

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Natural Resources  
(DLS Control No. 16-095)**

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## **Overview and Legal and Fiscal Impact**

The regulation modifies and clarifies identification requirements for commercial fishing vessels and vehicles. The regulation also repeals the fee for replacing a commercial license that has been defaced, lost, or destroyed.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

## **Regulation of COMAR Affected**

### **Department of Natural Resources:**

Fisheries Service: General: COMAR 08.02.01.02

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## **Legal Analysis**

### **Background**

The Department of Natural Resources utilizes a single commercial license known as a tidal fish license for a broad range of commercial fishing activities. In general, a person must possess a valid tidal fish license in order to catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters. Each license holder is assigned a permanent identification number by the department. Subject to certain exceptions, a license holder must display this identification number on every vessel, vehicle, gear, or place of business used to catch, hold, transport, process, sell, buy, or otherwise deal in seafood. In general, a tidal fish license holder's commercial identification number must be displayed in vertical, block characters, in a color that contrasts with the background on which it appears. Requirements for marking gear appear in a variety of gear-specific regulations, such as COMAR 08.02.03.03 (trot lines), 08.02.03.06 (collapsible crab traps and crab net rings), 08.02.03.07 (crab pots), and 08.02.15.07 (gill nets).

On September 15, 2015, Governor Larry Hogan announced a plan to reduce or eliminate a number of fees across State government. Governor Hogan announced a second round of fee reductions or eliminations on May 12, 2016. The portion of this regulation eliminating the replacement fee for a tidal fish license is part of the second round of reductions or eliminations. The department indicates that this fee has not been collected in recent years because the

COMPASS system allows a license holder to print a license at any time without additional charges. Additional information regarding Governor Hogan’s fee reduction initiative may be found [here](#).

## **Summary of Regulation**

The regulation reduces the minimum height of the characters from four inches to three inches, and clarifies that this requirement applies only to the display of commercial identification numbers on vessels and vehicles – not on fishing gear.

The regulation also repeals the fee for replacing a commercial license that has been defaced, lost, or destroyed.

## **Legal Issues**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites § 4-701 of the Natural Resources Article as statutory authority for the regulation. This section authorizes the department to utilize tidal fish licenses for a variety of commercial activities. Subsection (d) of this section requires the department to charge specified fees for issuing tidal fish licenses, but does not require the department to charge a fee for issuing replacement licenses. Subsection (p) of this section requires the department to assign a permanent identification number to each license holder. A license holder must display this identification number on every vessel, vehicle, gear, or place of business, as the department may require by regulation.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs. Because the Department of Natural Resources no longer collects the replacement license fee, repealing the fee does not have a fiscal impact.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs. The regulation merely clarifies certain provisions and codifies current practice.

### **Contact Information**

**Legal Analysis:** April M. Morton – (410) 946/(301) 970-5350

**Fiscal Analysis:** Scott D. Kennedy – (410) 946/(301) 970-5510