

HOUSE BILL 1241

M2

3lr1763
CF SB 525

By: **Delegates Jacobs and Wood**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Fishing – Sustainable Fisheries Enforcement Fund**

3 FOR the purpose of establishing the Sustainable Fisheries Enforcement Fund as a
4 special, nonlapsing fund; specifying the purpose of the Fund; requiring the
5 Department of Natural Resources to administer the Fund; requiring the State
6 Treasurer to hold the Fund and the Comptroller to account for the Fund;
7 specifying the contents of the Fund; specifying the purpose for which the Fund
8 may be used; providing for the investment of money in and expenditures from
9 the Fund; applying a certain surcharge to certain angler's licenses, commercial
10 fishing licenses, and recreational fishing licenses; requiring that a certain
11 surcharge be credited to the Sustainable Fisheries Enforcement Fund to finance
12 certain enforcement activities of the Natural Resources Police Force; defining a
13 certain term; providing for a delayed effective date; and generally relating to the
14 Sustainable Fisheries Enforcement Fund.

15 BY adding to

16 Article – Natural Resources
17 Section 1–211
18 Annotated Code of Maryland
19 (2012 Replacement Volume)

20 BY repealing and reenacting, without amendments,

21 Article – Natural Resources
22 Section 4–604(a) and 4–701(a) and (d)
23 Annotated Code of Maryland
24 (2012 Replacement Volume)

25 BY repealing and reenacting, with amendments,

26 Article – Natural Resources
27 Section 4–604(f), 4–701(e) and (p), and 4–745
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2012 Replacement Volume)

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

4 **Article – Natural Resources**

5 **1–211.**

6 **(A) IN THIS SECTION, “FUND” MEANS THE SUSTAINABLE FISHERIES**
7 **ENFORCEMENT FUND.**

8 **(B) THERE IS A SUSTAINABLE FISHERIES ENFORCEMENT FUND.**

9 **(C) THE PURPOSE OF THE FUND IS TO FINANCE THE ENFORCEMENT OF**
10 **FISHERIES LAWS AND REGULATIONS BY THE NATURAL RESOURCES POLICE**
11 **FORCE.**

12 **(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

13 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
14 **SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

15 **(2) THE STATE TREASURER SHALL HOLD THE FUND**
16 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

17 **(F) THE FUND CONSISTS OF:**

18 **(1) SURCHARGES ON FISHING LICENSES COLLECTED UNDER §§**
19 **4–604(F)(3), 4–701(E)(4), AND 4–745(A)(3) AND (D)(5) OF THIS ARTICLE.**

20 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

21 **(3) ANY INVESTMENT EARNINGS OF THE FUND; AND**

22 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
23 **FOR THE BENEFIT OF THE FUND.**

24 **(G) THE FUND MAY BE USED ONLY FOR:**

25 **(1) THE ENFORCEMENT OF FISHERIES LAWS AND REGULATIONS**
26 **BY THE NATURAL RESOURCES POLICE FORCE; AND**

1 **(2) ADMINISTRATIVE COSTS CALCULATED IN ACCORDANCE WITH**
2 **§ 1-103(B)(2) OF THIS TITLE.**

3 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
4 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

5 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE SHALL**
6 **BE PAID INTO THE SPECIAL FUND AND MAY NOT BE TRANSFERRED TO THE**
7 **GENERAL FUND OF THE STATE.**

8 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
9 **ACCORDANCE WITH THE STATE BUDGET.**

10 **(J) MONEY EXPENDED FROM THE FUND FOR ENFORCEMENT**
11 **ACTIVITIES OF THE NATURAL RESOURCES POLICE FORCE IS SUPPLEMENTAL**
12 **TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE**
13 **WOULD BE APPROPRIATED FOR ENFORCEMENT ACTIVITIES OF THE NATURAL**
14 **RESOURCES POLICE FORCE.**

15 4-604.

16 (a) This section provides a fund to pay the expense of protecting and
17 managing game and freshwater fish and preventing unauthorized persons from
18 fishing or attempting to fish for any game and freshwater fish without first procuring
19 an angler’s license.

