
By: **Delegate Schisler**

Introduced and read first time: February 11, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Limited Entry to the Commercial Fishery**

3 FOR the purpose of altering certain provisions of law relating to the regulation of
4 fishing and crabbing; altering certain fees for certain licenses; authorizing the
5 Department of Natural Resources to assess certain fees for certain purposes;
6 establishing criteria for a provisional tidal fish license; altering the provisions
7 relating to a certain candidate list; amending the criteria for establishing the
8 total number of fish authorizations under certain circumstances; removing the
9 requirement that the Department consider certain recommendations of certain
10 entities when determining the number of fish authorizations; amending the
11 criteria for the issuance of a fish license or authorization under certain
12 circumstances; altering the criteria under which a license or authorization may
13 be transferred; providing for certain contingencies relating to the renewal of
14 certain licenses; altering certain fees relating to the renewal of certain licenses;
15 providing for the issuance of certain licenses to certain persons of certain ages;
16 altering the order in which authorizations shall be issued to applicants;
17 establishing criteria for the issuance of provisional tidal fish licenses; setting
18 certain fees for the issuance of provisional tidal fish licenses; providing for the
19 application of the provisional tidal fish license; providing for exemptions
20 relating to a provisional tidal fish license; providing penalties for the
21 falsification of certain documentation relating to the provisional tidal fish
22 license; repealing the termination provision on a certain law relating to limited
23 entry into commercial fishing; providing for the application of this Act; defining
24 certain terms; altering certain definitions; and generally relating to fishing
25 licenses issued by the Department of Natural Resources.

26 BY renumbering

27 Article - Natural Resources

28 Section 4-101(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively

29 to be Section 4-101(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (n), (o), and (p),

30 respectively

31 Annotated Code of Maryland

32 (1997 Replacement Volume and 1997 Supplement)

33 BY adding to

1 Article - Natural Resources
2 Section 4-101(b) and (m), 4-701.1, and 4-701.2
3 Annotated Code of Maryland
4 (1997 Replacement Volume and 1997 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Natural Resources
7 Section 4-210 and 4-701
8 Annotated Code of Maryland
9 (1997 Replacement Volume and 1997 Supplement)

10 BY repealing
11 Chapter 184 of the Acts of the General Assembly of 1994
12 Section 5

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That Section(s) 4-101(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and
15 (n), respectively of Article - Natural Resources of the Annotated Code of Maryland be
16 renumbered to be Section(s) 4-101(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (n), (o), and (p),
17 respectively.

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

20 **Article - Natural Resources**

21 4-101.

22 (B) "AUTHORIZATION" MEANS AN AUTHORIZATION UNDER A TIDAL FISH
23 LICENSE ISSUED BY THE DEPARTMENT WHICH ENTITLES A LICENSEE TO ENGAGE IN
24 A PARTICULAR FISHING ACTIVITY.

25 (M) "PROVISIONAL TIDAL FISH LICENSE" MEANS A PERMIT ISSUED BY THE
26 DEPARTMENT WHICH AUTHORIZES THE PERMITTEE TO GAIN PRACTICAL
27 EXPERIENCE REGARDING COMMERCIAL FISHING ACTIVITIES.

28 4-210.

29 (a) Except for a person employed to operate a vessel for a master fishing guide
30 under subsection (e) of this section, any person who desires to accept direct or indirect
31 consideration for providing services as a fishing guide shall obtain a license.

32 (b) In addition to any license required by this section, a person may not
33 furnish any service as a fishing guide that requires operating a boat or vessel as part
34 of that service without first obtaining appropriate federal licenses to operate a vessel
35 carrying passengers for hire.

1 (c) A person who is required to be licensed under this section must have all
2 appropriate federal and State licenses in the person's possession whenever
3 performing services as a fishing guide.

4 (d) A commercial fishing guide shall be required to submit reports monthly on
5 forms provided by the Department.

6 (e) (1) This subsection is applicable only to a person who, on April 1, [1994]
7 1997:

8 (i) Held a valid fishing guide license; and

9 (ii) Either:

10 1. Owned two or more vessels used to carry passengers for
11 fishing; or

12 2. Owned or operated a federally licensed vessel of 50 tons or
13 more that was used to carry passengers for fishing.

