

Chapter 435

(House Bill 1372)

AN ACT concerning

Natural Resources – Commercial Fishing Licenses, Authorizations, and Permits

FOR the purpose of requiring that certain appropriations for fishery management purposes be allocated in a certain manner between the recreational and commercial fisheries; authorizing the Department of Natural Resources to assess certain costs on certain commercial fishing licensees; applying to all applicants a requirement that certain applicants for a commercial fishing guide license provide certain information related to a federal license as part of a license application; authorizing rather than requiring the Department to set certain targets for the number of certain tidal fish license authorizations; repealing a provision of law limiting the number of participants in the commercial and charter boat fishery; establishing a certain application fee for the transfer of a commercial fishing license or authorization; adding certain relatives to the list of family members eligible for a certain license transfer; expanding the pool of persons eligible to be named the beneficiary of a license or authorization on the death of a licensee; altering the transfer procedures for a license or authorization following the death of a licensee; establishing that the license of a deceased licensee is void under certain circumstances; prohibiting a person from operating under the license of a deceased licensee without certain approval; altering the period of time for which the Department may approve the temporary transfer of a license or authorization; limiting the number of times a license or authorization may be temporarily transferred per license year; establishing that certain prohibited acts that result from certain suspensions of a license of a temporary transferee also result from certain revocations of a license of a temporary transferee; repealing a provision of law that prohibits a person from temporarily transferring a license for remuneration; ~~repealing provisions of law that authorize another~~ altering the requirements and procedures for the authorization of a person to use a certain vessel and license of a licensee to perform certain commercial fishing activities under certain circumstances; altering the eligibility requirements and procedures for the permanent transfer of a license or authorization; altering a certain provision of law governing the relinquishment of a certain license or certain authorizations in exchange for a certain other license or certain authorizations; requiring a licensee to pay to the Department a certain amount for the difference between certain fees; altering the documentation that a person engaged in a commercial fishing activity is required to possess and make available for inspection; providing for and clarifying the distribution and use of certain fisheries fees and surcharges collected by the Department; authorizing a person to transfer a

certain crab authorization to apply to a separate tidal fish license; requiring the Department to review certain laws and policies in collaboration with certain entities and report its findings and recommendations to the Governor and the General Assembly on or before a certain date; requiring the Department to determine the allocation of certain revenues in accordance with the revenues derived from the respective commercial and recreational fisheries; requiring the publishers of the Annotated Code of Maryland to correct certain cross-references and terminology; defining a certain term; clarifying certain language; and generally relating to commercial fishing licenses, authorizations, and permits.

BY renumbering

Article – Natural Resources

Section 4–101(l), (m), (n), (o), (p), (q), and (r), respectively,
to be Section 4–101(m), (n), (o), (p), (q), (r), and (s), respectively
Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–101(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

BY adding to

Article – Natural Resources

Section 4–101(l) and 4–205(m)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–701 and 4–814

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4–101(l), (m), (n), (o), (p), (q), and (r), respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 4–101(m), (n), (o), (p), (q), (r), and (s), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Natural Resources

4-101.

(a) In this title the following words have the meaning indicated.

(L) "HAILING SYSTEM" MEANS A COMMUNICATION SYSTEM USED BY LICENSEES TO NOTIFY THE DEPARTMENT OF A FISHING TRIP, HARVEST, OR OTHER FISHING RELATED INFORMATION AS REQUIRED BY THE DEPARTMENT.

4-205.

(M) EXCEPT FOR ANY APPROPRIATION MADE FOR AQUACULTURE, AN APPROPRIATION FROM THE GENERAL FUND MADE FOR FISHERY MANAGEMENT PURPOSES SHALL BE ALLOCATED FAIRLY AND REASONABLY BETWEEN THE RECREATIONAL AND COMMERCIAL FISHERIES.

4-701.

(a) This section applies to any person who is required under Subtitle 2, 7, 8, 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters.

(b) (1) The Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

(2) A tidal fish license authorizes a licensee:

(i) To engage in each activity indicated on the license; and

(ii) For catching crabs, to utilize the number of crew members indicated on the license.

(3) Except for a person receiving a license **AS A BENEFICIARY OF A DECEASED LICENSEE** under subsection [(i)(2)(ii)] **(J)(4)(I)** of this section, the Department may not issue a tidal fish license to an individual who is younger than 14 years of age.

