIZATIONS UNDER SUBSECTION (D)(2)(II) OF THIS SECTION TO REFLECT THE
34 NUMBER OF LICENSE CONVERSIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 June 1, 2000.

