

HOUSE BILL 733

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M2

1999 Regular Session  
(9r1753)

**ENROLLED BILL**

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

Introduced by **Delegates Weir, Guns, DeCarlo, Ports, Hubers, Dewberry,  
McHale, Rosso, Bobo, Klausmeier, Redmer, Cadden, Minnick, and  
Rudolph**

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 **Natural Resources - Fish - Permits and Fees**

3 FOR the purpose of increasing the cost of certain Chesapeake Bay sport fishing  
4 licenses; authorizing the Department of Natural Resources to provide by  
5 regulation for the issuance of a certain sport fishing license to be affixed to a  
6 boat registered in any state; increasing the commission of a certain designated  
7 Chesapeake Bay sport fishing license agent; increasing the cost of a certain  
8 special license; providing for the use of certain funds; repealing striped bass  
9 stamp and tag provisions; and generally relating to fish permits and fees.

10 BY repealing and reenacting, with amendments,  
11 Article - Natural Resources  
12 Section 4-745(a), (b), and (d)(2)  
13 Annotated Code of Maryland  
14 (1997 Replacement Volume and 1998 Supplement)

1 BY repealing  
 2 Article - Natural Resources  
 3 Section 4-745.2  
 4 Annotated Code of Maryland  
 5 (1997 Replacement Volume and 1998 Supplement)

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

8 **Article - Natural Resources**

9 4-745.

10 (a) (1) Except as provided in subsections (c) and (d) of this section, a person  
 11 may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal  
 12 boundaries without first obtaining a Chesapeake Bay sport fishing license.

13 (2) The license may be obtained from the Department or from any  
 14 authorized agent of the Department. The following annual license fees shall apply:

- 15 (i) Resident..... [\$7] \$9
- 16 (ii) Short term license valid for 5 consecutive days from date of  
 17 issue..... [\$4] \$6
- 18 (iii) Nonresident..... [\$12] \$14
- 19 (iv) Resident and nonresident blind persons..... No fee

20 (3) Except for a license issued under subsection (d) of this section, every  
 21 Chesapeake Bay sport fishing license shall be valid for not more than 1 year and shall  
 22 expire on December 31.

23 (b) (1) The Department may designate a person engaged in a commercial  
 24 enterprise to sell the Chesapeake Bay sport fishing license as an agent under the  
 25 Department's control and supervision.

26 (2) As compensation, the agent shall retain [50 cents] \$1 for each license  
 27 issued.

28 (3) The Chesapeake Bay sport fishing license shall be furnished to an  
 29 agent upon satisfactory payment or upon consignment and only if the Department is  
 30 given adequate security to insure ultimate payment by an agent to the Department  
 31 for the licenses.

32 (4) ~~AM~~

33 (1) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
 34 PARAGRAPH, ALL fees collected on behalf of the Department pursuant to this section

1 shall be remitted to the Department in accordance with its rules and regulations for  
 2 deposit with the State Treasurer to the credit of the Fisheries Research and  
 3 Development Fund to be used for the replenishment, protection, and conservation of  
 4 fish stocks caught by recreational fishermen, for enhancement of recreational fishing  
 5 opportunities, and for research concerning tidal fishery resources. The Department  
 6 shall publicly report annually the amounts collected and the expenditures.

7 (II) IN FISCAL YEAR 1999 AND IN EACH SUBSEQUENT FISCAL YEAR,  
 8 THE DEPARTMENT, FOR THE PURPOSES SET FORTH IN SUBPARAGRAPH (III) OF THIS  
 9 PARAGRAPH, SHALL USE:

10 1. \$2 FROM THE SALE OF EACH LICENSE UNDER  
 11 SUBSECTION (A) OF THIS SECTION;

12 2. \$20 FROM THE SALE OF EACH LICENSE UNDER  
 13 SUBSECTION (D)(2) OF THIS SECTION; AND

14 3. \$225 OF THE SPECIAL CHARTER BOAT LICENSE UNDER  
 15 SUBSECTION (D)(1) OF THIS SECTION.

16 (III) THE DEPARTMENT SHALL USE THE MONEYS SPECIFIED IN  
 17 SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR:

18 1. ACHIEVING THE MAXIMUM FEDERAL FUND  
 19 APPORTIONMENTS;

20 2. MANAGEMENT ASSESSMENT AND SPORTFISHING  
 21 SURVEYS; AND

22 3. ANGLER OUTREACH AND PUBLIC FISHING INFORMATION.

23 (5) In the preparation of plans for the expenditure of license receipts, the  
 24 Secretary annually shall solicit the advice and opinions of the Department's Sport  
 25 Fisheries Advisory Commission, representative fishing and boating associations, and  
 26 other interested parties.

