

Chapter 101

(House Bill 120)

AN ACT concerning

Department of Agriculture – Seafood and Aquaculture Product Marketing

FOR the purpose of transferring the Seafood Marketing and Aquaculture Development Program, the Seafood Marketing Fund, the Seafood Program Management Team, the Innovative Seafood Technologies Program, and the Seafood Marketing Advisory Commission from the Department of Natural Resources to the Department of Agriculture; renaming a certain program; eliminating a certain division; renaming the Seafood Marketing Fund to be the Seafood and Aquaculture Products Marketing Fund; establishing the Seafood and Aquaculture Products Marketing Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Secretary of Agriculture to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; limiting the authorized uses of certain annual surcharges paid by certain tidal fish licensees and credited to the ~~Seafood Marketing~~ Fund; clarifying certain roles of certain agencies related to aquaculture in the State; defining a certain term; making conforming changes; and generally relating to seafood and aquaculture marketing and management.

BY transferring

Article – Natural Resources

Section 4–11B–01 and 4–11B–02 and the subtitle “Subtitle 11B. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 4–11C–01 and the subtitle “Subtitle 11C. Seafood Program Management Team”; 4–11D–01 and the subtitle “Subtitle 11D. Innovative Seafood Technologies Program”; and 4–11E–01 and the subtitle “Subtitle 11E. Seafood Marketing Advisory Commission”, respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

to be

Article – Agriculture

Section 10–1001 and 10–1002 and the subtitle “Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 10–10A–01 and the subtitle “Subtitle 10A. Seafood Program Management Team”; 10–10B–01 and the subtitle “Subtitle 10B. Innovative Seafood Technologies Program”; and 10–1101 and the subtitle “Subtitle 11. Seafood Marketing Advisory Commission”, respectively

Annotated Code of Maryland

(2016 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Agriculture
 Section 2–106(a)
 Annotated Code of Maryland
 (2016 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Agriculture
 Section 10–1001 and 10–1002 to be under the amended subtitle “Subtitle 10. Seafood and Aquaculture Products Marketing Program”; and 10–1101(l)
 Annotated Code of Maryland
 (2016 Replacement Volume)
 (As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article – Natural Resources
 Section 4–701(g)(2) and 4–11A–03
 Annotated Code of Maryland
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4–11B–01 and 4–11B–02 and the subtitle “Subtitle 11B. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 4–11C–01 and the subtitle “Subtitle 11C. Seafood Program Management Team”; 4–11D–01 and the subtitle “Subtitle 11D. Innovative Seafood Technologies Program”; and 4–11E–01 and the subtitle “Subtitle 11E. Seafood Marketing Advisory Commission”, respectively, of Article – Natural Resources of the Annotated Code of Maryland be transferred to be Section(s) 10–1001 and 10–1002 and the subtitle “Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 10–10A–01 and the subtitle “Subtitle 10A. Seafood Program Management Team”; 10–10B–01 and the subtitle “Subtitle 10B. Innovative Seafood Technologies Program”; and 10–1101 and the subtitle “Subtitle 11. Seafood Marketing Advisory Commission”, respectively, of Article – Agriculture of the Annotated Code of Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

2–106.

- (a) The following positions and units are included within the Department:
- (1) The Maryland Agricultural Fair Board;
 - (2) The Chief of Weights and Measures;

- (3) The State Chemist;
- (4) The State Veterinarian;
- (5) The State Board of Veterinary Medical Examiners;
- (6) The State Soil Conservation Committee;
- (7) The Maryland Agricultural Commission;
- (8) The Maryland Horse Industry Board; [and]
- (9) The Maryland Winery and Grape Growers' Advisory Board; **AND**
- (10) THE SEAFOOD MARKETING ADVISORY COMMISSION.**

Subtitle 10. Seafood [Marketing and Aquaculture Development Program and Division of Market Development] **AND AQUACULTURE PRODUCTS MARKETING PROGRAM.**

10-1001.

(a) There is a Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS MARKETING** Program [and a Division of Market Development].

(b) The Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS MARKETING** Program [and Division of Market Development] shall be part of the Department.

