

# SENATE BILL 7

M2

(9lr0022)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environment and Transportation* —

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

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources – Regulation and Use of Commercial Finfish Trotlines** ~~Trotlines~~

3 ~~Repeal of Sunset and License Establishment Gear~~

4 FOR the purpose of repealing the termination provision for certain provisions of law  
5 governing the regulation and use of commercial finfish trotlines; *repealing a*  
6 *provision of law prohibiting the installation, setting, operation, or maintenance of*  
7 *monofilament gill nets in the Chesapeake Bay to catch fish; prohibiting a person from*  
8 *using a monofilament gill net to catch fish, subject to a certain exception; authorizing*  
9 *the Department of Natural Resources to adopt regulations authorizing the use of a*  
10 *monofilament gill net to catch fish; establishing a commercial blue and flathead*  
11 *catfish finfish trotline license; authorizing a licensee to catch for sale blue and*  
12 *flathead catfish in certain waters of the State using a certain finfish trotline;*  
13 *requiring a licensee to fish in accordance with certain regulations; establishing the*  
14 *application process for the license; establishing that an applicant for the license does*

---

### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 not need to hold a certain tidal fish license; establishing the term of the license;  
 2 establishing a certain annual fee for the license; prohibiting a licensee from  
 3 transferring the license; requiring a licensee to have the license in the licensee's  
 4 possession at certain times; *authorizing a licensed seafood dealer to deal in blue and*  
 5 *flathead catfish caught under the license; making conforming changes; providing for*  
 6 *the termination of certain provisions of this Act;* and generally relating to the  
 7 regulation and use of commercial finfish ~~trotlines~~ gear.

8 BY repealing and reenacting, without amendments,

9 Article – Natural Resources

10 Section 4–221 and 4–710(h)

11 Annotated Code of Maryland

12 (2018 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Chapter 86 of the Acts of the General Assembly of 2016

15 Section 2

16 BY repealing and reenacting, with amendments,

17 Article – Natural Resources

18 Section 4–701(a) ~~and (b)(1)~~, (b)(1), and (d)(2)(ii)4. and 4–710(d)

19 Annotated Code of Maryland

20 (2018 Replacement Volume)

21 BY adding to

22 Article – Natural Resources

23 Section 4–701.2

24 Annotated Code of Maryland

25 (2018 Replacement Volume)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

27 That the Laws of Maryland read as follows:

28 **Article – Natural Resources**

29 4–221.

30 (a) The authority provided by this section is in addition to any other authority of  
 31 the Secretary provided by law.

32 (b) (1) Subject to paragraph (2) of this subsection, the Secretary, after  
 33 consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries  
 34 Advisory Commission, may adopt regulations to define and govern the use of:

35 (i) Recreational fishing gear; and

36 (ii) The following types of commercial fishing gear:

- 1 1. Fish pots;
- 2 2. Bank traps;
- 3 3. Fyke nets;
- 4 4. Hoop nets;
- 5 5. Finfish trotlines; and
- 6 6. Bowfishing gear.

7 (2) The Department shall consider relevant biological, ecological, and  
8 socioeconomic factors before adopting regulations under this subsection.

9 4–710.

10 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a  
11 person may not install, set, operate, or maintain in any tidal water of the Chesapeake Bay  
12 or its tributaries any monofilament gill net webbing of any description to catch fish.]

13 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
14 PARAGRAPH, A PERSON MAY NOT USE A MONOFILAMENT GILL NET TO CATCH FISH.

15 (II) THE DEPARTMENT MAY ADOPT REGULATIONS TO  
16 AUTHORIZE THE USE OF A MONOFILAMENT GILL NET TO CATCH FISH.

17 (2) A person may use a monofilament cast net or a monofilament throw net  
18 to catch baitfish in any tidal water of the Chesapeake Bay or its tributaries.

