

# SENATE BILL 1012

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71r3382

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By: **Senator Astle**

Introduced and read first time: March 5, 2007

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 8, 2007

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources – Fishery Management Reform Act**

3 FOR the purpose of altering the fees for certain fishing licenses for tidal and nontidal  
4 waters; ~~requiring~~ authorizing the Governor to include a certain appropriation in  
5 the budget bill beginning with a certain year and each year thereafter for the  
6 State Fisheries Management and Protection Fund and the Fisheries Research  
7 and Development Fund; ~~requiring the appropriation to be based on a certain~~  
8 ~~percentage of the increase in license fees beginning with a certain fiscal year;~~  
9 stating the findings and intent of the General Assembly relating to fishing  
10 resources; establishing the Task Force on Fishery Management; providing for  
11 the membership and staffing of the Task Force; requiring the Task Force to  
12 review and evaluate the processes for fishery management and make certain  
13 recommendations to the Governor and the General Assembly by a certain date;  
14 requiring the Task Force to assist the Department of Natural Resources in  
15 developing regulations, policies, and suggested legislation to implement certain  
16 recommendations; prohibiting a member of the Task Force from receiving  
17 certain compensation, but authorizing certain expenses; ~~authorizing the~~  
18 ~~Governor to include certain money for certain funds in a certain supplemental~~  
19 ~~budget;~~ urging the Department to follow a certain provision of law; ~~stating the~~  
20 ~~intent of the General Assembly relating to the increase in fishing license fees;~~

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 providing for the termination of this Act; and generally relating to fisheries and  
2 fishing resources managed by the Department of Natural Resources.

3 BY repealing and reenacting, with amendments,  
4 Article – Natural Resources  
5 Section 4–208, 4–209, 4–604(g)(1)(i) and (2)(i), and 4–745(a)(2) and (d)(2)  
6 Annotated Code of Maryland  
7 (2005 Replacement Volume and 2006 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article – Natural Resources  
10 Section 4–745(b)(5)  
11 Annotated Code of Maryland  
12 (2005 Replacement Volume and 2006 Supplement)

13 BY adding to  
14 Article – Natural Resources  
15 Section 4–215.2 and 4–215.3  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2006 Supplement)

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

20 **Article – Natural Resources**

21 4–208.

22 (a) In this section, “Fund” means the State Fisheries Management and  
23 Protection Fund.

24 (b) There is a State Fisheries Management and Protection Fund in the  
25 Department.

26 (c) The purpose of the Fund is to finance the scientific investigation,  
27 protection, propagation, and management of nontidal finfish.

28 (d) The Department shall administer the Fund.

29 (e) (1) The Fund is a special, nonlapsing fund that is not subject to §  
30 7–302 of the State Finance and Procurement Article.

1           (2)    The Treasurer shall hold the Fund separately and the Comptroller  
2 shall account for the Fund.

3           (f)    The Fund consists of:

4                (1)    Any money received for a fish and fisheries license, stamp, permit,  
5 or application fee under this title, unless otherwise provided; [and]

6                (2)    Any investment earnings of the Fund; AND

7                **(3)    MONEY APPROPRIATED FROM THE GENERAL FUND OF THE**  
8 **STATE IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION.**

9           (g)    The Fund may be used only for:

10               (1)    The scientific investigation, protection, propagation, and  
11 management of nontidal finfish; and

12               (2)    Administrative costs calculated in accordance with § 1-103(b)(2) of  
13 this article.

14           (h)   (1)    The Treasurer shall invest the money of the Fund in the same  
15 manner as other State money may be invested.

16               (2)    Any investment earnings of the Fund may not be transferred or  
17 revert to the General Fund of the State, but shall remain in the Fund.

18           (i)    Expenditures from the Fund may be made only in accordance with the  
19 State budget.

20           **(J)    ~~(1)~~    BEGINNING WITH FISCAL YEAR 2009 AND EACH FISCAL YEAR**  
21 **THEREAFTER, THE GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE BUDGET BILL AN**  
22 **APPROPRIATION FROM THE GENERAL FUND FOR THE FUND.**

23               ~~**(2)    THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS**~~  
24 ~~**SUBSECTION SHALL BE BASED ON A 50% MATCH ON THE PROCEEDS FROM THE**~~  
25 ~~**INCREASE IN THE LICENSE FEES UNDER § 4-604(C) OF THIS TITLE.**~~

26 4-209.

27           (a)    In this section, "Fund" means the Fisheries Research and Development  
28 Fund.

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

2 (c) The purpose of the Fund is to:

3 (1) Finance the replenishment of fisheries resources and related  
4 research; and

5 (2) Match federal funds available for research and development of  
6 fisheries resources.

7 (d) The Department shall administer the Fund.

8 (e) (1) The Fund is a special, nonlapsing fund that is not subject to §  
9 7–302 of the State Finance and Procurement Article.

10 (2) The Treasurer shall hold the Fund separately and the Comptroller  
11 shall account for the Fund.

