

HOUSE BILL 1173

M2

2lr2255

By: **Delegates Gilchrist and Holmes**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Recreational and Commercial Fisheries – Funding and**
3 **Use of Funds**

4 FOR the purpose of requiring that certain appropriations for fishery management
5 purposes be allocated equitably between the recreational and commercial
6 fisheries; clarifying that the Fisheries Research and Development Fund consists
7 in part of funds derived from certain surcharges; requiring the Department of
8 Natural Resources to use money in the Fund in a certain manner; repealing
9 certain annual surcharges for tidal fish license authorizations for oysters and
10 striped bass; requiring the Department in consultation with certain entities to
11 adopt regulations establishing certain annual surcharges on certain license
12 authorizations; requiring the Department to modify certain fishing seasons and
13 close certain fisheries if certain revenue does not meet a certain threshold;
14 excluding certain revenue and costs from the calculation to determine whether a
15 certain threshold has been met; requiring the Department to use funds from
16 surcharges on certain fisheries only for fishery management in the fishery from
17 which the funds were derived; and generally relating to funding for, and the use
18 of funds on behalf of, the recreational and commercial fisheries.

19 BY adding to

20 Article – Natural Resources
21 Section 4–205(m) and 4–701(e)(1)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2011 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – Natural Resources
26 Section 4–209(a), (b), and (c) and 4–701(d)
27 Annotated Code of Maryland
28 (2005 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Natural Resources
3 Section 4–209(f), (g), and (i) and 4–701(e)(2) and (o)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2011 Supplement)

6 BY repealing
7 Article – Natural Resources
8 Section 4–701(e)(1)
9 Annotated Code of Maryland
10 (2005 Replacement Volume and 2011 Supplement)

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

13 **Article – Natural Resources**

14 4–205.

15 **(M) EXCEPT FOR ANY APPROPRIATION MADE FOR AQUACULTURE, AN**
16 **APPROPRIATION FROM THE GENERAL FUND MADE FOR FISHERY MANAGEMENT**
17 **PURPOSES SHALL BE ALLOCATED EQUITABLY BETWEEN THE RECREATIONAL**
18 **AND COMMERCIAL FISHERIES.**

19 4–209.

20 (a) In this section, “Fund” means the Fisheries Research and Development
21 Fund.

22 (b) There is a Fisheries Research and Development Fund in the Department.

23 (c) The purpose of the Fund is to:

24 (1) Finance the replenishment of fisheries resources and related
25 research; and

26 (2) Match federal funds available for research and development of
27 fisheries resources.

28 (f) The Fund consists of:

29 (1) Any money received under this title for:

30 (i) Commercial licenses, **SURCHARGES**, and permits;

- 1 (ii) Service fees, taxes, and royalties paid to the State for oyster
2 shells and clam shells removed from the bottom beneath the tidal waters of the State;
- 3 (iii) The sale of seed oysters under § 4–1103 of this title; and
- 4 (iv) Any fine or forfeiture collected under § 4–1202 of this title;
- 5 (2) Any investment earnings of the Fund;
- 6 (3) Money received from any other source; and
- 7 (4) Money appropriated from the General Fund of the State in
8 accordance with subsection (j) of this section.
- 9 (g) Subject to §§ 4–205.2, 4–701(o), 4–1020, 4–1028, and 4–1035 of this title,
10 the Fund may be used for:
- 11 (1) Replenishing fisheries resources and related research;
- 12 (2) Matching federal funds available for research and development of
13 fisheries resources; and
- 14 (3) Administrative costs calculated in accordance with § 1–103(b)(2) of
15 this article.
- 16 (i) **(1)** Expenditures from the Fund may be made only in accordance with
17 the State budget.
- 18 **(2) THE DEPARTMENT SHALL USE MONEY DISTRIBUTED TO THE**
19 **FUND:**
- 20 **(I) UNDER SUBSECTION (F)(1)(I) OF THIS SECTION ONLY**
21 **FOR THE MANAGEMENT OF THE COMMERCIAL FISHERY; AND**
- 22 **(II) UNDER § 4–745(B)(4)(I) OF THIS TITLE ONLY FOR THE**
23 **MANAGEMENT OF THE RECREATIONAL FISHERY.**
- 24 4–701.
- 25 (d) (1) The Department may issue no more than one authorization to a
26 person to engage in each activity under paragraph (2)(ii)1 and 2 of this subsection
27 during a license year.
- 28 (2) (i) On a tidal fish license, the Department may issue an
29 authorization for any of the following activities for which the indicated fee has been
30 paid.

