

HOUSE BILL 1260

Unofficial Copy
M2

1998 Regular Session
(8lr2611)

ENROLLED BILL

-- *Environmental Matters/Economic and Environmental Affairs* --

Introduced by **Delegates Wood, Weir, and McClenahan (Chesapeake Bay Commission)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Fisheries Management - Limited Entry to the Commercial Fishery -**
3 **Apprenticeship - Noncommercial Crabbing License**

4 FOR the purpose of altering certain provisions of law relating to the regulation of
5 fishing and crabbing; altering the fee structure for the issuance of certain
6 licenses; altering the minimum age for obtaining a tidal fish license; eliminating
7 and modifying certain provisions of law relating to certain waiting lists for
8 certain fishing activities; establishing a tidal fish license apprenticeship
9 program and establishing certain criteria and a procedure for obtaining an
10 apprenticeship permit; revising the procedure for establishing the total number
11 of fish authorizations by requiring the Department to set by regulation certain
12 targets for certain authorizations; authorizing the Department to modify these
13 targets by regulation based on certain criteria; altering the process for setting
14 the maximum number of authorizations for the fishing of certain fish; requiring
15 the Department to issue a license to individuals who complete certain
16 apprenticeship programs; altering the criteria under which a license or

1 authorization may be transferred; providing for certain contingencies relating to
 2 the renewal of certain licenses; altering certain fees relating to the renewal of
 3 certain licenses; providing for the issuance of certain licenses to certain persons
 4 of certain ages; establishing certain penalties for the falsification of certain
 5 documentation relating to the apprenticeship permit; repealing the termination
 6 provision on a certain law relating to limited entry into commercial fishing;
 7 repealing certain provisions of law relating to permissible times and gear for
 8 catching crabs under certain circumstances; providing for the application of this
 9 Act; defining certain terms; establishing a noncommercial crabbing license for
 10 certain individuals catching crabs in the Chesapeake Bay and its tributaries;
 11 establishing certain limits for crabbing in the waters of the coastal bays of the
 12 Atlantic Ocean; requiring certain individuals catching crabs in a certain manner
 13 to obtain a license; providing for the expiration of the license; establishing
 14 certain fees for the license under certain circumstances; authorizing certain
 15 persons to sell noncommercial crabbing licenses as an agent of the Department;
 16 authorizing the agent to retain a certain portion of the fee the agent collects;
 17 authorizing individuals to catch crabs without a license under certain
 18 circumstances; establishing daily catch limits under certain circumstances;
 19 establishing a limit on the use of certain methods under certain circumstances;
 20 requiring the Department to deposit the fees in a certain fund for certain
 21 purposes; prohibiting an individual who catches crabs for noncommercial
 22 purposes to sell the crabs; prohibiting a person from buying crabs from a person
 23 who catches crabs for noncommercial purposes; establishing certain penalties
 24 for certain violations under certain circumstances; requiring the Department to
 25 submit certain reports by certain dates; providing for a delayed effective date
 26 and the termination of certain provisions of this Act; and generally relating to
 27 fisheries management.

28 BY renumbering

29 Article - Natural Resources
 30 Section 4-101(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively
 31 to be Section 4-101(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p),
 32 respectively
 33 Annotated Code of Maryland
 34 (1997 Replacement Volume and 1997 Supplement)

35 BY adding to

36 Article - Natural Resources
 37 Section 4-101(b) and (c), 4-701.1, ~~and 4-805~~ 4-805, and 4-806
 38 Annotated Code of Maryland
 39 (1997 Replacement Volume and 1997 Supplement)

40 BY repealing and reenacting, with amendments,

41 Article - Natural Resources
 42 Section 4-210(e) and 4-701
 43 Annotated Code of Maryland

1 (1997 Replacement Volume and 1997 Supplement)

2 BY repealing

3 Chapter 184 of the Acts of the General Assembly of 1994

4 Section ~~3~~ and 5

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

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

12 **Article - Natural Resources**

13 4-101.

14 (B) "APPRENTICESHIP PERMIT" MEANS A PERMIT ISSUED BY THE
15 DEPARTMENT THAT AUTHORIZES THE PERMITTEE TO GAIN PRACTICAL EXPERIENCE
16 IN THE PRESENCE OF A TIDAL FISH LICENSEE REGARDING COMMERCIAL FISHING
17 ACTIVITIES.

18 (C) "AUTHORIZATION" MEANS AN AUTHORIZATION UNDER A TIDAL FISH
19 LICENSE ISSUED BY THE DEPARTMENT WHICH ENTITLES A LICENSEE TO ENGAGE IN
20 A PARTICULAR FISHING ACTIVITY.

21 4-210.

22 (e) (1) This subsection is applicable only to a person who, on April 1, [1994]
23 1997:

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

25 (ii) Either:

26 1. Owned two or more vessels used to carry passengers for
27 fishing; ~~or~~

28 2. Owned or operated a federally licensed vessel of 50 tons or
29 more that was used to carry passengers for fishing; OR

30 3. OWNS OR OPERATES OWNED OR OPERATED A MARINA
31 FROM WHICH 10 OR MORE VESSELS OPERATE TO CARRY PASSENGERS FOR FISHING.