20 (f) (1) The following annual license fees shall apply:

21 (i) Resident..... \$20.50

22 (ii) Subject to paragraph (2)(ii) of this subsection, short-term
23 license valid for 7 consecutive days from date of issuance..... \$7.50

24 (iii) Resident and nonresident blind persons..... No fee

25 (iv) Complimentary license No fee

26 (2) For a nonresident:

27 (i) The fee for an annual angler’s license is the greater of:

28 1. \$30.50; or

29 2. A fee equal to the fee charged a Maryland resident by
30 the nonresident’s home state for a similar license; and

1 (ii) The fee for a short-term license valid for 7 consecutive days
2 from the date of issuance is the greater of:

3 1. \$7.50; or

4 2. A fee equal to the fee charged a Maryland resident by
5 the nonresident's home state for a license that permits an equal number of days of
6 fishing or the next higher number of days as permitted by the Maryland license.

7 (iii) The fee for a short-term license valid for 3 consecutive days
8 from the date of issuance is the greater of:

9 1. \$5; or

10 2. A fee equal to the fee charged a Maryland resident by
11 the nonresident's home state for a license that permits an equal number of days of
12 fishing or the next higher number of days as permitted by the Maryland license.

13 **(3) IN ADDITION TO THE LICENSE FEES IMPOSED UNDER**
14 **PARAGRAPHS (1)(I) AND (II) AND (2) OF THIS SUBSECTION, A LICENSEE SHALL**
15 **PAY TO THE DEPARTMENT AN ANNUAL SURCHARGE OF \$10 TO BE CREDITED TO**
16 **THE SUSTAINABLE FISHERIES ENFORCEMENT FUND TO FINANCE**
17 **ENFORCEMENT ACTIVITIES OF THE NATURAL RESOURCES POLICE FORCE IN**
18 **ACCORDANCE WITH § 1-211 OF THIS ARTICLE.**

19 **[(3)] (4) (i) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
20 **SUBSECTION, ALL [All] fees collected by the Department under this section may only**
21 **be used in accordance with § 4-208 of this title.**

22 (ii) The Department shall publicly report annually the amounts
23 collected and the expenditures under this section.

24 4-701.

25 (a) This section applies to any person who is required under Subtitle 2, 7, 8,
26 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process,
27 transport, export, or otherwise deal in fish caught in tidal waters.

28 (d) (1) The Department may issue no more than one authorization to a
29 person to engage in each activity under paragraph (2)(i)1 and 2 of this subsection
30 during a license year.

31 (2) (i) On a tidal fish license, the Department may issue an
32 authorization for any of the following activities for which the indicated fee has been
33 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 (2) (i) A person may not catch oysters for sale without:

9 1. Possessing a valid license under this section;

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

11 3. Certifying to the Department that the person received
12 the publications required under § 4–1006.2 of this title.

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

15 (3) In addition to the normal license fees imposed under subsection
16 (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual
17 surcharge of \$10 to be credited to the Seafood Marketing Office of the Department to
18 fund seafood marketing programs which have been approved by the Department.

19 **(4) IN ADDITION TO THE LICENSE FEES IMPOSED UNDER**
20 **SUBSECTION (D)(2)(II)1 AND 2 OF THIS SECTION, A LICENSEE SHALL PAY TO THE**
21 **DEPARTMENT AN ANNUAL SURCHARGE OF \$10 TO BE CREDITED TO THE**
22 **SUSTAINABLE FISHERIES ENFORCEMENT FUND TO FINANCE ENFORCEMENT**
23 **ACTIVITIES OF THE NATURAL RESOURCES POLICE FORCE IN ACCORDANCE**
24 **WITH § 1–211 OF THIS ARTICLE.**

25 **[(4)] (5)** (i) 1. In this paragraph, “fishing activities” means
26 those activities that are directly related to catching fish.

27 2. “Fishing activities” does not include the activities of
28 buying, selling, processing, transporting, exporting, or similarly dealing in fish.

29 (ii) The Department shall assess annually on every nonresident
30 license applicant for the applicant’s fishing activities under Subtitles 7, 8, and 9 of this
31 title, in addition to the normal license fees imposed by this subsection, a surcharge
32 which cumulatively for the license year, shall be the greater of:

1 1. An amount equal to the difference between the total
2 fees charged to a Maryland resident engaged in like fishing activities in the state of
3 residence of the nonresident applicant and the total of normal license fees for fishing
4 activities in Maryland; or

5 2. \$350.

