

Chapter 117

(House Bill 766)

AN ACT concerning

Natural Resources – Fish and Fisheries

FOR the purpose of clarifying the uses of the Fisheries Research and Development Fund; authorizing the Department of Natural Resources to establish by regulation certain vessel marking requirements; altering certain standards, procedures, and requirements governing scientific collection permits for fisheries; requiring the Department to adopt regulations to establish fishing areas where a trout stamp is required; altering the standards that apply to the requirement to obtain a trout stamp; altering a certain trout stamp exemption; repealing restrictions on the use of certain fishing gear; repealing the prohibition against a nonresident fishing with a net in nontidal waters; authorizing the use of a gig and gig iron only for recreational fishing purposes in certain State waters; repealing certain obsolete coordinate language related to an area in which a certain pound net may be used; repealing a provision of law requiring a Natural Resources police officer to inspect certain fishing equipment and take certain action under certain circumstances; clarifying the time period when a person is prohibited from fishing with a haul seine under certain circumstances; clarifying the time period when a person may catch carp in Baltimore County and Harford County under certain circumstances; repealing a duplicative provision of law prohibiting the hauling of a seine in certain waters on certain dates; clarifying a certain boundary line in the Wicomico River in Charles County related to catching fish with a net; repealing certain obsolete boundary lines related to fishing with a hook and line, an eel pot, or a certain net in Dorchester County; clarifying the minimum publication frequency of certain public notices for certain regulations; authorizing the Department to issue certain annual complimentary fishing licenses to certain individuals; establishing certain maximums for the number of certain complimentary fishing licenses that may be outstanding at one time; repealing a provision of law exempting a certain person crabbing from a “for hire” boat from obtaining a certain license under certain circumstances; making technical corrections; and generally relating to fish and fisheries.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–209(a), (b), (c), and (f), 4–711(a), 4–729, 4–745(a)(1), and 4–803(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–209(g), 4–210(e)(1), 4–614, 4–617, 4–701(b) and (r), 4–710(a), 4–711(f)(1),
4–713, 4–718(c), 4–719(e), 4–739, 4–745(e), 4–803(c), and 4–804

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing

Article – Natural Resources

Section 4–212, 4–618, and 4–716

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Natural Resources

Section 4–212

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

Article – Natural Resources

4–209.

(a) In this section, “Fund” means the Fisheries Research and Development Fund.

(b) There is a Fisheries Research and Development Fund in the Department.

(c) The purpose of the Fund is to:

(1) Finance the replenishment of fisheries resources and related research;

and

(2) Match federal funds available for research and development of fisheries

resources.

(f) The Fund consists of:

(1) Any money received under this title for:

(i) Commercial licenses and permits;

(ii) Service fees, taxes, and royalties paid to the State for oyster shells and clam shells removed from the bottom beneath the tidal waters of the State;

(iii) The sale of seed oysters under § 4–1103 of this title; and

(iv) Any fine or forfeiture collected under § 4–1202 of this title;

(2) Any investment earnings of the Fund;

(3) Money received from any other source; and

(4) Money appropriated from the General Fund of the State in accordance with subsection (j) of this section.

(g) Subject to §§ 4-701(q), 4-1020, 4-1028, and 4-1035 of this title, the Fund may be used **ONLY** for:

(1) Replenishing fisheries resources and related research;

(2) Matching federal funds available for research and development of fisheries resources; and

(3) Administrative costs calculated in accordance with § 1-103(b)(2) of this article.

4-210.

(e) (1) The Secretary may establish by regulation **VESSEL MARKING**, first aid, and safety requirements with which all licensed fishing guides shall comply.

[4-212.

(a) Notwithstanding any other provision of this title, the Secretary may grant certificates to any properly accredited person of known scientific attainment, permitting him to collect fish, fish eggs, crustaceans, or mollusks for scientific purposes or educational purposes only. To obtain a certificate the applicant shall submit proof of necessity and pay a \$25 fee to the Department. The fee shall be deposited to the credit of the State Fisheries Management and Protection Fund. The certificate expires December 31 of the issuing year. On proof that the holder of the certificate has captured or killed any fish, fish eggs, crustaceans, or mollusks for other than scientific or educational purposes, the certificate is void.

