

Chapter 80

(Senate Bill 7)

AN ACT concerning

**Natural Resources – Regulation and Use of Commercial Finfish Trotlines –
~~Repeal of Sunset and License Establishment Gear~~**

FOR the purpose of repealing the termination provision for certain provisions of law governing the regulation and use of commercial finfish trotlines; repealing a provision of law prohibiting the installation, setting, operation, or maintenance of monofilament gill nets in the Chesapeake Bay to catch fish; prohibiting a person from using a monofilament gill net to catch fish, subject to a certain exception; authorizing the Department of Natural Resources to adopt regulations authorizing the use of a monofilament gill net to catch fish; establishing a commercial blue and flathead catfish finfish trotline license; authorizing a licensee to catch for sale blue and flathead catfish in certain waters of the State using a certain finfish trotline; requiring a licensee to fish in accordance with certain regulations; establishing the application process for the license; establishing that an applicant for the license does not need to hold a certain tidal fish license; establishing the term of the license; establishing a certain annual fee for the license; prohibiting a licensee from transferring the license; requiring a licensee to have the license in the licensee's possession at certain times; authorizing a licensed seafood dealer to deal in blue and flathead catfish caught under the license; making conforming changes; providing for the termination of certain provisions of this Act; and generally relating to the regulation and use of commercial finfish ~~trotlines~~ gear.

BY repealing and reenacting, without amendments,

Article – Natural Resources
 Section 4–221 and 4–710(h)
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 86 of the Acts of the General Assembly of 2016
 Section 2

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4–701(a) and (b)(1), (b)(1), and (d)(2)(ii)4. and 4–710(d)
Annotated Code of Maryland
(2018 Replacement Volume)

BY adding to

Article – Natural Resources
Section 4–701.2

Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Natural Resources

4–221.

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

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

- (i) Recreational fishing gear; and
- (ii) The following types of commercial fishing gear:
 - 1. Fish pots;
 - 2. Bank traps;
 - 3. Fyke nets;
 - 4. Hoop nets;
 - 5. Finfish trotlines; and
 - 6. Bowfishing gear.

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

4–710.

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

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

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

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

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

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

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

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

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

Chapter 86 of the Acts of 2016

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

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

Article – Natural Resources

4-701.

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

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

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

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

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

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

4-701.2.

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

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

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

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

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

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

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

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

(H) A LICENSEE SHALL HAVE A COMMERCIAL BLUE AND FLATHEAD CATFISH FINFISH TROTLINE LICENSE IN THE LICENSEE'S POSSESSION WHEN THE LICENSEE FISHES UNDER THE LICENSE.

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

Approved by the Governor, April 18, 2019.