12 (f) The Fund consists of:

13 (1) Any money received under this title for:

14 (i) Commercial licenses and permits;

15 (ii) Service fees, taxes, and royalties paid to the State for oyster  
16 shells and clam shells removed from the bottom beneath the tidal waters of the State;

17 (iii) The sale of seed oysters under § 4–1103 of this title; and

18 (iv) Any fine or forfeiture collected under § 4–1202 of this title;

19 (2) Any investment earnings of the Fund; [and]

20 (3) Money received from any other source; **AND**

21 **(4) MONEY APPROPRIATED FROM THE GENERAL FUND OF THE**  
22 **STATE IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION.**

23 (g) Subject to §§ 4–701(o), 4–1020, 4–1028, and 4–1035 of this title, the Fund  
24 may be used for:

- 1 (1) Replenishing fisheries resources and related research;
- 2 (2) Matching federal funds available for research and development of  
3 fisheries resources; and
- 4 (3) Administrative costs calculated in accordance with § 1-103(b)(2) of  
5 this article.

6 (h) (1) The Treasurer shall invest the money of the Fund in the same  
7 manner as other State money may be invested.

8 (2) Any investment earnings of the Fund may not be transferred or  
9 revert to the General Fund of the State, but shall remain in the Fund.

10 (i) Expenditures from the Fund may be made only in accordance with the  
11 State budget.

12 (J) ~~(I)~~ **BEGINNING WITH FISCAL YEAR 2009 AND EACH FISCAL YEAR**  
13 **THEREAFTER, THE GOVERNOR SHALL MAY INCLUDE IN THE BUDGET BILL AN**  
14 **APPROPRIATION FROM THE GENERAL FUND FOR THE FUND.**

15 ~~(2) THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS~~  
16 ~~SUBSECTION SHALL BE BASED ON A 50% MATCH ON THE PROCEEDS FROM THE~~  
17 ~~INCREASE IN THE LICENSE FEES UNDER § 4-745 OF THIS TITLE.~~

18 **4-215.2.**

19 (A) **THE GENERAL ASSEMBLY FINDS THAT ROBUST FISHING**  
20 **RESOURCES ARE CRITICAL TO THE ECONOMY OF THE STATE AND VITAL TO A**  
21 **TREASURED HERITAGE AND WAY OF LIFE.**

22 (B) **THE GENERAL ASSEMBLY INTENDS THAT THE DEPARTMENT SHALL**  
23 **MANAGE THE FISHERIES UNDER § 4-215 OF THIS SUBTITLE TO OPTIMIZE THE**  
24 **YIELD OF FISHERY RESOURCES FOR THE BENEFIT OF ALL CITIZENS OF THE**  
25 **STATE.**

26 **4-215.3.**

27 (A) **THERE IS A TASK FORCE ON FISHERY MANAGEMENT.**

28 (B) (1) **THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:**

1 (I) THE SECRETARY OF NATURAL RESOURCES, OR THE  
2 SECRETARY'S DESIGNEE;

3 (II) THE FOLLOWING MEMBERS, APPOINTED BY THE  
4 GOVERNOR:

5 1. ~~TWO REPRESENTATIVES~~ ONE REPRESENTATIVE  
6 FROM THE CHESAPEAKE GUIDES ASSOCIATION;

7 2. TWO REPRESENTATIVES FROM THE COASTAL  
8 CONSERVATION ASSOCIATION MARYLAND;

9 3. ~~THREE REPRESENTATIVES FROM THE MARYLAND~~  
10 ~~AQUATIC RESOURCE COALITION~~ ONE REPRESENTATIVE FROM THE MARYLAND  
11 BASS FEDERATION NATION;

12 4. ONE REPRESENTATIVE FROM THE  
13 MID-ATLANTIC COUNCIL OF TROUT UNLIMITED;

14 5. TWO REPRESENTATIVES FROM THE MARYLAND  
15 SALTWATER SPORTFISHERMEN'S ASSOCIATION;

16 ~~4.~~ 6. TWO REPRESENTATIVES FROM THE MARYLAND  
17 CHARTER BOAT ASSOCIATION;

18 ~~5.~~ 7. TWO REPRESENTATIVES FROM THE MARYLAND  
19 WATERMEN'S ASSOCIATION; AND

20 ~~6.~~ 8. TWO REPRESENTATIVES FROM COMMUNITIES  
21 THAT ARE LOCATED ON THE CHESAPEAKE BAY AND ITS TRIBUTARIES AND THAT  
22 RELY ON FISHING FOR THEIR LOCAL ECONOMIES; AND

23 (III) A PEER REVIEW PANEL THAT CONSISTS OF THREE  
24 EXPERTS IN STATE FISHERY MANAGEMENT APPOINTED BY THE GOVERNOR IN  
25 CONSULTATION WITH THE AMERICAN FISHERIES SOCIETY.

