

SENATE BILL 679

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By: **Senators Pinsky and Stoltzfus**
Introduced and read first time: February 12, 1998
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Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 17, 1998

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
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

1 license; providing for the expiration of the license; establishing certain fees for
2 the license under certain circumstances; authorizing certain persons to sell
3 noncommercial crabbing licenses as an agent of the Department; authorizing
4 the agent to retain a certain portion of the fee the agent collects; authorizing
5 individuals to catch crabs without a license under certain circumstances;
6 establishing daily catch limits under certain circumstances; establishing a limit
7 on the use of certain methods under certain circumstances; requiring the
8 Department to deposit the fees in a certain fund for certain purposes;
9 prohibiting an individual who catches crabs for noncommercial purposes to sell
10 the crabs; prohibiting a person from buying crabs from a person who catches
11 crabs for noncommercial purposes; establishing certain penalties for certain
12 violations under certain circumstances; requiring the Department to submit
13 certain reports by certain dates; providing for the termination of certain
14 provisions of this Act; and generally relating to fisheries management.

15 BY renumbering

16 Article - Natural Resources
17 Section 4-101(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively
18 to be Section 4-101(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p),
19 respectively
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1997 Supplement)

22 BY adding to

23 Article - Natural Resources
24 Section 4-101(b) and (c), 4-701.1, and 4-805
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 1997 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Natural Resources
29 Section 4-210(e) and 4-701
30 Annotated Code of Maryland
31 (1997 Replacement Volume and 1997 Supplement)

32 BY repealing

33 Chapter 184 of the Acts of the General Assembly of 1994
34 Section ~~3~~ and 5

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

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

3 **Article - Natural Resources**

4 4-101.

5 (B) "APPRENTICESHIP PERMIT" MEANS A PERMIT ISSUED BY THE
6 DEPARTMENT THAT AUTHORIZES THE PERMITTEE TO GAIN PRACTICAL EXPERIENCE
7 IN THE PRESENCE OF A TIDAL FISH LICENSEE REGARDING COMMERCIAL FISHING
8 ACTIVITIES.

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

12 4-210.

13 (e) (1) This subsection is applicable only to a person who, on April 1, [1994]
14 1997:

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

16 (ii) Either:

17 1. Owned two or more vessels used to carry passengers for
18 fishing; ~~or~~

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

21 3. OWNS OR OPERATES A MARINA FROM WHICH 10 OR MORE
22 VESSELS OPERATE TO CARRY PASSENGERS FOR FISHING.

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

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

26 (ii) Supplying with the application proofs of ownership of the
27 required vessels; and

28 (iii) Paying the master fishing guide license fee set forth in §
29 4-701(d)(2)(ii)1 of this title.

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

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

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

- 5 1. ONE PERSON FOR 10 VESSELS;
 6 2. TWO PERSONS FOR 11 TO 20 VESSELS;
 7 3. THREE PERSONS FOR 21 TO 30 VESSELS;
 8 4. FOUR PERSONS FOR 31 TO 40 VESSELS;
 9 5. FIVE PERSONS FOR 41 TO 50 VESSELS; AND
 10 6. SIX PERSONS FOR 51 OR MORE VESSELS.

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

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

17 (5) If a master fishing guide employs another person to operate a vessel
 18 to carry passengers for fishing, for purposes of the license suspension criteria in §
 19 4-701(k) of this title, the master fishing guide shall be held responsible for any
 20 violations committed by the person employed to operate the vessel.

21 4-701.

22 (a) This section applies to any person who is required under Subtitle 2, 7, 8, 9,
 23 or 10 of this title to be 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) (1) The Department shall utilize a single, commercial license, to be
 26 known and designated as a tidal fish license.

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

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

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

31 (3) The EXCEPT FOR A PERSON RECEIVING A LICENSE UNDER
 32 SUBSECTION (1)(2)(II) OF THIS SECTION, THE Department may not issue a tidal fish
 33 license to [, and a license may not be held by,] an individual who is younger than
 34 [12] 14 years of age.

