

## **Fisheries Service Legislative Summary 2016 – 5/4/2016**

### **HB 51 Natural Resources – Aquaculture Coordinating– Membership (Crossfile SB 51) - BILL PASSED**

SB 51 adds two members to the membership of the Aquaculture Coordinating Council.

### **HB 62 Natural Resources – Fishing and Hunting Licenses -BILL PASSED**

This bill proposes to remove or alter antiquated text that currently makes it legally not possible to allow an electronic form of licensure for activities licensed under the Natural Resources Article. Removal or alterations to fisheries and wildlife statutes are required in order to allow the Department to proceed with this process.

### **HB 63 Natural Resources – Fishing – Regulation and Use of Commercial Finfish Trotlines - BILL PASSED**

As amended, HB 63 authorizes the Department to write clear rules for the use of finfish trotline gear that will allow commercial watermen to target invasive blue and flathead catfish while also addressing concerns about the gear possibly interacting with spawning striped bass. This bill adds finfish trotlines to the list of commercial gears the Department may regulate, and clearly states that the restriction of two hooks per line does not apply to finfish trotlines. Amendment includes an abrogation date of June 30, 2019 for the act which will take effect for a period of 3 years.

### **HB 270 General Provisions – Commemorative Months – Maryland Sportsmanship Month - Unfavorable Report by Health and Government Operations (Crossfile SB 594) - BILL FAILED**

Requiring the Governor annually to proclaim February as Maryland Sportsmanship Month; and requiring the proclamation to urge the Department of Natural Resources and specified local departments to observe Maryland Sportsmanship Month with specified activities.

### **HB 318 Kent County – Fisheries – Use of Haul Seines - BILL PASSED**

This legislation would allow licensed commercial harvesters to haul seine on the weekend for gizzard shad.

### **HB 319 Oysters and Clams – Dredging by Auxiliary Yawl – Authorized Boats - BILL PASSED**

House Bill 319 as amended clarifies and creates standards for a dredge boat in the wild oyster fishery while correcting gear references in the text.

### **HB 427 Income Tax – Oyster Shell Recycling – Credit Amount -Ways and Means (Crossfile SB 188) - BILL FAILED**

The bill changes a cap for income tax credit for oyster shell recycling.

### **HB 459 Birth and Death Certificates – Fee Reduction (Crossfile SB 389) - BILL PASSED**

Amended bill does not affect Department of Natural Resources. Bill reduces fees associated with obtaining copies of birth and death certificates. Amendment removes any action related to the Department.

### **HB 758 Natural Resources – County Oyster Committees -Education, Health, and Environmental Affairs Unfavorable Report - BILL FAILED**

As amended, House Bill 758 provides for changes in the structure of the county oyster committees, requires a report on fiscal elements annually, and clarifies that the Department can open and close a natural oyster bar, designate gear types used, or times by public notice. Amendment clarifies that the Department may not open oyster sanctuaries by public notice.

**HB 766 Natural Resources – Fish and Fisheries -BILL PASSED**

House Bill 766 as amended repeals or updates provisions regarding fisheries that have become obsolete or confusing. The bill brings Maryland’s fisheries law into compliance with the findings and recommendations of a federal audit regarding the Department’s participation in the federal Wildlife Restoration Program. The bill repeals a prohibition against use of gig or gig iron gear in recreational fishing; repeals an obsolete requirement that haul seine gear be certified by the Department before use; and makes numerous changes to provisions that are no longer valid. The bill also authorizes the Department to issue up to 20 complimentary licenses per state to fish in the Chesapeake Bay and tidal waters to the President, Governors, and officials of the game and fish department of another state.

**HB 799 Aquaculture – Liability for Trespass - BILL PASSED**

The bill adds parties to which a person can be liable to for wrongful actions on a lease.

**HB 915 Crabs – Harvest Times – Trotlines and Crab Pots – (Crossfile SB 837) - BILL FAILED in Conference Committee**

House Bill 915, as amended, would allow the Department to modify the catch time for the commercial harvesting of crabs by trotline during the three summer holidays months. Currently, trotline gear can be set at any time if the catch time is no earlier than 1 hour before sunrise, otherwise the trotline gear may not be set earlier than the catch time. The amended bill allows the Department to provide an exception to the set time restriction on Memorial Day, Independence day, and Labor Day and the weekend either before or after the holiday.