(c) The Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS MARKETING** Program [and Division of Market Development] shall have the powers, duties, responsibilities, and functions provided in the laws of this State.

10-1002.

(A) IN THIS SECTION, "FUND" MEANS THE SEAFOOD AND AQUACULTURE PRODUCTS MARKETING FUND.

~~(a)~~ **(B)** There is a Seafood AND AQUACULTURE PRODUCTS Marketing Fund.

(C) THE PURPOSE OF THE FUND IS TO FACILITATE THE MARKETING OF SEAFOOD AND AQUACULTURE PRODUCTS.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

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

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

~~(F)~~ **(F)** The Fund may receive proceeds from activities conducted by the Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS MARKETING** Program. These activities may include cookbook sales, poster sales, seafood festivals, and similar activities.

(G) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 4-701 OF THE NATURAL RESOURCES ARTICLE;

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

(3) PROCEEDS FROM ACTIVITIES CONDUCTED BY THE SEAFOOD AND AQUACULTURE PRODUCTS MARKETING PROGRAM; AND

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

(H) THE FUND MAY BE USED ONLY FOR EXPENSES RELATED TO SEAFOOD AND AQUACULTURE MARKETING.

~~(I)~~ **(I)** The Secretary shall adopt regulations to administer the ~~Seafood Marketing~~ Fund.

10-1101.

(I) The Commission shall assist the Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS MARKETING** Program [and the Division of Market Development] in the Department [of Agriculture] in:

(1) Promoting increased consumption and distribution of Maryland seafood; and

(2) Seeking efficient methods to reduce cost and improve the quality and marketability of Maryland seafood.

Article – Natural Resources

4-701.

(g) (2) In addition to the normal license fees imposed under subsection (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual surcharge in the following amounts to be credited to the Seafood **AND AQUACULTURE PRODUCTS** Marketing [Office of the Department to fund seafood marketing programs which have been approved by the Department] ~~FUND ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE TO FUND ONLY THE MARKETING OF WILD CAUGHT SEAFOOD ESTABLISHED UNDER § 10-1002 OF THE AGRICULTURE ARTICLE:~~

(i) **TO FUND ONLY THE MARKETING OF WILD-CAUGHT SEAFOOD**, \$20 for a licensee authorized under subsection (d)(2)(ii)1, 2, 3, or 5 of this section, if the licensee is not also authorized under subsection (d)(2)(ii)4 of this section; or

(ii) **TO FUND ONLY THE MARKETING OF WILD-CAUGHT SEAFOOD AND AQUACULTURE PRODUCTS**, \$50 for a licensee authorized under subsection (d)(2)(ii)4 of this section, regardless of whether the licensee is also authorized under subsection (d)(2)(ii)1, 2, 3, or 5 of this section.

4-11A-03.

(a) (1) The General Assembly defines aquaculture as an agricultural and fisheries management activity.

(2) "Aquaculture" includes the commercial rearing of finfish, shellfish, and aquatic plants for sale, trade, barter, or shipment.

(b) It is the intent of the General Assembly to create:

(1) An Aquaculture Review Board and an Aquaculture Coordinating Council to promote the development of an aquaculture industry in this State; and

(2) An Aquaculture Coordinator, employed by the Department, to assist persons in obtaining the permits and licenses necessary to conduct aquaculture in the State.

(c) The Department is the lead agency for:

(1) [Promoting, coordinating, and marketing] **THE DEVELOPMENT AND OVERALL MANAGEMENT OF** aquaculture and aquaculture products;

(2) Coordinating and streamlining the process of applying for a State aquaculture permit; [and]

(3) Enforcing laws, regulations, and rules **RELATED TO AQUACULTURE;**
AND

**(4) IDENTIFYING ECONOMIC DEVELOPMENT OPPORTUNITIES
RELATED TO AQUACULTURE.**

(d) The University System of Maryland is the lead agency for research in aquaculture production and shall be responsible for development of education and extension programs which promote aquaculture as an industry.

**(E) THE DEPARTMENT OF AGRICULTURE IS THE LEAD AGENCY FOR THE
MARKETING OF AQUACULTURE PRODUCTS.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.