14 (2) A person who meets the requirements of paragraph (1) of this
15 subsection may obtain an annual master fishing guide license by:

16 (i) Making application on a form provided by the Department;

17 (ii) Supplying with the application proofs of ownership of the
18 required vessels; and

19 (iii) Paying the master fishing guide license fee set forth in §
20 4-701(d)(2)(i)1 of this title.

21 (3) A person holding a master fishing guide license may employ other
22 persons to guide fishing parties on vessels owned by the master fishing guide.

23 (4) (i) The Department shall issue a number of copies of the master
24 fishing guide license corresponding to the number of vessels owned by the master
25 fishing guide, with each copy bearing the registration number of one of the vessels.

26 (ii) The master fishing guide shall ensure that when a vessel is
27 operated, the appropriate copy of the license is on board.

28 (5) If a master fishing guide employs another person to operate a vessel
29 to carry passengers for fishing, for purposes of the license suspension criteria in §
30 4-701(k) of this title, the master fishing guide shall be held responsible for any
31 violations committed by the person employed to operate the vessel.

32 4-701.

33 (a) This section applies to any person who is required under Subtitle 2, 7, 8, 9,
34 or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process,
35 transport, export, or otherwise deal in fish caught in tidal waters.

1 (b) (1) The Department shall utilize a single, commercial license, to be
2 known and designated as a tidal fish license.

3 (2) A tidal fish license authorizes a licensee:

4 (i) To engage in each activity indicated on the license; and

5 (ii) For catching crabs, to utilize the number of crew members
6 indicated on the license.

7 (3) The Department may not issue a tidal fish license to, and a license
8 may not be held by, an individual who is younger than 12 years of age.

9 (4) A person may not guide fishing parties or catch, sell, buy, process,
10 transport, export, or otherwise deal in fish caught in tidal waters unless licensed
11 under this section.

12 (c) (1) The license year for every tidal fish license shall be 12 months from
13 September 1 through August 31 of the following year.

14 (2) A licensee and crew members may engage only in those activities for
15 which the annual fees for that license year have been paid.

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

19 (2) (i) On a tidal fish license, the Department may [authorize] ISSUE
20 AN AUTHORIZATION FOR any of the following activities for which the indicated fee has
21 been paid.

22 (ii) The following annual fees FOR AUTHORIZATIONS shall apply
23 regardless of when the license is issued or an activity is authorized:

24 1. To provide services as:

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

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

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

31 A. Finfish:

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

33 II. All other equipment: \$100

- 1 B. Crabs:
- 2 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and
3 scrapes: \$50
- 4 II. Over 50 pots, plus any other gear listed in item I of this
5 sub-sub-subparagraph: \$150
- 6 C. Clams - \$100
- 7 D. Oysters - \$250 for a dredge boat and \$50 for other than a
8 dredge boat
- 9 E. Conch, turtles, and lobster - \$50
- 10 F. For all activities in item 1A of this subparagraph and in
11 items A through E of this item, UNLIMITED TIDAL FISH - \$300
- 12 3. For one or two crew members employed under § 4-814 of
13 this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of this
14 paragraph with more than 300 pots, the licensee shall pay[:
- 15 A. For the tidal fish license year ending August 31, 1994 -
16 \$50 for each crew member; and
- 17 B. For each tidal fish license year after August 31, 1994 -]
18 \$20 for each crew member.
- 19 4. Except for a licensee dealing in his own catch, for a person
20 to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal
21 waters of Maryland, SEAFOOD DEALER - \$150
- 22 [(iii) The fee established in subparagraph (ii)2B of this paragraph for
23 an authorization to catch crabs under a tidal fish license, shall be waived for a period
24 of 5 years beginning April 1, 1994, for any senior person who, at any time between
25 April 1, 1993 and March 31, 1994, held a valid tidal fish license for which a fee had
26 been waived under the applicable provision of law in effect on January 1, 1994.]
- 27 (e) (1) To catch striped bass for sale:
- 28 (i) A licensee authorized under subsection (d)(2)(ii)2A of this
29 section shall pay an annual surcharge of \$200; or
- 30 (ii) A licensee authorized under subsection (d)(2)(ii)2F of this
31 section shall pay with the license fee an annual surcharge of \$100.
- 32 (2) A person may not catch oysters for sale without possessing a valid
33 license under this section and paying an annual surcharge of \$300 which shall be
34 used by the Department only for oyster repletion activities.

