

# HOUSE BILL 120

M4

7lr0114

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By: **Chair, Environment and Transportation Committee (By Request – Departmental – Agriculture)**

Introduced and read first time: January 18, 2017

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2017

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

1 AN ACT concerning

2 **Department of Agriculture – Seafood and Aquaculture Product Marketing**

3 FOR the purpose of transferring the Seafood Marketing and Aquaculture Development  
4 Program, the Seafood Marketing Fund, the Seafood Program Management Team,  
5 the Innovative Seafood Technologies Program, and the Seafood Marketing Advisory  
6 Commission from the Department of Natural Resources to the Department of  
7 Agriculture; renaming a certain program; eliminating a certain division; renaming  
8 the Seafood Marketing Fund to be the Seafood and Aquaculture Products Marketing  
9 Fund; establishing the Seafood and Aquaculture Products Marketing Fund as a  
10 special, nonlapsing fund; specifying the purpose of the Fund; requiring the Secretary  
11 of Agriculture to administer the Fund; requiring the State Treasurer to hold the  
12 Fund and the Comptroller to account for the Fund; specifying the contents of the  
13 Fund; specifying the purpose for which the Fund may be used; limiting the  
14 authorized uses of certain annual surcharges paid by certain tidal fish licensees and  
15 credited to the ~~Seafood Marketing~~ Fund; clarifying certain roles of certain agencies  
16 related to aquaculture in the State; defining a certain term; making conforming  
17 changes; and generally relating to seafood and aquaculture marketing and  
18 management.

19 BY transferring

20 Article – Natural Resources

21 Section 4–11B–01 and 4–11B–02 and the subtitle “Subtitle 11B. Seafood Marketing  
22 and Aquaculture Development Program and Division of Market  
23 Development”; 4–11C–01 and the subtitle “Subtitle 11C. Seafood Program

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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 Management Team”; 4–11D–01 and the subtitle “Subtitle 11D. Innovative  
2 Seafood Technologies Program”; and 4–11E–01 and the subtitle “Subtitle 11E.  
3 Seafood Marketing Advisory Commission”, respectively

4 Annotated Code of Maryland  
5 (2012 Replacement Volume and 2016 Supplement)

6 to be

7 Article – Agriculture

8 Section 10–1001 and 10–1002 and the subtitle “Subtitle 10. Seafood Marketing and  
9 Aquaculture Development Program and Division of Market Development”;  
10 10–10A–01 and the subtitle “Subtitle 10A. Seafood Program Management  
11 Team”; 10–10B–01 and the subtitle “Subtitle 10B. Innovative Seafood  
12 Technologies Program”; and 10–1101 and the subtitle “Subtitle 11. Seafood  
13 Marketing Advisory Commission”, respectively

14 Annotated Code of Maryland  
15 (2016 Replacement Volume)

16 BY repealing and reenacting, with amendments,

17 Article – Agriculture

18 Section 2–106(a)

19 Annotated Code of Maryland

20 (2016 Replacement Volume)

21 BY repealing and reenacting, with amendments,

22 Article – Agriculture

23 Section 10–1001 and 10–1002 to be under the amended subtitle “Subtitle 10. Seafood  
24 and Aquaculture Products Marketing Program”; and 10–1101(l)

25 Annotated Code of Maryland

26 (2016 Replacement Volume)

27 (As enacted by Section 1 of this Act)

28 BY repealing and reenacting, with amendments,

29 Article – Natural Resources

30 Section 4–701(g)(2) and 4–11A–03

31 Annotated Code of Maryland

32 (2012 Replacement Volume and 2016 Supplement)

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
34 That Section(s) 4–11B–01 and 4–11B–02 and the subtitle “Subtitle 11B. Seafood Marketing  
35 and Aquaculture Development Program and Division of Market Development”; 4–11C–01  
36 and the subtitle “Subtitle 11C. Seafood Program Management Team”; 4–11D–01 and the  
37 subtitle “Subtitle 11D. Innovative Seafood Technologies Program”; and 4–11E–01 and the  
38 subtitle “Subtitle 11E. Seafood Marketing Advisory Commission”, respectively, of Article –  
39 Natural Resources of the Annotated Code of Maryland be transferred to be Section(s)  
40 10–1001 and 10–1002 and the subtitle “Subtitle 10. Seafood Marketing and Aquaculture  
41 Development Program and Division of Market Development”; 10–10A–01 and the subtitle  
42 “Subtitle 10A. Seafood Program Management Team”; 10–10B–01 and the subtitle “Subtitle  
43 10B. Innovative Seafood Technologies Program”; and 10–1101 and the subtitle “Subtitle 11.

1 Seafood Marketing Advisory Commission”, respectively, of Article – Agriculture of the  
2 Annotated Code of Maryland.

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

5 **Article – Agriculture**

6 2–106.

7 (a) The following positions and units are included within the Department:

8 (1) The Maryland Agricultural Fair Board;

9 (2) The Chief of Weights and Measures;

10 (3) The State Chemist;

11 (4) The State Veterinarian;

12 (5) The State Board of Veterinary Medical Examiners;

13 (6) The State Soil Conservation Committee;

14 (7) The Maryland Agricultural Commission;

15 (8) The Maryland Horse Industry Board; [and]

16 (9) The Maryland Winery and Grape Growers’ Advisory Board; AND

17 **(10) THE SEAFOOD MARKETING ADVISORY COMMISSION.**

18 Subtitle 10. Seafood [Marketing and Aquaculture Development Program and Division of  
19 Market Development] **AND AQUACULTURE PRODUCTS MARKETING PROGRAM.**

20 10–1001.