**HB 916 Hard–Shell Clams – Use of Hydraulic Clam Dredge – Atlantic Coastal Bays - Education, Health, and Environmental Affairs Unfavorable Report - BILL FAILED**

As amended, House Bill 916 provides for a study and report, by December 31, 2016, regarding the use of certain harvest gear in Chincoteague Bay and harvest levels of hard-shell clams based on certain studies. The report will also include areas in the Chincoteague Bay that are restricted from use with an aquaculture lease.

**HB 918 Oyster Poaching – Administrative Penalties – Gear Violations -Education, Health, and Environmental Affairs – Unfavorable Report (Crossfile SB 957) - BILL FAILED**

As amended, the bill changes a violation that can result in a commercial license revocation to only cover power dredging in an area reserved for another gear type. Amendment would add “other dredge gear” to violations.

**HB 953 Natural Resources – Oyster Poaching – Administrative Penalties - Environment and Transportation Unfavorable Report – Withdrawn (Crossfile SB 956) - BILL FAILED**

The bill grants authority to the Department to create regulations pertaining to suspending or revoking an oyster authorization related to certain offenses. It also removes the time period specified in law for starting an administrative procedure pertaining to such an action.

**HB 1169 Harris Creek Oyster Restoration – Vessel Damage – Compensation - Environment and Transportation - Hearing 3/2 (Crossfile SB 963) - BILL FAILED**

The bill provides for a person to file a claim with the Department for damages if their vessel is damaged related to the required depth of navigable water in the Harris Creek Oyster Restoration Project.

**HB 1193 State Government – Administrative Procedure Act – Effective Date of Adopted Regulations - Education, Health, and Environmental Affairs -First Reader (Crossfile SB 67) - BILL FAILED**

This bill requires that all state regulations become effective on certain dates based on the submission of the regulation for publication in the Maryland Register. The bill exempts the Department of Natural Resources.

**HB 1205 Oyster Advisory Commission – Membership and Appointments -Environment and Transportation Unfavorable Report - Withdrawn - BILL FAILED**

The bill alters membership of the Oyster Advisory Committee.

**HB 1249 Hunting and Fishing – Complimentary Licenses – Wounded Military and Veterans – Conference Committee - BILL FAILED**

As amended, the bill provides complimentary licenses for Purple Heart Recipients.

**HB 1280 AELR Committee – Renaming and Regulatory Adoption Procedures -Health and Government Operations- Hearing 3/9 (Crossfile SB 599) - BILL FAILED**

SB 599 requires the Department to get prior approval for emergency regulations from the Governor. The bill also requires the Department to provide all public comment free of charge to any inquiring member of the public. The Department also would have to submit daily all comments and transcribe and submit verbal comments.

**HB 1374 Hunting and Fishing – Complimentary Licenses – Military and Veterans -Environment and Transportation Unfavorable Report - BILL FAILED**

The bill provides complimentary licenses for all active military and military veterans.

**HB 1387 Commercial Northern Snakehead Bowfishing License – Establishment (Crossfile SB 1054) - BILL PASSED**

The bill as amended creates a commercial bowfishing license for harvesting northern snakeheads and adds bow gear to the list of commercial gears in Natural Resources Article, §4-221.

**HB 1435 Fishing Under a Boat License – Repeal of Registration Requirement (Fishing Freedom Act of 2016) - Environment and Transportation Unfavorable Report - BILL FAILED**

The bill repeals requirements for registration of individuals operating under a boat license.

- Letter from US Department of Commerce
- Memorandum of Agreement for Exemption

**HB 1519 Natural Resources - Cownose Rays - Use Of Projectile Gear Prohibited - Rules and Executive Nominations First Reader - BILL FAILED**

Prohibiting a person from using projectile gear, including a bow, gig, spear, or spear gun, to catch cownose rays from January 1 through July 4.

**HB 1527 Environment - Water Appropriation Permit - Aquaculture Exemption - BILL PASSED**

Creating an exemption from the requirement to obtain a water appropriation permit under specified circumstances for specified use of tidal waters for oyster aquaculture purposes.

