

# SENATE BILL 948

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By: **Senator Pinsky**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Commercial Oyster Authorizations – Requirements**

3 FOR the purpose of removing the authorization to harvest oysters from the list of activities  
4 authorized under an unlimited tidal fish license; altering the annual fees for certain  
5 commercial oyster authorizations; requiring the Department of Natural Resources  
6 to, by regulation, modify the total number of certain commercial oyster  
7 authorizations based on certain factors; establishing certain limitations on the right  
8 of a certain licensee to renew certain registrations and authorizations; for a certain  
9 license year, requiring the Department to issue a certain commercial oyster  
10 authorization only to a licensee who meets certain requirements; requiring the  
11 Department to allow a certain licensee to obtain a certain commercial oyster  
12 authorization for a certain license year, notwithstanding a certain target; requiring  
13 the Department to allow a licensee to renew a certain oyster authorization for a  
14 certain license year only if the licensee paid the oyster surcharge to participate in  
15 the immediately preceding oyster harvest season; providing for the relinquishment  
16 and retirement of certain commercial oyster authorizations; requiring the  
17 Department to reduce a certain target number to reflect the retirement of certain  
18 commercial authorizations; making technical and conforming changes; and generally  
19 relating to commercial oyster authorizations.

20 BY repealing and reenacting, without amendments,  
21 Article – Natural Resources  
22 Section 4–701(d)(1) and (2)(i) and (ii)1.  
23 Annotated Code of Maryland  
24 (2018 Replacement Volume and 2019 Supplement)

25 BY repealing and reenacting with amendments,  
26 Article – Natural Resources  
27 Section 4–701(d)(2)(ii)2.  
28 Annotated Code of Maryland  
29 (2018 Replacement Volume and 2019 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(As enacted by Chapter 8 of the Acts of the General Assembly of 2019)

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 4–701(g)(1), (j), (l)(1), and (m)(1)(i)  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2019 Supplement)

BY adding to  
 Article – Natural Resources  
 Section 4–701(s)  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2019 Supplement)

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

**Article – Natural Resources**

4–701.

(d) (1) The Department may issue no more than one authorization to a person to engage in each activity under paragraph (2)(i)1 and 2 of this subsection during a license year.

(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:

1. To provide services as:

A. A fishing guide in the tidal waters of Maryland – \$100 for a resident and \$200 for a nonresident; and

B. A master fishing guide, in addition to the fee under item A of this item – \$100 per vessel;

2. To catch for sale fish with equipment which is legal under this title:

A. Finfish:

I. Hook and line only, anywhere – \$100; and

II. All other equipment – \$150;

1 B. Blue crabs:

2 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and  
3 scrapes – \$100; and

4 II. Over 50 pots, plus any other gear listed in item I of this  
5 item – \$150;

6 C. Clams – \$100;

7 D. [Oysters – \$250 for a dredge boat and \$100 for other than  
8 a dredge boat;

9 E.] Conch, turtles, lobster, and all crabs of the genus Cancer  
10 – \$100;

11 E. OYSTERS:

12 I. FOR A HOLDER OF AN UNLIMITED TIDAL FISH  
13 LICENSE UNDER ITEM F OF THIS ITEM – FREE; AND

14 II. FOR ALL OTHER PERSONS – \$250 FOR A DREDGE  
15 BOAT AND \$100 FOR OTHER THAN A DREDGE BOAT; and

16 F. For all activities in item 1A of this subparagraph and in  
17 items A through [E] D of this item, unlimited tidal fish – \$300;

18 (g) (1) (i) A person may not catch oysters for sale without:

19 1. Possessing a valid license under **SUBSECTION**  
20 **(D)(2)(II)2E** OF this section;

21 2. Paying an annual surcharge of \$300; and

22 3. Certifying to the Department that the person received the  
23 publications required under § 4–1006.2 of this title.

24 (ii) The Department shall use the surcharges collected under this  
25 paragraph only for oyster repletion activities.

26 (j) (1) The Department may set by regulation targets for the number of tidal  
27 fish license authorizations under subsection (d)(2)(ii) of this section to be the number issued  
28 between September 1, 1998 and March 31, 1999.

29 **(2)** The Department may modify by regulation the target number of

1 authorizations based on:

2 (i) Recommendations of the Tidal Fisheries Advisory Commission;

3 (ii) Recommendations of fishery management plans adopted by the  
4 Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries  
5 Commission, the Mid-Atlantic Fisheries Management Council, or any other appropriate  
6 management body;

7 (iii) The number of people historically participating;

8 (iv) Target species, size, number, weight, incidental catch, total  
9 biomass, annual harvest, mortality rates, and other factors which are necessary and  
10 appropriate; and

11 (v) The number of authorizations relinquished to the Department  
12 under subsection (m) of this section.

13 **[(2)] (3)** (i) The Department shall by regulation limit the total number  
14 of commercial authorizations to fish for striped bass not to exceed 1,231 participants in the  
15 commercial fishery and 499 participants in the charter boat fishery.

