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

Committee Report: Favorable with amendments House action: Adopted Read second time: March 21, 2006

CHAPTER_____

1 AN ACT concerning

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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 requiring the Department of Natural Resources to prepare a fishery

9 management plan for diamondback terrapin; requiring the Department to adopt

10 regulations governing terrapin resources and the catching of terrapin consistent

11 with certain recommendations of the Maryland Diamondback Terrapin Task

12 Force; and generally relating to terrapin.

13 BY repealing and reenacting, with amendments,

- 14 Article Natural Resources
- 15 Section <u>4-902</u> <u>4-215(b)</u> and 4-903
- 16 Annotated Code of Maryland
- 17 (2005 Replacement Volume and 2005 Supplement)

18 BY repealing and reenacting, without amendments,

- 19 Article Natural Resources
- 20 Section 8-716(c)
- 21 Annotated Code of Maryland
- 22 (2000 Replacement Volume and 2005 Supplement)

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<u>(11)</u>

(12)

(13)

(14)

(15)

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Croaker;

Summer flounder;

American eel;

Red drum;

<u>Spot;</u>

 BY repealing and reenacting, with amendments, Article - Natural Resources Section 8 716(e) and (g) and 8 716.1(k) Annotated Code of Maryland (2000 Replacement Volume and 2005 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: 					
8		Article - Natural Resources			
9 4 902.					
10 A person may not eatch terrapin for commercial purposes [unless he first 11 obtains a license from the Department].					
12 <u>4-215.</u>					
13 <u>(b)</u> 14 <u>species:</u>	The D	epartment shall prepare fishery management plans for the following			
15	<u>(1)</u>	Striped bass or rockfish;			
16	<u>(2)</u>	White perch;			
17	<u>(3)</u>	Yellow perch;			
18	<u>(4)</u>	American shad;			
19	<u>(5)</u>	Hickory shad;			
20	<u>(6)</u>	<u>Oysters:</u>			
21	<u>(7)</u>	Blue crabs;			
22	<u>(8)</u>	Bluefish;			
23	<u>(9)</u>	Herring:			
24	<u>(10)</u>	Weakfish;			

3		UNOFFICIAL COPY OF HOUSE BILL 980			
1	<u>(16)</u>	Black drum;			
2	<u>(17)</u>	Spotted sea trout;			
3	<u>(18)</u>	Horseshoe crabs;			
4	<u>(19)</u>	Menhaden:			
5	<u>(20)</u>	Tautog;			
6	<u>(21)</u>	Black sea bass;			
7	<u>(22)</u>	<u>Scup:</u>			
8	<u>(23)</u>	Hard shell clams; [and]			
9	<u>(24)</u>	Catfish; AND			
10	<u>(25)</u>	DIAMONDBACK TERRAPIN.			
11 4-903.					
12 <u>(A)</u>	The De	epartment shall adopt rules and regulations governing the:			
13	<u>(1)</u>	THE [catching of terrapin and] conservation of terrapin; AND			
14 15 establishn	(2) nent of a s	<u>TERRAPIN</u> resources[, especially taking into consideration the eason and legal size].			
 16 (B) <u>THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL BE</u> 17 <u>CONSISTENT WITH THE RECOMMENDATIONS OF THE MARYLAND DIAMONDBACK</u> 18 <u>TERRAPIN TASK FORCE ISSUED IN 2001.</u> 					
19 8 716.					
 20 (c) (1) Except as provided in § 8 715(d) of this subtitle and in subsections (e) 21 and (f) of this section, and in addition to the fees prescribed in subsection (b) of this 22 section, an excise tax is levied at the rate of 5% of the fair market value of the vessel 23 on: 					
24 25 vessel und	ler this su	(i) The issuance of every original certificate of title required for a btitle;			
26 27 resale, or	transfer of	(ii) The issuance of every subsequent certificate of title for the sale, f the vessel;			
28		(iii) The sale within the State of every other vessel; and			
29 30 the State (o be used	(iv) The possession within the State of a vessel purchased outside principally in the State.			

