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

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Fish and Fisheries - Fines**

3 FOR the purpose of increasing the maximum fines for conviction of certain  
4 misdemeanors relating to violations of the fisheries' laws; requiring a certain  
5 percentage of certain fines to be paid to the Fisheries Research and  
6 Development Fund; authorizing the Department of Natural Resources to use the  
7 fund for enforcement of fisheries' laws; and generally relating to the amount and  
8 disposition of fines for fisheries violations.

9 BY repealing and reenacting, with amendments,  
10 Article - Natural Resources  
11 Section 4-209, 4-1201, and 4-1202  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2001 Supplement)

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

16 **Article - Natural Resources**

17 4-209.

18 (a) There is a Fisheries Research and Development Fund in the Department.

19 (b) Any money the State Comptroller receives under the provisions of this title  
20 from commercial licenses, permits, and service fees, taxes, and royalties paid to the  
21 State for oyster shells and clam shells removed from the bottom beneath the tidal  
22 waters of the State, from the sale of seed oysters under § 4-1103 of this title, or any  
23 source, together with any fine or forfeiture collected under § 4-1202 of this title, shall  
24 be credited to the Fisheries Research and Development Fund.

25 (c) Subject to the limitations described in §§ 4-701(i), 4-1020, 4-1028 and  
26 4-1035, the Fund shall be used for replenishing fisheries resources, related research,

1 RELATED ENFORCEMENT, and to match federal funds available for research and  
2 development of fisheries resources.

3 4-1201.

4 (a) Except as otherwise specifically provided in this title, a person who  
5 violates any provision of this title is guilty of a misdemeanor and, upon conviction, is  
6 subject to a fine not exceeding [\$500] \$1,500, with costs imposed in the discretion of  
7 the court.

8 (b) Unless another penalty is specifically provided elsewhere in this title, any  
9 person found guilty of a second or subsequent violation of any provision of this title is  
10 subject to a fine not exceeding [\$1,000] \$4,000, or imprisonment not exceeding 1 year,  
11 or both, with costs imposed in the discretion of the court. For the purpose of this  
12 subsection, a second or subsequent violation is one which has occurred within 2 years  
13 of any prior violation of this title.

14 (c) In addition to any administrative penalty provided in this title, violation of  
15 any rule or regulation adopted by any unit within the Department pursuant to the  
16 provisions of this title is a misdemeanor and is punishable as provided in subsections  
17 (a) and (b).

18 (d) In addition to any other applicable penalty set forth in subsections (a) and  
19 (b) of this section, a person who violates any provision of this title or any regulations  
20 adopted by the Secretary under the authority of this title concerning the taking of or  
21 creel limits for striped bass, commonly known as rockfish, shall be subject to the  
22 following penalties:

23 (1) For a first violation, a fine not exceeding \$1,500 per fish;

24 (2) For a second violation, within a 2-year period, a fine not exceeding  
25 \$2,500 per fish and revocation of the fishing license for a period not less than 1 year  
26 but not more than 2 years; and

27 (3) For a third violation within a 4-year period, a fine not exceeding  
28 \$2,500 per fish and revocation of the fishing license for a period not less than 2 years  
29 but not more than 5 years.

30 (e) A common carrier transporting fish who is not the buyer, seller, or catcher  
31 of the fish or is not controlled by the buyer, seller, or catcher of the fish is not subject  
32 to any penalty under this section for transporting fish which is either unlawfully  
33 caught or of unlawful size provided that the operator of the common carrier has in his  
34 possession a valid bill of lading, stating the origin, shipper, destination and receiver of  
35 the fish and the common carrier does not know or have reason to know that the fish  
36 were unlawfully caught or of unlawful size.

37 4-1202.

38 (a) If any fine is imposed by the District Court for a violation of any provision  
39 of this title, the fine shall be collected pursuant to the provisions of law of the District

1 Court system, AND 50% OF THE FINE SHALL BE PAID TO THE FISHERIES RESEARCH  
2 AND DEVELOPMENT FUND.

3 (b) If any fine is imposed by the circuit court of any county, the fine, less the  
4 costs of collection, shall be paid to the Fisheries Research and Development Fund,  
5 unless otherwise provided for.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 July 1, 2002.