1 (ii) The following annual fees for an authorization shall apply
2 regardless of when the license is issued or an activity is authorized:

3 1. To provide services as:

4 A. A fishing guide in the tidal waters of Maryland – \$50
5 for a resident and \$100 for a nonresident; and

6 B. A master fishing guide, in addition to the fee under
7 item A of this item – \$50 per vessel

8 2. To catch for sale fish with equipment which is legal
9 under this title:

10 A. Finfish:

11 I. Hook and line only, anywhere: \$37.50

12 II. All other equipment: \$100

13 B. Crabs:

14 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds,
15 and scrapes: \$50

16 II. Over 50 pots, plus any other gear listed in item I of
17 this sub-sub-subparagraph: \$150

18 C. Clams – \$100

19 D. Oysters – \$250 for a dredge boat and \$50 for other
20 than a dredge boat

21 E. Conch, turtles, and lobster – \$50

22 F. For all activities in item 1A of this subparagraph and
23 in items A through E of this item, unlimited tidal fish – \$300

24 3. For one or two crew members employed under § 4–814
25 of this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of
26 this paragraph with more than 300 pots, the licensee shall pay \$20 for each crew
27 member.

28 4. Except for a licensee dealing in his own catch, for a
29 person to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal
30 waters of Maryland, seafood dealer – \$150

1 5. For a person who is not licensed under this section to
2 land fish caught in out-of-state tidal waters, seafood landing – \$150

3 (e) [(1) To catch striped bass for sale:

4 (i) A licensee authorized under subsection (d)(2)(ii)2A of this
5 section shall pay an annual surcharge of \$200; or

6 (ii) A licensee authorized under subsection (d)(2)(ii)2F of this
7 section shall pay with the license fee an annual surcharge of \$100.]

8 **(1) (I) ON OR BEFORE JULY 1, 2013, AND EACH JULY 1**
9 **THEREAFTER, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH**
10 **INDIVIDUAL ANNUAL SURCHARGES ON CLAM, CRAB, OYSTER, AND STRIPED BASS**
11 **AUTHORIZATIONS IN AMOUNTS THAT ENSURE FOR THE NEXT LICENSE YEAR**
12 **THAT THE TOTAL AMOUNT OF PROJECTED REVENUE FROM EACH**
13 **AUTHORIZATION, IN ADDITION TO REVENUE RECEIVED BY THE DEPARTMENT**
14 **FOR THE MANAGEMENT OF THE RESPECTIVE FISHERIES FROM THE FISHERIES**
15 **RESEARCH AND DEVELOPMENT FUND, FEDERAL FUNDS, STATE**
16 **REIMBURSABLE FUNDS, AND OTHER GRANTS, IS AT LEAST 90 PERCENT OF ALL**
17 **OPERATING COSTS FOR THE MANAGEMENT OF THE RESPECTIVE FISHERIES.**

18 **(II) THE DEPARTMENT SHALL MODIFY FISHING SEASONS**
19 **OR CLOSE FISHERIES FOR THE CLAM, CRAB, OYSTER, OR STRIPED BASS**
20 **FISHERIES AS NECESSARY IF THE TOTAL AMOUNT OF PROJECTED REVENUE FOR**
21 **ANY OF THE RESPECTIVE FISHERIES DOES NOT MEET THE 90 PERCENT**
22 **THRESHOLD ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

23 **(III) THE CALCULATION TO DETERMINE WHETHER THE 90**
24 **PERCENT THRESHOLD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH HAS**
25 **BEEN MET MAY NOT INCLUDE REVENUE GENERATED FROM OR THE OPERATING**
26 **COSTS FOR AQUACULTURE.**

27 **(IV) THE DEPARTMENT SHALL ADOPT THE REGULATIONS**
28 **REQUIRED UNDER THIS PARAGRAPH IN CONSULTATION WITH THE TIDAL**
29 **FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY**
30 **COMMISSION.**

31 (2) (i) A person may not catch oysters for sale without:

32 1. Possessing a valid license under this section; AND

33 2. [Paying an annual surcharge of \$300; and

1 3.] Certifying to the Department that the person received
2 the publications required under § 4-1006.2 of this title.

3 (ii) The Department shall use the surcharges collected under
4 this paragraph only for oyster repletion activities.

5 (o) The Department shall:

6 (1) Deposit to the credit of the Fisheries Research and Development
7 Fund all fees received for tidal fish licenses and apprenticeship permits; [and]

8 (2) Use the funds received from the sale of licenses to catch striped
9 bass for enforcement purposes during the open season for catching striped bass; AND

10 **(3) USE THE FUNDS RECEIVED FOR CLAM, CRAB, OYSTER, OR**
11 **STRIPED BASS SURCHARGES ASSESSED UNDER SUBSECTION (E) OF THIS**
12 **SECTION ONLY FOR FISHERY MANAGEMENT IN THE FISHERY FROM WHICH THE**
13 **FUNDS WERE DERIVED.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2012.