

HOUSE BILL 120

M4

7lr0114

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Agriculture)**

Introduced and read first time: January 18, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Agriculture – Seafood and Aquaculture Product Marketing**

3 FOR the purpose of transferring the Seafood Marketing and Aquaculture Development
4 Program, the Seafood Marketing Fund, the Seafood Program Management Team,
5 the Innovative Seafood Technologies Program, and the Seafood Marketing Advisory
6 Commission from the Department of Natural Resources to the Department of
7 Agriculture; renaming a certain program; eliminating a certain division; limiting the
8 authorized uses of certain annual surcharges paid by certain tidal fish licensees and
9 credited to the Seafood Marketing Fund; clarifying certain roles of certain agencies
10 related to aquaculture in the State; making conforming changes; and generally
11 relating to seafood and aquaculture marketing and management.

12 BY transferring

13 Article – Natural Resources

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

20 Annotated Code of Maryland

21 (2012 Replacement Volume and 2016 Supplement)

22 to be

23 Article – Agriculture

24 Section 10–1001 and 10–1002 and the subtitle “Subtitle 10. Seafood Marketing and
25 Aquaculture Development Program and Division of Market Development”;
26 10–10A–01 and the subtitle “Subtitle 10A. Seafood Program Management
27 Team”; 10–10B–01 and the subtitle “Subtitle 10B. Innovative Seafood
28 Technologies Program”; and 10–1101 and the subtitle “Subtitle 11. Seafood
29 Marketing Advisory Commission”, respectively

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2016 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – Agriculture
5 Section 2–106(a)
6 Annotated Code of Maryland
7 (2016 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article – Agriculture
10 Section 10–1001 and 10–1002 to be under the amended subtitle “Subtitle 10. Seafood
11 and Aquaculture Products Marketing Program”; and 10–1101(l)
12 Annotated Code of Maryland
13 (2016 Replacement Volume)
14 (As enacted by Section 1 of this Act)

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 4–701(g)(2) and 4–11A–03
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2016 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That Section(s) 4–11B–01 and 4–11B–02 and the subtitle “Subtitle 11B. Seafood Marketing
22 and Aquaculture Development Program and Division of Market Development”; 4–11C–01
23 and the subtitle “Subtitle 11C. Seafood Program Management Team”; 4–11D–01 and the
24 subtitle “Subtitle 11D. Innovative Seafood Technologies Program”; and 4–11E–01 and the
25 subtitle “Subtitle 11E. Seafood Marketing Advisory Commission”, respectively, of Article
26 – Natural Resources of the Annotated Code of Maryland be transferred to be Section(s)
27 10–1001 and 10–1002 and the subtitle “Subtitle 10. Seafood Marketing and Aquaculture
28 Development Program and Division of Market Development”; 10–10A–01 and the subtitle
29 “Subtitle 10A. Seafood Program Management Team”; 10–10B–01 and the subtitle “Subtitle
30 10B. Innovative Seafood Technologies Program”; and 10–1101 and the subtitle “Subtitle 11.
31 Seafood Marketing Advisory Commission”, respectively, of Article – Agriculture of the
32 Annotated Code of Maryland.

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

35 **Article – Agriculture**

36 2–106.

37 (a) The following positions and units are included within the Department:

38 (1) The Maryland Agricultural Fair Board;

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

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

12 10–1001.

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

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

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

23 10–1002.

24 (a) There is a Seafood Marketing Fund.

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

1 (c) The Secretary shall adopt regulations to administer the Seafood Marketing
2 Fund.

3 10–1101.

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

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

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

11 **Article – Natural Resources**

12 4–701.

13 (g) (2) In addition to the normal license fees imposed under subsection
14 (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual surcharge
15 in the following amounts to be credited to the Seafood Marketing [Office of the Department
16 to fund seafood marketing programs which have been approved by the Department] **FUND**
17 **ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE TO FUND ONLY THE**
18 **MARKETING OF WILD–CAUGHT SEAFOOD:**

19 (i) \$20 for a licensee authorized under subsection (d)(2)(ii)1, 2, 3, or
20 5 of this section, if the licensee is not also authorized under subsection (d)(2)(ii)4 of this
21 section; or

22 (ii) \$50 for a licensee authorized under subsection (d)(2)(ii)4 of this
23 section, regardless of whether the licensee is also authorized under subsection (d)(2)(ii)1, 2,
24 3, or 5 of this section.

25 4–11A–03.

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

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

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

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

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

6 (c) The Department is the lead agency for:

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

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

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

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

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

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2017.