

SENATE BILL 400

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1998 Regular Session
8r1369

By: **Senator Stoltzfus**
Introduced and read first time: February 6, 1998
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable
Senate action: Adopted
Read second time: March 17, 1998

CHAPTER _____

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

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

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

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

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

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

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