

SENATE BILL 112

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8lr0091

(PRE-FILED)

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

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.

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.

5 (b) (1) Except as provided in § 4–701.1 of this subtitle, the Department shall
6 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

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

11 (3) Except for a person receiving a license as a beneficiary of a deceased
12 licensee under subsection (k)(4)(i) of this section, the Department may not issue a tidal fish
13 license to an individual who is younger than 14 years of age.

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.

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

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:

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

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

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

31 A. Finfish:

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

1 II. All other equipment: \$150

2 B. [Crabs] **BLUE CRABS:**

3 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and
4 scrapes: \$100

5 II. Over 50 pots, plus any other gear listed in item I of this
6 subsubsubparagraph: \$150

7 C. Clams – \$100

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

10 E. Conch, turtles, [and] lobster, **AND ALL CRABS OF THE**
11 **GENUS CANCER** – \$100

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

14 3. For one or two crew members employed under § 4–814 of
15 this title to enable a licensee to catch **BLUE** crabs under subparagraph (ii)2BII and F of this
16 paragraph with more than 300 pots, the licensee shall pay an additional:

17 A. \$100 for up to 600 pots total per vessel; or

18 B. \$150 for up to 900 pots total per vessel.

19 4. For a person to buy, process, pack, resell, market or
20 otherwise deal in fish caught in the tidal waters of Maryland, seafood dealer:

21 A. \$50 for a person licensed under item 2 of this
22 subparagraph or § 4–701.1 of this subtitle; or

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

25 5. For a person who is not licensed under this section to land
26 fish caught in out-of-state tidal waters, seafood landing – \$350

27 (k) (1) A license or authorization may be transferred only under the provisions
28 of this subsection.

29 (4) (i) On the death of a licensee, the Department shall review and may
30 approve the permanent 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.