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By: **Senator Stoltzfus**

Introduced and read first time: February 6, 1998

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Fish - Striped Bass Allocation**

3 FOR the purpose of requiring the Department of Natural Resources to provide by  
4 regulation for certain allocations of the available quota of striped bass at certain  
5 times; and generally relating to the allocation of authorizations for striped bass.

6 BY repealing and reenacting, with amendments,  
7 Article - Natural Resources  
8 Section 4-701(g)  
9 Annotated Code of Maryland  
10 (1997 Replacement Volume and 1997 Supplement)

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

13 **Article - Natural Resources**

14 4-701.

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

18 (i) Unless the total number issued for that type of activity is less  
19 than the number of authorizations which the Department determines is appropriate  
20 for the resource and consistent with fishery management plans adopted under §  
21 4-215 of this title; and

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

24 (2) The Department may issue an authorization for any activity under  
25 subsection (d)(2)(ii)1 or 2 of this section to a person who has resided for at least 5  
26 years on an island in the State that is at least 3 miles from 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                  (4)     (i)     The Department shall by regulation limit the total number of  
13 authorizations to fish for striped bass under any commercial license to the number of  
14 persons who, based on the best information available to the Department, were  
15 authorized to fish for striped bass between September 1, 1993 and April 1, 1994.

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

19                               (III)    THE DEPARTMENT SHALL PROVIDE IN ITS REGULATIONS FOR  
20 THE ALLOCATION OF ANY AVAILABLE QUOTA ON A MONTHLY BASIS TO ASSURE THAT  
21 ALL AREAS OF THE STATE HAVE AMPLE OPPORTUNITY TO ATTAIN AN EQUITABLE  
22 PORTION OF THE AVAILABLE QUOTA.

23     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 1998.