Unofficial Copy M1 2002 Regular Session 2lr0066

(PRE-FILED)

By: Chairman, Environmental Matters Committee (Departmental - Natural

Resources)
Requested: November 7, 2001

1 AN ACT concerning

Introduced and read first time: January 9, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

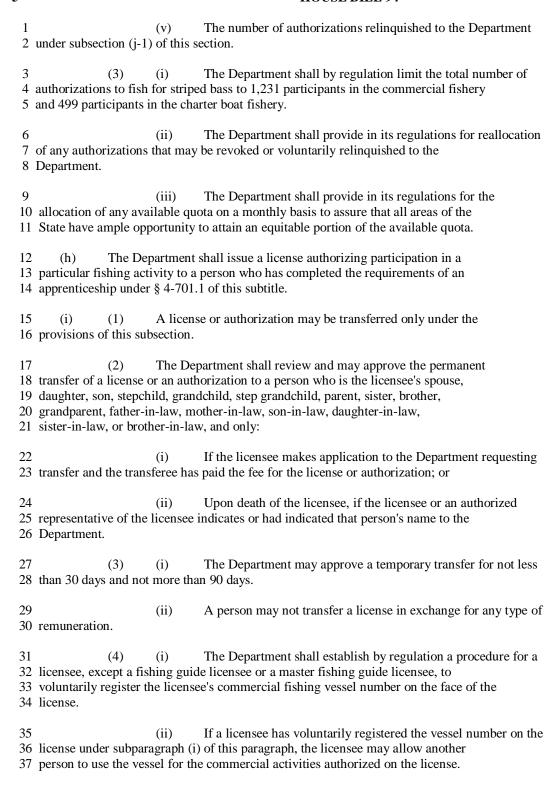
- Natural Resources Fishing Licenses and Authorizations Suspension or Revocation
- 4 FOR the purpose of altering the criteria for suspension or revocation of certain fishing
- 5 licenses and authorizations under certain circumstances; authorizing the
- 6 Department of Natural Resources to suspend or revoke certain fishing licenses
- 7 for certain fraudulent conduct; establishing certain hearing procedures;
- 8 providing for certain additional penalties; establishing certain procedures for
- 9 the immediate suspension of a certain fishing license under certain
- 10 circumstances; and generally relating to the suspension or revocation of fishing
- 11 licenses and authorizations.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Natural Resources
- 14 Section 4-701
- 15 Annotated Code of Maryland
- 16 (2000 Replacement Volume and 2001 Supplement)
- 17 BY adding to
- 18 Article Natural Resources
- 19 Section 4-1210
- 20 Annotated Code of Maryland
- 21 (2000 Replacement Volume and 2001 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:

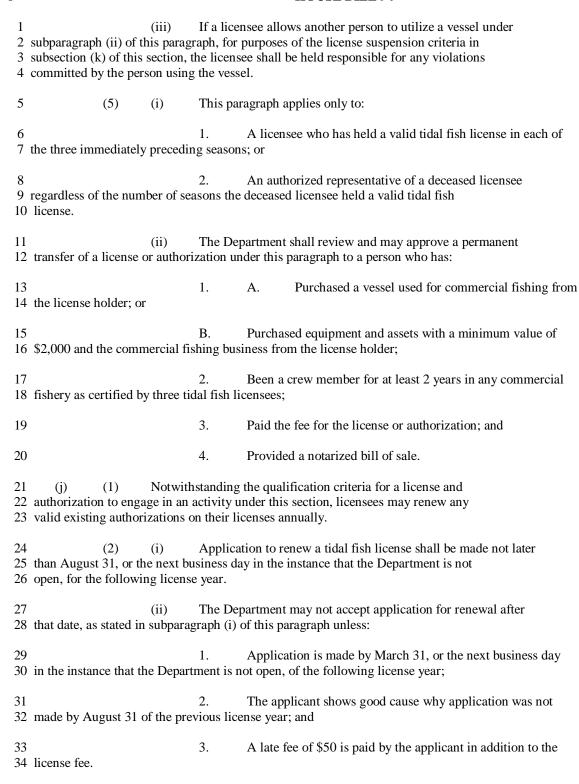
34 of this item - \$50 per vessel

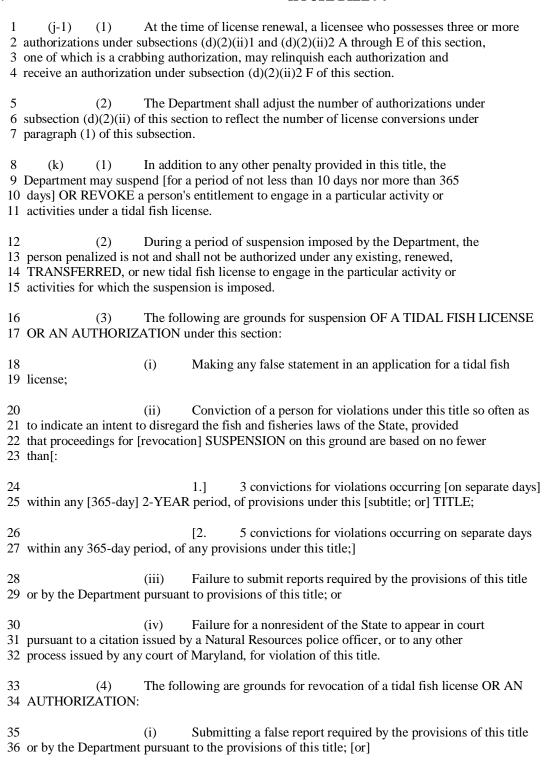
1 Article - Natural Resources 2 4-701. 3 (a) This section applies to any person who is required under Subtitle 2, 7, 8, 9, 4 or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process, 5 transport, export, or otherwise deal in fish caught in tidal waters. The Department shall utilize a single, commercial license, to be 6 (1) 7 known and designated as a tidal fish license. 8 (2) A tidal fish license authorizes a licensee: 9 (i) To engage in each activity indicated on the license; and 10 (ii) For catching crabs, to utilize the number of crew members 11 indicated on the license. 12 Except for a person receiving a license under subsection (i)(2)(ii) of (3) 13 this section, the Department may not issue a tidal fish license to an individual who is 14 younger than 14 years of age. A person may not guide fishing parties or catch, sell, buy, process, 15 16 transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this section. 18 (c) (1) The license year for every tidal fish license shall be 12 months from 19 September 1 through August 31 of the following year. 20 (2) A licensee and crew members may engage only in those activities for 21 which the annual fees for that license year have been paid. 22 The Department may issue no more than one authorization to a 23 person to engage in each activity under paragraph (2)(ii)1 and 2 of this subsection 24 during a license year. 25 (2) (i) On a tidal fish license, the Department may issue an 26 authorization for any of the following activities for which the indicated fee has been 27 paid. 28 The following annual fees for an authorization shall apply (ii) 29 regardless of when the license is issued or an activity is authorized: 30 1. To provide services as: 31 A fishing guide in the tidal waters of Maryland - \$50 for a 32 resident and \$100 for a nonresident; and B. A master fishing guide, in addition to the fee under item A

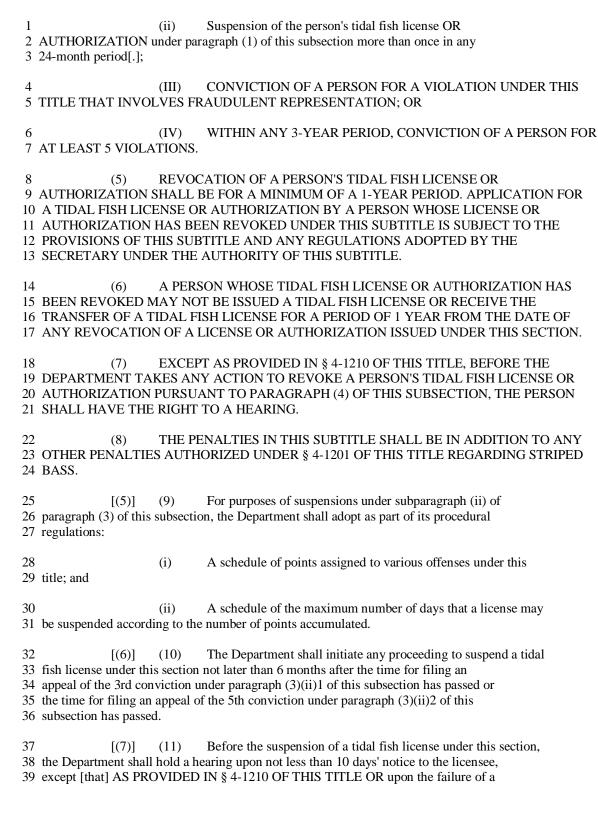
| 1 2 this title: | 2. | To catch for sale fish with equipment which is legal under | |
|---|------------------|--|--|
| 3 | A. | Finfish: | |
| 4 | I. | Hook and line only, anywhere: \$37.50 | |
| 5 | II. | All other equipment: \$100 | |
| 6 | B. | Crabs: | |
| 7 8 scrapes: \$50 | I. | Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and | |
| 9 10 sub-sub-subparagraph: \$150 | II. | Over 50 pots, plus any other gear listed in item I of this | |
| 11 | C. | Clams - \$100 | |
| 12 13 dredge boat | D. | Oysters - \$250 for a dredge boat and \$50 for other than a | |
| 14 | E. | Conch, turtles, and lobster - \$50 | |
| 15 16 items A through E of this iten | F. n, unlimit | For all activities in item 1 A of this subparagraph and in sed tidal fish - \$300 | |
| | | For one or two crew members employed under § 4-814 of rabs under subparagraph (ii)2 B II and F of this e licensee shall pay \$20 for each crew member. | |
| 20 21 to buy, process, pack, resell, r 22 waters of Maryland, seafood o | | Except for a licensee dealing in his own catch, for a person otherwise deal in fish caught in the tidal 150 | |
| 23 (e) (1) To catc | h striped | bass for sale: | |
| 24 (i) 25 section shall pay an annual su | | see authorized under subsection (d)(2)(ii)2 A of this of \$200; or | |
| 26 (ii) 27 section shall pay with the lice | | see authorized under subsection (d)(2)(ii)2 F of this n annual surcharge of \$100. | |
| (2) A person may not catch oysters for sale without possessing a valid license under this section and paying an annual surcharge of \$300 which shall be used by the Department only for oyster repletion activities. | | | |
| 32 (d)(2)(ii)2 and 4 of this section | n, a licen | e normal license fees imposed under subsection see shall pay to the Department an annual Seafood Marketing Office of the Department of | |

