

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 720

(Senator Mathias)

Education, Health, and Environmental Affairs

Environmental Matters

Commercial Fishing Apprenticeship Permit - Eligibility

This bill modifies the practical experience requirements under the commercial tidal fish license apprenticeship program by (1) clarifying that all practical experience must be obtained within 10 years prior to applying for a tidal fish license or authorization; and (2) authorizing individuals who hold or held a commercial fishing license issued by another state or the federal government to use the experience gained under that non-State license to meet State tidal fish license requirements. The bill also clarifies that individuals may not obtain a seafood landing license through the tidal fish license apprenticeship program.

The bill takes effect June 1, 2011.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Maryland operates under a limited entry program for commercial tidal fish licensees. The Department of Natural Resources (DNR) may issue an apprenticeship permit to authorize an individual to gain practical commercial fishing experience in the presence of a tidal fish licensee. DNR may accept applications for apprenticeship permits from individuals who are older than age 13 and do not qualify for a tidal fish license or

authorization. DNR may issue a permit only if the number of tidal fish authorizations issued for a fishing activity is less than the target number established by regulation.

Before DNR may issue a tidal fish license or authorization to an individual with an apprenticeship permit, the individual must have certain experience. For each specified commercial fishing activity, the practical experience must include 150 days of experience in the fishing activity for which an authorization/license is applied. For multiple fishing activities and an unlimited tidal fish authorization, the practical experience must include 180 days of experience in at least two commercial fishing activities, of which at least 60 days of practical experience must be spent in separate commercial fishing activities.

Individuals not already licensed to commercially fish in the State must purchase a \$150 seafood landing license to land fish caught outside State waters.

Background: A number of individuals who have commercial fishing licenses issued by other states or the federal government are, under current law, unable to count that experience toward meeting practical experience requirements under the tidal fish license apprenticeship program. By allowing past experience associated with licenses issued by other states or the federal government, the bill enables certain individuals to qualify for a tidal fish license sooner than under current law, within the limitations of the existing limited entry system.

Last year, the Virginia General Assembly passed SB 192 (Chapter 144 of 2010), which prohibits the sale of a commercial fishing license or permit to a nonresident whose state of residence does not offer for sale the same or substantially similar license or permit to a resident of Virginia. Licensed watermen from Virginia, who have 10 years of fishing experience in the Chesapeake Bay, have expressed concern that they would still be required to apprentice with Maryland watermen to get a Maryland commercial fishing license. DNR advises the bill will help prevent Virginia from placing limitations on Maryland commercial watermen who fish, or plan to fish, in Virginia waters.

Small Business Effect: Currently, 20 watermen, from outside Maryland, are apprenticing with Maryland watermen as part of the commercial fishing license apprenticeship program. To the extent the bill allows these watermen to use their experience under licenses issued by other states or the federal government to meet licensing requirements, small fishing businesses may benefit. Small fishing businesses also benefit to the extent the bill prevents Virginia from withholding fishing licenses or permits from Maryland watermen.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Virginia General Assembly,
Department of Legislative Services

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