

# SENATE BILL 112

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8lr0091

(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)**

Requested: September 20, 2017

Introduced and read first time: January 10, 2018

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Natural Resources – Tidal Fish Licenses**

3 FOR the purpose of authorizing the Department of Natural Resources to issue a tidal fish  
4 license authorization to a person to catch crabs of the genus Cancer for a certain  
5 annual fee; lifting a restriction on the designation of a tidal fish license death  
6 beneficiary to allow a beneficiary to be designated at any time rather than only at  
7 the time of issuance of the license; making certain conforming changes; making a  
8 technical correction; and generally relating to tidal fish licenses.

9 BY repealing and reenacting, without amendments,

10 Article – Natural Resources

11 Section 4-701(a) and (k)(1)

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Natural Resources

16 Section 4-701(b), (d), and (k)(4) and 4-736(b)

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2017 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 That the Laws of Maryland read as follows:

### 21 **Article – Natural Resources**

22 4-701.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1       (a) Except as provided in § 4-701.1 of this subtitle, this section applies to any  
2 person who is required under Subtitle 2, 7, 8, 9, or 10 of this title to be licensed to guide  
3 fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal in fish  
4 caught in tidal waters.

(b) (1) Except as provided in § 4-701.1 of this subtitle, the Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

7 (2) A tidal fish license authorizes a licensee:

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

(ii) For catching **BLUE** crabs, to utilize the number of crew members authorized under § 4-814 of this title.

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

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

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

24 1. To provide services as:

### 31 A. Finfish:

32 I. Hook and line only, anywhere: \$100

- II. All other equipment: \$150
- B. **[Crabs] BLUE CRABS:**
  - I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and 50 Over 50 pots, plus any other gear listed in item I of this
  - C. Clams – \$100
  - D. Oysters – \$250 for a dredge boat and \$100 for other than
  - E. Conch, turtles, **[and] lobster, AND ALL CRABS OF THE**

F. For all activities in item 1A of this subparagraph and in item, unlimited tidal fish – \$300

3. For one or two crew members employed under § 4-814 of see to catch **BLUE** crabs under subparagraph (ii)2BII and F of this in 300 pots, the licensee shall pay an additional:

- A. \$100 for up to 600 pots total per vessel; or
- B. \$150 for up to 900 pots total per vessel.

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

A. \$50 for a person licensed under item 2 of this .1 of this subtitle; or

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

5. For a person who is not licensed under this section to land  
tide tidal waters, seafood landing – \$350

use or authorization may be transferred only under the provisions

On the death of a licensee, the Department shall review and may transfer of a license or authorization to the person indicated on the

1 beneficiary form submitted by the deceased licensee [at the time of issuance on the license].

2 (ii) The personal representative of the estate of the deceased licensee  
3 may retain the license or authorization for 2 years from the date of appointment as personal  
4 representative if:

5 1. The deceased licensee did not indicate a license  
6 beneficiary;

7 2. The Department determines that the license beneficiary is  
8 not qualified to receive the license or authorization; or

9 3. The license beneficiary does not accept the license or  
10 authorization.

11 (iii) On appointment, the personal representative shall notify the  
12 Department of the appointment and the intent to retain the license or authorization.

13 (iv) A license or authorization retained under this paragraph may be  
14 renewed annually as required by this title.

15 (v) Before the end of the 2-year period, the personal representative  
16 may submit a completed transfer application to transfer the license or authorization to a  
17 qualified individual.

18 (vi) If a license or authorization is not transferred under  
19 subparagraph (i) of this paragraph, and a transfer application is not submitted under  
20 subparagraph (ii) of this paragraph, the license or authorization is void.

21 (vii) A person may not operate under the license or authorization of  
22 the deceased licensee without approval of the application by the Department.

23 4-736.

24 (b) (1) A person may not catch eels for sale with pots or other devices in the  
25 tidal waters of the State without first obtaining a tidal fish license to catch finfish for  
26 commercial purposes from the Department.

27 (2) A licensee who is authorized to catch **BLUE** crabs under this [section]  
28 **SUBTITLE** may use up to 50 pots to catch eels for personal use as crab trotline bait without  
29 obtaining an authorization to catch finfish.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2018.