(4) A person may not guide fishing parties or catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this section.

(c) (1) The license year for every tidal fish license shall be 12 months from September 1 through August 31 of the following year.

(2) A licensee and crew members may engage only in those activities for which the annual fees for that license year have been paid.

(d) (1) The Department may issue no more than one authorization to a person to engage in each activity under paragraph (2)(ii)1 and 2 of this subsection during a license year.

(2) (i) On a tidal fish license, the Department may issue an authorization for any of the following activities for which the indicated fee has been paid.

(ii) The following annual fees for an authorization shall apply regardless of when the license is issued or an activity is authorized:

1. To provide services as:
 - A. A fishing guide in the tidal waters of Maryland – \$50 for a resident and \$100 for a nonresident; and
 - B. A master fishing guide, in addition to the fee under item A of this item – \$50 per vessel
2. To catch for sale fish with equipment which is legal under this title:
 - A. Finfish:
 - I. Hook and line only, anywhere: \$37.50
 - II. All other equipment: \$100
 - B. Crabs:
 - I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and scrapes: \$50
 - II. Over 50 pots, plus any other gear listed in item I of this sub–sub–subparagraph: \$150
 - C. Clams – \$100
 - D. Oysters – \$250 for a dredge boat and \$50 for other than a dredge boat
 - E. Conch, turtles, and lobster – \$50
 - F. For all activities in item 1A of this subparagraph and in items A through E of this item, unlimited tidal fish – \$300

3. For one or two crew members employed under § 4–814 of this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of this paragraph with more than 300 pots, the licensee shall pay \$20 for each crew member.

4. Except for a licensee dealing in his own catch, for a person to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal waters of Maryland, seafood dealer – \$150

5. For a person who is not licensed under this section to land fish caught in out-of-state tidal waters, seafood landing – \$150

(e) (1) To catch striped bass for sale:

(i) A licensee authorized under subsection (d)(2)(ii)2A of this section shall pay an annual surcharge of \$200; or

(ii) A licensee authorized under subsection (d)(2)(ii)2F of this section shall pay with the license fee an annual surcharge of \$100.

(2) (i) A person may not catch oysters for sale without:

1. Possessing a valid license under this section;

2. Paying an annual surcharge of \$300; and

3. Certifying to the Department that the person received the publications required under § 4–1006.2 of this title.

(ii) The Department shall use the surcharges collected under this paragraph only for oyster repletion activities.

(3) In addition to the normal license fees imposed under subsection (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual surcharge of \$10 to be credited to the Seafood Marketing Office of the Department to fund seafood marketing programs which have been approved by the Department.

(4) (i) 1. In this paragraph, “fishing activities” means those activities that are directly related to catching fish.

2. “Fishing activities” does not include the activities of buying, selling, processing, transporting, exporting, or similarly dealing in fish.

(ii) The Department shall assess annually on every nonresident license applicant for the applicant’s fishing activities under Subtitles 7, 8, and 9 of this

title, in addition to the normal license fees imposed by this subsection, a surcharge which cumulatively for the license year, shall be the greater of:

1. An amount equal to the difference between the total fees charged to a Maryland resident engaged in like fishing activities in the state of residence of the nonresident applicant and the total of normal license fees for fishing activities in Maryland; or

2. \$350.

(F) THE DEPARTMENT MAY ASSESS ANNUALLY ON EVERY PERSON LICENSED UNDER SUBSECTION (D)(2)(II)2 OF THIS SECTION A SURCHARGE FOR THE COSTS INCURRED BY THE DEPARTMENT FOR:

(1) FISH TAGS ISSUED TO THE LICENSEE; AND

(2) THE USE BY A LICENSEE OF A HAILING SYSTEM.

[(f)] (G) An applicant for a **[new]** license to provide services as a commercial fishing guide in tidal waters of the State shall supply as part of the **[initial]** application verifiable references to any federal license that is issued by the U.S. Coast Guard to operate a vessel carrying passengers for hire in the applicant's name, as a condition precedent to engaging as a commercial fishing guide in tidal waters.

