
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

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~~ 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 ~~4-902~~ 4-215(b) 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(e)~~
21 ~~Annotated Code of Maryland~~
22 ~~(2000 Replacement Volume and 2005 Supplement)~~

1 ~~BY repealing and reenacting, with amendments,~~
2 ~~Article - Natural Resources~~
3 ~~Section 8-716(e) and (g) and 8-716.1(k)~~
4 ~~Annotated Code of Maryland~~
5 ~~(2000 Replacement Volume and 2005 Supplement)~~

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

8 **Article - Natural Resources**

9 ~~4-902.~~

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

12 4-215.

13 (b) The Department shall prepare fishery management plans for the following
14 species:

15 (1) Striped bass or rockfish;

16 (2) White perch;

17 (3) Yellow perch;

18 (4) American shad;

19 (5) Hickory shad;

20 (6) Oysters;

21 (7) Blue crabs;

22 (8) Bluefish;

23 (9) Herring;

24 (10) Weakfish;

25 (11) Croaker;

26 (12) Spot;

27 (13) Summer flounder;

28 (14) American eel;

29 (15) Red drum;

- 1 (16) Black drum;
- 2 (17) Spotted sea trout;
- 3 (18) Horseshoe crabs;
- 4 (19) Menhaden;
- 5 (20) Tautog;
- 6 (21) Black sea bass;
- 7 (22) Scup;
- 8 (23) Hard shell clams; [and]
- 9 (24) Catfish; AND
- 10 (25) DIAMONDBACK TERRAPIN.

11 4-903.

12 (A) The Department shall adopt ~~rules and~~ regulations governing ~~the~~:

- 13 (1) THE [catching of terrapin and] conservation of terrapin; AND
- 14 (2) TERRAPIN resources[, especially taking into consideration the
- 15 establishment of a season and legal size].

16 (B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL BE
 17 CONSISTENT WITH THE RECOMMENDATIONS OF THE MARYLAND DIAMONDBACK
 18 TERRAPIN TASK FORCE ISSUED IN 2001.

19 ~~8-716.~~

20 (e) ~~(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 (i) ~~The issuance of every original certificate of title required for a~~
 25 ~~vessel under this subtitle;~~

26 (ii) ~~The issuance of every subsequent certificate of title for the sale,~~
 27 ~~resale, or transfer of the vessel;~~

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

29 (iv) ~~The possession within the State of a vessel purchased outside~~
 30 ~~the State to be used principally in the State.~~

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

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

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

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

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

15 (i) The vessel is held for resale or listed for resale by a licensed
16 dealer; and

17 (ii) The vessel owner signs an affidavit that there will be no use of
18 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
21 Secretary has approved;

22 (6) The purchase within the State of a vessel if the owner paid or
23 incurred a liability for the Maryland sales and use tax on the vessel prior to July 1,
24 1986;

25 (7) The possession within the State of a vessel which was purchased
26 outside the State if the owner paid or incurred a liability for the Maryland use tax on
27 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
29 principally on the waters of the State and for which the issuance of a title is not
30 sought or required under this subtitle, except that:

31 (i) A vessel is not deemed used on the waters of the State if the
32 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,
34 the period of 90 days shall be counted in the determination of principal use under this
35 subtitle;

1 (9) The possession within the State of a vessel if the current owner,
2 before 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

6 2. Used the vessel for any of the commercial fishing purposes
7 described 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

10 2. Used the vessel as a charter boat with a license as
11 provided 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:

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

16 2. Is engaged in providing a program to render its best
17 efforts to contain, clean up, and otherwise mitigate spills of oil or other substances
18 occurring 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 (e) 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

27 2. The vessel is to be used for any of the commercial fishing
28 purposes 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.

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.

1 ~~8-716.1.~~

2 (k) Notwithstanding any other provision of law, the Department may not
3 collect or enforce any liability for the Maryland use tax that was incurred before July
4 1, 1986 on a vessel owned by a person who at the time the liability was incurred:

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

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

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

12 (ii) Used the vessel as a charter boat with a license as provided in §
13 4-745(d)(2) of this article.

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