

SENATE BILL 679

Unofficial Copy
M2

1998 Regular Session
8lr2485
CF 8lr2611

By: **Senators Pinsky and Stoltzfus**

Introduced and read first time: February 12, 1998

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Fisheries Management - Limited Entry to the Commercial Fishery -**
3 **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
17 authorization may be transferred; providing for certain contingencies relating to
18 the renewal of certain licenses; altering certain fees relating to the renewal of
19 certain licenses; providing for the issuance of certain licenses to certain persons
20 of certain ages; establishing certain penalties for the falsification of certain
21 documentation relating to the apprenticeship permit; repealing the termination
22 provision on a certain law relating to limited entry into commercial fishing;
23 repealing certain provisions of law relating to permissible times and gear for
24 catching crabs under certain circumstances; providing for the application of this
25 Act; defining certain terms; establishing a noncommercial crabbing license for
26 certain individuals catching crabs in the Chesapeake Bay and its tributaries;
27 requiring certain individuals catching crabs in a certain manner to obtain a
28 license; providing for the expiration of the license; establishing certain fees for
29 the license under certain circumstances; authorizing certain persons to sell
30 noncommercial crabbing licenses as an agent of the Department; authorizing
31 the agent to retain a certain portion of the fee the agent collects; authorizing
32 individuals to catch crabs without a license under certain circumstances;
33 establishing daily catch limits under certain circumstances; establishing a limit
34 on the use of certain methods under certain circumstances; requiring the
35 Department to deposit the fees in a certain fund for certain purposes;

1 prohibiting an individual who catches crabs for noncommercial purposes to sell
2 the crabs; prohibiting a person from buying crabs from a person who catches
3 crabs for noncommercial purposes; establishing certain penalties for certain
4 violations under certain circumstances; requiring the Department to submit
5 certain reports by certain dates; providing for the termination of certain
6 provisions of this Act; and generally relating to fisheries management.

7 BY renumbering

8 Article - Natural Resources
9 Section 4-101(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively
10 to be Section 4-101(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p),
11 respectively
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 1997 Supplement)

14 BY adding to

15 Article - Natural Resources
16 Section 4-101(b) and (c), 4-701.1, and 4-805
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article - Natural Resources
21 Section 4-210(e) and 4-701
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 1997 Supplement)

24 BY repealing

25 Chapter 184 of the Acts of the General Assembly of 1994
26 Section 3 and 5

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

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

34 **Article - Natural Resources**

35 4-101.

36 (B) "APPRENTICESHIP PERMIT" MEANS A PERMIT ISSUED BY THE
37 DEPARTMENT THAT AUTHORIZES THE PERMITTEE TO GAIN PRACTICAL EXPERIENCE

1 IN THE PRESENCE OF A TIDAL FISH LICENSEE REGARDING COMMERCIAL FISHING
2 ACTIVITIES.

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

6 4-210.

7 (e) (1) This subsection is applicable only to a person who, on April 1, [1994]
8 1997:

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

10 (ii) Either:

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

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

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

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

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

20 (iii) Paying the master fishing guide license fee set forth in §
21 4-701(d)(2)(ii)1 of this title.

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

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

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

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

1 4-701.

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

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

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

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

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

11 (3) The Department may not issue a tidal fish license to [, and a license
12 may not be held by,] an individual who is younger than [12] 14 years of age.

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

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

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

20 (d) (1) The Department may issue no more than one authorization to a
21 person to engage in each activity under paragraph (2)(ii)1 and 2 of this subsection
22 during a license year.

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

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

28 1. To provide services as:

