
By: **Delegates V. Clagett, Bobo, Bronrott, Dumais, Frush, Glassman, Hogan, Holmes, Jennings, King, Lawton, McConkey, Montgomery, Parker, Sossi, Stern, and Stull**

Introduced and read first time: February 9, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Terrapin - Prohibition**

3 FOR the purpose of prohibiting the catching of terrapin for commercial purposes;
4 repealing the requirement that the Department of Natural Resources adopt
5 certain regulations for the catching of terrapin; repealing certain exemptions
6 from certain excise and use taxes relating to the catching of terrapin for
7 commercial purposes; and generally relating to a prohibition on the catching of
8 terrapin.

9 BY repealing and reenacting, with amendments,
10 Article - Natural Resources
11 Section 4-902 and 4-903
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2005 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Natural Resources
16 Section 8-716(c)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Natural Resources
21 Section 8-716(e) and (g) and 8-716.1(k)
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2005 Supplement)

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

1

Article - Natural Resources

2 4-902.

3 A person may not catch terrapin for commercial purposes [unless he first
4 obtains a license from the Department].

5 4-903.

6 The Department shall adopt rules and regulations governing the [catching of
7 terrapin and] conservation of terrapin resources[, especially taking into
8 consideration the establishment of a season and legal size].

9 8-716.

10 (c) (1) Except as provided in § 8-715(d) of this subtitle and in subsections (e)
11 and (f) of this section, and in addition to the fees prescribed in subsection (b) of this
12 section, an excise tax is levied at the rate of 5% of the fair market value of the vessel
13 on:

14 (i) The issuance of every original certificate of title required for a
15 vessel under this subtitle;

16 (ii) The issuance of every subsequent certificate of title for the sale,
17 resale, or transfer of the vessel;

18 (iii) The sale within the State of every other vessel; and

19 (iv) The possession within the State of a vessel purchased outside
20 the State to be used principally in the State.

21 (2) Notwithstanding the provisions of this subsection, no tax is paid on
22 issuance of any certificate of title if the owner of the vessel for which a certificate of
23 title is sought was the owner of the vessel prior to June 1, 1965, or paid Maryland
24 sales and use tax on the vessel as required by law at the time of acquisition. The
25 Department may require the applicant for titling to submit satisfactory proof that the
26 applicant owned the vessel prior to June 1, 1965.

27 (e) A person is not required to pay the tax provided for in subsection (c) of this
28 section resulting from:

29 (1) A transfer between members of the immediate family as determined
30 by Department regulations;

31 (2) A transfer to a licensed dealer of a vessel for resale, rental, or leasing
32 purposes;

33 (3) The holding of a vessel that is titled or numbered in another state or
34 is federally documented, provided:

- 1 (i) The vessel is held for resale or listed for resale by a licensed
2 dealer; and
- 3 (ii) The vessel owner signs an affidavit that there will be no use of
4 the vessel on the waters of the State other than for a sea trial;
- 5 (4) Purchase of a vessel by the State or any political subdivision;
- 6 (5) Purchase of a vessel by an eleemosynary organization which the
7 Secretary has approved;
- 8 (6) The purchase within the State of a vessel if the owner paid or
9 incurred a liability for the Maryland sales and use tax on the vessel prior to July 1,
10 1986;
- 11 (7) The possession within the State of a vessel which was purchased
12 outside the State if the owner paid or incurred a liability for the Maryland use tax on
13 the vessel prior to July 1, 1986;
- 14 (8) The possession of a vessel in the State that is not used or to be used
15 principally on the waters of the State and for which the issuance of a title is not
16 sought or required under this subtitle, except that:
- 17 (i) A vessel is not deemed used on the waters of the State if the
18 vessel is used for 90 days or less of a calendar year; and
- 19 (ii) If a vessel is used for more days than 90 days in a calendar year,
20 the period of 90 days shall be counted in the determination of principal use under this
21 subtitle;
- 22 (9) The possession within the State of a vessel if the current owner,
23 before July 1, 1986:
- 24 (i) 1. Was licensed by the Department to catch, for commercial
25 purposes, finfish, eels, crabs, conch, [terrapin,] soft-shell clams, hard-shell clams,
26 oysters, or any other fish; and
- 27 2. Used the vessel for any of the commercial fishing purposes
28 described in item 1 of this item; or
- 29 (ii) 1. Was licensed as a commercial fishing guide under the
30 provisions of § 4-210 of this article; and
- 31 2. Used the vessel as a charter boat with a license as
32 provided in § 4-745(d)(2) of this article; or
- 33 (10) The possession within the State of a vessel that:
- 34 (i) Is owned by a nonprofit organization that:

1 1. Is qualified as tax exempt under § 501(c)(4) of the Internal
2 Revenue Code; and

3 2. Is engaged in providing a program to render its best
4 efforts to contain, clean up, and otherwise mitigate spills of oil or other substances
5 occurring in United States coastal and tidal waters; and

6 (ii) Is used for the purposes of the organization.

7 (g) (1) A person may claim a credit against any tax imposed under
8 subsection (c) of this section on a vessel for sales tax the person has paid to the State,
9 to another state, or to the District of Columbia on materials and equipment that are
10 incorporated into the vessel, if:

11 (i) 1. The person is licensed by the Department to catch, for
12 commercial purposes, finfish, eels, crabs, conch, [terrapin,] soft-shell clams,
13 hard-shell clams, oysters, or any other fish; and

14 2. The vessel is to be used for any of the commercial fishing
15 purposes described in item 1 of this item; or

16 (ii) 1. Was licensed as a commercial fishing guide under the
17 provisions of § 4-210 of this article; and

18 2. Used the vessel as a charter boat with a license as
19 provided in § 4-745(d)(2) of this article.

20 (2) The Department may require a person claiming the credit allowed
21 under this subsection to submit satisfactory proof of payment of the sales tax and that
22 the materials or equipment have been incorporated into the vessel.

23 8-716.1.

24 (k) Notwithstanding any other provision of law, the Department may not
25 collect or enforce any liability for the Maryland use tax that was incurred before July
26 1, 1986 on a vessel owned by a person who at the time the liability was incurred:

27 (1) (i) Was licensed by the Department to catch, for commercial
28 purposes, finfish, eels, crabs, conch, [terrapin,] soft-shell clams, hard-shell clams,
29 oysters, or any other fish; and

30 (ii) Used the vessel for any of the commercial fishing purposes
31 described in item (1)(i) of this paragraph; or

32 (2) (i) Was licensed as a commercial fishing guide under the provisions
33 of § 4-210 of this article; and

34 (ii) Used the vessel as a charter boat with a license as provided in §
35 4-745(d)(2) of this article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.