27 (d) (2) (i) The Department may provide by regulation for issuance of an  
 28 annual special Chesapeake Bay sport fishing license, which when permanently  
 29 affixed to a boat registered in ~~Maryland~~, ANY STATE shall authorize any person on  
 30 the boat to fish for finfish in the Chesapeake Bay or in its tributaries up to tidal  
 31 boundaries, except that such a license may not be used on a boat which has been hired  
 32 to take such persons fishing.

33 (ii) The annual fee for this special license shall be [~~\$30~~] \$40.

34 (iii) If a boat owner purchases the special license under this  
 35 paragraph, the boat owner may fish anywhere in the Chesapeake Bay, whether the  
 36 boat owner is fishing in the owner's boat, in another person's boat, on land, or  
 37 elsewhere. The Department shall issue a complimentary Chesapeake Bay sport  
 38 fishing license to the boat owner who purchases a special license under this

1 paragraph. If a boat to which the special license is affixed has more than one owner,  
 2 then only the individual applicant who signs the application for the special license  
 3 shall be entitled to a complimentary Chesapeake Bay sport fishing license under this  
 4 paragraph.

5 ~~(IV) IN FISCAL YEAR 1999 AND IN EACH FISCAL YEAR THEREAFTER,~~  
 6 ~~THE DEPARTMENT SHALL USE \$2 FROM THE SALE OF EACH LICENSE UNDER~~  
 7 ~~SUBSECTION (A) OF THIS SECTION, \$225 FROM THE SALE OF EACH LICENSE UNDER~~  
 8 ~~SUBSECTION (D)(1) OF THIS SECTION, AND \$20 FROM THE SALE OF EACH LICENSE~~  
 9 ~~UNDER SUBSECTION (D)(2) OF THIS SECTION FOR THE PURPOSES OF:~~

10 ~~1. ACHIEVING THE MAXIMUM FEDERAL FUND~~  
 11 ~~APPORTIONMENTS;~~

12 ~~2. MANAGEMENT ASSESSMENT AND SPORTFISHING~~  
 13 ~~SURVEYS; AND~~

14 ~~3. ANGLER OUTREACH AND PUBLIC FISHING INFORMATION.~~

15 [4-745.2.

16 (a) (1) The Department shall provide by regulation for the issuance of a  
 17 striped bass stamp and, except as provided in paragraph (2) of this subsection, may  
 18 issue nonreusable tags for a person to possess striped bass during a striped bass  
 19 season, in addition to a Chesapeake Bay sport fishing license or consolidated senior  
 20 sport fishing license.

21 (2) The Department shall issue nonreusable tags for a person to possess  
 22 striped bass during the spring trophy season, in addition to a Chesapeake Bay sport  
 23 fishing license or consolidated senior sport fishing license.

24 (b) The striped bass stamp and tags shall be obtained from any authorized  
 25 agent of the Department at a cost of \$2. At the time of purchase of the stamp, the  
 26 agent shall provide to the license holder each nonreusable tag which the holder may  
 27 use during the licensing period. As compensation, the agent shall retain 25 cents for  
 28 each striped bass stamp issued.

29 (c) The Department may designate a person engaged in a retail business to  
 30 sell the striped bass stamp and tags as an agent under the Department's control and  
 31 supervision. The striped bass stamps and tags may be furnished to agents on  
 32 consignment if the Department is given adequate security to ensure ultimate  
 33 payment to the Department for the stamps and tags.

34 (d) A striped bass stamp shall be attached to the holder's Chesapeake Bay  
 35 sport fishing license or consolidated senior sport fishing license. The striped bass  
 36 stamp shall expire at the same time as the license to which it is attached.

37 (e) Notwithstanding the provisions of subsection (a) of this section, a person  
 38 who employs a fishing guide licensed under § 4-210 of this title may not be required  
 39 to obtain a striped bass stamp in order to possess striped bass taken while employing

1 the fishing guide during a striped bass season. A fishing guide shall obtain  
2 nonreusable striped bass tags from the Department if required, and shall reimburse  
3 the Department for the cost of the tags.

4 (f) The Department shall deposit to the credit of the Fisheries Research and  
5 Development Fund all fees received for striped bass stamps. All moneys collected  
6 from the sale of striped bass stamps shall be used by the Department for striped bass  
7 management.

8 (g) The Department, by regulation, may establish catch limits and other limits  
9 for each season and authorize means of enforcing the limits imposed for a season.]

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 ~~October~~ June 1, 1999.