1 (3) In addition to the normal license fees imposed under subsection
2 (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual
3 surcharge of \$10 to be credited to the Seafood Marketing Office of the Department of
4 Agriculture to fund seafood marketing programs which have been approved by the
5 Department.

6 (4) (I) THE DEPARTMENT SHALL ASSESS ANNUALLY ON EVERY
7 NONRESIDENT LICENSE APPLICANT FOR THE APPLICANT'S FISHING ACTIVITIES
8 UNDER SUBTITLES 7, 8, AND 9 OF THIS TITLE, IN ACCORDANCE WITH THE NORMAL
9 LICENSE FEES IMPOSED BY THIS SUBSECTION, A SURCHARGE WHICH
10 CUMULATIVELY FOR THE LICENSE YEAR, SHALL BE THE GREATER OF:

11 1. AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE
12 TOTAL FEES CHARGED TO A MARYLAND RESIDENT ENGAGED IN LIKE FISHING
13 ACTIVITIES IN THE STATE OF RESIDENCE OF THE NONRESIDENT APPLICANT, AND
14 THE TOTAL OF NORMAL LICENSE FEES FOR FISHING ACTIVITIES IN MARYLAND; OR

15 2. \$350.

16 (II) 1. IN THIS PARAGRAPH, "FISHING ACTIVITIES" MEANS
17 THOSE ACTIVITIES THAT ARE DIRECTLY RELATED TO CATCHING FISH.

18 2. "FISHING ACTIVITIES" DOES NOT INCLUDE THE
19 ACTIVITIES OF BUYING, SELLING, PROCESSING, TRANSPORTING, EXPORTING, OR
20 SIMILARLY DEALING IN FISH.

21 (f) (1) The Department [shall] MAY accept applications for new LICENSES
22 AND authorizations to participate in fishing activities under subsection (d)(2)(ii)1 [or
23 2] THROUGH 3 of this section from persons [qualified under this subsection and
24 maintain separate waiting lists of primary and secondary candidates for each fishing
25 activity in order of the date and time that applications are received] WHO
26 COMPLETED THE PROVISIONAL TIDAL FISH LICENSE CRITERIA UNDER THIS
27 SUBTITLE.

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

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

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

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

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

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

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

7 2. An eligible applicant under this subparagraph shall be
8 placed at the head of the waiting list of primary candidates under this paragraph
9 above other primary candidates. Applicants under this subparagraph shall be placed
10 at the head of the list in order of the date and time that applications under this
11 subparagraph are received.

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

15 (4)] (2) An applicant for a new license to provide services as a
16 commercial fishing guide in tidal waters of the State shall supply as part of the initial
17 application verifiable references to any federal license that is issued by the U.S. Coast
18 Guard to operate a vessel carrying passengers for hire in the applicant's name, as a
19 condition precedent to engaging as a commercial fishing guide in tidal waters.

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

23 (6) (i) There is no waiting list for authorization to engage in activities
24 under subsection (d)(2)(ii)3 and 4 of this section.

25 (ii) The Department may issue an authorization to engage in any of
26 those activities upon receiving a complete application and payment of fees.]

27 (g) (1) [Except as provided in paragraph (2) of this subsection, the
28 Department may not issue an authorization for any activity under subsection
29 (d)(2)(ii)1 or 2 of this section:

30 (i) Unless the total number issued for that type of activity is less
31 than the number of authorizations which the Department determines is appropriate
32 for the resource and consistent with fishery management plans adopted under §
33 4-215 of this title; and

34 (ii) Until it has adopted regulations stating the number of people
35 who may be authorized to engage in each fishing activity.

