

HOUSE BILL 733

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1999 Regular Session
9r1753
CF 9r1740

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

Introduced and read first time: February 12, 1999

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1999

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)

15 BY repealing
16 Article - Natural Resources
17 Section 4-745.2
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1998 Supplement)

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

Article - Natural Resources

1 4-745.

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

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

7 (i) Resident..... [\$7] \$9

8 (ii) Short term license valid for 5 consecutive days from date of
9 issue..... [\$4] \$6

10 (iii) Nonresident..... [\$12] \$14

11 (iv) Resident and nonresident blind persons..... No fee

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

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

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

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

24 (4) All fees collected on behalf of the Department pursuant to this section
25 shall be remitted to the Department in accordance with its rules and regulations for
26 deposit with the State Treasurer to the credit of the Fisheries Research and
27 Development Fund to be used for the replenishment, protection, and conservation of
28 fish stocks caught by recreational fishermen, for enhancement of recreational fishing
29 opportunities, and for research concerning tidal fishery resources. The Department
30 shall publicly report annually the amounts collected and the expenditures.

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

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

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

8 (iii) If a boat owner purchases the special license under this
 9 paragraph, the boat owner may fish anywhere in the Chesapeake Bay, whether the
 10 boat owner is fishing in the owner's boat, in another person's boat, on land, or
 11 elsewhere. The Department shall issue a complimentary Chesapeake Bay sport
 12 fishing license to the boat owner who purchases a special license under this
 13 paragraph. If a boat to which the special license is affixed has more than one owner,
 14 then only the individual applicant who signs the application for the special license
 15 shall be entitled to a complimentary Chesapeake Bay sport fishing license under this
 16 paragraph.

17 (IV) IN FISCAL YEAR 1999 AND IN EACH FISCAL YEAR THEREAFTER,
 18 THE DEPARTMENT SHALL USE \$2 FROM THE SALE OF EACH LICENSE UNDER
 19 SUBSECTION (A) OF THIS SECTION, \$225 FROM THE SALE OF EACH LICENSE UNDER
 20 SUBSECTION (D)(1) OF THIS SECTION, AND \$20 FROM THE SALE OF EACH LICENSE
 21 UNDER SUBSECTION (D)(2) OF THIS SECTION FOR THE PURPOSES OF:

22 1. ACHIEVING THE MAXIMUM FEDERAL FUND

23 APPORTIONMENTS;

24 2. MANAGEMENT ASSESSMENT AND SPORTFISHING

25 SURVEYS; AND

26 3. ANGLER OUTREACH AND PUBLIC FISHING INFORMATION.

27 [4-745.2.

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

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

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

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

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

9 (e) Notwithstanding the provisions of subsection (a) of this section, a person
10 who employs a fishing guide licensed under § 4-210 of this title may not be required
11 to obtain a striped bass stamp in order to possess striped bass taken while employing
12 the fishing guide during a striped bass season. A fishing guide shall obtain
13 nonreusable striped bass tags from the Department if required, and shall reimburse
14 the Department for the cost of the tags.

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

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

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