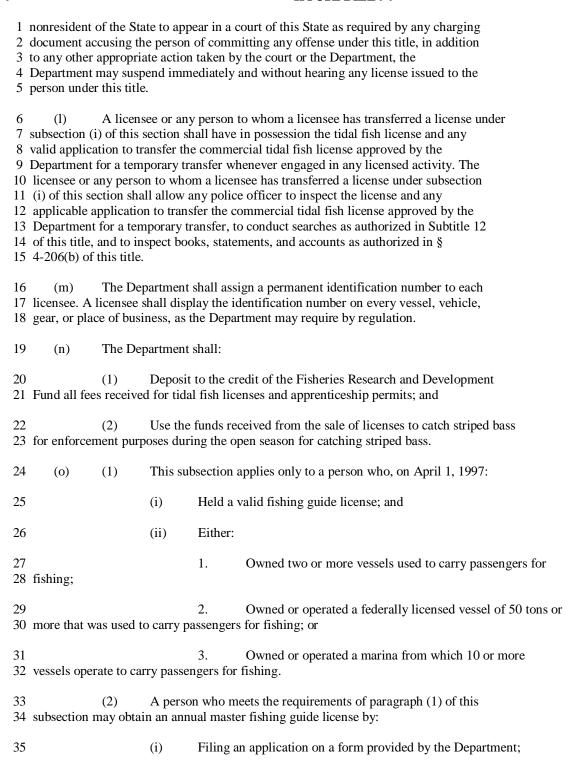
| | 1 Agriculture to fund seafood2 Department. | Agriculture to fund seafood marketing programs which have been approved by the Department. | | | | | |
|----------|---|--|--|--|--|--|--|
| 3 | 3 (4) (i) 4 activities that are directly re | 1. lated to cat | In this paragraph, "fishing activities" means those tching fish. | | | | |
| 5 6 | | 2. transportin | "Fishing activities" does not include the activities of g, exporting, or similarly dealing in fish. | | | | |
| 9 | 8 license applicant for the app 9 this title, in addition to the r | olicant's fisl normal lice | epartment shall assess annually on every nonresident hing activities under Subtitles 7, 8, and 9 of use fees imposed by this subsection, a license year, shall be the greater of: | | | | |
| 13 | 2 charged to a Maryland resid | | An amount equal to the difference between the total fees ed in like fishing activities in the state of and the total of normal license fees for fishing | | | | |
| 15 | 15 | 2. | \$350. | | | | |
| 18 19 | 6 (f) An applicant for a new license to provide services as a commercial fishing 7 guide in tidal waters of the State shall supply as part of the initial application 8 verifiable references to any federal license that is issued by the U.S. Coast Guard to 9 operate a vessel carrying passengers for hire in the applicant's name, as a condition 0 precedent to engaging as a commercial fishing guide in tidal waters. | | | | | | |
| 23 | 22 may issue an apprenticeship | p permit for currently | g any other provision of this section, the Department r any activity under subsection (d)(2)(ii)1 or 2 of resides and has resided for at least 5 years on miles from the mainland. | | | | |
| 27 | (2) The Department shall set by regulation targets for the number of tidal fish license authorizations under subsection (d)(2)(ii) of this section to be the number issued between September 1, 1998 and March 31, 1999. The Department may modify by regulation the target number of authorizations based on: | | | | | | |
| 29 | 29 (i) | Recom | mendations of the Tidal Fisheries Advisory Commission; | | | | |
| 32 | (ii) Recommendations of fishery management plans adopted by the Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries Commission, the Mid-Atlantic Fisheries Management Council, or any other appropriate management body; | | | | | | |
| 34 | 34 (iii) | The nu | mber of people historically participating; | | | | |
| | ` ' | | species, size, number, weight, incidental catch, total es, and other factors which are necessary and | | | | |