[(g)] (H) (1) Notwithstanding any other provision of this section, the Department may issue an apprenticeship permit for any activity under subsection (d)(2)(ii)1 or 2 of this section to a person who currently resides and has resided for at least 5 years on an island in the State that is at least 3 miles from the mainland.

(2) The Department **[shall]** **MAY** set by regulation targets for the number of tidal fish license authorizations under subsection (d)(2)(ii) of this section to be the number issued between September 1, 1998 and March 31, 1999. The Department may modify by regulation the target number of authorizations based on:

(i) Recommendations of the Tidal Fisheries Advisory Commission;

(ii) Recommendations of fishery management plans adopted by the Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries Commission, the Mid-Atlantic Fisheries Management Council, or any other appropriate management body;

(iii) The number of people historically participating;

(iv) Target species, size, number, weight, incidental catch, total biomass, annual harvest, mortality rates, and other factors which are necessary and appropriate; and

(v) The number of authorizations relinquished to the Department under subsection (k) of this section.

(3) (i) The Department shall by regulation limit the total number of **COMMERCIAL** authorizations to fish for striped bass ~~to~~ **NOT TO EXCEED** 1,231 participants in the commercial fishery and 499 participants in the charter boat fishery~~].~~

(ii) The Department shall provide in its regulations for reallocation of any authorizations that may be revoked or voluntarily relinquished to the Department.

(iii) The Department shall provide in its regulations for the allocation of any available quota on a monthly basis to assure that all areas of the State have ample opportunity to attain an equitable portion of the available quota.

[(h)] (I) The Department shall issue a license authorizing participation in a particular fishing activity to a person who has completed the requirements of an apprenticeship under § 4-701.1 of this subtitle.

[(i)] (J) (1) A license or authorization may be transferred only under the provisions of this subsection.

(2) A PERSON WHO DESIRES TO OBTAIN A LICENSE OR AUTHORIZATION BY TRANSFER UNDER THIS SUBSECTION SHALL, FOR EACH LICENSE OR AUTHORIZATION APPLIED FOR:

(I) PAY A \$50 APPLICATION FEE; AND

(II) SUBMIT A COMPLETED APPLICATION TO THE DEPARTMENT.

[(2)] (3) The Department shall review and may approve the permanent transfer of a license or an authorization to a person who is the licensee's spouse, daughter, son, stepchild, grandchild, stepgrandchild, parent, sister, brother, grandparent, **AUNT, UNCLE, NIECE, NEPHEW**, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law~~],~~ and only:

(i) If the licensee makes application to the Department requesting transfer and the transferee has paid the fee for the license or authorization; or

(ii) Upon death of the licensee, if the licensee or an authorized representative of the licensee indicates or had indicated that person's name to the Department.

(3) (i) The Department may approve a temporary transfer for not less than 30 days and not more than 90 days.

(ii) A person may not transfer a license in exchange for any type of remuneration.

(iii) A temporary transferee who is convicted or receives an accepted plea of nolo contendere for a violation of federal or State fisheries law that results in a license suspension may not use a tidal fish license issued to the individual or receive a transfer of a tidal fish license during the period of suspension.

(4) (i) The Department shall establish by regulation a procedure for a licensee, except a fishing guide licensee or a master fishing guide licensee, to voluntarily register the licensee's commercial fishing vessel number on the face of the license.

(ii) If a licensee has voluntarily registered the vessel number on the license under subparagraph (i) of this paragraph, the licensee may allow another person to use the vessel for the commercial activities authorized on the license.

(iii) If a licensee allows another person to utilize a vessel under subparagraph (ii) of this paragraph, for purposes of the license suspension criteria in subsection (k) of this section, the licensee shall be held responsible for any violations committed by the person using the vessel.

(5) (i) This paragraph applies only to:

1. A licensee who has held a valid tidal fish license in each of the three immediately preceding seasons; or

2. An authorized representative of a deceased licensee regardless of the number of seasons the deceased licensee held a valid tidal fish license.