36 (2)] The Department may issue an authorization for any activity under
37 subsection (d)(2)(ii)1 or 2 of this section to a person who CURRENTLY RESIDES AND
38 has resided for at least 5 years on an island in the State that is at least 3 miles from
39 the mainland.

1 [(3) In determining the number of people who may be authorized to
2 participate in each activity, the Department shall consider:

3 (i) Recommendations of the Tidal Fisheries Advisory Commission;

4 (ii) Recommendations of fishery management plans adopted by the
5 Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries
6 Commission, the Mid-Atlantic Fisheries Management Council, or any other
7 appropriate management body;

8 (iii) The number of people historically participating; and

9 (iv) Target species, size, number, weight, incidental catch, total
10 biomass, annual harvest, mortality rates, and other factors which are necessary and
11 appropriate.]

12 (2) THE DEPARTMENT BY REGULATION SHALL SET THE TOTAL NUMBER
13 OF TIDAL FISH AUTHORIZATIONS UNDER § 4-701(D)(2) OF THIS TITLE TO THE
14 NUMBER ISSUED ON DECEMBER 31, 1996, BUT IF THE TOTAL NUMBER OF
15 AUTHORIZATIONS ON MARCH 31, 2001 IS LESS THAN THE NUMBER OF
16 AUTHORIZATIONS ISSUED ON DECEMBER 31, 1996, THEN THE NUMBER OF
17 AUTHORIZATIONS SHALL BE SET AT THE TOTAL AUTHORIZED ON MARCH 31, 2001.

18 [(4)] (3) (i) The Department shall by regulation limit the total
19 number of authorizations to fish for striped bass under any commercial license to the
20 number of persons who, based on the best information available to the Department,
21 were authorized to fish for striped bass between September 1, 1993 and April 1, 1994.

22 (ii) The Department shall provide in its regulations for reallocation
23 of any authorizations that may be revoked or voluntarily relinquished to the
24 Department.

25 (h) [(1)] The Department shall issue a license [authorizing] OR
26 AUTHORIZATION FOR participation in a particular fishing activity, UNTIL THE TOTAL
27 NUMBER OF AUTHORIZATIONS ARE REACHED, to [the first person on the primary
28 candidate waiting list for that fishing activity] A PERSON WHO HAS COMPLETED THE
29 PROVISIONAL TIDAL FISH LICENSE CRITERIA AS DESCRIBED IN § 4-701.1 OF THIS
30 SUBTITLE.

31 [(2) If there are no primary candidate applications on file the Department
32 shall issue a license authorizing participation in a particular fishing activity to the
33 first person on the secondary candidate waiting list for that fishing activity.]

34 (i) (1) A license OR AN AUTHORIZATION may be transferred only under the
35 provisions of this subsection.

36 (2) A license OR AN AUTHORIZATION may be transferred to a person who
37 is the licensee's spouse, daughter, son, stepchild, grandchild, step grandchild, parent,
38 sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, [or]
39 daughter-in-law, SISTER-IN-LAW, OR BROTHER-IN-LAW, and only:

1 (i) [If the person is currently on the primary candidate waiting list
2 for that activity and the licensee makes application to the Department requesting
3 transfer] IF THE PERSON HAS PAID THE FEE FOR THE APPROPRIATE
4 AUTHORIZATION AND HAS BEEN A CREW MEMBER FOR AT LEAST 2 YEARS IN ANY
5 COMMERCIAL FISHERY AS CERTIFIED BY THREE PERSONS LICENSED TO CATCH FISH
6 FOR COMMERCIAL PURPOSES; or

7 (ii) Upon death of the licensee, if the licensee had indicated that
8 person's name on the license application on file with the Department.

9 (3) (i) The Department may approve a temporary transfer for not less
10 than 30 days and not more than 90 days [regardless of whether the transferee is on
11 the primary or secondary candidate waiting list].

12 (ii) A person may not transfer a license in exchange for any type of
13 remuneration.