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

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

1 (ii) Supplying with the application proofs of ownership of the
2 required vessels; and

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

5 (3) A person holding a master fishing guide license may ~~employ~~:

6 (I) EMPLOY other persons to guide fishing parties on vessels owned
7 by the master fishing guide; AND

8 (II) ALLOW A PERSON WHO HOLDS A VALID COAST GUARD LICENSE
9 TO OPERATE A VESSEL TO CARRY PASSENGERS FOR FISHING FROM THE MARINA
10 OWNED OR OPERATED BY THE MASTER GUIDE LICENSE HOLDER AUTHORIZED
11 UNDER PARAGRAPH (1)(II)3 OF THIS SUBSECTION AS FOLLOWS:

12 1. ONE PERSON FOR 10 VESSELS;

13 2. TWO PERSONS FOR 11 TO 20 VESSELS;

14 3. THREE PERSONS FOR 21 TO 30 VESSELS;

15 4. FOUR PERSONS FOR 31 TO 40 VESSELS;

16 5. FIVE PERSONS FOR 41 TO 50 VESSELS; AND

17 6. SIX PERSONS FOR 51 OR MORE VESSELS.

18 (4) (i) The Department shall issue a number of copies of the master
19 fishing guide license corresponding to the number of vessels owned OR OPERATED by
20 the master fishing guide, with each copy bearing the registration number of one of the
21 vessels.

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

24 (5) If a master fishing guide employs another person to operate a vessel
25 to carry passengers for fishing, for purposes of the license suspension criteria in §
26 4-701(k) of this title, the master fishing guide shall be held responsible for any
27 violations committed by the person employed to operate the vessel.

28 4-701.

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

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

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

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

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

4 (3) ~~The EXCEPT FOR A PERSON RECEIVING A LICENSE UNDER~~
5 SUBSECTION (1)(2)(II) OF THIS SECTION, THE Department may not issue a tidal fish
6 license to [, and a license may not be held by,] an individual who is younger than
7 [12] 14 years of age.

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

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

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

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

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

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

23 1. To provide services as:

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

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

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

30 A. Finfish:

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

32 II. All other equipment: \$100

33 B. Crabs:

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

1 Agriculture to fund seafood marketing programs which have been approved by the
2 Department.

3 (4) (I) 1. IN THIS PARAGRAPH, "FISHING ACTIVITIES" MEANS
4 THOSE ACTIVITIES THAT ARE DIRECTLY RELATED TO CATCHING FISH.

5 2. "FISHING ACTIVITIES" DOES NOT INCLUDE THE
6 ACTIVITIES OF BUYING, SELLING, PROCESSING, TRANSPORTING, EXPORTING, OR
7 SIMILARLY DEALING IN FISH.

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

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

17 2. \$350.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (2) The] NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
35 THE Department may issue an [authorization] APPRENTICESHIP PERMIT for any
36 activity under subsection (d)(2)(ii)1 or 2 of this section to a person who CURRENTLY
37 RESIDES AND has resided for at least 5 years on an island in the State that is at least
38 3 miles from the mainland.

1 (2) THE DEPARTMENT SHALL SET BY REGULATION TARGETS FOR THE
2 NUMBER OF TIDAL FISH LICENSE AUTHORIZATIONS UNDER SUBSECTION (D)(2)(II) OF
3 THIS SECTION TO BE THE NUMBER ISSUED BETWEEN SEPTEMBER 1, 1998 AND
4 MARCH 31, 1999. THE DEPARTMENT MAY MODIFY BY REGULATION THE TARGET
5 NUMBER OF AUTHORIZATIONS BASED ON:

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

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

9 (ii) Recommendations of fishery management plans adopted by the
10 Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries
11 Commission, the Mid-Atlantic Fisheries Management Council, or any other
12 appropriate management body;

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

14 (iv) Target species, size, number, weight, incidental catch, total
15 biomass, annual harvest, mortality rates, and other factors which are necessary and
16 appropriate.

17 [(4)] (3) (i) The Department shall by regulation limit the total
18 number of authorizations to fish for striped bass [under any commercial license to the
19 number of persons who, based on the best information available to the Department,
20 were authorized to fish for striped bass between September 1, 1993 and April 1, 1994]
21 TO 1,231 PARTICIPANTS IN THE COMMERCIAL FISHERY AND 499 PARTICIPANTS IN
22 THE CHARTER BOAT FISHERY.

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

26 (h) [(1)] The Department shall issue a license authorizing participation in a
27 particular fishing activity to [the first person on the primary candidate waiting list
28 for that fishing activity] A PERSON WHO HAS COMPLETED THE REQUIREMENTS OF
29 AN APPRENTICESHIP UNDER § 4-701.1 OF THIS SUBTITLE.