19 (3) In casting a monofilament net as provided under paragraph (2) of this  
20 subsection, a person:

21 (i) May not use a cast net that has a radius greater than 10 feet; and

22 (ii) May cast a cast net only by hand.

23 (h) (1) Except when using a finfish trotline or in State waters in the Atlantic  
24 Ocean, a tidal fish licensee may not use more than 2 hooks or 2 sets of hooks for each rod  
25 or line.

26 (2) For the purposes of this subsection, artificial lures or plugs with  
27 multiple or gang hooks are considered 1 set of hooks.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 2 1, 2016. [It shall remain effective for a period of 3 years and, at the end of June 30, 2019,  
 3 with no further action required by the General Assembly, this Act shall be abrogated and  
 4 of no further force and effect.]

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

7 Article – Natural Resources

8 4-701.

9 (a) Except as provided in [§ 4-701.1] §§ 4-701.1 AND 4-701.2 of this subtitle,  
 10 this section applies to any person who is required under this subtitle or Subtitle 2, 8, 9, or  
 11 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process, transport,  
 12 export, or otherwise deal in fish caught in tidal waters.

13 (b) (1) Except as provided in [§ 4-701.1] §§ 4-701.1 AND 4-701.2 of this  
 14 subtitle, the Department shall utilize a single, commercial license, to be known and  
 15 designated as a tidal fish license.

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

18 4. For a person to buy, process, pack, resell, market or  
 19 otherwise deal in fish caught in the tidal waters of Maryland, seafood dealer:

20 A. \$50 for a person licensed under item 2 of this subparagraph  
 21 or § 4-701.1 OR § 4-701.2 of this subtitle; or

22 B. \$250 for a person not licensed under item 2 of this  
 23 subparagraph.

24 4-701.2.

25 (A) THERE IS A COMMERCIAL BLUE AND FLATHEAD CATFISH FINFISH  
 26 TROTLINE LICENSE.

27 (B) (1) THE LICENSE AUTHORIZES THE HOLDER TO CATCH FOR SALE  
 28 BLUE AND FLATHEAD CATFISH IN THE TIDAL WATERS OF THE STATE USING A  
 29 FINFISH TROTLINE, AS DEFINED IN DEPARTMENT REGULATIONS.

30 (2) A LICENSEE SHALL FISH IN ACCORDANCE WITH DEPARTMENT  
 31 REGULATIONS.

1           **(C) A PERSON WHO WISHES TO OBTAIN THE LICENSE SHALL COMPLETE AND**  
2 **SUBMIT AN APPLICATION FOR THE LICENSE TO THE DEPARTMENT OR ANY PERSON**  
3 **DESIGNATED BY THE DEPARTMENT.**

4           **(D) AN APPLICANT FOR THE LICENSE DOES NOT NEED TO HOLD A TIDAL**  
5 **FISH LICENSE UNDER § 4-701 OF THIS SUBTITLE TO BE ELIGIBLE FOR THE LICENSE.**

6           **(E) THE TERM OF THE LICENSE IS 1 YEAR FROM SEPTEMBER 1 THROUGH**  
7 **AUGUST 31 THE FOLLOWING YEAR.**

8           **(F) THE ANNUAL LICENSE FEE IS \$15.**

9           **(G) A LICENSEE MAY NOT TRANSFER A LICENSE ISSUED UNDER THIS**  
10 **SECTION.**

11           **(H) A LICENSEE SHALL HAVE A COMMERCIAL BLUE AND FLATHEAD CATFISH**  
12 **FINFISH TROTLINE LICENSE IN THE LICENSEE’S POSSESSION WHEN THE LICENSEE**  
13 **FISHES UNDER THE LICENSE.**

14           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 June 1, 2019. Section 2 of this Act shall remain effective for a period of 3 years and 1 month  
16 and, at the end of June 30, 2022, Section 2 of this Act, with no further action required by  
17 the General Assembly, shall be abrogated and of no further force and effect.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.