14 (4) (i) The Department shall establish by regulation a procedure for a
15 licensee, except a fishing guide licensee or a master fishing guide licensee, to
16 voluntarily register the licensee's commercial fishing vessel number on the face of the
17 license.

18 (ii) If a licensee has voluntarily registered the vessel number on the
19 license under subparagraph (i) of this paragraph, the licensee may allow another
20 person to use the vessel for the commercial activities authorized on the license.

21 (iii) If a licensee allows another person to utilize a vessel under
22 subparagraph (ii) of this paragraph, for purposes of the license suspension criteria in
23 subsection (k) of this section, the licensee shall be held responsible for any violations
24 committed by the person using the vessel.

25 (5) (i) This paragraph applies only to a [person] LICENSEE who[:

26 1. Holds a valid tidal fish license issued under this section
27 and who] has held A valid tidal fish [licenses] LICENSE in each of the three
28 immediately preceding seasons[; and

29 2. Under the tidal fish license has utilized the threshold
30 amount of vessel and gear as determined by the Department under subparagraph (ii)
31 of this paragraph].

32 (ii) The Department shall [adopt by regulation a threshold amount
33 of vessel and gear, based on type, quantity, and value, that shall qualify a licensee to
34 transfer a tidal fish license under this paragraph] REVIEW AND MAY APPROVE THE
35 TRANSFER OF A LICENSE OR AUTHORIZATION UNDER THIS PARAGRAPH TO AN
36 INDIVIDUAL WHO HAS PAID THE FEE FOR A LICENSE OR AUTHORIZATION AND HAS
37 BEEN A CREW MEMBER FOR AT LEAST 2 YEARS IN ANY COMMERCIAL FISHERY AS
38 CERTIFIED BY THREE PERSONS LICENSED TO CATCH FISH FOR COMMERCIAL
39 PURPOSES.

1 [(iii) A person who qualifies under this paragraph may, with the
2 Department's review and approval, transfer the person's tidal fish license to any
3 person who is on the list of primary candidates maintained under subsection (f) of this
4 section.]

5 (j) (1) Notwithstanding the qualification criteria for a license and
6 authorization to engage in an activity under this section, licensees may renew any
7 valid existing authorizations on their licenses annually.

8 (2) (i) Application to renew a tidal fish license shall be made not later
9 than August 31, OR THE NEXT BUSINESS DAY IN THE INSTANCE THAT THE
10 DEPARTMENT IS NOT OPEN, for the following license year.

11 (ii) The Department may not accept application for renewal after
12 that date, AS STATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH unless:

13 1. Application is made by [August 31] MARCH 31, OR THE
14 NEXT BUSINESS DAY IN THE INSTANCE THAT THE DEPARTMENT IS NOT OPEN, of the
15 following license year;

16 2. The applicant shows good cause why application was not
17 made by August 31 of the previous license year; and

18 3. A late fee of [50 percent] \$50 is paid by the applicant in
19 addition to the license fee.

20 (k) (1) In addition to any other penalty provided in this title, the
21 Department may suspend for a period of not less than 10 days nor more than 365 days
22 a person's entitlement to engage in a particular activity or activities under a tidal fish
23 license.

24 (2) During a period of suspension imposed by the Department, the
25 person penalized is not and shall not be authorized under any existing, renewed, or
26 new tidal fish license to engage in the particular activity or activities for which the
27 suspension is imposed.

28 (3) The following are grounds for suspension under this section:

29 (i) Making any false statement in an application for a tidal fish
30 license;

31 (ii) Conviction of a person for violations under this title so often as
32 to indicate an intent to disregard the fish and fisheries laws of the State, provided
33 that proceedings for revocation on this ground are based on no fewer than:

34 1. 3 convictions for violations occurring on separate days
35 within any 365 day period, of provisions under 1 subtitle of this title; or

36 2. 5 convictions for violations occurring on separate days
37 within any 365 day period, of any provisions under this title;

1 (iii) Failure to submit reports required by the provisions of this title
2 or by the Department pursuant to provisions of this title; or

3 (iv) Failure for a nonresident of the State to appear in court
4 pursuant to a citation issued by a Natural Resources police officer, or to any other
5 process issued by any court of Maryland, for violation of this title.