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

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

35 (2) [A] THE DEPARTMENT SHALL REVIEW AND MAY APPROVE THE
36 PERMANENT TRANSFER OF A license OR AN AUTHORIZATION [may be transferred] to
37 a person who is the licensee's spouse, daughter, son, stepchild, grandchild, step
38 grandchild, parent, sister, brother, grandparent, father-in-law, mother-in-law,
39 son-in-law, [or] 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 AND THE TRANSFEREE HAS PAID THE FEE FOR THE LICENSE OR
4 AUTHORIZATION; or

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

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

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

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

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

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

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

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

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

30 (ii) The Department shall [adopt by regulation a threshold amount
31 of vessel and gear, based on type, quantity, and value, that shall qualify a licensee to
32 transfer a tidal fish license under this paragraph] REVIEW AND MAY APPROVE A
33 PERMANENT TRANSFER OF A LICENSE OR AUTHORIZATION UNDER THIS PARAGRAPH
34 TO A PERSON WHO HAS:

35 1. A. PURCHASED A VESSEL USED FOR COMMERCIAL
36 FISHING FROM THE LICENSE HOLDER; OR

1 B. PURCHASED EQUIPMENT AND ASSETS WITH A MINIMUM
 2 VALUE OF \$2,000 AND THE COMMERCIAL FISHING BUSINESS FROM THE LICENSE
 3 HOLDER;

4 2. BEEN A CREW MEMBER FOR AT LEAST 2 YEARS IN ANY
 5 COMMERCIAL FISHERY AS CERTIFIED BY THREE TIDAL FISH LICENSEES; ~~AND~~

6 3. PAID THE FEE FOR THE LICENSE OR AUTHORIZATION;
 7 AND

8 4. PROVIDED A NOTARIZED BILL OF SALE.

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

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

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

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

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

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

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

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

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

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

- 1 (i) Making any false statement in an application for a tidal fish
2 license;
- 3 (ii) Conviction of a person for violations under this title so often as
4 to indicate an intent to disregard the fish and fisheries laws of the State, provided
5 that proceedings for revocation on this ground are based on no fewer than:
- 6 1. 3 convictions for violations occurring on separate days
7 within any 365 day period, of provisions under 1 subtitle of this title; or
- 8 2. 5 convictions for violations occurring on separate days
9 within any 365 day period, of any provisions under this title;
- 10 (iii) Failure to submit reports required by the provisions of this title
11 or by the Department pursuant to provisions of this title; or
- 12 (iv) Failure for a nonresident of the State to appear in court
13 pursuant to a citation issued by a Natural Resources police officer, or to any other
14 process issued by any court of Maryland, for violation of this title.
- 15 (4) [(i)] The following are grounds for revocation of a tidal fish license:
- 16 [1.] (I) Submitting a false report required by the provisions
17 of this title or by the Department pursuant to the provisions of this title; OR
- 18 [2.] (II) Suspension of the person's tidal fish license under
19 paragraph (1) of this subsection more than once in any 24-month period.
- 20 [(ii) If a person's license is revoked under this paragraph, upon
21 application for any new license under subsection (f) of this section, the person shall be
22 deemed a secondary candidate under subsection (f)(3) of this section.]
- 23 (5) For purposes of suspensions under subparagraph (ii) of paragraph (3)
24 of this subsection, the Department shall adopt as part of its procedural regulations:
- 25 (i) A schedule of points assigned to various offenses under this
26 title; and
- 27 (ii) A schedule of the maximum number of days that a license may
28 be suspended according to the number of points accumulated.
- 29 (6) The Department shall initiate any proceeding to suspend a tidal fish
30 license under this section not later than 6 months after the time for filing an appeal
31 of the 3rd conviction under paragraph (3)(ii)1 of this subsection has passed or the time
32 for filing an appeal of the 5th conviction under paragraph (3)(ii)2 of this subsection
33 has passed.
- 34 (7) Before the suspension of a tidal fish license under this section, the
35 Department shall hold a hearing upon not less than 10 days' notice to the licensee,
36 except that upon the failure of a nonresident of the State to appear in a court of this

1 State as required by any charging document accusing the person of committing any
2 offense under this title, in addition to any other appropriate action taken by the court
3 or the Department, the Department may suspend immediately and without hearing
4 any license issued to the person under this title.

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

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

14 (n) The Department shall:

15 (1) Deposit to the credit of the Fisheries Research and Development
16 Fund all fees received for tidal fish licenses AND APPRENTICESHIP PERMITS; and

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

19 4-701.1.

20 (A) THIS SECTION APPLIES TO A PERSON WHO DOES NOT QUALIFY FOR A
21 LICENSE REQUIRED UNDER SUBTITLE 2, SUBTITLE 7, SUBTITLE 8, SUBTITLE 9, OR
22 SUBTITLE 10 OF THIS TITLE, EXCEPT FOR A SEAFOOD DEALER LICENSE, TO BE
23 LICENSED TO GUIDE FISHING PARTIES OR TO CATCH, SELL, BUY, PROCESS,
24 TRANSPORT, EXPORT, OR OTHERWISE DEAL IN FISH CAUGHT IN TIDAL WATERS.

