

CHAPTER 217

(Senate Bill 1012)

AN ACT concerning

Natural Resources – Fishery Management Reform Act

FOR the purpose of altering the fees for certain fishing licenses for tidal and nontidal waters; ~~requiring~~ authorizing the Governor to include a certain appropriation in the budget bill beginning with a certain year and each year thereafter for the State Fisheries Management and Protection Fund and the Fisheries Research and Development Fund; ~~requiring the appropriation to be based on a certain percentage of the increase in license fees beginning with a certain fiscal year;~~ stating the findings and intent of the General Assembly relating to fishing resources; establishing the Task Force on Fishery Management; providing for the membership and staffing of the Task Force; requiring the Task Force to review and evaluate the processes for fishery management and make certain recommendations to the Governor and the General Assembly by a certain date; requiring the Task Force to assist the Department of Natural Resources in developing regulations, policies, and suggested legislation to implement certain recommendations; prohibiting a member of the Task Force from receiving certain compensation, but authorizing certain expenses; ~~authorizing the Governor to include certain money for certain funds in a certain supplemental budget;~~ urging the Department to follow a certain provision of law; ~~stating the intent of the General Assembly relating to the increase in fishing license fees;~~ providing for the termination of this Act; and generally relating to fisheries and fishing resources managed by the Department of Natural Resources.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–208, 4–209, 4–604(g)(1)(i) and (2)(i), and 4–745(a)(2) and (d)(2)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–745(b)(5)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Natural Resources
Section 4–215.2 and 4–215.3
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Article – Natural Resources

4–208.

(a) In this section, “Fund” means the State Fisheries Management and Protection Fund.

(b) There is a State Fisheries Management and Protection Fund in the Department.

(c) The purpose of the Fund is to finance the scientific investigation, protection, propagation, and management of nontidal finfish.

(d) The Department shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) Any money received for a fish and fisheries license, stamp, permit, or application fee under this title, unless otherwise provided; [and]

(2) Any investment earnings of the Fund; **AND**

(3) MONEY APPROPRIATED FROM THE GENERAL FUND OF THE STATE IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION.

(g) The Fund may be used only for:

(1) The scientific investigation, protection, propagation, and management of nontidal finfish; and

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

(h) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

(J) ~~(I)~~ BEGINNING WITH FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE BUDGET BILL AN APPROPRIATION FROM THE GENERAL FUND FOR THE FUND.

~~(2) THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON A 50% MATCH ON THE PROCEEDS FROM THE INCREASE IN THE LICENSE FEES UNDER § 4-604(G) OF THIS TITLE.~~

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.

(d) The Department shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(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; [and]

(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(o), 4–1020, 4–1028, and 4–1035 of this title, the Fund may be used 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.

(h) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

(J) ~~(1)~~ **BEGINNING WITH FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE BUDGET BILL AN APPROPRIATION FROM THE GENERAL FUND FOR THE FUND.**

~~(2) THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON A 50% MATCH ON THE PROCEEDS FROM THE INCREASE IN THE LICENSE FEES UNDER § 4-745 OF THIS TITLE.~~

4-215.2.

(A) **THE GENERAL ASSEMBLY FINDS THAT ROBUST FISHING RESOURCES ARE CRITICAL TO THE ECONOMY OF THE STATE AND VITAL TO A TREASURED HERITAGE AND WAY OF LIFE.**

(B) **THE GENERAL ASSEMBLY INTENDS THAT THE DEPARTMENT SHALL MANAGE THE FISHERIES UNDER § 4-215 OF THIS SUBTITLE TO OPTIMIZE THE YIELD OF FISHERY RESOURCES FOR THE BENEFIT OF ALL CITIZENS OF THE STATE.**

4-215.3.

(A) **THERE IS A TASK FORCE ON FISHERY MANAGEMENT.**

(B) (1) **THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:**

(i) **THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;**

(ii) **THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:**

1. ~~TWO REPRESENTATIVES~~ **ONE REPRESENTATIVE FROM THE CHESAPEAKE GUIDES ASSOCIATION;**

2. **TWO REPRESENTATIVES FROM THE COASTAL CONSERVATION ASSOCIATION MARYLAND;**

3. ~~THREE REPRESENTATIVES FROM THE MARYLAND AQUATIC RESOURCE COALITION~~ ONE REPRESENTATIVE FROM THE MARYLAND BASS FEDERATION NATION;

4. ONE REPRESENTATIVE FROM THE MID-ATLANTIC COUNCIL OF TROUT UNLIMITED;

5. TWO REPRESENTATIVES FROM THE MARYLAND SALTWATER SPORTFISHERMEN'S ASSOCIATION;

4 6. TWO REPRESENTATIVES FROM THE MARYLAND CHARTER BOAT ASSOCIATION;

5 7. TWO REPRESENTATIVES FROM THE MARYLAND WATERMEN'S ASSOCIATION; AND

6 8. TWO REPRESENTATIVES FROM COMMUNITIES THAT ARE LOCATED ON THE CHESAPEAKE BAY AND ITS TRIBUTARIES AND THAT RELY ON FISHING FOR THEIR LOCAL ECONOMIES; AND

(III) A PEER REVIEW PANEL THAT CONSISTS OF THREE EXPERTS IN STATE FISHERY MANAGEMENT APPOINTED BY THE GOVERNOR IN CONSULTATION WITH THE AMERICAN FISHERIES SOCIETY.