6 (4) (i) The following are grounds for revocation of a tidal fish license:

7 1. Submitting a false report required by the provisions of this
8 title or by the Department pursuant to the provisions of this title;

9 2. Suspension of the person's tidal fish license under
10 paragraph (1) of this subsection more than once in any 24-month period.

11 (ii) If a person's license is revoked under this paragraph, upon
12 application for any new license under subsection (f) of this section, the person shall be
13 deemed a secondary candidate under subsection (f) of this section.

14 (5) For purposes of suspensions under subparagraph (ii) of paragraph (3)
15 of this subsection, the Department shall adopt as part of its procedural regulations:

16 (i) A schedule of points assigned to various offenses under this
17 title; and

18 (ii) A schedule of the maximum number of days that a license may
19 be suspended according to the number of points accumulated.

20 (6) The Department shall initiate any proceeding to suspend a tidal fish
21 license under this section not later than 6 months after the time for filing an appeal
22 of the 3rd conviction under paragraph (3)(ii)1 of this subsection has passed or the time
23 for filing an appeal of the 5th conviction under paragraph (3)(ii)2 of this subsection
24 has passed.

25 (7) Before the suspension of a tidal fish license under this section, the
26 Department shall hold a hearing upon not less than 10 days' notice to the licensee,
27 except that upon the failure of a nonresident of the State to appear in a court of this
28 State as required by any charging document accusing the person of committing any
29 offense under this title, in addition to any other appropriate action taken by the court
30 or the Department, the Department may suspend immediately and without hearing
31 any license issued to the person under this title.

32 (l) A licensee or any person to whom a licensee has transferred a license under
33 subsection (i) of this section shall have in possession the tidal fish license whenever
34 engaged in any licensed activity. The licensee or any person to whom a licensee has
35 transferred a license under subsection (i) of this section shall allow any police officer
36 to inspect the license, to conduct searches as authorized in Subtitle 12, and to inspect
37 books, statements, and accounts as authorized in § 4-206(b).

1 (m) The Department shall assign a permanent identification number to each
2 licensee. A licensee shall display the identification number on every vessel, vehicle,
3 gear, or place of business, as the Department may require by regulation.

4 (n) The Department shall:

5 (1) Deposit to the credit of the Fisheries Research and Development
6 Fund all fees received for tidal fish licenses AND PROVISIONAL TIDAL FISH LICENSES;
7 and

8 (2) Use the funds received from the sale of licenses to catch striped bass
9 for enforcement purposes during the open season for catching striped bass.

10 4-701.1.

11 (A) (1) THIS SECTION APPLIES TO A PERSON WHO DOES NOT QUALIFY FOR A
12 LICENSE REQUIRED UNDER SUBTITLES 2, 7, 8, 9, OR 10 OF THIS TITLE TO BE
13 LICENSED TO GUIDE FISHING PARTIES OR TO CATCH, SELL, BUY, PROCESS,
14 TRANSPORT, EXPORT, OR OTHERWISE DEAL IN FISH CAUGHT IN TIDAL WATERS.

15 (2) IN THIS SECTION, "FISHING ACTIVITIES" MEANS THOSE ACTIVITIES
16 THAT ARE DIRECTLY RELATED TO CATCHING FISH.

17 (3) "FISHING ACTIVITIES" DOES NOT INCLUDE THE ACTIVITIES OF
18 BUYING, SELLING, PROCESSING, TRANSPORTING, EXPORTING, OR SIMILARLY
19 DEALING IN FISH.

20 (B) THE DEPARTMENT SHALL UTILIZE A PROVISIONAL TIDAL FISH LICENSE
21 TO AUTHORIZE A PERSON TO GAIN PRACTICAL EXPERIENCE REGARDING
22 COMMERCIAL FISHING ACTIVITIES.

23 (C) A PROVISIONAL TIDAL FISH LICENSE IS VALID FOR UP TO 3 YEARS FROM
24 THE DATE OF ISSUANCE.