25 (B) EXCEPT AS PROVIDED UNDER SUBSECTION (H) OF THIS SECTION, THE
26 DEPARTMENT MAY ISSUE AN APPRENTICESHIP PERMIT TO AUTHORIZE A PERSON TO
27 GAIN PRACTICAL EXPERIENCE IN THE PRESENCE OF ~~ANOTHER~~ A TIDAL FISH
28 LICENSEE REGARDING COMMERCIAL FISHING ACTIVITIES.

29 (C) AN APPRENTICESHIP PERMIT IS VALID FOR UP TO 3 YEARS FROM THE
30 DATE OF ISSUANCE AND MAY BE RENEWED FOR ~~UP TO 3 YEARS~~ 1 YEAR IF THE
31 APPLICANT SHOWS GOOD CAUSE.

32 (D) THE FEES FOR AN APPRENTICESHIP PERMIT SHALL BE THE SAME AS THE
33 ANNUAL FEES APPLIED UNDER § 4-701(D) OF THIS SUBTITLE FOR EACH COMMERCIAL
34 FISHING ACTIVITY FOR THE TERM OF THE APPRENTICESHIP AND THE FIRST
35 LICENSE YEAR.

36 (E) (1) THE DEPARTMENT MAY ACCEPT AN APPLICATION FOR AN
37 APPRENTICESHIP PERMIT FROM A PERSON WHO IS AT LEAST 14 YEARS OF AGE AND
38 DOES NOT QUALIFY FOR A COMMERCIAL TIDAL FISH LICENSE OR AN
39 AUTHORIZATION FOR A PARTICULAR FISHING ACTIVITY.

1 (2) THE DEPARTMENT MAY ISSUE AN APPRENTICESHIP PERMIT IF THE
2 NUMBER OF TIDAL FISH AUTHORIZATIONS ISSUED FOR THAT FISHING ACTIVITY IS
3 LESS THAN THE TARGET NUMBER ESTABLISHED BY REGULATION.

4 (3) THE DEPARTMENT SHALL MAINTAIN A LIST IN CHRONOLOGICAL
5 ORDER OF PERSONS WHO HAVE APPLIED FOR AN APPRENTICESHIP PERMIT BUT
6 HAVE NOT BEEN ISSUED AN APPRENTICESHIP PERMIT DUE TO THE TARGET NUMBER
7 ALREADY HAVING BEEN ISSUED.

8 (4) THE DEPARTMENT SHALL ISSUE AN APPRENTICESHIP PERMIT TO
9 THE FIRST PERSON ON THE LIST WHEN A PERMIT BECOMES AVAILABLE.

10 (5) THE DEPARTMENT MAY NOT ISSUE AN APPRENTICESHIP PERMIT
11 FOR A PARTICULAR FISHING ACTIVITY UNLESS THE NUMBER OF THE TIDAL FISH
12 AUTHORIZATIONS ISSUED FOR THE PARTICULAR ACTIVITY IS BELOW THE TARGET
13 NUMBER OR A REVIEW BY THE GENERAL ASSEMBLY HAS BEEN COMPLETED.

14 (F) THE DEPARTMENT SHALL ISSUE A TIDAL FISH LICENSE OR
15 AUTHORIZATION IN ACCORDANCE WITH § 4-701(H) OF THIS SUBTITLE TO PERSONS
16 WHO HAVE COMPLETED THE CRITERIA ESTABLISHED IN SUBSECTION (G) OR (H) OF
17 THIS SECTION.

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

19 (I) FOR EACH COMMERCIAL FISHING ACTIVITY AUTHORIZED
20 UNDER § 4-701(D)(2)(II) OF THIS SUBTITLE:

21 1. 50 DAYS OF EXPERIENCE IN THE FISHING ACTIVITY
22 APPLIED FOR PER YEAR FOR 3 CONSECUTIVE YEARS; OR

23 2. 150 DAYS OF EXPERIENCE IN THE FISHING ACTIVITY
24 APPLIED FOR OVER A MINIMUM OF 2 YEARS; AND

25 (II) FOR MULTIPLE FISHING ACTIVITIES UNDER § 4-701(D)(2)(II) OF
26 THIS SUBTITLE AND AN UNLIMITED TIDAL FISH AUTHORIZATION:

27 1. 60 DAYS OF EXPERIENCE IN AT LEAST TWO SEPARATE
28 FISHING ACTIVITIES PER YEAR FOR 3 CONSECUTIVE YEARS; OR

29 2. 180 DAYS OF EXPERIENCE IN AT LEAST TWO COMMERCIAL
30 FISHING ACTIVITIES OVER A MINIMUM OF 2 YEARS.

31 (III) FOR THE PURPOSES OF SUBPARAGRAPH (II) OF THIS
32 PARAGRAPH, AT LEAST 60 DAYS OF PRACTICAL EXPERIENCE ~~MUST BE SPENT IN A~~
33 SEPARATE COMMERCIAL FISHING ACTIVITY ACTIVITIES.