(2) THE PEER REVIEW PANEL UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL SUPPORT AND PROVIDE EXPERTISE FOR THE TASK FORCE AND THE DEPARTMENT WITH THE DEVELOPMENT OF THE REPORT REQUIRED UNDER THIS SECTION.

(C) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE TASK FORCE.

(D) THE TASK FORCE MAY ESTABLISH SUBCOMMITTEES AS IT DETERMINES NECESSARY TO FULFILL ITS DUTIES.

(E) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE STAFF FOR THE TASK FORCE.

(F) A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE TASK FORCE, BUT IS ENTITLED TO REIMBURSEMENT FOR

EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) THE TASK FORCE SHALL:

(1) OVERSEE A FULL REVIEW OF CURRENT FISHERY MANAGEMENT PROCESSES AND DEVELOP RECOMMENDATIONS FOR METHODS TO IMPROVE, MODERNIZE, AND STREAMLINE FISHERY MANAGEMENT, INCLUDING:

(I) DEVELOPING A SET OF RECOMMENDATIONS FOR THE 2009 LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY THAT INCORPORATES THE IMPROVEMENTS SUGGESTED FOR FISHERY MANAGEMENT; AND

(II) WORKING WITH THE DEPARTMENT TO DEVELOP REGULATIONS AND POLICY, AND ANY FOLLOW-UP LEGISLATION FOR THE 2010 LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY THAT IS NECESSARY TO IMPLEMENT THE RECOMMENDATIONS; AND

(2) ON OR BEFORE DECEMBER 1, 2008, SUBMIT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

4-604.

(g) (1) The following annual license fees shall apply:

(i) Resident..... ~~[\$10.50]~~ **\$20.50**

(2) For a nonresident:

(i) The fee for an annual angler's license is the greater of:

1. ~~[\$20.50]~~ **\$30.50**; or

2. A fee equal to the fee charged a Maryland resident by the nonresident's home state for a similar license; and

4-745.

(a) (2) The license may be obtained from the Department or from any authorized agent of the Department. The following annual license fees shall apply:

- (i) Resident..... [~~\$9~~] **\$15**
- (ii) Short-term license valid for 5 consecutive days from date of issue..... \$6
- (iii) Nonresident..... [~~\$14~~] **\$15**
- (iv) Resident and nonresident blind persons..... No fee

(b) (5) In the preparation of plans for the expenditure of license receipts, the Secretary annually shall solicit the advice and opinions of the Department’s Sport Fisheries Advisory Commission, representative fishing and boating associations, and other interested parties.

(d) (2) (i) The Department may provide by regulation for issuance of an annual special Chesapeake Bay sport fishing license, which when permanently affixed to a boat registered in any state shall authorize any person on the boat to fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries, except that such a license may not be used on a boat that has been hired to take such persons fishing.

(ii) The annual fee for this special license shall be [~~\$40~~] **\$50**.

(iii) If a boat owner purchases the special license under this paragraph, the boat owner may fish anywhere in the Chesapeake Bay, whether the boat owner is fishing in the owner’s boat, in another person’s boat, on land, or elsewhere. The Department shall issue a complimentary Chesapeake Bay sport fishing license to the boat owner who purchases a special license under this paragraph. If a boat to which the special license is affixed has more than one owner, then only the individual applicant who signs the application for the special license shall be entitled to a complimentary Chesapeake Bay sport fishing license under this paragraph.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly of Maryland urges the Department to recognize and abide by the provision of law under § 4-745(b)(5) of the Natural Resources Article that requires the Department to consult with stakeholders through the Sports Fisheries Advisory Commission before spending the proceeds from fishing license fees.

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Governor may include money for the State Fisheries Management and Protection Fund and the Fisheries Research and Development Fund in a supplemental budget for fiscal year 2008.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly intends that the increase in fishing license fees under Section 1 of this Act be subject to the inclusion of an appropriation for the State Fisheries Management and Protection Fund and the Fisheries Research and Development Fund beginning in the fiscal 2009 State budget, as required under Section 1 of this Act, and if the funds are not included in the budget, the General Assembly may take appropriate measures to restore the amounts of the fishing license fees to amounts in effect as of June 30, 2007.~~

SECTION ~~5~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007. It shall remain effective for a period of 3 years and, at the end of June 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2007.