(b) The Secretary may adopt regulations governing the issuance, revocation, terms, and conditions of the certificate.

(c) Nothing contained within this subtitle shall preempt, restrict or supersede the authority of the Secretary of Health and Mental Hygiene as provided by law.]

4-212.

(A) ANY PROPERLY ACCREDITED PERSON OF KNOWN SCIENTIFIC ATTAINMENT DESIRING TO COLLECT FISH, FISH EGGS, SHELLFISH, OR AQUATIC

INVERTEBRATES FROM THE WILD FOR SCIENTIFIC OR EDUCATIONAL PURPOSES SHALL FIRST OBTAIN A SCIENTIFIC COLLECTION PERMIT FROM THE SECRETARY.

(B) THE SECRETARY MAY ISSUE A SCIENTIFIC COLLECTION PERMIT, ON THE PAYMENT OF A REASONABLE FEE ESTABLISHED BY THE DEPARTMENT IN REGULATION, TO ANY PROPERLY ACCREDITED PERSON WHO HAS DEMONSTRATED A LEGITIMATE SCIENTIFIC OR EDUCATIONAL NEED FOR THE REQUESTED SPECIES AND SUBMITTED AN APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT.

(C) THE SECRETARY MAY ADOPT REGULATIONS GOVERNING THE ISSUANCE, REVOCATION, TERMS, AND CONDITIONS OF THE PERMIT.

(D) THE PERMIT:

(1) SHALL EXPIRE DECEMBER 31 OF THE ISSUING YEAR; AND

(2) MAY NOT BE TRANSFERRED TO ANOTHER PERSON.

(E) THE PERMIT MAY BECOME VOID ON PROOF THAT THE PERMITTEE HAS:

(1) VIOLATED ANY PROVISION OF THE PERMIT;

(2) CAPTURED OR KILLED ANY FISH, FISH EGGS, SHELLFISH, OR AQUATIC INVERTEBRATES IN VIOLATION OF THE TERMS AND CONDITIONS OF THE PERMIT;

(3) TAKEN ANY NESTS OR EGGS FOR OTHER THAN SCIENTIFIC OR EDUCATIONAL PURPOSES; OR

(4) TAKEN OR POSSESSED ANY FISH, FISH EGGS, SHELLFISH, OR AQUATIC INVERTEBRATES NOT AUTHORIZED BY THE PERMIT.

4-614.

(a) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH FISHING AREAS WHERE A TROUT STAMP IS REQUIRED.

(2) Except as provided in paragraph ~~[(2)]~~**(3)** of this subsection, a person may not fish [in a special catch-and-return trout management area or possess trout while fishing in nontidal waters] **OR POSSESS TROUT IN AN AREA ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION** unless the person first obtains a trout stamp in addition to an angler's license.

~~[(2)]~~ **(3)** A trout stamp is not required of the following:

(i) A holder of a current resident consolidated senior sport fishing license issued under § 4-216 of this title;

(ii) A holder of a lifetime complimentary angler’s license for **100%** service **CONNECTED** disabled **AMERICAN** veterans or former prisoners of war issued under § 4-607(a)(2) of this subtitle;

(iii) A person authorized by a disability exemption issued under § 4-217 of this title;

(iv) A resident serving in the armed forces of the United States while on leave if the resident possesses a copy of the resident’s official leave order while fishing; or

(v) A person under 16 years of age.

[(3)] (4) The stamp may be obtained from the Department or an authorized agent of the Department.

(b) A person is not required to have a trout stamp to possess trout taken from:

(1) Any privately owned lake or pond that is stocked with trout artificially propagated by commercial hatcheries or purchased from persons licensed to sell fish; or

(2) Any fee fishing lake or pond operated under § 4-11A-20 of this title.

(c) The following annual trout stamp fees shall apply:

(1) Resident.....\$5

(2) Nonresident.....\$10

(d) The Department or any authorized agent of the Department may issue a duplicate trout stamp for a fee not exceeding \$1 if a person indicates that the trout stamp is lost and is on record for previously purchasing a trout stamp.

4-617.

[(a)] A slat basket, commonly known as the Chesapeake Bay eel pot, may not be used to catch eels.