25 (D) THE FEES FOR A PROVISIONAL TIDAL FISH LICENSE SHALL BE THE SAME
26 AS THE ANNUAL FEES APPLIED UNDER § 4-701(D) OF THIS SUBTITLE FOR EACH
27 COMMERCIAL FISHING ACTIVITY FOR THE TERM OF THE PROVISIONAL TIDAL FISH
28 LICENSE.

29 (E) (1) THE DEPARTMENT SHALL ACCEPT APPLICATIONS FOR A
30 PROVISIONAL TIDAL FISH LICENSE FROM A PERSON WHO IS AT LEAST 12 YEARS OF
31 AGE AND DOES NOT QUALIFY FOR A COMMERCIAL TIDAL FISH LICENSE OR AN
32 AUTHORIZATION FOR A PARTICULAR FISHING ACTIVITY.

33 (2) A PROVISIONAL TIDAL FISH LICENSE MAY BE ISSUED TO AN
34 APPLICANT PROVIDED THE NUMBER OF EXISTING TIDAL FISH AUTHORIZATIONS IS
35 NOT IN EXCESS OF THE NUMBER DESCRIBED IN § 4-701(G) OF THIS SUBTITLE.

36 (3) THE DEPARTMENT SHALL MAINTAIN A LIST IN CHRONOLOGICAL
37 ORDER OF PERSONS WHO HAVE APPLIED FOR A PROVISIONAL TIDAL FISH LICENSE

1 BUT HAVE NOT BEEN ISSUED A PROVISIONAL TIDAL FISH LICENSE TO CRITERIA SET
2 FORTH IN PARAGRAPH (2) OF THIS SUBSECTION.

3 (4) THE DEPARTMENT SHALL ISSUE A PROVISIONAL TIDAL FISH
4 LICENSE PERMIT TO THE FIRST PERSON ON THE LIST WHEN A PERMIT BECOMES
5 AVAILABLE.

6 (F) THE DEPARTMENT SHALL ISSUE A TIDAL FISH LICENSE OR
7 AUTHORIZATION IN ACCORDANCE WITH § 4-701(H) OF THIS SUBTITLE TO
8 INDIVIDUALS WHO HAVE COMPLETED THE CRITERIA ESTABLISHED IN SUBSECTION
9 (G) OF THIS SECTION.

10 (G) (1) THE PRACTICAL EXPERIENCE OF A PERMITTEE SHALL CONSIST OF:

11 (I) FOR EACH COMMERCIAL FISHING ACTIVITY AUTHORIZED
12 UNDER § 4-701(D)(2)(II)1 AND 2.A THROUGH E OF THIS SUBTITLE:

13 1. 50 DAYS OF EXPERIENCE IN THE FISHING ACTIVITY
14 APPLIED FOR PER YEAR FOR 3 CONSECUTIVE YEARS; OR

15 2. 150 DAYS OF EXPERIENCE IN THE FISHING ACTIVITY
16 APPLIED FOR OVER A MINIMUM OF 2 YEARS; AND

17 (II) FOR AN AUTHORIZATION UNDER § 4-701(D)(2)(II)2E OF THIS
18 SUBTITLE:

19 1. 60 DAYS OF EXPERIENCE IN AT LEAST TWO SEPARATE
20 FISHING ACTIVITIES PER YEAR FOR 3 CONSECUTIVE YEARS; OR

21 2. 180 DAYS OF EXPERIENCE IN AT LEAST TWO COMMERCIAL
22 FISHING ACTIVITIES OVER A MINIMUM OF 2 YEARS; AND

23 (III) FOR THE PURPOSES OF THIS PARAGRAPH, AT LEAST 30% OF
24 THE DAYS MUST BE SPENT IN A COMMERCIAL FISHING ACTIVITY IN ORDER TO
25 QUALIFY FOR A SEPARATE PRACTICAL EXPERIENCE.