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

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

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

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

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

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

16 1. To provide services as:

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

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

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

23 A. Finfish:

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

25 II. All other equipment: \$100

26 B. Crabs:

27 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and
 28 scrapes: \$50

29 II. Over 50 pots, plus any other gear listed in item I of this
 30 sub-sub-subparagraph: \$150

31 C. Clams - \$100

32 D. Oysters - \$250 for a dredge boat and \$50 for other than a
 33 dredge boat

1 E. Conch, turtles, and lobster - \$50

2 F. For all activities in item 1A of this subparagraph and in
3 items A through E of this item, UNLIMITED TIDAL FISH - \$300

4 3. For one or two crew members employed under § 4-814 of
5 this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of this
6 paragraph with more than 300 pots, the licensee shall pay[:

7 A. For the tidal fish license year ending August 31, 1994 -
8 \$50 for each crew member; and

9 B. For each tidal fish license year after August 31, 1994 -]
10 \$20 for each crew member.

11 4. Except for a licensee dealing in his own catch, for a person
12 to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal
13 waters of Maryland, SEAFOOD DEALER - \$150

14 [(iii) The fee established in subparagraph (ii)2B of this paragraph for
15 an authorization to catch crabs under a tidal fish license, shall be waived for a period
16 of 5 years beginning April 1, 1994, for any senior person who, at any time between
17 April 1, 1993 and March 31, 1994, held a valid tidal fish license for which a fee had
18 been waived under the applicable provision of law in effect on January 1, 1994].

19 (e) (1) To catch striped bass for sale:

20 (i) A licensee authorized under subsection (d)(2)(ii)2A of this
21 section shall pay an annual surcharge of \$200; or

22 (ii) A licensee authorized under subsection (d)(2)(ii)2F of this
23 section shall pay with the license fee an annual surcharge of \$100.

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

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

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

34 2. "FISHING ACTIVITIES" DOES NOT INCLUDE THE
35 ACTIVITIES OF BUYING, SELLING, PROCESSING, TRANSPORTING, EXPORTING, OR
36 SIMILARLY DEALING IN FISH.

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

6 1. AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE
7 TOTAL FEES CHARGED TO A MARYLAND RESIDENT ENGAGED IN LIKE FISHING
8 ACTIVITIES IN THE STATE OF RESIDENCE OF THE NONRESIDENT APPLICANT AND
9 THE TOTAL OF NORMAL LICENSE FEES FOR FISHING ACTIVITIES IN MARYLAND; OR

10 2. \$350.

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

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

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

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

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

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

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

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

34 2. An eligible applicant under this subparagraph shall be
35 placed at the head of the waiting list of primary candidates under this paragraph
36 above other primary candidates. Applicants under this subparagraph shall be placed
37 at the head of the list in order of the date and time that applications under this
38 subparagraph are received.

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

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

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

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

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

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

19 (i) Unless the total number issued for that type of activity is less
20 than the number of authorizations which the Department determines is appropriate
21 for the resource and consistent with fishery management plans adopted under §
22 4-215 of this title; and

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

25 (2) The] NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
26 THE Department may issue an [authorization] APPRENTICESHIP PERMIT for any
27 activity under subsection (d)(2)(ii)1 or 2 of this section to a person who CURRENTLY
28 RESIDES AND has resided for at least 5 years on an island in the State that is at least
29 3 miles from the mainland.

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

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

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

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

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

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

9 [(4)] (3) (i) The Department shall by regulation limit the total
10 number of authorizations to fish for striped bass [under any commercial license to the
11 number of persons who, based on the best information available to the Department,
12 were authorized to fish for striped bass between September 1, 1993 and April 1, 1994]
13 TO 1,231 PARTICIPANTS IN THE COMMERCIAL FISHERY AND 499 PARTICIPANTS IN
14 THE CHARTER BOAT FISHERY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 1. A. PURCHASED A VESSEL USED FOR COMMERCIAL
 30 FISHING FROM THE LICENSE HOLDER; OR

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

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

36 3. PAID THE FEE FOR THE LICENSE OR AUTHORIZATION;
 37 AND

1 to inspect the license, to conduct searches as authorized in Subtitle 12, and to inspect
2 books, statements, and accounts as authorized in § 4-206(b).

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

6 (n) The Department shall:

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

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

11 4-701.1.

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

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

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

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

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

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

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

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

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

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

11 (G) (1) THE PRACTICAL EXPERIENCE OF A PERMITTEE WHO DOES NOT
12 HOLD A VALID TIDAL FISH LICENSE SHALL CONSIST OF:

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

15 1. 50 DAYS OF EXPERIENCE IN THE FISHING ACTIVITY
16 APPLIED FOR PER YEAR FOR 3 CONSECUTIVE YEARS; OR

17 2. 150 DAYS OF EXPERIENCE IN THE FISHING ACTIVITY
18 APPLIED FOR OVER A MINIMUM OF 2 YEARS; AND

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

21 1. 60 DAYS OF EXPERIENCE IN AT LEAST TWO SEPARATE
22 FISHING ACTIVITIES PER YEAR FOR 3 CONSECUTIVE YEARS; OR

23 2. 180 DAYS OF EXPERIENCE IN AT LEAST TWO COMMERCIAL
24 FISHING ACTIVITIES OVER A MINIMUM OF 2 YEARS.