(b) A State resident who has secured a resident angler’s license may fish by use of a dip net only from January 1 through April 15 only in the following nontidal waters:

(1) The Susquehanna River in Cecil and Harford counties;

(2) In Allegany and Washington counties; and

(3) The Monocacy and Potomac rivers in Carroll and Frederick counties. However, dip nets may not be used within 50 yards of the mouth of any tributary or the breast of any dam of these rivers. A dip net may not be used in any of the waters of the State which are stocked with trout.

(c) (1) Only a person with a resident angler's license may use a bush-bob or bank pole;

(2) Bush-bobs or bank poles not exceeding a total of 25 in all and not exceeding one hook to a pole or bob may be used only in the waters of the Potomac or Monocacy River within Carroll, Washington, and Frederick counties.

(3) Bush-bobs or bank poles may not be used on any streams stocked with trout.

(4) A bush-bob or bank pole which has been baited with scale bait or live bait may not be used to catch suckers, catfish, carp, eels, gudgeons and every species of sunfish, including bluegills and rock bass, commonly known as redeye.

(5) A bush-bob or bank pole may not be used except between sunset and sunrise.

(d) (A) The Department may regulate, supervise, and control ice-fishing.

[(e)] (B) White shad, hickory shad, and herring may be caught or taken only by angling, unless otherwise provided.

[(f)] (C) A person may catch large or small mouth black bass from nontidal waters of the State only by angling. An artificial lure is legal.

[4-618.

A nonresident may not fish in the nontidal waters of the State with nets of any description.]

4-701.

(b) (1) ~~¶~~The Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

(2)~~¶~~ A tidal fish license authorizes a licensee:

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

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

~~[(3)] (2)~~ Except for a person receiving a license as a beneficiary of a deceased licensee under subsection [(j)(4)(i)] **(K)(4)(I)** of this section, the Department may not issue a tidal fish license to an individual who is younger than 14 years of age.

~~[(4)] (3)~~ A person may not guide fishing parties or catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this section.

(r) ~~[(1)]~~ This subsection applies only to a person who, on April 1, 1997:

(i) Held a valid fishing guide license; and

(ii) Either:

1. Owned two or more vessels used to carry passengers for fishing;

2. Owned or operated a federally licensed vessel of 50 tons or more that was used to carry passengers for fishing; or

3. Owned or operated a marina from which 10 or more vessels operate to carry passengers for fishing.

(2) A person who meets the requirements of paragraph (1) of this subsection may obtain an annual master fishing guide license by:

(i) Filing an application on a form provided by the Department;

(ii) Supplying with the application proofs of ownership of the required vessels; and

(iii) Paying the master fishing guide license fee set forth in subsection (d)(2)(ii)1 of this section.~~†~~

~~[(3)] (4)~~ A person holding a master fishing guide license may:

(i) Employ other persons to guide fishing parties on vessels owned by the master fishing guide; and

(ii) Allow a person who holds a valid Coast Guard license to operate a vessel to carry passengers for fishing from the marina owned or operated by the master guide license holder ~~authorized under paragraph (1)(ii)3 of this subsection~~ as follows:

1. One person for 10 vessels;
2. Two persons for 11 to 20 vessels;
3. Three persons for 21 to 30 vessels;
4. Four persons for 31 to 40 vessels;
5. Five persons for 41 to 50 vessels; and
6. Six persons for 51 or more vessels.

~~[(4)] (2)~~ (i) The Department shall issue a number of copies of the master fishing guide license corresponding to the number of vessels owned or operated by the master fishing guide, with each copy bearing the registration number of one of the vessels.

(ii) The master fishing guide shall ensure that when a vessel is operated, the appropriate copy of the license is on board.

~~[(5)] (3)~~ If a master fishing guide employs another person to operate a vessel to carry passengers for fishing, for purposes of the license suspension criteria in subsection ~~[(m)] (N)~~ of this section, the master fishing guide shall be held responsible for any violations committed by the person employed to operate the vessel.

4-710.

(a) **(1)** A person may not catch finfish for any purpose in the tidal waters of the State by use of any [gig, gig iron,] purse net, beam trawl, otter trawl, trammel net, troll net, or drag net.

(2) A PERSON MAY USE A GIG OR GIG IRON TO CATCH FINFISH ONLY FOR RECREATIONAL PURPOSES IN THE TIDAL WATERS OF THE STATE.

