

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1034

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “or Stake Nets” and substitute “Nets and Pound Net Stakes”; and strike in their entirety lines 3 through 8, inclusive, and substitute:

“FOR the purpose of prohibiting certain licensees from allowing any pound net to remain in the water longer than a certain period of time following discontinuance of fishing; prohibiting a licensee from allowing a pound net or stake to remain in the water between certain dates, except under certain circumstances; clarifying language relating to pound nets and pound net stakes; altering the circumstances under which a licensee who fails to comply with certain provisions relating to pound nets and pound net stakes is guilty of a misdemeanor and subject to certain penalties; repealing a requirement that the Department of Natural Resources provide certain notice to a licensee under certain circumstances; authorizing the Department to suspend a licensee’s striped bass authorization under certain circumstances; making stylistic changes; and generally relating to fishing and pound nets and pound net stakes.”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 3 on page 2, inclusive, and substitute:

“(h) (1) Every licensee shall:

(I) [maintain his] MAINTAIN THE LICENSEE’S stakes in good condition;

and

(II) [promptly] PROMPTLY remove and renew any stake that may be unsound, broken, or liable to go adrift.

(Over)

(2) A licensee may not permit or allow to remain in the water:

(I) [any] ANY pound [or] net stake for a period greater than 30 days following the removal of the net from each stake[, or the discontinuance of fishing of the net];

(II) ANY POUND NET OR STAKE FOR A PERIOD GREATER THAN 30 DAYS FOLLOWING THE DISCONTINUANCE OF FISHING OF THE NET; OR

(III) ANY POUND NET OR STAKE BETWEEN JANUARY 1 AND JANUARY 31 OF ANY YEAR UNLESS THE OWNER OF THE POUND NET OR STAKE NOTIFIES THE DEPARTMENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT THE NET IS BEING ACTIVELY FISHED.

(4) [If the licensee does not comply with the provision of this subsection, the Department immediately shall notify him by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to remove the stakes within 30 days after receipt of the notice. If the] A licensee WHO fails to comply with [this notice he] THE PROVISIONS OF THIS SUBSECTION is guilty of a misdemeanor and upon conviction is subject to a fine of at least \$200 and not exceeding \$1,000 with costs imposed in the discretion of the court.

(5) FOR A LICENSEE WHO IS CONVICTED TWICE WITHIN 2 YEARS OF VIOLATING PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT MAY SUSPEND THE LICENSEE'S STRIPED BASS AUTHORIZATION IN THE FOLLOWING YEAR."