34 (2) THE PRACTICAL EXPERIENCE SHALL BE DOCUMENTED BY THE
35 PERMITTEE ON THE FORMS PROVIDED BY THE DEPARTMENT AND SUBMITTED TO
36 THE DEPARTMENT ON A MONTHLY BASIS WHEN ENGAGING IN PRACTICAL
37 EXPERIENCE. THE FORMS SHALL INCLUDE:

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

3 (II) PARTICULAR FISHING ACTIVITIES; ~~AND~~

4 (III) THE SIGNATURE OF A TIDAL FISH LICENSEE CERTIFYING THAT
5 THE RECORDED INFORMATION REGARDING THE PRACTICAL EXPERIENCE IN
6 FISHING ACTIVITIES IS TRUE AND CORRECT; AND

7 (IV) COPIES OF APPROPRIATE INCOME TAX FORMS DOCUMENTING
8 THE PERMITTEE'S COMPENSATED EMPLOYMENT IN THE PRESENCE OF A TIDAL FISH
9 LICENSEE.

10 (3) IN ADDITION TO PRACTICAL EXPERIENCE, BEFORE A LICENSE MAY
11 BE ISSUED TO A PERMITTEE, THE PERMITTEE SHALL ~~ATTEND A COMPLETE AN~~
12 8-HOUR PROGRAM APPROVED BY THE DEPARTMENT CONCERNING COMMERCIAL
13 FISHING ACTIVITIES.

14 ~~(4) (I) AN APPLICANT FOR AN APPRENTICESHIP PERMIT MAY BEGIN~~
15 ~~TO COMPLETE THE REQUIREMENTS OF PARAGRAPHS (1), (2), AND (3) OF THIS~~
16 ~~SUBSECTION, IF THE APPLICANT POSTS THE FEE FOR THE APPRENTICESHIP PERMIT.~~

17 ~~(H) THIS PARAGRAPH DOES NOT ALTER AN APPLICANT'S POSITION~~
18 ~~ON A WAITING LIST.~~

19 ~~(H) A PERMITTEE SHALL HAVE IN THE PERMITTEE'S POSSESSION THE~~
20 ~~APPRENTICESHIP PERMIT WHENEVER ENGAGED IN ANY PRACTICAL EXPERIENCE IN~~
21 ~~THE PRESENCE OF ANOTHER TIDAL FISH LICENSEE.~~

22 ~~(I) A LICENSEE WHO FALSIFIES DOCUMENTATION CONCERNING A~~
23 ~~PERMITTEE'S PRACTICAL EXPERIENCE IS SUBJECT TO LICENSE SUSPENSION FOR A~~
24 ~~PERIOD OF 365 DAYS.~~

25 (H) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH
26 CRITERIA FOR THE PRACTICAL EXPERIENCE FOR AN INDIVIDUAL WHO HOLDS A
27 VALID TIDAL FISH LICENSE AND WHO HAS APPLIED FOR AN ADDITIONAL
28 AUTHORIZATION OTHER THAN A FISHING GUIDE AUTHORIZATION OR AN UNLIMITED
29 TIDAL FISH AUTHORIZATION.

30 (2) THE CRITERIA ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (1)
31 OF THIS SUBSECTION SHALL INCLUDE:

32 (I) DOCUMENTATION AT THE TIME OF APPLICATION FOR AN
33 APPRENTICESHIP PERMIT THAT FOR THE PREVIOUS 2 YEARS, AT LEAST 20% OF THE
34 INDIVIDUAL'S GROSS INCOME WAS FROM THE INDIVIDUAL'S COMMERCIAL FISHING
35 ACTIVITIES; AND

36 (II) BEFORE A LICENSE CAN BE ISSUED, DOCUMENTATION OF A
37 DETERMINED LEVEL OF PARTICIPATION IN THE CURRENTLY AUTHORIZED FISHERY
38 FOR AT LEAST 2 YEARS WHILE POSSESSING AN APPRENTICESHIP PERMIT.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Natural Resources**

4 4-805.

5 (A) AN INDIVIDUAL WHO ATTEMPTS TO CATCH OR CATCHES CRABS IN THE
6 WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES FOR
7 NONCOMMERCIAL PURPOSES SHALL OBTAIN A NONCOMMERCIAL CRABBING
8 LICENSE IF THE INDIVIDUAL:

9 (1) ~~USES A TROTLINE, WHICH MAY NOT EXCEED 1,000 FEET IN LENGTH;~~

10 (2) ~~USES COLLAPSIBLE CRAB TRAPS, NOT TO EXCEED 10; OR~~

11 (3) ~~USES NET RINGS, NOT TO EXCEED 10.~~

12 (1) USES MORE THAN 600 FEET BUT NOT MORE THAN 1,200 FEET OF
13 TROTLINE;

14 (2) USES MORE THAN 10 BUT NOT MORE THAN 30 COLLAPSIBLE TRAPS
15 OR NET RINGS; OR

16 (3) USES NO MORE THAN 10 EEL POTS FOR CATCHING THE INDIVIDUAL'S
17 OWN BAIT.