(3) Any person who violates this section by catching fish with any of the equipment or devices referred to in this subsection, with the exception of a gig or gig iron, is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court.

(4) Any person who illegally catches fish with a gig or gig iron is subject to the penalties provided by this title.

4-711.

(a) A person may not set any pound net or any line of these nets that is greater in length than one third the distance across the waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs navigation on or blocks in any way the main channel of the bay, sound, river, creek, cove, or inlet. The length limit provided here shall not be construed to apply to any line of nets running parallel to the bank or shore of any bay, sound, river, creek, cove, or inlet, but no net may be set across the mouth on any tributary, harbor, or navigation channel.

(f) A single line of stakes, including the pound or head and the leader or hedging, may not have a length greater than the following:

(1) In Chesapeake Bay, south of a line from Sandy Point to Love Point and in the Choptank River from the mouth of the Choptank River to a line drawn from [the center of house with white roof in vicinity of] Drum Point to [the easterly of two silos in the vicinity of] Kate Point — 1500 feet.

4-713.

(a) A person who fishes with haul seine equipment shall carry a tidal fish license to catch finfish.

(b) [A Natural Resources police officer shall inspect every haul seine prior to its use in any portion of the waters of the Chesapeake Bay or its tributaries. If the Natural Resources police officer determines that the seine complies with the provisions of this section, he shall affix a seal and number certifying that the haul seine is inspected and in compliance with provisions of this section. Any haul seine without a State seal or with a broken seal is an illegal one, and a person may not operate it.

(c)] Haul seines shall be limited to a depth or width of 15 feet graduating to a width of 22 feet at the bunt or back. A haul seine may not have a length of its bunt or back greater than 100 feet, which is a “hung” measure.

[(d)] (C) A person may not use a seine exceeding 50 feet in length and 5 feet in width to catch minnows in the tidal waters of the State.

[(e)] (D) If the haul seine is used in the Chesapeake Bay, the length of brail line used on either end of the haul seine may not exceed 1500 feet. If the haul seine is used in the rivers and tributaries of the Chesapeake Bay, the maximum length of brail line may not exceed 750 feet.

[(f)] (E) A person may not drag or haul any seine with two or more vessels or boats propelled by power, or use any haul seine more than 1800 feet in length. A power winch anchored in a vessel or boat, not propelled by power, may be used if the winch boat is anchored in 4 feet depth of water or less.

[(g)] (F) A person may not empty a seine on the shore or beach, or in any water less than 12 inches deep so as to leave the small fish to perish. A person always shall empty the seine in waters of sufficient depth to enable the small fish to return to the waters for growth.

[(h)] (G) A person may not haul any seine in waters covering leased oyster ground unless the permission of the lessee is obtained.

[(i)] (H) (1) Except as provided in paragraph (2) of this subsection, a person may not fish with a haul seine during the period from **[Friday midnight] 12:01 A.M. SATURDAY** until sunrise on Monday in the tidal waters of the State.

(2) (i) In Baltimore County and Harford County, on prior notification to the Department a person may catch carp during the period from **[Friday midnight] 12:01 A.M. SATURDAY** until sunrise on Monday, except in areas where it is prohibited by the Department.

(ii) Except in areas where it is prohibited by the Department, a person may set a **[licensed]** haul seine at a distance greater than one-third the distance across a river, creek, cove, or inlet in any of the tributary waters of Baltimore County or Harford County only to catch carp and catfish, notwithstanding any other provision of this subtitle regarding the distance across which a haul seine may be set. A person may not set the **[licensed]** haul seine to impede or obstruct navigation or block in any way the main channel of the river, creek, cove, or inlet. Any person who catches fish of a variety other than carp or catfish in any **[licensed]** haul seine shall return them immediately to the water unharmed. A person always shall attend a **[licensed]** haul seine for catching carp or catfish. Any person whose **[licensed]** haul seine is found more than one-third the distance across the waters where it is set without a person in attendance is guilty of violating this subsection.

(iii) The Department, by regulation:

1. Shall establish procedures for the prior notification required under **[subparagraph] PARAGRAPH (2)(i)** of this subsection; and

2. May prohibit fishing for carp and catfish in certain areas as provided in **[subparagraph] PARAGRAPH (2)(ii)** of this subsection.