(ii) The Department shall review and may approve a permanent transfer of a license or authorization under this paragraph to a person who has:

1. A. Purchased a vessel used for commercial fishing from the license holder; or

B. Purchased equipment and assets with a minimum value of \$2,000 and the commercial fishing business from the license holder;

2. Been a crew member for at least 2 years in any commercial fishery as certified by three tidal fish licensees;

3. Paid the fee for the license or authorization; and

4. Provided a notarized bill of sale].

(4) (I) ON THE DEATH OF A LICENSEE, THE DEPARTMENT SHALL REVIEW AND MAY APPROVE THE PERMANENT TRANSFER OF A LICENSE OR AUTHORIZATION TO THE PERSON INDICATED ON THE BENEFICIARY FORM SUBMITTED BY THE DECEASED LICENSEE AT THE TIME OF ISSUANCE ON THE LICENSE.

(II) THE PERSONAL REPRESENTATIVE OF THE ESTATE OF THE DECEASED LICENSEE MAY RETAIN THE LICENSE OR AUTHORIZATION FOR 2 YEARS FROM THE DATE OF APPOINTMENT AS PERSONAL REPRESENTATIVE IF:

1. THE DECEASED LICENSEE DID NOT INDICATE A LICENSE BENEFICIARY;

2. THE DEPARTMENT DETERMINES THAT THE LICENSE BENEFICIARY IS NOT QUALIFIED TO RECEIVE THE LICENSE OR AUTHORIZATION; OR

3. THE LICENSE BENEFICIARY DOES NOT ACCEPT THE LICENSE OR AUTHORIZATION.

(III) ON APPOINTMENT, THE PERSONAL REPRESENTATIVE SHALL NOTIFY THE DEPARTMENT OF THE APPOINTMENT AND THE INTENT TO RETAIN THE LICENSE OR AUTHORIZATION.

(IV) A LICENSE OR AUTHORIZATION RETAINED UNDER THIS PARAGRAPH MAY BE RENEWED ANNUALLY AS REQUIRED BY THIS TITLE.

(V) BEFORE THE END OF THE 2-YEAR PERIOD, THE PERSONAL REPRESENTATIVE MAY SUBMIT A COMPLETED TRANSFER APPLICATION TO TRANSFER THE LICENSE OR AUTHORIZATION TO A QUALIFIED INDIVIDUAL.

(VI) IF A LICENSE OR AUTHORIZATION IS NOT TRANSFERRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AND A TRANSFER

APPLICATION IS NOT SUBMITTED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LICENSE OR AUTHORIZATION IS VOID.

(VII) A PERSON MAY NOT OPERATE UNDER THE LICENSE OR AUTHORIZATION OF THE DECEASED LICENSEE WITHOUT APPROVAL OF THE APPLICATION BY THE DEPARTMENT.

(5) (I) ~~ONCE~~ TWICE PER LICENSE YEAR, THE DEPARTMENT MAY APPROVE A TEMPORARY TRANSFER OF A LICENSE OR AUTHORIZATION FOR NOT MORE THAN THE REMAINDER OF THE LICENSE YEAR.

(II) A TEMPORARY TRANSFEREE WHO IS CONVICTED OR RECEIVES AN ACCEPTED PLEA OF NOLO CONTENDERE FOR A VIOLATION OF FEDERAL OR STATE FISHERIES LAW THAT RESULTS IN A LICENSE SUSPENSION OR REVOCATION MAY NOT ENGAGE IN THAT FISHING ACTIVITY OR RECEIVE A TRANSFER OF A TIDAL FISH LICENSE DURING THE PERIOD OF SUSPENSION OR REVOCATION.

(6) THE DEPARTMENT MAY APPROVE THE PERMANENT TRANSFER OF A LICENSE OR AUTHORIZATION UNDER THIS SUBSECTION FROM A PERSON WHO HAS HELD A VALID TIDAL FISH LICENSE FOR AT LEAST 2 YEARS TO A PERSON WHO:

~~(I) HAS WORKED AS A LICENSED CREW MEMBER OR TIDAL FISH LICENSEE FOR AT LEAST 2 YEARS IN ANY COMMERCIAL FISHERY AS CERTIFIED BY THREE TIDAL FISH LICENSEES OR THE RECORDS OF THE DEPARTMENT; AND~~

~~(II) PROVIDES~~ PROVIDES A NOTARIZED BILL OF SALE FOR THE LICENSE OR AUTHORIZATION BEING TRANSFERRED.