6 (p) [The] **EXCEPT AS PROVIDED IN SUBSECTION (E)(4) OF THIS**
7 **SECTION, THE** Department shall:

8 (1) Deposit to the credit of the Fisheries Research and Development
9 Fund all fees received for tidal fish licenses, authorizations, and permits under this
10 section; and

11 (2) Use the funds received from the sale of striped bass surcharges for
12 striped bass management and enforcement purposes.

13 4-745.

14 (a) (1) Except as provided in subsections (c) and (d) of this section and §
15 4-217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its
16 tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the
17 Atlantic coastal bays and their tributaries without first obtaining a Chesapeake Bay
18 and coastal sport fishing license or registration issued under subsection (d)(3) of this
19 section and possessing evidence of the license or registration.

20 (2) The license may be obtained from the Department or from any
21 authorized agent of the Department. The following annual license fees shall apply:

22 (i) Resident \$15

23 (ii) Short-term resident license valid for 7 consecutive days
24 from date of issue\$6

25 (iii) For a short-term nonresident license valid for 7 consecutive
26 days from date of issue\$12

27 (iv) Nonresident \$22.50

28 (v) Resident and nonresident blind persons No fee

29 (vi) Complimentary license under subsection (e) of this
30 sectionNo fee

31 **(3) IN ADDITION TO THE LICENSE FEES IMPOSED UNDER**
32 **PARAGRAPH (2)(I) THROUGH (IV) OF THIS SUBSECTION, A LICENSEE SHALL PAY**

1 **TO THE DEPARTMENT AN ANNUAL SURCHARGE OF \$10 TO BE CREDITED TO THE**
2 **SUSTAINABLE FISHERIES ENFORCEMENT FUND TO FINANCE ENFORCEMENT**
3 **ACTIVITIES OF THE NATURAL RESOURCES POLICE FORCE IN ACCORDANCE**
4 **WITH § 1-211 OF THIS ARTICLE.**

5 ~~[(3)]~~ (4) Every Chesapeake Bay and coastal sport fishing license and
6 registration shall be valid for not more than 1 year and shall expire on December 31.

7 ~~[(4)]~~ (5) An applicant for a license issued under this section shall
8 provide all the information requested by the Department on forms issued by the
9 Department.

10 (b) (1) The Department may designate a person engaged in a commercial
11 enterprise to sell the Chesapeake Bay and coastal sport fishing license or issue a
12 registration under subsection (d) of this section as an agent under the Department's
13 control and supervision.

14 (2) (i) As compensation, the agent shall retain \$1 for each license
15 issued.

16 (ii) There is no agent compensation for each registration issued.

17 (3) The Chesapeake Bay and coastal sport fishing license shall be
18 furnished to an agent upon satisfactory payment or upon consignment and only if the
19 Department is given adequate security to insure ultimate payment by an agent to the
20 Department for the licenses.

21 (4) (i) Except as provided in [subparagraph] **SUBPARAGRAPHS**
22 **(ii) AND (IV)** of this paragraph, all fees collected on behalf of the Department pursuant
23 to this section shall be remitted to the Department in accordance with its rules and
24 regulations for deposit with the State Treasurer to the credit of the Fisheries Research
25 and Development Fund to be used for the replenishment, protection, and conservation
26 of fish stocks caught by recreational fishermen, for enhancement of recreational
27 fishing opportunities, and for research concerning tidal fishery resources. The
28 Department shall publicly report annually the amounts collected and the
29 expenditures.

30 (ii) In fiscal year 1999 and in each subsequent fiscal year, the
31 Department, for the purposes set forth in subparagraph (iii) of this paragraph, shall
32 use:

33 1. \$2 from the sale of each license under subsection (a) of
34 this section;

35 2. \$20 from the sale of each license under subsection
36 (d)(2) of this section; and

