
By: **Chairman, Environmental Matters Committee (Departmental - Natural Resources)**

Introduced and read first time: February 3, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Tidal Fish License - Transfer Provisions**

3 FOR the purpose of altering certain provisions under certain circumstances that
4 certain persons may transfer a tidal fish license or authorization to certain
5 persons; and generally relating to tidal fish licenses.

6 BY repealing and reenacting, with amendments,
7 Article - Natural Resources
8 Section 4-701(i)
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1999 Supplement)

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

13 **Article - Natural Resources**

14 4-701.

15 (i) (1) A license or authorization may be transferred only under the
16 provisions of this subsection.

17 (2) The Department shall review and may approve the permanent
18 transfer of a license or an authorization to a person who is the licensee's spouse,
19 daughter, son, stepchild, grandchild, step grandchild, parent, sister, brother,
20 grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law,
21 sister-in-law, or brother-in-law, and only:

22 (i) If the licensee makes application to the Department requesting
23 transfer and the transferee has paid the fee for the license or authorization; or

24 (ii) Upon death of the licensee, if the licensee OR AN AUTHORIZED
25 REPRESENTATIVE OF THE LICENSEE INDICATES OR had indicated that person's name
26 [on the license application on file with] TO 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.

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

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

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

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

16 (5) (i) This paragraph applies only to a licensee who has HELD A
17 VALID TIDAL FISH LICENSE IN EACH OF THE THREE IMMEDIATELY PRECEDING
18 SEASONS OR AN AUTHORIZED REPRESENTATIVE OF A DECEASED LICENSEE IF THE
19 DECEASED LICENSEE held a valid tidal fish license in each of the three immediately
20 preceding seasons.

21 (ii) The Department shall review and may approve a permanent
22 transfer of a license or authorization under this paragraph to a person who has:

23 1. A. Purchased a vessel used for commercial fishing from
24 the license holder; or

25 B. Purchased equipment and assets with a minimum value of
26 \$2,000 and the commercial fishing business from the license holder;

27 2. B. Been a crew member for at least 2 years in any commercial
28 fishery as certified by three tidal fish licensees;

29 3. C. Paid the fee for the license or authorization; and

30 4. D. Provided a notarized bill of sale.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 2000.