

# HOUSE BILL 1387

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CF SB 1054

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By: Delegates Hornberger, Afzali, Anderton, Arentz, B. Barnes, Beitzel, Buckel, Cassilly, Chang, Cluster, Fennell, Flanagan, Ghrist, Glass, Grammer, C. Howard, Jacobs, Jalisi, Kipke, Krebs, Lisanti, Long, Luedtke, Malone, Mautz, McCray, McKay, W. Miller, Moon, Morgan, O'Donnell, Otto, Patterson, Platt, Reilly, Rey, Rose, Shoemaker, Simonaire, Sophocleus, Szeliga, Walker, A. Washington, M. Washington, West, and B. Wilson

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2016

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

1 AN ACT concerning

2 **Commercial Northern Snakehead Bowfishing License – Establishment**

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

15 BY repealing and reenacting, with amendments,  
16 Article – Natural Resources  
17 Section ~~4-221~~ and 4-701(a), (b)(1), and (d)(2)(ii)4.  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2015 Supplement)

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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 BY repealing and reenacting, without amendments,  
2 Article – Natural Resources  
3 Section 4–701(d)(2)(i)  
4 Annotated Code of Maryland  
5 (2012 Replacement Volume and 2015 Supplement)

6 BY adding to  
7 Article – Natural Resources  
8 Section 4–701.1  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2015 Supplement)

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

13 **Article – Natural Resources**

14 4–221.

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

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

20 (i) Recreational fishing gear; and

21 (ii) The following types of commercial fishing gear:

22 1. Fish pots;

23 2. Bank traps;

24 3. Fyke nets; [and]

25 4. Hoop nets; AND

26 5. **BOWFISHING GEAR.**

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

29 4–701.

1 (a) **[This] EXCEPT AS PROVIDED IN § 4-701.1 OF THIS ~~SECTION~~ SUBTITLE,**  
2 **THIS** section applies to any person who is required under Subtitle 2, 7, 8, 9, or 10 of this  
3 title to be licensed to guide fishing parties or to catch, sell, buy, process, transport, export,  
4 or otherwise deal in fish caught in tidal waters.

5 (b) (1) **[The] EXCEPT AS PROVIDED IN § 4-701.1 OF THIS ~~SECTION~~**  
6 **SUBTITLE, THE** Department shall utilize a single, commercial license, to be known and  
7 designated as a tidal fish license.

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

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

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

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

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

18 **4-701.1.**

19 **(A) THERE IS A COMMERCIAL NORTHERN SNAKEHEAD BOWFISHING**  
20 **LICENSE.**

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

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

26 **(I) ANOTHER PERSON OR VESSEL;**

27 **(II) A PUBLIC OR PRIVATE SWIMMING AREA;**

28 **(III) A DIVER DOWN FLAG; OR**

29 **(IV) AN OCCUPIED OFFSHORE STATIONARY BLIND.**

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

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

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

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.