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

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

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

- 1 A. Finfish:
- 2 I. Hook and line only, anywhere: \$37.50
- 3 II. All other equipment: \$100
- 4 B. Crabs:
- 5 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and
6 scrapes: \$50
- 7 II. Over 50 pots, plus any other gear listed in item I of this
8 sub-sub-subparagraph: \$150
- 9 C. Clams - \$100
- 10 D. Oysters - \$250 for a dredge boat and \$50 for other than a
11 dredge boat
- 12 E. Conch, turtles, and lobster - \$50
- 13 F. For all activities in item 1A of this subparagraph and in
14 items A through E of this item, UNLIMITED TIDAL FISH - \$300
- 15 3. For one or two crew members employed under § 4-814 of
16 this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of this
17 paragraph with more than 300 pots, the licensee shall pay[:
- 18 A. For the tidal fish license year ending August 31, 1994 -
19 \$50 for each crew member; and
- 20 B. For each tidal fish license year after August 31, 1994 -]
21 \$20 for each crew member.
- 22 4. Except for a licensee dealing in his own catch, for a person
23 to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal
24 waters of Maryland, SEAFOOD DEALER - \$150
- 25 [(iii) The fee established in subparagraph (ii)2B of this paragraph for
26 an authorization to catch crabs under a tidal fish license, shall be waived for a period
27 of 5 years beginning April 1, 1994, for any senior person who, at any time between
28 April 1, 1993 and March 31, 1994, held a valid tidal fish license for which a fee had
29 been waived under the applicable provision of law in effect on January 1, 1994].
- 30 (e) (1) To catch striped bass for sale:
- 31 (i) A licensee authorized under subsection (d)(2)(ii)2A of this
32 section shall pay an annual surcharge of \$200; or
- 33 (ii) A licensee authorized under subsection (d)(2)(ii)2F of this
34 section shall pay with the license fee an annual surcharge of \$100.

1 (2) A person may not catch oysters for sale without possessing a valid
2 license under this section and paying an annual surcharge of \$300 which shall be
3 used by the Department only for oyster repletion activities.

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

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

11 2. "FISHING ACTIVITIES" DOES NOT INCLUDE THE
12 ACTIVITIES OF BUYING, SELLING, PROCESSING, TRANSPORTING, EXPORTING, OR
13 SIMILARLY DEALING IN FISH.

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

19 1. AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE
20 TOTAL FEES CHARGED TO A MARYLAND RESIDENT ENGAGED IN LIKE FISHING
21 ACTIVITIES IN THE STATE OF RESIDENCE OF THE NONRESIDENT APPLICANT AND
22 THE TOTAL OF NORMAL LICENSE FEES FOR FISHING ACTIVITIES IN MARYLAND; OR

23 2. \$350.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (i) Unless the total number issued for that type of activity is less
33 than the number of authorizations which the Department determines is appropriate
34 for the resource and consistent with fishery management plans adopted under §
35 4-215 of this title; and

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

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

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

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

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

14 (ii) Recommendations of fishery management plans adopted by the
15 Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries
16 Commission, the Mid-Atlantic Fisheries Management Council, or any other
17 appropriate management body;

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

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

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

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

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

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

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

1 (2) [A] THE DEPARTMENT SHALL REVIEW AND MAY APPROVE THE
2 PERMANENT TRANSFER OF A license OR AN AUTHORIZATION [may be transferred] to
3 a person who is the licensee's spouse, daughter, son, stepchild, grandchild, step
4 grandchild, parent, sister, brother, grandparent, father-in-law, mother-in-law,
5 son-in-law, [or] daughter-in-law, SISTER-IN-LAW, OR BROTHER-IN-LAW, and only:

6 (i) If [the person is currently on the primary candidate waiting list
7 for that activity and] the licensee makes application to the Department requesting
8 transfer AND THE TRANSFEREE HAS PAID THE FEE FOR THE LICENSE OR
9 AUTHORIZATION; or

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

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

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

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

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

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

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

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

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

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

1 1. PURCHASED EQUIPMENT AND THE COMMERCIAL
2 FISHING BUSINESS FROM THE LICENSE HOLDER;

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

5 3. PAID THE FEE FOR THE LICENSE OR AUTHORIZATION.

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

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

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

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

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

21 2. The applicant shows good cause why application was not
22 made by [August 31] MARCH 31 of the previous license year; and

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

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

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

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

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

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

4 1. 3 convictions for violations occurring on separate days
5 within any 365 day period, of provisions under 1 subtitle of this title; or

6 2. 5 convictions for violations occurring on separate days
7 within any 365 day period, of any provisions under this title;

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

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

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

14 [1.] (I) Submitting a false report required by the provisions
15 of this title or by the Department pursuant to the provisions of this title; OR

16 [2.] (II) Suspension of the person's tidal fish license under
17 paragraph (1) of this subsection more than once in any 24-month period.

