

SENATE BILL 114

M2

01r0061

(PRE-FILED)

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

Requested: September 17, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 4, 2020

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Nuisance Organisms – Pilot Projects and Northern**
3 **Snakeheads**

4 FOR the purpose of authorizing the Department of Natural Resources to adopt regulations
5 to conduct certain pilot projects for the management and control of nuisance
6 organisms; authorizing the holder of a commercial northern snakehead license to use
7 hook and line gear; making conforming changes; and generally relating to nuisance
8 organisms.

9 BY repealing and reenacting, without amendments,
10 Article – Natural Resources
11 Section 4–205.1(a)
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 4–205.1(b) and 4–701.1
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2019 Supplement)

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

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.



Article – Natural Resources

1

2 4–205.1.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) “Aquatic organism” means an organism that lives part of its life in
5 water.6 (3) “Ecosystem” means a system of living organisms and their
7 environment, each influencing the life of the other and necessary for the maintenance of
8 life.9 (4) “Introduction into State waters” includes use of an organism as bait in
10 the waters of the State.11 (5) “Native” means having historically lived, grown, and reproduced in
12 State waters.13 (6) “Naturalized” means documented as having lived, grown, and
14 reproduced in State waters without known harm to the ecosystem.

15 (7) “Nonnative” means other than native or naturalized.

16 (8) “Nuisance organism” means a nonnative aquatic organism that will
17 foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of
18 native or naturalized fish and other organisms.19 (9) “State of nuisance” means a condition in which a nuisance organism
20 will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity
21 of native or naturalized fish and other organisms.22 (b) (1) Except as provided under paragraph (2) of this subsection, the
23 Secretary may adopt regulations to:24 (i) Prohibit the importation, possession, or introduction into State
25 waters of a nonnative aquatic organism in order to prevent an adverse impact on an aquatic
26 ecosystem or the productivity of State waters; [and]27 (ii) Manage the sale, transport, purchase, importation, possession,
28 harvest, season, size limits, open area, catch devices, and introduction of nuisance
29 organisms; AND30 **(III) CONDUCT PILOT PROJECTS TO DEMONSTRATE AND**
31 **EVALUATE NEW APPROACHES FOR THE MANAGEMENT AND CONTROL OF NUISANCE**
32 **ORGANISMS.**

1 (2) The provisions of this section do not apply to:

2 (i) An aquaculture operation for which the Department has issued
3 a permit under Subtitle 11A of this title;

4 (ii) The possession, importation, or transport of a nonnative aquatic
5 organism for purposes related to a permitted aquaculture operation; or

6 (iii) A person that has a valid nursery inspection certificate or plant
7 dealer license issued in accordance with Title 5, Subtitle 3 of the Agriculture Article.

8 4-701.1.

9 (a) There is a commercial northern snakehead [bowfishing] license.

10 (b) (1) The license authorizes the holder to catch for sale northern snakeheads
11 in the tidal waters of the State using [a bow]:

12 (I) **A BOW** and arrow attached to a retrieval line; **OR**

13 (II) **HOOK AND LINE.**

14 (2) A licensee may not fish **WITH A BOW AND ARROW** under the license
15 within 100 yards of:

16 (i) Another person or vessel;

17 (ii) A public or private swimming area;

18 (iii) A diver down flag; or

19 (iv) An occupied offshore stationary blind.

20 (c) An applicant for a license does not need to hold a tidal fish license under §
21 4-701 of this subtitle to be eligible for the license.

22 (d) A person who wishes to obtain a license shall complete and submit an
23 application for the license to the Department or any person designated by the Department.

24 (e) The term of the license is 1 year from September 1 through August 31 of the
25 following year.

26 (f) The annual license fee is \$15.

27 (g) A licensee may not transfer a license issued under this section.

1 (h) A licensee who fishes for northern snakehead under the license shall possess
2 the license.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.