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

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

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

34 (II) PARTICULAR FISHING ACTIVITIES; AND

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

4 (3) IN ADDITION TO PRACTICAL EXPERIENCE, BEFORE A LICENSE MAY
 5 BE ISSUED TO A PERMITTEE, THE PERMITTEE SHALL ~~ATTEND~~ COMPLETE A
 6 PROGRAM APPROVED BY THE DEPARTMENT CONCERNING COMMERCIAL FISHING
 7 ACTIVITIES WHICH SHALL BE AT LEAST 8 HOURS.

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 ~~(F) 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 (H) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH
 15 CRITERIA FOR THE PRACTICAL EXPERIENCE REQUIRED OF AN INDIVIDUAL WHO
 16 HOLDS A VALID TIDAL FISH LICENSE AND WHO HAS APPLIED FOR AN ADDITIONAL
 17 AUTHORIZATION OTHER THAN A FISHING GUIDE AUTHORIZATION OR AN UNLIMITED
 18 TIDAL FISH AUTHORIZATION.

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

21 (I) DOCUMENTATION AT THE TIME OF APPLICATION FOR AN
 22 APPRENTICESHIP PERMIT THAT, FOR THE PREVIOUS 2 YEARS, AT LEAST 20% OF THE
 23 INDIVIDUAL'S GROSS INCOME WAS FROM THE INDIVIDUAL'S COMMERCIAL FISHING
 24 ACTIVITIES AND HARVEST; AND

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

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

30 **Article - Natural Resources**

31 4-805.

32 (A) AN INDIVIDUAL WHO ATTEMPTS TO CATCH OR CATCHES CRABS IN THE
 33 WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES FOR
 34 NONCOMMERCIAL PURPOSES SHALL OBTAIN A NONCOMMERCIAL CRABBING
 35 LICENSE IF THE INDIVIDUAL:

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

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

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

2 (1) USES MORE THAN 600 FEET BUT NOT MORE THAN 1,200 FEET OF
3 TROTLINE; OR

4 (2) USES MORE THAN 10 BUT NOT MORE THAN 30 COLLAPSIBLE TRAPS
5 OR NET RINGS.

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

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

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

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

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

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

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

19 (II) AN AGENT SELLING NONCOMMERCIAL CRABBING LICENSES
20 UNDER THIS PARAGRAPH MAY RETAIN 50 CENTS FOR EACH LICENSE ISSUED BY THE
21 AGENT.

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

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

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

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

27 (4) AN INDIVIDUAL WHO USES 10 OR FEWER COLLAPSIBLE TRAPS OR
28 NET RINGS;

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

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

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

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

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

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

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

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

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

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

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

20 (III) 2 BUSHELS FOR A HOLDER OF A NONCOMMERCIAL CRABBING
21 LICENSE; OR

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

24 (2) THE DAILY CATCH LIMITS FOR SOFT SHELL CRABS UNDER THIS
25 SECTION ARE:

26 (I) THREE DOZEN FOR A HOLDER OF A NONCOMMERCIAL
27 CRABBING LICENSE; OR

28 (II) ONE DOZEN FOR AN INDIVIDUAL EXEMPT UNDER SUBSECTION
29 (D) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

31 SECTION 6. AND BE IT FURTHER ENACTED, That the Department of
32 Natural Resources may convert a tidal fish license with a minimum of three
33 authorizations, one of which shall be a crabbing authorization, to an unlimited tidal
34 fish license at the time of renewal for the license year beginning September 1, 1998
35 and upon completion of application and payment of appropriate fees. The licensee
36 shall relinquish current authorizations to the Department and may not permanently
37 transfer authorization to another person.

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

9 SECTION 8. AND BE IT FURTHER ENACTED, That before the Department of
10 Natural Resources proposes regulations to modify the targets established under §
11 4-701(g)(3) of the Natural Resources Article, the Department shall submit a report, in
12 accordance with § 2-1246 of the State Government Article, to the Senate Economic
13 and Environmental Affairs Committee, the House Environmental Matters
14 Committee, and the Chesapeake Bay Commission. The report shall include the
15 proposed targets and data to reflect and justify the modifications being proposed.

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

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

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

43 SECTION 12. AND BE IT FURTHER ENACTED, That Sections 1, 2, 4, 5, 6, 7,
44 8, and 9 of this Act shall take effect June 1, 1998.