18 [(ii) If a person's license is revoked under this paragraph, upon
19 application for any new license under subsection (f) of this section, the person shall be
20 deemed a secondary candidate under subsection (f)(3) of this section.]

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

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

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

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

32 (7) Before the suspension of a tidal fish license under this section, the
33 Department shall hold a hearing upon not less than 10 days' notice to the licensee,
34 except that upon the failure of a nonresident of the State to appear in a court of this
35 State as required by any charging document accusing the person of committing any
36 offense under this title, in addition to any other appropriate action taken by the court

1 or the Department, the Department may suspend immediately and without hearing
2 any license issued to the person under this title.

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

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

12 (n) The Department shall:

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

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

17 4-701.1.

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

23 (B) THE DEPARTMENT MAY ISSUE AN APPRENTICESHIP PERMIT TO
24 AUTHORIZE A PERSON TO GAIN PRACTICAL EXPERIENCE IN THE PRESENCE OF
25 ANOTHER TIDAL FISH LICENSEE REGARDING COMMERCIAL FISHING ACTIVITIES.

26 (C) AN APPRENTICESHIP PERMIT IS VALID FOR UP TO 3 YEARS FROM THE
27 DATE OF ISSUANCE AND MAY BE RENEWED FOR UP TO 3 YEARS.

28 (D) THE FEES FOR AN APPRENTICESHIP PERMIT SHALL BE THE SAME AS THE
29 ANNUAL FEES APPLIED UNDER § 4-701(D) OF THIS SUBTITLE FOR EACH COMMERCIAL
30 FISHING ACTIVITY FOR THE TERM OF THE APPRENTICESHIP.

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

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

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

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

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

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

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

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

18 1. 50 DAYS OF EXPERIENCE IN THE FISHING ACTIVITY
19 APPLIED FOR PER YEAR FOR 3 CONSECUTIVE YEARS; OR

20 2. 150 DAYS OF EXPERIENCE IN THE FISHING ACTIVITY
21 APPLIED FOR OVER A MINIMUM OF 2 YEARS; AND

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

24 1. 60 DAYS OF EXPERIENCE IN AT LEAST TWO SEPARATE
25 FISHING ACTIVITIES PER YEAR FOR 3 CONSECUTIVE YEARS; OR

26 2. 180 DAYS OF EXPERIENCE IN AT LEAST TWO COMMERCIAL
27 FISHING ACTIVITIES OVER A MINIMUM OF 2 YEARS.

28 (III) FOR THE PURPOSES OF SUBPARAGRAPH (II) OF THIS
29 PARAGRAPH, AT LEAST 60 DAYS OF PRACTICAL EXPERIENCE MUST BE SPENT IN A
30 COMMERCIAL FISHING ACTIVITY.

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

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

1 (II) PARTICULAR FISHING ACTIVITIES; AND

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

5 (3) IN ADDITION TO PRACTICAL EXPERIENCE, BEFORE A LICENSE MAY
6 BE ISSUED TO A PERMITTEE, THE PERMITTEE SHALL ATTEND A PROGRAM APPROVED
7 BY THE DEPARTMENT CONCERNING COMMERCIAL FISHING ACTIVITIES.

8 (H) A PERMITTEE SHALL HAVE IN THE PERMITTEE'S POSSESSION THE
9 APPRENTICESHIP PERMIT WHENEVER ENGAGED IN ANY PRACTICAL EXPERIENCE IN
10 THE PRESENCE OF ANOTHER TIDAL FISH LICENSEE.

11 (I) A LICENSEE WHO FALSIFIES DOCUMENTATION CONCERNING A
12 PERMITTEE'S PRACTICAL EXPERIENCE IS SUBJECT TO LICENSE SUSPENSION FOR A
13 PERIOD OF 365 DAYS.

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

16 **Article - Natural Resources**

17 4-805.