18 (B) A NONCOMMERCIAL CRABBING LICENSE ISSUED UNDER THIS SECTION IS
19 VALID FOR NOT MORE THAN 1 YEAR AND EXPIRES ON DECEMBER 31 OF EACH YEAR.

20 (C) (1) A NONCOMMERCIAL CRABBING LICENSE MAY BE OBTAINED FROM
21 ANY AUTHORIZED AGENT OF THE DEPARTMENT.

22 (2) THE ANNUAL NONCOMMERCIAL CRABBING LICENSE FEES ARE:

23 (I) FOR A MARYLAND RESIDENT, \$5;

24 (II) FOR A MARYLAND RESIDENT, IN POSSESSION OF A MARYLAND
25 CHESAPEAKE BAY SPORT FISHING LICENSE OR A RESIDENT CONSOLIDATED SENIOR
26 SPORT FISHING LICENSE, \$2; AND

27 (III) FOR A NONRESIDENT, \$10.

28 (3) (I) THE DEPARTMENT MAY DESIGNATE A PERSON ENGAGED IN A
29 COMMERCIAL ENTERPRISE TO SELL NONCOMMERCIAL CRABBING LICENSES AS AN
30 AGENT UNDER THE DEPARTMENT'S CONTROL AND SUPERVISION.

31 (II) AN AGENT SELLING NONCOMMERCIAL CRABBING LICENSES
32 UNDER THIS PARAGRAPH MAY RETAIN 50 CENTS FOR EACH LICENSE ISSUED BY THE
33 AGENT.

1 (D) A NONCOMMERCIAL CRABBING LICENSE IS NOT REQUIRED FOR:

2 (1) AN INDIVIDUAL TO TAKE CRABS BY DIPNET OR HANDLINE; ~~OR~~

3 (2) A PERSON WHO OWNS PRIVATE PROPERTY ALONG THE SHORE TO
4 SET UP TO TWO CRAB POTS FROM THAT PRIVATE PROPERTY;

5 (3) AN INDIVIDUAL WHO USES 600 FEET OR LESS OF TROTLINE;

6 (4) AN INDIVIDUAL WHO USES 10 OR FEWER COLLAPSIBLE TRAPS OR
7 NET RINGS;

8 (5) MULTIPLE INDIVIDUALS ON A BOAT WHO USE 600 FEET OR LESS OF
9 TROTLINE; OR

10 (6) MULTIPLE INDIVIDUALS ON A BOAT WHO USE FEWER THAN 25
11 COLLAPSIBLE TRAPS OR NET RINGS.

12 (E) (1) THE DAILY CATCH LIMITS FOR HARD CRABS UNDER THIS SECTION
13 ARE:

14 ~~(I) 1 BUSHEL FOR A HOLDER OF A NONCOMMERCIAL CRABBING~~
15 ~~LICENSE OR AN INDIVIDUAL EXEMPT UNDER SUBSECTION (D) OF THIS SECTION;~~

16 ~~(II) 2 BUSHELS PER BOAT IF THERE ARE MULTIPLE INDIVIDUALS~~
17 ~~ON THE BOAT AND AT LEAST ONE INDIVIDUAL HOLDS A NONCOMMERCIAL~~
18 ~~CRABBING LICENSE; AND~~

19 ~~(III) 2 BUSHELS PER BOAT IF THERE ARE MULTIPLE INDIVIDUALS~~
20 ~~TAKING CRABS BY DIPNET OR HANDLINE.~~

21 ~~(2) IF THERE ARE TWO OR MORE HOLDERS OF NONCOMMERCIAL~~
22 ~~CRABBING LICENSES ATTEMPTING TO CATCH OR CATCHING CRABS FROM A BOAT,~~
23 ~~THEY MAY NOT USE FROM ONE BOAT MORE THAN A TOTAL OF:~~

24 ~~(I) 20 COLLAPSIBLE CRAB TRAPS OR NET RINGS; OR~~

25 ~~(II) TWO TROT LINES, EACH OF WHICH MAY NOT EXCEED 1,000 FEET~~
26 ~~IN LENGTH.~~

27 (I) 1 BUSHEL FOR AN INDIVIDUAL EXEMPT UNDER SUBSECTION
28 (D) OF THIS SECTION;

29 (II) 2 BUSHELS PER BOAT IF TWO OR MORE INDIVIDUALS EXEMPT
30 UNDER SUBSECTION (D) OF THIS SECTION ARE ON THE BOAT;

31 (III) 2 BUSHELS FOR A HOLDER OF A NONCOMMERCIAL CRABBING
32 LICENSE; OR

33 (IV) 3 BUSHELS PER BOAT IF TWO OR MORE INDIVIDUALS WHO
34 HOLD A NONCOMMERCIAL CRABBING LICENSE ARE ON THE BOAT.