21 (a) There is a Seafood [Marketing and Aquaculture Development] **AND**  
22 **AQUACULTURE PRODUCTS MARKETING** Program [and a Division of Market  
23 Development].

24 (b) The Seafood [Marketing and Aquaculture Development] **AND**  
25 **AQUACULTURE PRODUCTS MARKETING** Program [and Division of Market  
26 Development] shall be part of the Department.

1 (c) The Seafood [Marketing and Aquaculture Development] AND  
2 **AQUACULTURE PRODUCTS MARKETING** Program [and Division of Market  
3 Development] shall have the powers, duties, responsibilities, and functions provided in the  
4 laws of this State.

5 10-1002.

6 **(A) IN THIS SECTION, "FUND" MEANS THE SEAFOOD AND AQUACULTURE**  
7 **PRODUCTS MARKETING FUND.**

8 ~~(B)~~ **(B)** There is a Seafood **AND AQUACULTURE PRODUCTS** Marketing Fund.

9 **(C) THE PURPOSE OF THE FUND IS TO FACILITATE THE MARKETING OF**  
10 **SEAFOOD AND AQUACULTURE PRODUCTS.**

11 **(D) THE SECRETARY SHALL ADMINISTER THE FUND.**

12 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
13 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

14 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
15 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

16 ~~(F)~~ **(F)** The Fund may receive proceeds from activities conducted by the  
17 Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS**  
18 **MARKETING** Program. These activities may include cookbook sales, poster sales, seafood  
19 festivals, and similar activities.

20 **(G) THE FUND CONSISTS OF:**

21 **(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 4-701 OF THE**  
22 **NATURAL RESOURCES ARTICLE;**

23 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

24 **(3) PROCEEDS FROM ACTIVITIES CONDUCTED BY THE SEAFOOD AND**  
25 **AQUACULTURE PRODUCTS MARKETING PROGRAM; AND**

26 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
27 **THE BENEFIT OF THE FUND.**

28 **(H) THE FUND MAY BE USED ONLY FOR EXPENSES RELATED TO SEAFOOD**  
29 **AND AQUACULTURE MARKETING.**

1 ~~(e)~~ **(1)** The Secretary shall adopt regulations to administer the ~~Seafood~~  
2 ~~Marketing~~ Fund.

3 10-1101.

4 (1) The Commission shall assist the Seafood [Marketing and Aquaculture  
5 Development] **AND AQUACULTURE PRODUCTS MARKETING** Program [and the Division  
6 of Market Development] in the Department [of Agriculture] in:

7 (1) Promoting increased consumption and distribution of Maryland  
8 seafood; and

9 (2) Seeking efficient methods to reduce cost and improve the quality and  
10 marketability of Maryland seafood.

### 11 Article – Natural Resources

12 4-701.

13 (g) (2) In addition to the normal license fees imposed under subsection  
14 (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual surcharge  
15 in the following amounts to be credited to the Seafood **AND AQUACULTURE PRODUCTS**  
16 Marketing [Office of the Department to fund seafood marketing programs which have been  
17 approved by the Department] **FUND ADMINISTERED BY THE DEPARTMENT OF**  
18 ~~AGRICULTURE TO FUND ONLY THE MARKETING OF WILD CAUGHT SEAFOOD~~  
19 **ESTABLISHED UNDER § 10-1002 OF THE AGRICULTURE ARTICLE:**

20 (i) **TO FUND ONLY THE MARKETING OF WILD-CAUGHT**  
21 **SEAFOOD**, \$20 for a licensee authorized under subsection (d)(2)(ii)1, 2, 3, or 5 of this  
22 section, if the licensee is not also authorized under subsection (d)(2)(ii)4 of this section; or

23 (ii) **TO FUND ONLY THE MARKETING OF WILD-CAUGHT**  
24 **SEAFOOD AND AQUACULTURE PRODUCTS**, \$50 for a licensee authorized under  
25 subsection (d)(2)(ii)4 of this section, regardless of whether the licensee is also authorized  
26 under subsection (d)(2)(ii)1, 2, 3, or 5 of this section.

27 4-11A-03.

28 (a) (1) The General Assembly defines aquaculture as an agricultural and  
29 fisheries management activity.

30 (2) “Aquaculture” includes the commercial rearing of finfish, shellfish, and  
31 aquatic plants for sale, trade, barter, or shipment.

32 (b) It is the intent of the General Assembly to create:

1 (1) An Aquaculture Review Board and an Aquaculture Coordinating  
2 Council to promote the development of an aquaculture industry in this State; and

3 (2) An Aquaculture Coordinator, employed by the Department, to assist  
4 persons in obtaining the permits and licenses necessary to conduct aquaculture in the  
5 State.

6 (c) The Department is the lead agency for:

7 (1) [Promoting, coordinating, and marketing] **THE DEVELOPMENT AND**  
8 **OVERALL MANAGEMENT OF** aquaculture and aquaculture products;

9 (2) Coordinating and streamlining the process of applying for a State  
10 aquaculture permit; [and]

11 (3) Enforcing laws, regulations, and rules **RELATED TO AQUACULTURE;**  
12 **AND**

13 (4) **IDENTIFYING ECONOMIC DEVELOPMENT OPPORTUNITIES**  
14 **RELATED TO AQUACULTURE.**

15 (d) The University System of Maryland is the lead agency for research in  
16 aquaculture production and shall be responsible for development of education and  
17 extension programs which promote aquaculture as an industry.

18 (E) **THE DEPARTMENT OF AGRICULTURE IS THE LEAD AGENCY FOR THE**  
19 **MARKETING OF AQUACULTURE PRODUCTS.**

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
21 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.