**HB 1531 Hunting and Fishing Licenses – Former Prisoners of War, Recipients of the Purple Heart Award, and Disabled Veterans - Rules and Executive Nominations First Reader (Crossfile SB 225) - **BILL FAILED****

House Bill 1531 requires the Department to issue discounted recreational fishing and hunting licenses to Purple Heart Award recipients. In addition to the current provision for complimentary lifetime recreational fishing licenses for resident 100% service disabled veterans and former prisoners of war, this bill provides that lifetime license for nonresidents if the applicant's state provides the same privilege to residents of Maryland. The bill also exempts these recipients from needing a trout stamp. The bill also removes a cap for the number of complimentary licenses issued by the Department.

**HB 1595 Tidal Fish License - Catching Crabs Using Trotline Gear - Holidays - Rules and Executive Nominations First Reader- **BILL FAILED****

Authorizing the Department of Natural Resources to adopt specified regulations restricting a tidal fish licensee who catches crabs using trotline gear to a workday of at least 10 hours on specified holidays if the Department authorizes the workday to begin earlier than 1 hour before sunrise.

**HB 1603 Sustainable Oyster Harvest Act of 2016 - Rules and Executive Nominations First Reader (Crossfile SB 937)- **BILL FAILED****

Requiring the University of Maryland Center for Environmental Science to conduct a specified study related to the public oyster fishery; requiring the Center to report to the Governor, the Department of Natural Resources, the Oyster Advisory Commission, and the General Assembly on or before October 1, 2017; and prohibiting the Department from taking specified actions until after the Center has made its report.

**HB 1631 Administrative Procedure Act - Proposed Regulations - Explanatory Reasons Justifying Adoption - Rules and Executive Nominations First Reader (Crossfile SB 1168)- **BILL FAILED****

Requiring a promulgating unit to include, under specified circumstances, clearly written explanatory reasons with the submission of a proposed regulation to the Joint Committee on Administrative, Executive, and Legislative Review and the Department of Legislative Services.

**SB 51 Natural Resources – Aquaculture Coordinating Council (Crossfile HB51) - **BILL PASSED****

SB 51 adds two members to the membership of the Aquaculture Coordinating Council.

**SB61 Natural Resources - Forest Lands and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund - Miscellaneous Corrections and Clarifications (Education, Health, and Environmental Affairs) - **BILL PASSED****

As amended, bill repeals references to the "Chesapeake 2000 Agreement" in specified provisions of law relating to forest lands and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund and substituting references to the "2014 Chesapeake Bay Watershed Agreement"; requiring that the Trust Fund be utilized to support State and local watershed implementation plans by targeting limited financial resources on the most effective nonpoint source pollution control projects and to improve the health of Atlantic Coastal Bays and tributaries; et

**SB 67 State Government – Administrative Procedure Act – Effective Date of Adopted Regulations (Crossfile HB 1193)- **BILL PASSED****

As amended, this bill requires that all state regulations become effective on certain dates based on the submission of the regulation for publication in the Maryland Register. The bill exempts the Department of Natural Resources.

**SB 188 Income Tax – Oyster Shell Recycling – Credit Amount -Budget and Taxation Hearing 2/3 (Crossfile HB 427) - BILL FAILED**

The bill changes a cap for income tax credit for oyster shell recycling.

**SB 225 Hunting and Fishing Licenses – Former Prisoners of War, Recipients of the Purple Heart Award, and Disabled Veterans (Crossfile HB 1531) - BILL FAILED in Conference Committee**

As amended, Senate Bill 225 requires the Department to issue discounted recreational fishing and hunting licenses to Purple Heart Award recipients. In addition to the current provision for complimentary lifetime recreational fishing licenses for resident 100% service disabled veterans and former prisoners of war, this bill provides that lifetime license for nonresidents if the applicant's state provides the same privilege to residents of Maryland. The bill also exempts these recipients from needing a trout stamp. Senate Bill 225 removes a cap for the number of complimentary licenses issued by the Department. The bill exempts any person with a service-connected disability serving in the armed forces from the fishing license requirement if they have military identification.

**SB 284 Natural Resources – Complementary Hunting and Fishing Licenses -Education, Health, and Environmental Affairs Third Reading Passed - BILL FAILED**

Adds a complimentary license for the President, Governors, and other States' fisheries' officials. Requires the Department to report on complementary hunting and fishing licenses each year to the General Assembly.

**SB 389 Birth and Death Certificates - Fee Reduction -House Rules and Executive Nominations Hearing 4/9 (Crossfile HB 459) - BILL FAILED**

Amended bill does not affect Department of Natural Resources. Bill reduces fees associated with obtaining copies of birth and death certificates. Amendment removes any action related to the Department.