A person may not haul a seine of any description to catch fish in the waters of the Choptank River and its tributaries in Caroline County from May 21 to July 31, both dates inclusive.]

4-718.

(c) A person may not set a net of any description to catch fish in the Wicomico River proper above Woodland Point [House] in Charles County.

4-719.

(e) A person may fish only with hook and line, eel pot, or gill net with at least a three-inch mesh in [the following waters:

(1) Cabin Creek above a line drawn from the residence of Joseph Era in a northeasterly direction to the residence on the opposite side on what is known as the Travers Farm;

(2) Warwick River above a line drawn from the east end of a sand bar extending from the Hughlett Farm in a northerly direction across the river to the nearest point of marsh on Warwick Manor; and

(3)] Goose Creek and Indian Creek.

4-729.

A person may not set a haul seine of any description in the waters of the Choptank River and its tributaries from May 21 to July 31, both dates inclusive.

4-739.

(a) The Department may make rules and regulations governing catching sturgeon in the waters of the State or possessing and selling within the State sturgeon caught in the waters of the State.

(b) The rules and regulations of the Department become effective only after a public hearing is held. The time, place, and purpose of the public hearing shall be advertised in one newspaper of general daily circulation in the State, and at least one newspaper circulated in each county, **AT LEAST ONCE PER WEEK** for two successive weeks in advance of the hearing. After the hearing and adoption of the rules and regulations, they shall be published [for one week] in the newspapers which published the notice of the hearing.

4-745.

(a) (1) Except as provided in subsections (c) and (d) of this section and § 4-217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up

to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing license or registration issued under subsection (d)(3) of this section and possessing evidence of the license or registration.

(e) (1) In this subsection, “former prisoner of war” means a person who, while serving in the active military, naval, or air service of the United States, was forcibly detained or interned in the line of duty by an enemy government or its agents, or a hostile force, during a period of armed conflict.

(2) The Department may issue a lifetime complimentary Chesapeake Bay and coastal sport fishing license to any Maryland resident who certifies that the resident is a former prisoner of war or a 100% service connected disabled American veteran.

(3) A complimentary license is not transferable and shall be issued on forms the Department designates.

(4) THE DEPARTMENT MAY ISSUE ANNUALLY A COMPLIMENTARY CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE TO THE PRESIDENT OF THE UNITED STATES, THE GOVERNOR OF ANY STATE, AND ANY OFFICIAL OF THE GAME AND FISH DEPARTMENT OF ANY OTHER STATE.

(5) NOT MORE THAN 20 COMPLIMENTARY LICENSES FOR EACH STATE OTHER THAN MARYLAND SHALL BE OUTSTANDING AT ANY TIME.

4-803.

(a) The Department may adopt rules and regulations to effectuate the following purposes:

(1) To restrict catching and possessing any blue crab;

(2) The methods by which crabs are taken;

(3) To close or open any specified area to catch crabs;

(4) To prohibit or restrict devices used to catch crabs;

(5) To establish seasons to catch crabs;

(6) To establish that the workday for tidal fish licensees who catch crabs using trotline gear may begin earlier than 1 hour before sunrise; and

(7) To establish minimum size limits for hard, soft, and peeler crabs. However, this section does not permit the Department to change existing license fees for catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab meat; or

for selling, or shipping live hard or soft crabs by barrel or crate. The Department may set license fees on types of gear or equipment if not otherwise set by law.

(c) The Department's regulations may not become effective under this section until the Department first holds public hearings. The Department shall advertise the time, place, and purpose of the hearings in one newspaper of general daily circulation in the State, and at least in one newspaper circulated in the affected region of each county whose waters may be directly affected by the proposed regulations **AT LEAST ONCE PER WEEK** for 2 successive weeks in advance of the hearings.

4-804.

[(a) Any person who owns or is in charge of operating a vessel utilized to catch crabs in the waters of the State for commercial purposes shall obtain a license.

[(b) Any person crabbing from a "for hire" boat operated by the owner, who is present on the boat and is licensed to catch crabs for commercial purposes, is not required to obtain a license.]

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

Approved by the Governor, April 12, 2016.