
By: Senator Stoltzfus

Introduced and read first time: January 29, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Tidal Fish License - Seniors - Exemption from Waiting List**

3 FOR the purpose of exempting certain persons from the waiting list for obtaining a tidal
4 fish license for certain fishing activities if the person is at least a certain age and
5 meets certain other requirements; permitting the Department of Natural Resources
6 to authorize persons qualifying for this exemption to engage in certain fishing
7 activities upon receipt of a certain application and the payment of certain fees;
8 prohibiting the transfer of certain licenses; making stylistic changes; and generally
9 relating to the issuance of tidal fish licenses to seniors.

10 BY repealing and reenacting, without amendments,

11 Article - Natural Resources
12 Section 4-701(d)
13 Annotated Code of Maryland
14 (1989 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Natural Resources
17 Section 4-701(f)
18 Annotated Code of Maryland
19 (1989 Replacement Volume and 1996 Supplement)

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

22 **Article - Natural Resources**

23 4-701.

24 (d) (1) The Department may issue no more than one authorization to a person
25 to engage in each activity under paragraph (2)(i)1 and 2 of this subsection during a
26 license year.

27 (2) (i) On a tidal fish license, the Department may authorize any of the
28 following activities for which the indicated fee has been paid.

29 (ii) The following annual fees shall apply regardless of when the
30 license is issued or an activity is authorized:

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1 (f) (1) The Department shall accept applications for new authorizations to
2 participate in fishing activities under subsection (d)(2)(ii)1 or 2 of this section from
3 persons qualified under this subsection and maintain separate waiting lists of primary and
4 secondary candidates for each fishing activity in order of the date and time that
5 applications are received.

6 (2) (i) A primary candidate is an applicant who is at least 12 years of age
7 and pays the annual fee for the license activity at time of application, and who:

8 1. Is a current tidal fish licensee who is authorized to engage in
9 fishing activities under subsection (d)(2)(ii)1 or 2 of this section and is applying for
10 authorization for another fishing activity;

11 2. Has been a crew member for at least 2 years in any
12 commercial fishery as certified by three persons licensed to catch fish for commercial
13 purposes; or

14 3. Is licensed to catch fish for commercial purposes in another
15 state and presents proof of that valid license at time of application.

16 (ii) 1. An eligible applicant under this subparagraph is a person
17 who:

18 A. Meets the eligibility requirements in subparagraph (i) of this
19 paragraph; and

20 B. Is the spouse, daughter, son, stepchild, grandchild, parent,
21 sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, or
22 daughter-in-law of a person who holds a valid tidal fish license issued under this section.

23 2. An eligible applicant under this subparagraph shall be placed
24 at the head of the waiting list of primary candidates under this paragraph above other
25 primary candidates. Applicants under this subparagraph shall be placed at the head of the
26 list in order of the date and time that applications under this subparagraph are received.

27 (3) A secondary candidate is any applicant who cannot qualify as a primary
28 candidate under paragraph (2) of this subsection, is at least 12 years of age, and who pays
29 the annual fee for the activity at time of application.

30 (4) An applicant for a new license to provide services as a commercial
31 fishing guide in tidal waters of the State shall supply as part of the initial application
32 verifiable references to any federal license that is issued by the U.S. Coast Guard to
33 operate a vessel carrying passengers for hire in the applicant's name, as a condition
34 precedent to engaging as a commercial fishing guide in tidal waters.

35 (5) If an applicant withdraws the application, the Department shall refund
36 any fees the applicant has paid and shall remove that person's name and application from
37 the waiting list.

38 (6) (i) There is no waiting list for [authorization]:

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1 1. AUTHORIZATION TO ENGAGE IN ACTIVITIES UNDER
2 SUBSECTION (D)(2)(II)1 AND 2 OF THIS SECTION IF THE PERSON MEETS THE
3 REQUIREMENTS SET FORTH IN PARAGRAPH (7) OF THIS SUBSECTION; OR

4 2. AUTHORIZATION to engage in activities under subsection
5 (d)(2)(ii)3 and 4 of this section.

6 (ii) The Department may issue an authorization to engage in any of
7 those activities SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH upon receiving
8 a complete application and payment of fees.

9 (7) (I) THE EXEMPTION FROM THE WAITING LIST SET FORTH IN
10 PARAGRAPH (6)(I)1 OF THIS SUBSECTION APPLIES ONLY TO A PERSON WHO:

11 1. IS AT LEAST 65 YEARS OLD;

12 2. PREVIOUSLY HELD A TIDAL FISH LICENSE FOR AT LEAST
13 5 YEARS; AND

14 3. SUBMITS AN AFFIDAVIT ATTESTING TO THE
15 INFORMATION SET FORTH IN ITEMS 1 AND 2 OF THIS SUBPARAGRAPH.

16 (II) 1. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS
17 SUBPARAGRAPH, A PERSON WHO MEETS THE REQUIREMENTS OF THIS SUBSECTION
18 SHALL BE ISSUED AN AUTHORIZATION TO ENGAGE IN THE SAME ACTIVITIES AS THE
19 PERSON HAD BEEN AUTHORIZED UNDER A PREVIOUS TIDAL FISH LICENSE.

20 2. A PERSON WHO MEETS THE REQUIREMENTS OF THIS
21 PARAGRAPH MAY NOT RECEIVE AUTHORIZATION TO CATCH STRIPED BASS FOR
22 SALE UNDER SUBSECTION (E) OF THIS SECTION.

23 (III) A PERSON WHO RECEIVES A TIDAL FISH LICENSE UNDER THIS
24 PARAGRAPH MAY NOT TRANSFER THE TIDAL FISH LICENSE TO ANY OTHER PERSON
25 UNDER SUBSECTION (I) OF THIS SECTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 1997.