**Sb 594 General Provisions – Commemorative Months – Maryland Sportsmanship Month - Unfavorable Report –Withdrawn (Crossfile HB 270) - BILL FAILED**

Requiring the Governor annually to proclaim February as Maryland Sportsmanship Month; and requiring the proclamation to urge the Department of Natural Resources and specified local departments to observe Maryland Sportsmanship Month with specified activities.

**SB 599 AELR Committee – Renaming and Regulatory Adoption Procedures - Education, Health, and Environmental Affairs Unfavorable Report(Crossfile HB 1280) - BILL FAILED**

SB 599 requires the Department to get prior approval for emergency regulations from the Governor. The bill also requires the Department to provide all public comment free of charge to any inquiring member of the public. The Department also would have to submit daily all comments and transcribe and submit verbal comments.

**SB 775 Natural Resources – Recreational License Donation Program – Establishment - BILL PASSED**

As amended, the bill allows an individual to purchase a license for donation for certain individuals. Amendment specifies the purpose of the fund, requires the Secretary of Natural Resources to

administer the fund, requiring the State Treasurer to hold the fund and Comptroller to account for the fund, specifying the contents of the fund, specifying the purpose for which the fund may be used, providing for the investment of money in and expenditures from the fund, and defining a certain term. Further amendments specify the definition of a "Gold Star Recipient". Requires the Department to submit a report on the recreational license donation program to the Governor and the General Assembly by December 31, 2018; and without further action the Act will sunset June 30, 2019.

**SB 837 Crabs – Harvest Times – Trotlines and Crab Pots – (Crossfile HB 915) - BILL FAILED in Conference Committee**

The legislation requires the Department to adopt regulations that provide the option for a commercial crab licensee to catch crabs using trotlines and crab pots to work earlier hours during July 1 through September 15<sup>th</sup>, to have the licensee notify the Department of that choice by July 1, prohibit them from changing it during the license year, and requires a licensee that chooses the early hour option to display the choice on their boat.

**SB 937 Sustainable Oyster Harvest Act of 2016 (Crossfile HB 1603) - BILL PASSED**

As amended, the bill requires the University of Maryland Center for Environmental Science to conduct a certain study related to the public oyster fishery. Amendment removes the restriction prohibiting the Department from taking certain actions until after the Center has made a certain report.

**SB 956 Oyster Poaching – Administrative Penalties – Gear Violations -Education, Health, and Environmental Affairs Unfavorable Report (Crossfile HB 953) - BILL FAILED**

The bill grants authority to the Department to create regulations pertaining to suspending or revoking an oyster authorization related to certain offenses. It also removes the time period specified in law for starting an administrative procedure pertaining to such an action.

**SB 957 Oyster Poaching – Administrative Penalties – Gear Violations - Education, Health, and Environmental Affairs Unfavorable Report (Crossfile HB 918) - BILL FAILED**

The bill changes a violation that can result in a commercial license revocation to only cover power dredging in an area reserved for another gear type.

**SB 963 Harris Creek Oyster Restoration – Vessel Damage – Education, Health, and Environmental Affairs Unfavorable Report (Crossfile HB 1169) - BILL FAILED**

The bill provides for a person to file a claim with the Department for damages if their vessel is damaged related to the required depth of navigable water in the Harris Creek Oyster Restoration Project.

**SB 964 Natural Resources – Oysters – County Oyster Committees -Education, Health, and Environmental Affairs Unfavorable Report - BILL FAILED**

The bill changes the structure of the county oyster committees, requires a report on fiscal elements annually, and clarifies that the Department can open and close a natural oyster bar designate gear types used or times by public notice.

**SB 1054 - Commercial Northern Snakehead Bowfishing License – Establishment (Crossfile HB 1387) - BILL PASSED**

The bill as amended creates a commercial bowfishing license for harvesting northern snakeheads and adds bow gear to the list of commercial gears in Natural Resources Article, §4-221.

**HB 1631 Administrative Procedure Act - Proposed Regulations - Explanatory Reasons Justifying Adoption - Education, Health, and Environmental Affairs Unfavorable Report (Crossfile SB 1168)- **BILL FAILED****

Requiring a promulgating unit to include, under specified circumstances, clearly written explanatory reasons with the submission of a proposed regulation to the Joint Committee on Administrative, Executive, and Legislative Review and the Department of Legislative Services.