16 (ii) The Department shall provide in its regulations for reallocation  
17 of any authorizations that may be revoked or voluntarily relinquished to the Department.

18 (iii) The Department shall provide in its regulations for the allocation  
19 of any available quota on a monthly basis to ensure that all areas of the State have ample  
20 opportunity to attain an equitable portion of the available quota.

21 **(4) THE DEPARTMENT SHALL BY REGULATION MODIFY THE TOTAL**  
22 **NUMBER OF COMMERCIAL AUTHORIZATIONS TO HARVEST OYSTERS BASED ON:**

23 **(I) THE NUMBER OF OYSTER AUTHORIZATIONS ISSUED TO**  
24 **HOLDERS OF UNLIMITED TIDAL FISH LICENSES IN 2020 UNDER SUBSECTION (S)(2)**  
25 **OF THIS SECTION; AND**

26 **(II) THE NUMBER OF AUTHORIZATIONS RELINQUISHED TO THE**  
27 **DEPARTMENT AND RETIRED UNDER SUBSECTION (S)(4) OF THIS SECTION.**

28 (l) (1) Notwithstanding the qualification criteria for a license and  
29 authorization to engage in an activity under this section, **BUT SUBJECT TO THE**  
30 **LIMITATIONS IMPOSED BY SUBSECTION (S) OF THIS SECTION**, licensees may renew a  
31 harvester registration and any valid existing authorizations on their licenses annually.

32 (m) (1) (i) A licensee who possesses an unlimited tidal fish license under  
33 subsection (d)(2)(ii)2F of this section may relinquish the unlimited tidal fish license and

1 receive one or more authorizations under subsection (d)(2)(ii)1A through [E] 2D of this  
2 section.

3 (S) (1) FOR THE LICENSE YEAR BEGINNING ON SEPTEMBER 1, 2020, THE  
4 DEPARTMENT SHALL ISSUE A COMMERCIAL AUTHORIZATION TO HARVEST OYSTERS  
5 ONLY TO A LICENSEE WHO:

6 (I) DURING THE IMMEDIATELY PRECEDING LICENSE YEAR,  
7 POSSESSED:

8 1. A COMMERCIAL OYSTER AUTHORIZATION UNDER  
9 SUBSECTION (D)(2)(II)2E OF THIS SECTION; OR

10 2. AN UNLIMITED TIDAL FISH LICENSE UNDER  
11 SUBSECTION (D)(2)(II)2F OF THIS SECTION; AND

12 (II) ON OR BEFORE SEPTEMBER 1, 2019, PAID THE OYSTER  
13 SURCHARGE ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION TO  
14 PARTICIPATE IN AT LEAST ONE OF THE FOLLOWING OYSTER HARVEST SEASONS:

15 1. 2018 THROUGH 2019; OR

16 2. 2019 THROUGH 2020.

17 (2) THE DEPARTMENT SHALL ALLOW A LICENSEE WHO POSSESSES AN  
18 UNLIMITED TIDAL FISH LICENSE UNDER SUBSECTION (D)(2)(II)2F OF THIS SECTION  
19 AND WHO MEETS THE CRITERIA ESTABLISHED UNDER PARAGRAPH (1) OF THIS  
20 SUBSECTION TO OBTAIN A COMMERCIAL OYSTER AUTHORIZATION UNDER  
21 SUBSECTION (D)(2)(II)2E FOR THE LICENSE YEAR BEGINNING ON SEPTEMBER 1,  
22 2020, NOTWITHSTANDING ANY TARGET ESTABLISHED IN REGULATION UNDER  
23 SUBSECTION (J) OF THIS SECTION.

24 (3) FOR THE LICENSE YEAR BEGINNING SEPTEMBER 1, 2021, AND  
25 EACH LICENSE YEAR THEREAFTER, THE DEPARTMENT SHALL ALLOW A LICENSEE  
26 TO RENEW A COMMERCIAL OYSTER AUTHORIZATION ONLY IF THE LICENSEE PAID  
27 THE OYSTER SURCHARGE TO PARTICIPATE IN THE IMMEDIATELY PRECEDING  
28 OYSTER HARVEST SEASON.

29 (4) (I) THE COMMERCIAL OYSTER AUTHORIZATION OF AN  
30 INDIVIDUAL WHO IS BARRED FROM RENEWING THE AUTHORIZATION UNDER THIS  
31 SUBSECTION SHALL BE DEEMED RELINQUISHED TO THE DEPARTMENT.

32 (II) THE DEPARTMENT SHALL:

1                                   **1. PERMANENTLY RETIRE EACH COMMERCIAL OYSTER**  
2 **AUTHORIZATION RELINQUISHED UNDER THIS PARAGRAPH; AND**

3                                   **2. REDUCE THE TARGET NUMBER FOR COMMERCIAL**  
4 **OYSTER AUTHORIZATIONS UNDER SUBSECTION (J) OF THIS SECTION TO REFLECT**  
5 **THE RETIREMENT OF AUTHORIZATIONS UNDER THIS ITEM.**

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
7 1, 2020.