

Chapter 709

(House Bill 1387)

AN ACT concerning

Commercial Northern Snakehead Bowfishing License – Establishment

FOR the purpose of authorizing the Department of Natural Resources to adopt regulations governing the use of bowfishing gear; establishing a commercial northern snakehead bowfishing license; authorizing a licensee to catch for sale northern snakeheads in certain waters of the State using a certain bow and arrow; prohibiting a licensee from fishing under the license under certain circumstances; establishing that an applicant for the license does not need to hold a tidal fish license to be eligible for the license; establishing a certain application process for the license; establishing the term of the license; establishing a certain annual fee for the license; prohibiting a licensee from transferring the license; requiring a licensee to possess the license while fishing for northern snakehead; establishing that a licensee is eligible to obtain a certain seafood dealer license; making certain conforming changes; and generally relating to the establishment of a commercial northern snakehead bowfishing license.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section ~~4–221~~ and 4–701(a), (b)(1), and (d)(2)(ii)4.
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources
Section 4–701(d)(2)(i)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Natural Resources
Section 4–701.1
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

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

Article – Natural Resources

4–221.

(a) The authority provided by this section is in addition to any other authority of the Secretary provided by law.

(b) (1) Subject to paragraph (2) of this subsection, the Secretary, after consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, may adopt regulations to define and govern the use of:

- (i) Recreational fishing gear; and
- (ii) The following types of commercial fishing gear:
 - 1. Fish pots;
 - 2. Bank traps;
 - 3. Fyke nets; [and]
 - 4. Hoop nets; AND
 - 5. **BOWFISHING GEAR.**

(2) The Department shall consider relevant biological, ecological, and socioeconomic factors before adopting regulations under this subsection.

4-701.

(a) **[This] EXCEPT AS PROVIDED IN § 4-701.1 OF THIS ~~SECTION~~ SUBTITLE, 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] EXCEPT AS PROVIDED IN § 4-701.1 OF THIS ~~SECTION~~ SUBTITLE, THE** Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

(d) (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:

4. For a person to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal waters of Maryland, seafood dealer:

A. \$50 for a person licensed under item 2 of this subparagraph OR § 4-701.1 OF THIS SUBTITLE; or

B. \$250 for a person not licensed under item 2 of this subparagraph.

4-701.1.

(A) THERE IS A COMMERCIAL NORTHERN SNAKEHEAD BOWFISHING LICENSE.

(B) (1) THE LICENSE AUTHORIZES THE HOLDER TO CATCH FOR SALE NORTHERN SNAKEHEADS IN THE TIDAL WATERS OF THE STATE USING A BOW AND ARROW ATTACHED TO A RETRIEVAL LINE.

(2) A LICENSEE MAY NOT FISH UNDER THE LICENSE WITHIN ~~75~~ 100 YARDS OF:

(I) ANOTHER PERSON OR VESSEL;

(II) A PUBLIC OR PRIVATE SWIMMING AREA;

(III) A DIVER DOWN FLAG; OR

(IV) AN OCCUPIED OFFSHORE STATIONARY BLIND.

(C) AN APPLICANT FOR A LICENSE DOES NOT NEED TO HOLD A TIDAL FISH LICENSE UNDER § 4-701 OF THIS SUBTITLE TO BE ELIGIBLE FOR THE LICENSE.

(D) A PERSON WHO WISHES TO OBTAIN A LICENSE SHALL COMPLETE AND SUBMIT AN APPLICATION FOR THE LICENSE TO THE DEPARTMENT OR ANY PERSON DESIGNATED BY THE DEPARTMENT.

(E) THE TERM OF THE LICENSE IS 1 YEAR FROM SEPTEMBER 1 THROUGH AUGUST 31 OF THE FOLLOWING YEAR.

(F) THE ANNUAL LICENSE FEE IS \$15.

(G) A LICENSEE MAY NOT TRANSFER A LICENSE ISSUED UNDER THIS SECTION.

(H) A LICENSEE WHO FISHES FOR NORTHERN SNAKEHEAD UNDER THE LICENSE SHALL POSSESS THE LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.