
By: **Delegates McClenahan and W. Baker**
Introduced and read first time: February 21, 2000
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Tidal Fish Licenses - Number of Authorizations**

3 FOR the purpose of requiring the Department of Natural Resources to adopt
4 regulations to establish procedures for allowing a person to relinquish a certain
5 tidal fish license and be issued a certain new license; requiring that the
6 relinquished license shall have a certain effect on the number of licenses
7 available in a certain category; requiring that the new license shall have a
8 certain effect on the number of licenses issued in a certain category; and
9 generally relating to the number of authorizations for tidal fish licenses.

10 BY repealing and reenacting, with amendments,
11 Article - Natural Resources
12 Section 4-701(g)
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1999 Supplement)

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

17 **Article - Natural Resources**

18 4-701.

19 (g) (1) Notwithstanding any other provision of this section, the Department
20 may issue an apprenticeship permit for any activity under subsection (d)(2)(ii) 1 or 2
21 of this section to a person who currently resides and has resided for at least 5 years on
22 an island in the State that is at least 3 miles from the mainland.

23 (2) The Department shall set by regulation targets for the number of
24 tidal fish license authorizations under subsection (d)(2)(ii) of this section to be the
25 number issued between September 1, 1998 and March 31, 1999. The Department may
26 modify by regulation the target number of authorizations based on:

27 (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 (3) (i) The Department shall by regulation limit the total number of
10 authorizations to fish for striped bass to 1,231 participants in the commercial fishery
11 and 499 participants in the charter boat fishery.

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

15 (iii) The Department shall provide in its regulations for the
16 allocation of any available quota on a monthly basis to assure that all areas of the
17 State have ample opportunity to attain an equitable portion of the available quota.

18 (4) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH
19 PROCEDURES FOR A PERSON WHO HOLDS A VALID TIDAL FISH LICENSE TO
20 RELINQUISH THEIR EXISTING LICENSE AND BE ISSUED A NEW LICENSE IN ANOTHER
21 CATEGORY, EXCEPT A FISHING GUIDE AUTHORIZATION OR UNLIMITED TIDAL FISH
22 AUTHORIZATION.

23 (II) LICENSES RELINQUISHED UNDER THIS SUBSECTION SHALL BE
24 RETIRED AND SHALL REDUCE THE CAP ON THE NUMBER OF LICENSES AVAILABLE IN
25 THE CATEGORY OF THE RELINQUISHED LICENSE, AND NEW LICENSES ISSUED SHALL
26 INCREASE THE NUMBER OF LICENSES AVAILABLE IN THE CATEGORY OF THE NEW
27 LICENSE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2000.