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SB 239/96 - EEA

1997 Regular Session  
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**By: Senator Stoltzfus**

Introduced and read first time: January 29, 1997  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 26, 1997

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CHAPTER \_\_\_\_

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; providing for  
9 the termination of this Act; and generally relating to the issuance of tidal fish  
10 licenses to seniors.

11 BY repealing and reenacting, without amendments,  
12 Article - Natural Resources  
13 Section 4-701(d)  
14 Annotated Code of Maryland  
15 (1989 Replacement Volume and 1996 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Natural Resources  
18 Section 4-701(f)  
19 Annotated Code of Maryland  
20 (1989 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Natural Resources**

2 4-701.

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

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

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

10 1. To provide services as:

11 A. A fishing guide in the tidal waters of Maryland - \$50 for a  
 12 resident and \$100 for a nonresident; and

13 B. A master fishing guide, in addition to the fee under item A of  
 14 this item - \$50 per vessel

15 2. To catch for sale fish with equipment which is legal under  
 16 this title:

17 A. Finfish:

18 I. Hook and line only, anywhere: \$37.50

19 II. All other equipment: \$100

20 B. Crabs:

21 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and  
 22 scrapes: \$50

23 II. Over 50 pots, plus any other gear listed in item I of this  
 24 sub-sub-subparagraph: \$150

25 C. Clams - \$100

26 D. Oysters - \$250 for a dredge boat and \$50 for other than a  
 27 dredge boat

28 E. Conch, turtles, and lobster - \$50

29 F. For all activities in item 1A of this subparagraph and in items  
 30 A through E of this item - \$300

31 3. For one or two crew members employed under § 4-814 of  
 32 this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of this  
 33 paragraph with more than 300 pots, the licensee shall pay:

34 A. For the tidal fish license year ending August 31, 1994 - \$50  
 35 for each crew member; and

3

1 B. For each tidal fish license year after August 31, 1994 - \$20  
 2 for each crew member.

3 4. Except for a licensee dealing in his own catch, for a person to  
 4 buy, process, pack, resell, market or otherwise deal in fish caught in the tidal waters of  
 5 Maryland - \$150

6 (iii) The fee established in subparagraph (ii)2B of this paragraph for an  
 7 authorization to catch crabs under a tidal fish license, shall be waived for a period of 5  
 8 years beginning April 1, 1994, for any senior person who, at any time between April 1,  
 9 1993 and March 31, 1994, held a valid tidal fish license for which a fee had been waived  
 10 under the applicable provision of law in effect on January 1, 1994.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 1. IS AT LEAST 65 YEARS OLD;

21 2. PREVIOUSLY HELD A TIDAL FISH LICENSE FOR AT LEAST  
22 5 YEARS; AND

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

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

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 July 1, 1997. It shall remain effective for a period of 3 years and, at the end of June 30,  
37 2000, with no further action required by the General Assembly, this Act shall be  
38 abrogated and of no further force and effect.