1 (2) THE DAILY CATCH LIMITS FOR PEELER CRABS AND SOFT SHELL
2 CRABS UNDER THIS SECTION ARE:

3 (I) 3 DOZEN FOR A HOLDER OF A NONCOMMERCIAL CRABBING
4 LICENSE; OR

5 (II) 1 DOZEN FOR AN INDIVIDUAL EXEMPT UNDER SUBSECTION (D)
6 OF THIS SECTION.

7 (F) (1) THE DEPARTMENT SHALL DEPOSIT ALL FEES RECEIVED FOR
8 NONCOMMERCIAL CRABBING LICENSES TO THE CREDIT OF THE FISHERIES
9 RESEARCH AND DEVELOPMENT FUND TO BE USED FOR RESEARCH, INCLUDING
10 INDEPENDENT STUDIES OF THE FISHERY, AND TO DETERMINE THE EXTENT OF THE
11 NONCOMMERCIAL CRAB CATCH. THE AMOUNT OF FUNDS EXPENDED ON THE CRAB
12 RESEARCH MAY NOT EXCEED \$200,000.

13 (2) ANY FUNDS REMAINING BEYOND THE FINANCIAL DEMANDS OF THE
14 RESEARCH REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED
15 FOR ENFORCEMENT.

16 (G) (1) AN INDIVIDUAL WHO MAY CATCH OR ATTEMPT TO CATCH CRABS
17 UNDER THIS SECTION MAY NOT OFFER TO SELL OR SELL CRABS THAT WERE CAUGHT
18 FOR NONCOMMERCIAL OR RECREATIONAL PURPOSES.

19 (2) A PERSON MAY NOT KNOWINGLY BUY OR OFFER TO BUY CRABS
20 FROM AN INDIVIDUAL WHO CAUGHT CRABS FOR NONCOMMERCIAL PURPOSES
21 UNDER THIS SECTION.

22 (H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
23 PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A
24 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

25 (I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500; AND

26 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT
27 EXCEEDING \$1,000.

28 (2) A PERSON WHO VIOLATES SUBSECTION (G) OF THIS SECTION IS
29 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

30 (I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500; AND

31 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT LESS
32 THAN \$500 AND NOT EXCEEDING \$2,000.

33 4-806.

34 (A) EXCEPT AS PROVIDED IN SUBTITLE 7 OF THIS TITLE, AN INDIVIDUAL WHO
35 ATTEMPTS TO CATCH OR CATCHES CRABS IN THE WATERS OF THE COASTAL BAYS OF
36 THE ATLANTIC OCEAN AND THEIR TRIBUTARIES MAY NOT:

- 1 (1) CATCH OR POSSESS MORE THAN 1 BUSHEL PER DAY;
 2 (2) USE MORE THAN 600 FEET OF TROTLINE;
 3 (3) USE MORE THAN 10 COLLAPSIBLE CRAB TRAPS OR NET RINGS; OR
 4 (4) USE MORE THAN 2 CRAB POTS FROM THE SHORE ADJACENT TO
 5 PRIVATE PROPERTY.

6 (B) AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY
 7 USE DIP NETS AND AN UNLIMITED NUMBER OF HANDLINES TO CATCH CRABS.

8 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 9 read as follows:

10 Article - Natural Resources

11 4-701.1.

12 (G) (4) (I) AN APPLICANT FOR AN APPRENTICESHIP PERMIT MAY BEGIN
 13 TO COMPLETE THE REQUIREMENTS OF PARAGRAPHS (1), (2), AND (3) OF THIS
 14 SUBSECTION, IF THE APPLICANT POSTS THE FEE FOR THE APPRENTICESHIP
 15 PERMIT.

16 (II) THIS PARAGRAPH DOES NOT ALTER AN APPLICANT'S POSITION
 17 ON THE WAITING LIST ESTABLISHED UNDER SUBSECTION (E)(3) OF THIS SECTION.

18 (III) AN APPLICANT SHALL BE ISSUED AN APPRENTICESHIP PERMIT
 19 IN ACCORDANCE WITH SUBSECTION (E)(4) OF THIS SECTION.

20 (IV) AN APPLICANT MAY BE CREDITED WITH THE COMPLETED
 21 REQUIREMENTS THAT WERE ACCRUED AND DOCUMENTED IN ACCORDANCE WITH
 22 PARAGRAPH (2) OF THIS SUBSECTION BEFORE BEING ISSUED AN APPRENTICESHIP
 23 PERMIT.

24 SECTION 4. 5. AND BE IT FURTHER ENACTED, That Section(s) ~~3 and 5~~ of
 25 Chapter 184 of the Acts of the General Assembly of 1994 be repealed.