(7) (I) EXCEPT FOR A FISHING GUIDE LICENSEE OR A MASTER FISHING GUIDE LICENSEE, A LICENSEE MAY ALLOW ONE INDIVIDUAL TO USE THE LICENSEE'S COMMERCIAL FISHING VESSEL TO ENGAGE IN ACTIVITIES AUTHORIZED UNDER THE LICENSE IF:

1. THE LICENSEE'S COMMERCIAL FISHING VESSEL NUMBER IS REGISTERED ON THE LICENSE; AND

2. THE LICENSEE HAS INDICATED THE NAME OF THE ASSIGNED INDIVIDUAL TO THE DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT.

(II) A LICENSEE MAY CHANGE THE ASSIGNMENT ONCE PER LICENSE YEAR.

(III) IF A LICENSEE ALLOWS AN INDIVIDUAL TO UTILIZE A VESSEL UNDER THIS PARAGRAPH, THE INDIVIDUAL AND THE LICENSEE SHALL BE HELD RESPONSIBLE FOR ANY VIOLATIONS COMMITTED BY THE INDIVIDUAL USING THE VESSEL.

[(j)] (K) (1) Notwithstanding the qualification criteria for a license and authorization to engage in an activity under this section, licensees may renew any valid existing authorizations on their licenses annually.

(2) (i) Application to renew a tidal fish license shall be made not later than August 31, or the next business day in the instance that the Department is not open, for the following license year.

(ii) The Department may not accept application for renewal after that date, as stated in subparagraph (i) of this paragraph unless:

1. Application is made by March 31, or the next business day in the instance that the Department is not open, of the following license year;
2. The applicant shows good cause why application was not made by August 31 of the previous license year; and
3. A late fee of \$50 is paid by the applicant in addition to the license fee.

[(k)] (L) (1) **[At] BEFORE SEPTEMBER 1, 2012, AT** the time of license renewal, a licensee who possesses three or more authorizations under subsection (d)(2)(ii)1 and 2A through E of this section, one of which is a crabbing authorization, may relinquish each authorization and receive an authorization under subsection (d)(2)(ii)2F of this section.‡

(2) (I) AT THE TIME OF LICENSE RENEWAL, A A LICENSEE WHO POSSESSES AN UNLIMITED TIDAL FISH LICENSE UNDER SUBSECTION (D)(2)(II)2F MAY RELINQUISH THE UNLIMITED TIDAL FISH LICENSE AND RECEIVE ONE OR MORE AUTHORIZATIONS UNDER SUBSECTION (D)(2)(II)1A THROUGH E OF THIS SECTION.

(II) IF THE FEE FOR AN UNLIMITED TIDAL FISH LICENSE IS LESS THAN THE TOTAL OF THE FEES FOR AUTHORIZATIONS RECEIVED BY A LICENSEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LICENSEE SHALL PAY TO THE DEPARTMENT AN AMOUNT EQUAL TO THE DIFFERENCE

BETWEEN THE FEE FOR THE UNLIMITED TIDAL FISH LICENSE AND THE TOTAL OF THE FEES FOR THE AUTHORIZATIONS RECEIVED.

~~(2)~~ **(3)** The Department shall adjust the number of authorizations under subsection (d)(2)(ii) of this section to reflect the number of license conversions under ~~paragraph (1)~~ **PARAGRAPHS (1) AND (2)** of this subsection.

[1] (M) (1) In addition to any other penalty provided in this title, the Department may suspend or revoke a person's entitlement to engage in a particular activity or activities under a tidal fish license.

(2) During a period of suspension or revocation imposed by the Department, the person penalized is not and shall not be authorized under any existing, renewed, transferred, or new tidal fish license to engage in the particular activity or activities for which the suspension is imposed.

(3) The following are grounds for suspension or revocation of a tidal fish license:

(i) Making any false statement in an application for a tidal fish license;

(ii) A serious violation of a State or federal commercial fisheries law that results in a conviction or an accepted plea of nolo contendere;

(iii) Failure to submit reports required by the provisions of this title or by the Department pursuant to provisions of this title; or

(iv) Failure for a nonresident of the State to appear in court pursuant to a citation issued by a Natural Resources police officer, or to any other process issued by any court of Maryland, for violation of this title.

(4) A penalty imposed in accordance with this subtitle shall be in addition to any other penalty authorized under § 4-1201 of this title regarding striped bass.

