

SENATE BILL 112

M2

8lr0091

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Natural Resources)**

Requested: September 20, 2017

Introduced and read first time: January 10, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: January 19, 2018

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Tidal Fish Licenses**

3 FOR the purpose of authorizing the Department of Natural Resources to issue a tidal fish
4 license authorization to a person to catch crabs of the genus *Cancer* for a certain
5 annual fee; lifting a restriction on the designation of a tidal fish license death
6 beneficiary to allow a beneficiary to be designated at any time rather than only at
7 the time of issuance of the license; making certain conforming changes; making a
8 technical correction; and generally relating to tidal fish licenses.

9 BY repealing and reenacting, without amendments,
10 Article – Natural Resources
11 Section 4-701(a) and (k)(1)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 4-701(b), (d), and (k)(4) and 4-736(b)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2017 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Natural Resources**

2 4–701.

3 (a) Except as provided in § 4–701.1 of this subtitle, this section applies to any
4 person who is required under Subtitle 2, 7, 8, 9, or 10 of this title to be licensed to guide
5 fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal in fish
6 caught in tidal waters.

7 (b) (1) Except as provided in § 4–701.1 of this subtitle, the Department shall
8 utilize a single, commercial license, to be known and designated as a tidal fish license.

9 (2) A tidal fish license authorizes a licensee:

10 (i) To engage in each activity indicated on the license; and

11 (ii) For catching **BLUE** crabs, to utilize the number of crew members
12 authorized under § 4–814 of this title.

13 (3) Except for a person receiving a license as a beneficiary of a deceased
14 licensee under subsection (k)(4)(i) of this section, the Department may not issue a tidal fish
15 license to an individual who is younger than 14 years of age.

16 (4) A person may not guide fishing parties or catch, sell, buy, process,
17 transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this
18 section.

19 (d) (1) The Department may issue no more than one authorization to a person
20 to engage in each activity under paragraph (2)(ii)1 and 2 of this subsection during a license
21 year.

22 (2) (i) On a tidal fish license, the Department may issue an
23 authorization for any of the following activities for which the indicated fee has been paid.

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

26 1. To provide services as:

27 A. A fishing guide in the tidal waters of Maryland – \$100 for
28 a resident and \$200 for a nonresident; and

29 B. A master fishing guide, in addition to the fee under item
30 A of this item – \$100 per vessel

31 2. To catch for sale fish with equipment which is legal under

1 this title:

- 2 A. Finfish:
- 3 I. Hook and line only, anywhere: \$100
- 4 II. All other equipment: \$150
- 5 B. [Crabs] **BLUE CRABS**:
- 6 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and
7 scrapes: \$100
- 8 II. Over 50 pots, plus any other gear listed in item I of this
9 subsubsubparagraph: \$150
- 10 C. Clams – \$100
- 11 D. Oysters – \$250 for a dredge boat and \$100 for other than
12 a dredge boat
- 13 E. Conch, turtles, [and] lobster, **AND ALL CRABS OF THE**
14 **GENUS CANCER** – \$100
- 15 F. For all activities in item 1A of this subparagraph and in
16 items A through E of this item, unlimited tidal fish – \$300
- 17 3. For one or two crew members employed under § 4–814 of
18 this title to enable a licensee to catch **BLUE** crabs under subparagraph (ii)2BII and F of this
19 paragraph with more than 300 pots, the licensee shall pay an additional:
- 20 A. \$100 for up to 600 pots total per vessel; or
- 21 B. \$150 for up to 900 pots total per vessel.
- 22 4. For a person to buy, process, pack, resell, market or
23 otherwise deal in fish caught in the tidal waters of Maryland, seafood dealer:
- 24 A. \$50 for a person licensed under item 2 of this
25 subparagraph or § 4–701.1 of this subtitle; or
- 26 B. \$250 for a person not licensed under item 2 of this
27 subparagraph.
- 28 5. For a person who is not licensed under this section to land
29 fish caught in out-of-state tidal waters, seafood landing – \$350

1 (k) (1) A license or authorization may be transferred only under the provisions
2 of this subsection.

3 (4) (i) On the death of a licensee, the Department shall review and may
4 approve the permanent transfer of a license or authorization to the person indicated on the
5 beneficiary form submitted by the deceased licensee [at the time of issuance on the license].

6 (ii) The personal representative of the estate of the deceased licensee
7 may retain the license or authorization for 2 years from the date of appointment as personal
8 representative if:

9 1. The deceased licensee did not indicate a license
10 beneficiary;

11 2. The Department determines that the license beneficiary is
12 not qualified to receive the license or authorization; or

13 3. The license beneficiary does not accept the license or
14 authorization.

15 (iii) On appointment, the personal representative shall notify the
16 Department of the appointment and the intent to retain the license or authorization.

17 (iv) A license or authorization retained under this paragraph may be
18 renewed annually as required by this title.

19 (v) Before the end of the 2-year period, the personal representative
20 may submit a completed transfer application to transfer the license or authorization to a
21 qualified individual.

22 (vi) If a license or authorization is not transferred under
23 subparagraph (i) of this paragraph, and a transfer application is not submitted under
24 subparagraph (ii) of this paragraph, the license or authorization is void.

25 (vii) A person may not operate under the license or authorization of
26 the deceased licensee without approval of the application by the Department.

27 4-736.

28 (b) (1) A person may not catch eels for sale with pots or other devices in the
29 tidal waters of the State without first obtaining a tidal fish license to catch finfish for
30 commercial purposes from the Department.

31 (2) A licensee who is authorized to catch **BLUE** crabs under this [section]
32 **SUBTITLE** may use up to 50 pots to catch eels for personal use as crab trotline bait without
33 obtaining an authorization to catch finfish.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.