

SENATE BILL 80

M2

EMERGENCY BILL
(PRE-FILED)

3lr0410
CF HB 386

By: **Senator Bailey**

Requested: September 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable

Senate action: Adopted

Read second time: January 31, 2023

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Blue and Flathead Catfish Finfish Trotline License –**
3 **Establishment**

4 FOR the purpose of establishing a licensing and regulatory scheme to allow the commercial
5 fishing of blue and flathead catfish in the tidal waters of the State using a finfish
6 trotline; and generally relating to the commercial blue and flathead catfish finfish
7 trotline license.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 4–701(a), (b)(1), and (d)(2)(ii)4.
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Natural Resources
15 Section 4–701(d)(2)(ii)5.
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2022 Supplement)

18 BY adding to
19 Article – Natural Resources
20 Section 4–701.2
21 Annotated Code of Maryland

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.



(2018 Replacement Volume and 2022 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.

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

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

(d) (2) (ii) The following annual fees for an authorization shall apply regardless of when the license is issued or an activity is authorized:

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

A. \$50 for a person licensed under item 2 of this subparagraph or § 4–701.1 **OR § 4–701.2** of this subtitle; or

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

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

4–701.2.

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

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

(2) A LICENSEE SHALL FISH IN ACCORDANCE WITH DEPARTMENT 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. AND BE IT FURTHER ENACTED, That this Act is an emergency
15 measure, is necessary for the immediate preservation of the public health or safety, has
16 been passed by a yea and nay vote supported by three-fifths of all the members elected to
17 each of the two Houses of the General Assembly, and shall take effect from the date it is
18 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.