18 (A) AN INDIVIDUAL WHO ATTEMPTS TO CATCH OR CATCHES CRABS IN THE
19 WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES FOR
20 NONCOMMERCIAL PURPOSES SHALL OBTAIN A NONCOMMERCIAL CRABBING
21 LICENSE IF THE INDIVIDUAL:

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

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

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

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

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

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

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

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

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

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

4 (II) AN AGENT SELLING NONCOMMERCIAL CRABBING LICENSES
5 UNDER THIS PARAGRAPH MAY RETAIN 50 CENTS FOR EACH LICENSE ISSUED BY THE
6 AGENT.

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

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

9 (2) A PERSON WHO OWNS PRIVATE PROPERTY ALONG THE SHORE TO
10 SET UP TO TWO CRAB POTS FROM THAT PRIVATE PROPERTY.

11 (E) (1) THE DAILY CATCH LIMITS UNDER THIS SECTION ARE:

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

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

17 (III) 2 BUSHELS PER BOAT IF THERE ARE MULTIPLE INDIVIDUALS
18 TAKING CRABS BY DIPNET OR HANDLINE.

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

22 (I) 20 COLLAPSIBLE CRAB TRAPS OR NET RINGS; OR

23 (II) TWO TROT LINES, EACH OF WHICH MAY NOT EXCEED 1,000 FEET
24 IN LENGTH.

25 (F) (1) THE DEPARTMENT SHALL DEPOSIT ALL FEES RECEIVED FOR
26 NONCOMMERCIAL CRABBING LICENSES TO THE CREDIT OF THE FISHERIES
27 RESEARCH AND DEVELOPMENT FUND TO BE USED FOR RESEARCH, INCLUDING
28 INDEPENDENT STUDIES OF THE FISHERY, AND TO DETERMINE THE EXTENT OF THE
29 NONCOMMERCIAL CRAB CATCH. THE AMOUNT OF FUNDS EXPENDED ON THE CRAB
30 RESEARCH MAY NOT EXCEED \$200,000.

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

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

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

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

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

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

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

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

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

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

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

24 SECTION 6. AND BE IT FURTHER ENACTED, That the Department of
25 Natural Resources may convert a tidal fish license with a minimum of three
26 authorizations, one of which shall be a crabbing authorization, to an unlimited tidal
27 fish license upon completion of application and payment of appropriate fees. The
28 licensee shall relinquish current authorizations to the Department and may not
29 permanently transfer authorization to another person.

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

38 SECTION 8. AND BE IT FURTHER ENACTED, That before the Department of
39 Natural Resources proposes regulations to modify the targets established under §

1 4-701(g)(3) of the Natural Resources Article, the Department shall submit a report, in
2 accordance with § 2-1246 of the State Government Article, to the Senate Economic
3 and Environmental Affairs Committee, the House Environmental Matters
4 Committee, and the Chesapeake Bay Commission. The report shall include the
5 proposed targets and data to reflect and justify the modifications being proposed.

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

10 SECTION 10. AND BE IT FURTHER ENACTED, That the Department of
11 Natural Resources shall prepare a report to the Senate Economic and Environmental
12 Affairs Committee, the House Environmental Matters Committee, and the
13 Chesapeake Bay Commission, in accordance with § 2-1246 of the State Government
14 Article, no later than December 31, 1999, and every year thereafter, which shall
15 include estimates or survey results detailing the number of recreational crabbers, the
16 categories or groupings of recreational crabbing activities such as handlines,
17 trotlines, traps, shoreline owners' use of crab pots, and whether such activities are
18 carried out from private boats, hired boats, or from the shore or piers. The report
19 shall also include estimates or counts of recreational crab catchers, by category, for at
20 least the last 2 years and information on short-term and long-term trends in crab
21 populations and how recreational crabbing affects or is affected by these trends. The
22 report shall also include itemized costs of the noncommercial crab catch research,
23 identifying any needs, if necessary, for expansion of the research. The report shall also
24 include information on law enforcement activities regarding recreational crabbing,
25 particularly enforcement of a prohibition on selling recreationally caught
26 noncommercial crabs. The report shall also include information or results of studies
27 dealing with the effect of fish and crab predation on small crabs.

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

33 SECTION 12. AND BE IT FURTHER ENACTED, That Sections 1, 2, 4, 5, 6, 7,
34 8, and 9 of this Act shall take effect June 1, 1998.