 2 issuance of any certificate of tille if the owner of the vessel for which a certificate of tille is sought was the owner of the vessel prior to June 1, 1965, or paid Maryland alses and use tax on the vessel as required by law at the time of acquisition. The 5 Department may require the applicant for tilling to submit satisfactory proof that the applicant owned the vessel prior to June 1, 1965. 7 (c) A person is not required to pay the tax provided for in subsection (c) of this section resulting from: 9 (f) A transfer between members of the immediate family as determined by Department regulations; 11 (2) A transfer to a licensed dealer of a vessel for resale, rental, or leasing purposes; 13 (3) The holding of a vessel that is titled or numbered in another state or is federally documented, provided. 15 (i) The vessel owner signs an affidavit that there will be no use of the vessel on the waters of the State other than for a sea trial; 19 (4) Purchase of a vessel by the State or any political subdivision; 20 (5) Purchase of a vessel by an eleemosynary organization which the Secretary has approved; 21 (6) The purchase within the State of a vessel if the owner paid or incurred a liability for the Maryland sales and use tax on the vessel prior to July 1, 1986; 23 (6) The possession of a vessel in the State of a vessel if the owner paid or the waters of the State and use tax on the vessel prior to July 1, 1986; 24 (3) The possession of a vessel in the State that is not used or to be used or the vessel prior to July 1, 1986; 24 (3) The possession of a vessel in the State that is not used or to be used prior to July 1, 1986; 25 (7) The possession of a vessel in the determination of a till is not used or to be used or the vessel prior to July 1, 1986; 26 (6) The possession of a vessel in the determination of a till is not used or to be used prior to July 1, 1986; 27 (28 (b) The	1	(2) Notwithstanding the provisions of this subsection, no tax is paid on				
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 21 Secretary has approved; 22 (6) The purchase within the State of a vessel if the owner paid or incurred a liability for the Maryland sales and use tax on the vessel prior to July 1, 1986; 25 (7) The possession within the State of a vessel which was purchased outside the State if the owner paid or incurred a liability for the Maryland use tax on the vessel prior to July 1, 1986; 28 (8) The possession of a vessel in the State that is not used or to be used principally on the waters of the State and for which the issuance of a title is not sought or required under this subtitle, except that: 31 (i) A vessel is not deemed used on the waters of the State if the vessel is used for 90 days or less of a calendar year; and 33 (ii) If a vessel is used for more days than 90 days in a calendar year; 						
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33 (ii) If a vessel is used for more days than 90 days in a calendar year,	32					
 33 (ii) If a vessel is used for more days than 90 days in a calendar year, 34 the period of 90 days shall be counted in the determination of principal use under this 						
34 the period of 90 days shall be counted in the determination of principal use under this		(ii) If a vessel is used for more days than 90 days in a calendar year,				
	34	the period of 90 days shall be counted in the determination of principal use under this				

34 the perio 35 subtitle;

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1(9)The possession within the State of a vessel if the current owner,2before July 1, 1986:					
 3 (i) 1. Was licensed by the Department to catch, for commercial 4 purposes, finfish, eels, crabs, conch, [terrapin,] soft shell clams, hard shell clams, 5 oysters, or any other fish; and 					
62.Used the vessel for any of the commercial fishing purposes7described in item 1 of this item; or					
8 (ii) 1. Was licensed as a commercial fishing guide under the 9 provisions of § 4 210 of this article; and					
102.Used the vessel as a charter boat with a license as11provided in § 4 745(d)(2) of this article; or					
12 (10) The possession within the State of a vessel that:					
13 (i) Is owned by a nonprofit organization that:					
141.Is qualified as tax exempt under § 501(c)(4) of the Internal15Revenue Code; and					
162.Is engaged in providing a program to render its best17efforts to contain, clean up, and otherwise mitigate spills of oil or other substances18occurring in United States coastal and tidal waters; and					
19 (ii) Is used for the purposes of the organization.					
 20 (g) (1) A person may claim a credit against any tax imposed under 21 subsection (c) of this section on a vessel for sales tax the person has paid to the State, 22 to another state, or to the District of Columbia on materials and equipment that are 23 incorporated into the vessel, if: 					
 24 (i) 1. The person is licensed by the Department to catch, for 25 commercial purposes, finfish, eels, crabs, conch, [terrapin,] soft shell clams, 26 hard shell clams, oysters, or any other fish; and 					
272.The vessel is to be used for any of the commercial fishing28purposes described in item 1 of this item; or					
29(ii)1.Was licensed as a commercial fishing guide under the30 provisions of § 4 210 of this article; and					
312.Used the vessel as a charter boat with a license as32provided in § 4 745(d)(2) of this article.					
33 (2) The Department may require a person claiming the credit allowed					

34 under this subsection to submit satisfactory proof of payment of the sales tax and that
 35 the materials or equipment have been incorporated into the vessel.

5

1 8 716.1.	
3 collect or enforce any liability	any other provision of law, the Department may not for the Maryland use tax that was incurred before July a person who at the time the liability was incurred:
5 (1) (i) 6 purposes, finfish, eels, crabs, c 7 oysters, or any other fish; and	Was licensed by the Department to catch, for commercial conch, [terrapin,] soft-shell clams, hard-shell clams,
8 (ii) 9 described in item (1)(i) of this	Used the vessel for any of the commercial fishing purposes paragraph; or
10 (2) (i) 11 of § 4 210 of this article; and	Was licensed as a commercial fishing guide under the provisions
12 (ii) 13 4-745(d)(2) of this article.	Used the vessel as a charter boat with a license as provided in $\$$

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 15 October 1, 2006.

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