26 SECTION 5. 6. AND BE IT FURTHER ENACTED, That by August 31, 1998,
 27 the Department of Natural Resources shall issue a license or authorization to persons
 28 maintained on the primary candidate waiting list as of ~~December 1, 1997~~ December
 29 31, 1997. Persons maintained on the primary list after ~~December 1, 1997~~ December
 30 31, 1997 and persons maintained on the secondary list may be issued an
 31 apprenticeship permit without paying the fee required under §§ 4-701 and 4-701.1 of
 32 the Natural Resources Article if the target number allows for the issuance of an
 33 apprenticeship permit.

34 SECTION 6. 7. AND BE IT FURTHER ENACTED, That the Department of
 35 Natural Resources may convert a tidal fish license with a minimum of three
 36 authorizations, one of which shall be a crabbing authorization, to an unlimited tidal

1 fish license at the time of renewal for the license year beginning September 1, 1998
2 and upon completion of application and payment of appropriate fees. The licensee
3 shall relinquish current authorizations to the Department and may not permanently
4 transfer authorization to another person.

5 SECTION ~~7.~~ 8. AND BE IT FURTHER ENACTED, That the Department of
6 Natural Resources may issue a license, except a fishing guide or unlimited tidal fish
7 license, to a person who is at least 65 years old and previously held a tidal fish license
8 for at least 5 years and submits an affidavit attesting to that information ~~by March~~
9 ~~31, 1999~~. The license shall entitle the qualified person to engage in the same activities
10 as the person was previously authorized upon completion of application and payment
11 of fees, except for a permit to catch striped bass for sale. A person who receives a tidal
12 fish license under the provisions of this section may not transfer the tidal fish license.

13 SECTION ~~8.~~ 9. AND BE IT FURTHER ENACTED, That before the Department
14 of Natural Resources proposes regulations to modify the targets established under §
15 4-701(g)(3) of the Natural Resources Article, the Department shall submit a report, in
16 accordance with § 2-1246 of the State Government Article, to the Senate Economic
17 and Environmental Affairs Committee, the House Environmental Matters
18 Committee, and the Chesapeake Bay Commission. The report shall include the
19 proposed targets and data to reflect and justify the modifications being proposed.

20 SECTION ~~9.~~ 10. AND BE IT FURTHER ENACTED, That the Department shall
21 report to the General Assembly by January 15, 1999 concerning the development of a
22 trip ticket reporting system for ascertaining information regarding commercial
23 landings data.

24 SECTION ~~10.~~ 11. AND BE IT FURTHER ENACTED, That the Department of
25 Natural Resources shall prepare a report to the Senate Economic and Environmental
26 Affairs Committee, the House Environmental Matters Committee, and the
27 Chesapeake Bay Commission, in accordance with § 2-1246 of the State Government
28 Article, no later than December 31, 1999, and every year thereafter, which shall
29 include estimates or survey results detailing the number of recreational crabbers, the
30 categories or groupings of recreational crabbing activities such as handlines,
31 trotlines, traps, shoreline owners' use of crab pots, and whether such activities are
32 carried out from private boats, hired boats, or from the shore or piers. The report
33 shall also include a survey of noncommercial crabbing licensees, including the
34 number of individuals who were issued noncommercial crabbing licenses during the
35 time period covered by the report and the amount of license fees collected by the
36 Department. The report shall also include estimates or counts of recreational crab
37 catchers, by category, for at least the last 2 years and information on short-term and
38 long-term trends in crab populations and how recreational crabbing affects or is
39 affected by these trends. The report shall also include itemized costs of the
40 noncommercial crab catch research, identifying any needs, if necessary, for expansion
41 of the research. The report shall also include information on law enforcement
42 activities regarding recreational crabbing, particularly enforcement of a prohibition
43 on selling recreationally caught noncommercial crabs. The report shall also include
44 information or results of studies dealing with the effect of fish and crab predation on
45 small crabs.

1 SECTION ~~11~~ 12. AND BE IT FURTHER ENACTED, That Sections 3 and ~~10~~ 11
2 of this Act shall take effect ~~October 1, 1998~~ January 1, 1999. They shall remain
3 effective for a period of 5 years ~~and 3 months~~, and, at the end of December 31, 2003,
4 with no further action required by the General Assembly, Sections 3 and ~~10~~ 11 of this
5 Act shall be abrogated and of no further force and effect.

6 SECTION ~~12~~ 13. AND BE IT FURTHER ENACTED, That Sections 1, 2, ~~4~~ 5, 6,
7 7, 8, ~~and 9~~, and 10 of this Act shall take effect June 1, 1998.

8 SECTION 14. AND BE IT FURTHER ENACTED, That Section 4 of this Act
9 shall take effect June 1, 1998. It shall remain effective until December 31, 2000 and, at
10 the end of December 31, 2000, with no further action required by the General Assembly,
11 Section 4 shall be abrogated and of no further force and effect. After the termination of
12 Section 4 of this Act, a person may continue to be credited with practical experience
13 accrued in accordance with the provisions of § 4-701.1(g) of the Natural Resources
14 Article as enacted by Section 2 of this Act who had begun to complete the requirements
15 of the apprenticeship program under Section 4 of this Act.