- 1 (iii) Is on leave from the armed forces; and
- 2 (iv) Has, while fishing, a copy of the person's official leave
3 orders;
- 4 (6) Fishes on a free fishing day designated by the Secretary;
- 5 (7) Holds a current resident consolidated senior sport fishing license
6 issued under § 4-216 of this title;
- 7 (8) Holds a current registration issued under subsection (d)(3) of this
8 section; or
- 9 (9) Is fishing on a commercial fishing pier licensed under subsection
10 (d)(4) of this section.
- 11 (d) (1) The Department may provide by regulation for issuance of a
12 special charter boat license that would be valid for all individuals on a charter boat
13 operated by a licensed fishing guide in tidal waters of the State. The fee shall be:
- 14 (i) For 6 fishermen or less \$240.
- 15 (ii) For 7 or more fishermen \$290.
- 16 (2) (i) The Department may provide by regulation for issuance of
17 an annual special Chesapeake Bay and coastal sport fishing license, which when
18 permanently affixed to a boat registered in any state shall authorize any person on the
19 boat to fish for finfish in the Chesapeake Bay or in its tributaries up to tidal
20 boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and
21 their tributaries, except that such a license may not be used on a boat that has been
22 hired to take such persons fishing.
- 23 (ii) The annual fee for this special license shall be \$50.
- 24 (iii) If a boat owner purchases the special license under this
25 paragraph, the boat owner may fish anywhere in the Chesapeake Bay and its
26 tributaries or the State waters of the Atlantic Ocean and the Atlantic coastal bays and
27 their tributaries, whether the boat owner is fishing in the owner's boat, in another
28 person's boat, on land, or elsewhere. The Department shall issue a complimentary
29 Chesapeake Bay and coastal sport fishing license to the boat owner who purchases a
30 special license under this paragraph. If a boat to which the special license is affixed
31 has more than one owner, then only the individual applicant who signs the application
32 for the special license shall be entitled to a complimentary Chesapeake Bay and
33 coastal sport fishing license under this paragraph.

1 (3) (i) An individual shall register with the Department before
2 fishing in any of the following areas that do not require a Chesapeake Bay and coastal
3 sport fishing license:

4 1. A free fishing area established under § 4-214(b)(1) of
5 this title with hook and line;

6 2. On private real property bordering on tidal water as
7 an owner or tenant of the property, or a spouse or an immediate family member who
8 resides on the property with the owner or tenant; and

9 3. On a boat licensed under paragraph (2) of this
10 subsection.

11 (ii) There is no fee for registration under this paragraph.

12 (iii) An individual required to register under this paragraph
13 shall provide all the information requested by the Department on forms issued by the
14 Department.

15 (4) (i) 1. The Department may provide by regulation for the
16 issuance of a special commercial fishing pier license that is valid for all individuals
17 fishing from the pier in tidal waters of the State.

18 2. The annual fee for the special commercial fishing pier
19 license shall be \$290.

20 (ii) Individuals fishing from a licensed commercial fishing pier
21 are exempt from purchasing a Chesapeake Bay and coastal sport fishing license.

22 (iii) 1. The owner or operator of a licensed commercial
23 fishing pier shall maintain a log of the contact information of the persons fishing from
24 that structure each day.

25 2. The logs required under subparagraph 1 of this
26 subparagraph must be submitted electronically as prescribed or approved by the
27 Department.

28 **(5) IN ADDITION TO THE LICENSE FEES IMPOSED UNDER**
29 **PARAGRAPHS (1), (2), AND (4) OF THIS SUBSECTION, A LICENSEE SHALL PAY TO**
30 **THE DEPARTMENT AN ANNUAL SURCHARGE OF \$10 TO BE CREDITED TO THE**
31 **SUSTAINABLE FISHERIES ENFORCEMENT FUND TO FINANCE ENFORCEMENT**
32 **ACTIVITIES OF THE NATURAL RESOURCES POLICE FORCE IN ACCORDANCE**
33 **WITH § 1-211 OF THIS ARTICLE.**

1 (e) (1) In this subsection, “former prisoner of war” means a person who,
2 while serving in the active military, naval, or air service of the United States, was
3 forcibly detained or interned in the line of duty by an enemy government or its agents,
4 or a hostile force, during a period of armed conflict.

5 (2) The Department may issue a lifetime complimentary Chesapeake
6 Bay and coastal sport fishing license to any Maryland resident who certifies that the
7 resident is a former prisoner of war or a 100% service connected disabled American
8 veteran.

9 (3) A complimentary license is not transferable and shall be issued on
10 forms the Department designates.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 December 1, 2013.