26 (2) THE PRACTICAL EXPERIENCE SHALL BE DOCUMENTED BY THE
27 PERMITTEE ON THE FORMS PROVIDED BY THE DEPARTMENT AND SUBMITTED TO
28 THE DEPARTMENT ON A MONTHLY BASIS WHEN ENGAGING IN PRACTICAL
29 EXPERIENCE. THE FORMS SHALL INCLUDE:

30 (I) NUMBER OF DAYS SPENT GAINING PRACTICAL EXPERIENCE
31 UNDER THE PRESENCE OF A TIDAL FISH LICENSEE;

32 (II) PARTICULAR FISHING ACTIVITIES;

33 (III) THE SIGNATURE OF THE PROVISIONAL TIDAL FISH LICENSEE
34 CERTIFYING THAT THE RECORDED INFORMATION REGARDING THE PRACTICAL
35 EXPERIENCE IN FISHING ACTIVITIES IS TRUE AND CORRECT; AND

1 (IV) THE SIGNATURE OF THE SEAFOOD DEALER PURCHASING THE
2 FISH FROM THE LICENSEE CERTIFYING THAT THE RECORDED INFORMATION
3 REGARDING FISH SOLD TO THE SEAFOOD DEALER IS TRUE AND CORRECT, OR IF FISH
4 ARE SOLD TO ANYONE OTHER THAN A SEAFOOD DEALER, DOCUMENTATION
5 ACCEPTABLE TO THE DEPARTMENT.

6 (3) THE PERMITTEE SHALL ATTEND A PROGRAM, NOT TO EXCEED 4
7 HOURS, APPROVED BY THE DEPARTMENT, CONCERNING THE CONSERVATION OF
8 NATURAL RESOURCES, AND BOATING SAFETY.

9 (H) A LICENSEE OR SEAFOOD DEALER WHO FALSIFIES DOCUMENTATION
10 CONCERNING A PERMITTEE'S PRACTICAL EXPERIENCE IS SUBJECT TO A FINE NOT
11 TO EXCEED \$500.

12 (I) A PERSON WHO RECEIVES A PROVISIONAL TIDAL FISH LICENSE OR
13 AUTHORIZATION UNDER THIS SECTION MAY NOT TRANSFER THE PROVISIONAL
14 TIDAL FISH LICENSE OR AUTHORIZATION.

15 4-701.2.

16 (A) THE DEPARTMENT SHALL ISSUE A LICENSE OR AUTHORIZATION TO A
17 PERSON WHO HAS ATTAINED THE AGE OF 65 YEARS UPON COMPLETION OF THE
18 APPLICATION AND THE PAYMENT OF ALL APPLICABLE FEES.

19 (B) AN APPLICANT UNDER THIS SECTION IS NOT ELIGIBLE TO RECEIVE
20 LICENSES ISSUED UNDER:

21 (1) § 4-701(D)(2)(II)1.B OF THIS SUBTITLE;

22 (2) § 4-701(D)(2)(II)2.B.II OF THIS SUBTITLE; OR

23 (3) § 4-701(D)(2)(II)2.F OF THIS SUBTITLE.

24 (C) A PERSON WHO RECEIVES A TIDAL FISH LICENSE OR AUTHORIZATION
25 UNDER THIS SECTION MAY NOT TRANSFER THE TIDAL FISH LICENSE OR
26 AUTHORIZATION.

27 (D) ANY LICENSE ISSUED UNDER THIS SECTION SHALL NOT COUNT TOWARD
28 THE NUMBER OF AUTHORIZATIONS AS DESCRIBED IN § 4-701(G)(1) OF THIS SUBTITLE.

29 SECTION 3. AND BE IT FURTHER ENACTED, That Section 5 of Chapter 184
30 of the Acts of the General Assembly of 1994 be repealed.

31 SECTION 4. AND BE IT FURTHER ENACTED, That the Department shall
32 issue a provisional tidal fish license to applicants on the top primary waiting list first,
33 followed by the primary waiting list, followed by the secondary waiting list, in the
34 order in which their applications were received by the Department.

35 SECTION 5. AND BE IT FURTHER ENACTED, That the Department shall
36 report to the General Assembly by January 15, 1999 concerning the development of a

1 trip ticket reporting system for ascertaining information regarding commercial
2 landings data.

3 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 1998.