| 2 | required vessels; and | (11) | Supplyii | ig with the application proofs of ownership of the | | |
|----------|--|-------------------|--------------------|--|--|--|
| 3 4 | 4-701(d)(2)(ii)1 of thi | (iii) s title. | Paying t | he master fishing guide license fee set forth in § | | |
| 5 | (3) | A person | n holding | a master fishing guide license may: | | |
| 6 7 | by the master fishing | | | other persons to guide fishing parties on vessels owned | | |
| 10 | (ii) Allow a person who holds a valid coast guard license to operate a vessel to carry passengers for fishing from the marina owned or operated by the master guide license holder authorized under paragraph (1)(ii)3 of this subsection as follows: | | | | | |
| 12 | | | 1. | One person for 10 vessels; | | |
| 13 | | | 2. | Two persons for 11 to 20 vessels; | | |
| 14 | | | 3. | Three persons for 21 to 30 vessels; | | |
| 15 | | | 4. | Four persons for 31 to 40 vessels; | | |
| 16 | | | 5. | Five persons for 41 to 50 vessels; and | | |
| 17 | | | 6. | Six persons for 51 or more vessels. | | |
| 20 | 8 (4) (i) The Department shall issue a number of copies of the master 9 fishing guide license corresponding to the number of vessels owned or operated by the master fishing guide, with each copy bearing the registration number of one of the vessels. | | | | | |
| 22 23 | operated, the appropr | (ii) iate copy | | ster fishing guide shall ensure that when a vessel is cense is on board. | | |
| 26 | (5) If a master fishing guide employs another person to operate a vessel to carry passengers for fishing, for purposes of the license suspension criteria in subsection (k) of this section, the master fishing guide shall be held responsible for any violations committed by the person employed to operate the vessel. | | | | | |
| | (p) A commercial crabbing license shall identify either Sunday or Monday as the day on which the person who holds the license may not crab for commercial purposes. | | | | | |
| 31 | 4-1210. | | | | | |
| 34 | UPON THE FILING OFFICE OF THE AT | OF CER | TIFIED I Y GENE | THE PROVISIONS OF § 4-701(K) OF THIS TITLE AND DOCKET ENTRIES WITH THE DEPARTMENT BY THE RAL EVIDENCING THAT A PERSON STANDS | | |

- 1 CONDUCT IN ANY ACTIVITY AUTHORIZED BY THIS TITLE OR ANY REGULATIONS
- 2 ADOPTED BY THE SECRETARY UNDER THE AUTHORITY OF THIS TITLE, THE
- 3 DEPARTMENT MAY IMMEDIATELY SUSPEND ANY LICENSE ISSUED IN ACCORDANCE
- 4 WITH THIS TITLE REGARDLESS OF ANY PENDING APPEAL OR OTHER PROCEEDING TO
- 5 SET ASIDE A PLEA OR REVERSE A CONVICTION.
- 6 (B) AFTER COMPLETION OF THE APPELLATE PROCESS, IF THE CONVICTION
- 7 HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO
- 8 FRAUDULENT CONDUCT, THE DEPARTMENT MAY REVOKE A LICENSE ISSUED IN
- 9 ACCORDANCE WITH THIS TITLE.
- 10 (C) A LICENSEE HAS A RIGHT TO A HEARING FOR ANY LICENSE SUSPENDED
- 11 OR REVOKED IN ACCORDANCE WITH THIS SUBTITLE.
- 12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 13 effect October 1, 2002.