26 (2) THE PEER REVIEW PANEL UNDER PARAGRAPH (1)(III) OF  
27 THIS SUBSECTION SHALL SUPPORT AND PROVIDE EXPERTISE FOR THE TASK

1 **FORCE AND THE DEPARTMENT WITH THE DEVELOPMENT OF THE REPORT**  
2 **REQUIRED UNDER THIS SECTION.**

3 **(C) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE TASK**  
4 **FORCE.**

5 **(D) THE TASK FORCE MAY ESTABLISH SUBCOMMITTEES AS IT**  
6 **DETERMINES NECESSARY TO FULFILL ITS DUTIES.**

7 **(E) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE**  
8 **STAFF FOR THE TASK FORCE.**

9 **(F) A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION**  
10 **FOR SERVING ON THE TASK FORCE, BUT IS ENTITLED TO REIMBURSEMENT FOR**  
11 **EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED**  
12 **IN THE STATE BUDGET.**

13 **(G) THE TASK FORCE SHALL:**

14 **(1) OVERSEE A FULL REVIEW OF CURRENT FISHERY**  
15 **MANAGEMENT PROCESSES AND DEVELOP RECOMMENDATIONS FOR METHODS**  
16 **TO IMPROVE, MODERNIZE, AND STREAMLINE FISHERY MANAGEMENT,**  
17 **INCLUDING:**

18 **(I) DEVELOPING A SET OF RECOMMENDATIONS FOR THE**  
19 **2009 LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY THAT INCORPORATES**  
20 **THE IMPROVEMENTS SUGGESTED FOR FISHERY MANAGEMENT; AND**

21 **(II) WORKING WITH THE DEPARTMENT TO DEVELOP**  
22 **REGULATIONS AND POLICY, AND ANY FOLLOW-UP LEGISLATION FOR THE 2010**  
23 **LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY THAT IS NECESSARY TO**  
24 **IMPLEMENT THE RECOMMENDATIONS; AND**

25 **(2) ON OR BEFORE DECEMBER 1, 2008, SUBMIT A REPORT OF ITS**  
26 **FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE**  
27 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**  
28 **ASSEMBLY.**

29 4-604.

1 (g) (1) The following annual license fees shall apply:

2 (i) Resident..... [~~\$10.50~~] **\$20.50**

3 (2) For a nonresident:

4 (i) The fee for an annual angler’s license is the greater of:

5 1. [~~\$20.50~~] **\$30.50**; or

6 2. A fee equal to the fee charged a Maryland resident by  
7 the nonresident’s home state for a similar license; and

8 4–745.

9 (a) (2) The license may be obtained from the Department or from any  
10 authorized agent of the Department. The following annual license fees shall apply:

11 (i) Resident..... [~~\$9~~] **\$15**

12 (ii) Short–term license valid for 5 consecutive days from date of  
13 issue..... \$6

14 (iii) Nonresident..... [~~\$14~~] **\$15**

15 (iv) Resident and nonresident blind persons..... No fee

16 (b) (5) In the preparation of plans for the expenditure of license receipts,  
17 the Secretary annually shall solicit the advice and opinions of the Department’s Sport  
18 Fisheries Advisory Commission, representative fishing and boating associations, and  
19 other interested parties.

20 (d) (2) (i) The Department may provide by regulation for issuance of  
21 an annual special Chesapeake Bay sport fishing license, which when permanently  
22 affixed to a boat registered in any state shall authorize any person on the boat to fish  
23 for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries, except  
24 that such a license may not be used on a boat that has been hired to take such persons  
25 fishing.

26 (ii) The annual fee for this special license shall be [~~\$40~~] **\$50**.



1 (iii) If a boat owner purchases the special license under this  
2 paragraph, the boat owner may fish anywhere in the Chesapeake Bay, whether the  
3 boat owner is fishing in the owner's boat, in another person's boat, on land, or  
4 elsewhere. The Department shall issue a complimentary Chesapeake Bay sport fishing  
5 license to the boat owner who purchases a special license under this paragraph. If a  
6 boat to which the special license is affixed has more than one owner, then only the  
7 individual applicant who signs the application for the special license shall be entitled  
8 to a complimentary Chesapeake Bay sport fishing license under this paragraph.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly of  
10 Maryland urges the Department to recognize and abide by the provision of law under §  
11 4-745(b)(5) of the Natural Resources Article that requires the Department to consult  
12 with stakeholders through the Sports Fisheries Advisory Commission before spending  
13 the proceeds from fishing license fees.

14 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Governor may~~  
15 ~~include money for the State Fisheries Management and Protection Fund and the~~  
16 ~~Fisheries Research and Development Fund in a supplemental budget for fiscal year~~  
17 ~~2008.~~

18 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly~~  
19 ~~intends that the increase in fishing license fees under Section 1 of this Act be subject~~  
20 ~~to the inclusion of an appropriation for the State Fisheries Management and~~  
21 ~~Protection Fund and the Fisheries Research and Development Fund beginning in the~~  
22 ~~fiscal 2009 State budget, as required under Section 1 of this Act, and if the funds are~~  
23 ~~not included in the budget, the General Assembly may take appropriate measures to~~  
24 ~~restore the amounts of the fishing license fees to amounts in effect as of June 30, 2007.~~

25 SECTION 5. 3. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect July 1, 2007. It shall remain effective for a period of 3 years and, at the end of  
27 June 30, 2010, with no further action required by the General Assembly, this Act shall  
28 be abrogated and of no further force and effect.