(5) The Department, in consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, shall adopt regulations relating to the suspension and revocation of licenses and authorizations issued under this title, including:

(i) A schedule of points assigned to various offenses under this title;

(ii) A schedule of the maximum number of days that a license may be suspended according to the number of points accumulated;

(iii) Suspension or revocation of a license or authorization for a serious violation of a State or federal commercial fisheries law that results in an individual receiving a conviction or an accepted plea of nolo contendere;

(iv) Enhanced penalties for repeated violations of this title; and

(v) Enhanced penalties for violations of provisions of this title that regulate species deemed by the Department to be in need of special protection, including striped bass, crabs, oysters, and menhaden.

(6) (i) Before the suspension or revocation of a tidal fish license under this section, the Department shall notify the licensee in writing of the licensee's right to a hearing on request.

(ii) If a licensee submits a written request for a hearing to the Department within 30 days after the date that the notice required under this paragraph is mailed, the Department shall:

1. Hold a hearing after providing at least 10 days' notice to the licensee; and

2. Conduct the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(iii) The Department may suspend a commercial license issued under this title without a hearing if:

1. The licensee does not submit a written request for a hearing; or

2. The licensee fails to appear for a scheduled hearing for which the Department provided notice.

[(m)] (N) (1) [A licensee or any person to whom a licensee has transferred a license under subsection (i) of this section shall have in possession the tidal fish license and any valid application to transfer the commercial tidal fish license approved by the Department for a temporary transfer whenever engaged in any licensed activity.] IF A PERSON IS ENGAGED IN AN ACTIVITY FOR WHICH A LICENSE OR AUTHORIZATION IS REQUIRED UNDER THIS SECTION, THE PERSON SHALL POSSESS:

**(I) ANY REQUIRED LICENSE, AUTHORIZATION, OR PERMIT;
AND**

(II) FOR A PERSON TO WHOM A LICENSE OR AUTHORIZATION HAS BEEN TEMPORARILY TRANSFERRED, DOCUMENTATION INDICATING THE DEPARTMENT'S APPROVAL OF THE TEMPORARY TRANSFER APPLICATION.

(2) (i) This paragraph does not limit the Department's authority to inspect books, statements, and accounts under § 4-206(b) of this title.

(ii) The licensee or any person to whom a licensee has transferred a license under subsection [(i)] **(J)** of this section shall allow any police officer, at reasonable times, including when the licensee or person is engaged in an activity that requires a license under this section, to inspect:

1. The license, **AUTHORIZATION, OR PERMIT**;
2. Any applicable application to transfer the commercial tidal fish license approved by the Department for a temporary transfer;
3. Commercial fishing vessels;
4. Vehicles used to transport fish for commercial purposes; and
5. Fish businesses owned or operated by a person licensed under this section.

(iii) Inspections of vessels, vehicles, and businesses authorized under this paragraph shall be restricted to inspections of fishing gear and places where fish may be stored.

(iv) Inspections of businesses authorized under this paragraph may be conducted in any building other than a dwelling house.

(3) (i) An inspector may seize fishing gear or fish found during an inspection under this subsection that is used or possessed in connection with a violation of this title or a regulation adopted under this title.

(ii) Fishing gear seized under this paragraph shall be held by the Department pending disposition of court proceedings, and on conviction the property seized or proceeds from the seizure shall be forfeited to the State for destruction or disposition as the Department may deem appropriate.

(iii) The Department may dispose of fish seized under this paragraph at its discretion.

[(n)] (O) The Department shall assign a permanent identification number to each licensee. A licensee shall display the identification number on every vessel, vehicle, gear, or place of business, as the Department may require by regulation.

[(o)] (P) The Department shall:

(1) Deposit to the credit of the Fisheries Research and Development Fund all fees received for tidal fish licenses, **AUTHORIZATIONS**, and [apprenticeship] permits **UNDER THIS SECTION**; and

(2) Use the funds received from the sale of [licenses to catch] striped bass **SURCHARGES** for **STRIPED BASS MANAGEMENT AND** enforcement purposes [during the open season for catching striped bass].

