

SENATE BILL 7

M2

9lr0022

(PRE-FILED)

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

Requested: October 22, 2018

Introduced and read first time: January 9, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Regulation and Use of Commercial Finfish Trotlines –**
3 **Repeal of Sunset and License Establishment**

4 FOR the purpose of repealing the termination provision for certain provisions of law
5 governing the regulation and use of commercial finfish trotlines; establishing a
6 commercial blue and flathead catfish finfish trotline license; authorizing a licensee
7 to catch for sale blue and flathead catfish in certain waters of the State using a
8 certain finfish trotline; requiring a licensee to fish in accordance with certain
9 regulations; establishing the application process for the license; establishing that an
10 applicant for the license does not need to hold a certain tidal fish license; establishing
11 the term of the license; establishing a certain annual fee for the license; prohibiting
12 a licensee from transferring the license; requiring a licensee to have the license in
13 the licensee’s possession at certain times; making conforming changes; providing for
14 the termination of certain provisions of this Act; and generally relating to the
15 regulation and use of commercial finfish trotlines.

16 BY repealing and reenacting, without amendments,
17 Article – Natural Resources
18 Section 4–221 and 4–710(h)
19 Annotated Code of Maryland
20 (2018 Replacement Volume)

21 BY repealing and reenacting, with amendments,

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.



1 Chapter 86 of the Acts of the General Assembly of 2016
2 Section 2

3 BY repealing and reenacting, with amendments,
4 Article – Natural Resources
5 Section 4–701(a) and (b)(1)
6 Annotated Code of Maryland
7 (2018 Replacement Volume)

8 BY adding to
9 Article – Natural Resources
10 Section 4–701.2
11 Annotated Code of Maryland
12 (2018 Replacement Volume)

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

15 **Article – Natural Resources**

16 4–221.

17 (a) The authority provided by this section is in addition to any other authority of
18 the Secretary provided by law.

19 (b) (1) Subject to paragraph (2) of this subsection, the Secretary, after
20 consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries
21 Advisory Commission, may adopt regulations to define and govern the use of:

- 22 (i) Recreational fishing gear; and
- 23 (ii) The following types of commercial fishing gear:
- 24 1. Fish pots;
 - 25 2. Bank traps;
 - 26 3. Fyke nets;
 - 27 4. Hoop nets;
 - 28 5. Finfish trotlines; and
 - 29 6. Bowfishing gear.

30 (2) The Department shall consider relevant biological, ecological, and
31 socioeconomic factors before adopting regulations under this subsection.

1 4-710.

2 (h) (1) Except when using a finfish trotline or in State waters in the Atlantic
3 Ocean, a tidal fish licensee may not use more than 2 hooks or 2 sets of hooks for each rod
4 or line.

5 (2) For the purposes of this subsection, artificial lures or plugs with
6 multiple or gang hooks are considered 1 set of hooks.

7 **Chapter 86 of the Acts of 2016**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2016. [It shall remain effective for a period of 3 years and, at the end of June 30, 2019,
10 with no further action required by the General Assembly, this Act shall be abrogated and
11 of no further force and effect.]

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
13 as follows:

14 Article – Natural Resources

15 4-701.

16 (a) Except as provided in [§ 4-701.1] §§ 4-701.1 AND 4-701.2 of this subtitle,
17 this section applies to any person who is required under this subtitle or Subtitle 2, 8, 9, or
18 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process, transport,
19 export, or otherwise deal in fish caught in tidal waters.

20 (b) (1) Except as provided in [§ 4-701.1] §§ 4-701.1 AND 4-701.2 of this
21 subtitle, the Department shall utilize a single, commercial license, to be known and
22 designated as a tidal fish license.

23 4-701.2.

24 (A) THERE IS A COMMERCIAL BLUE AND FLATHEAD CATFISH FINFISH
25 TROTLINE LICENSE.

26 (B) (1) THE LICENSE AUTHORIZES THE HOLDER TO CATCH FOR SALE
27 BLUE AND FLATHEAD CATFISH IN THE TIDAL WATERS OF THE STATE USING A
28 FINFISH TROTLINE, AS DEFINED IN DEPARTMENT REGULATIONS.

29 (2) A LICENSEE SHALL FISH IN ACCORDANCE WITH DEPARTMENT
30 REGULATIONS.

1 **(C) A PERSON WHO WISHES TO OBTAIN THE LICENSE SHALL COMPLETE AND**
2 **SUBMIT AN APPLICATION FOR THE LICENSE TO THE DEPARTMENT OR ANY PERSON**
3 **DESIGNATED BY THE DEPARTMENT.**

4 **(D) AN APPLICANT FOR THE LICENSE DOES NOT NEED TO HOLD A TIDAL**
5 **FISH LICENSE UNDER § 4-701 OF THIS SUBTITLE TO BE ELIGIBLE FOR THE LICENSE.**

6 **(E) THE TERM OF THE LICENSE IS 1 YEAR FROM SEPTEMBER 1 THROUGH**
7 **AUGUST 31 THE FOLLOWING YEAR.**

8 **(F) THE ANNUAL LICENSE FEE IS \$15.**

9 **(G) A LICENSEE MAY NOT TRANSFER A LICENSE ISSUED UNDER THIS**
10 **SECTION.**

11 **(H) A LICENSEE SHALL HAVE A COMMERCIAL BLUE AND FLATHEAD CATFISH**
12 **FINFISH TROTLINE LICENSE IN THE LICENSEE’S POSSESSION WHEN THE LICENSEE**
13 **FISHES UNDER THE LICENSE.**

14 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 June 1, 2019. Section 2 of this Act shall remain effective for a period of 3 years and 1 month
16 and, at the end of June 30, 2022, Section 2 of this Act, with no further action required by
17 the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.