[(p)] (Q) (1) This subsection applies only to a person who, on April 1, 1997:

(i) Held a valid fishing guide license; and

(ii) Either:

1. Owned two or more vessels used to carry passengers for fishing;

2. Owned or operated a federally licensed vessel of 50 tons or more that was used to carry passengers for fishing; or

3. Owned or operated a marina from which 10 or more vessels operate to carry passengers for fishing.

(2) A person who meets the requirements of paragraph (1) of this subsection may obtain an annual master fishing guide license by:

(i) Filing an application on a form provided by the Department;

(ii) Supplying with the application proofs of ownership of the required vessels; and

(iii) Paying the master fishing guide license fee set forth in subsection (d)(2)(ii)1 of this section.

(3) A person holding a master fishing guide license may:

(i) Employ other persons to guide fishing parties on vessels owned by the master fishing guide; and

(ii) Allow a person who holds a valid Coast Guard license to operate a vessel to carry passengers for fishing from the marina owned or operated by the master guide license holder authorized under paragraph (1)(ii)3 of this subsection as follows:

1. One person for 10 vessels;
2. Two persons for 11 to 20 vessels;
3. Three persons for 21 to 30 vessels;
4. Four persons for 31 to 40 vessels;
5. Five persons for 41 to 50 vessels; and
6. Six persons for 51 or more vessels.

(4) (i) The Department shall issue a number of copies of the master fishing guide license corresponding to the number of vessels owned or operated by the master fishing guide, with each copy bearing the registration number of one of the vessels.

(ii) The master fishing guide shall ensure that when a vessel is operated, the appropriate copy of the license is on board.

(5) If a master fishing guide employs another person to operate a vessel to carry passengers for fishing, for purposes of the license suspension criteria in subsection **[(l)] (M)** of this section, the master fishing guide shall be held responsible for any violations committed by the person employed to operate the vessel.

4-814.

(a) Except as otherwise provided in this section, a person authorized to catch crabs for commercial purposes may not set or fish more than 300 crab pots.

(b) For the license year ending August 31, 1994, a licensee who held a valid license to catch crabs for commercial purposes on April 1, 1994 may set and fish 300 additional crab pots for each additional crew member authorized on the license, but may not set more than 600 additional crab pots, regardless of the number of crew members, and may not set more than 900 pots per boat.

(c) (1) After August 31, 1994, an authorization granted under subsection (b) of this section to employ one or two additional crew members and thereby fish additional crab pots, shall **[run with that license] BE VALID** until the license is **TRANSFERRED**, revoked by the Department or relinquished voluntarily by the licensee.

(2) An authorization granted under subsection (b) of this section [shall transfer with the license] **MAY BE TRANSFERRED TO ANOTHER LICENSEE SEPARATELY FROM THE ORIGINAL CRAB HARVESTER LICENSE OR TIDAL FISH LICENSE** in any valid transfer under Subtitle 7 of this title.

(d) (1) The Department shall determine the total number of additional crew authorizations granted under subsection (b) of this section.

(2) When a license is revoked or voluntarily relinquished, the Department may award the unused crew authorization to another licensee under criteria and procedures to be promulgated as regulations by the Department, provided that the number of crew authorizations in use may not exceed the total number granted under subsection (b) of this section as of August 31, 1994.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Department of Natural Resources shall review the existing laws, regulations, fees, and processes associated with commercial fishing licenses in the State.

(b) As part of the review the Department shall consider:

(1) the costs of managing and enforcing commercial fisheries;

(2) the structure of the commercial license and permit system and associated fees and surcharges;

(3) accountability of licensees; and

(4) setting commercial license revenue at a level that covers a fair and ~~equitable~~ reasonable portion of the management and enforcement costs of the commercial fisheries.

(c) In conducting the review, the Department shall collaborate with representatives of the Tidal ~~Fish~~ Fisheries Advisory Commission and the Sport Fisheries Advisory Commission.

(d) In conducting the review and developing the recommendations, the Department shall determine the allocation of the user fees for fisheries management of commercial or recreational fisheries based on revenues from those respective sectors.

(e) (1) On or before October 1, 2012, the Department shall report its findings and recommendations for changes to the commercial fish license and permit fee structure to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly.

(2) The report shall identify the actions needed to implement the plan by July 1, 2013.

SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2012 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

Approved by the Governor, May 2, 2012.