

# HOUSE BILL 1104

M2

4lr1503

---

By: **Delegates Jacobs, Arentz, Eckardt, Haddaway–Riccio, Norman, Smigiel,  
and Weir**

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Striped Bass Allocation – Individual Transferable Quotas – Prohibited**

3 FOR the purpose of prohibiting, as of a certain date, the Department of Natural  
4 Resources from allocating any of the State’s commercial quota for a certain  
5 striped bass fishery through the individual transferable quota system or  
6 another substantially similar system; defining “individual transferable quota  
7 system”; and generally relating to the prohibition against the use of the  
8 individual transferable quota system to allocate the State’s commercial quota  
9 for a certain striped bass fishery.

10 BY repealing and reenacting, without amendments,  
11 Article – Natural Resources  
12 Section 4–701(a)  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2013 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Natural Resources  
17 Section 4–701(j)(2)  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2013 Supplement)

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

22 **Article – Natural Resources**

23 4–701.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section applies to any person who is required under Subtitle 2, 7, 8,  
2 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process,  
3 transport, export, or otherwise deal in fish caught in tidal waters.

4 (j) (2) (i) The Department shall by regulation limit the total number  
5 of commercial authorizations to fish for striped bass not to exceed 1,231 participants in  
6 the commercial fishery and 499 participants in the charter boat fishery.

7 (ii) The Department shall provide in its regulations for  
8 reallocation of any authorizations that may be revoked or voluntarily relinquished to  
9 the Department.

10 (iii) The Department shall provide in its regulations for the  
11 allocation of any available quota on a monthly basis to assure that all areas of the  
12 State have ample opportunity to attain an equitable portion of the available quota.

13 (IV) 1. IN THIS SUBPARAGRAPH, “INDIVIDUAL  
14 TRANSFERABLE QUOTA SYSTEM” MEANS THE SYSTEM OF ALLOCATING THE  
15 STATE’S TOTAL COMMERCIAL QUOTA FOR THE CHESAPEAKE BAY STRIPED BASS  
16 GILL NET AND HOOK AND LINE FISHERY THAT:

17 A. WAS ADOPTED BY THE DEPARTMENT EFFECTIVE  
18 JANUARY 1, 2014;

19 B. ASSIGNS A FIXED SHARE OF THE QUOTA TO EACH  
20 PARTICIPANT BASED ON THE PARTICIPANT’S HISTORICAL HARVEST;

21 C. ELIMINATES RESTRICTIONS ON FISHING DAYS,  
22 GEARS, AND DAILY CATCH LIMITS;

23 D. INITIALLY ALLOCATES 25% OF THE QUOTA  
24 EQUALLY AMONG ALL PARTICIPANTS, REGARDLESS OF HISTORICAL FISHING  
25 ACTIVITY; AND

26 E. AUTHORIZES A PARTICIPANT TO TEMPORARILY  
27 TRANSFER THE PARTICIPANT’S SHARE OF THE QUOTA TO ANOTHER  
28 PARTICIPANT.

29 2. AS OF JANUARY 1, 2015, THE DEPARTMENT MAY  
30 NOT ALLOCATE ANY OF THE STATE’S COMMERCIAL QUOTA FOR THE  
31 CHESAPEAKE BAY STRIPED BASS GILL NET AND HOOK AND LINE FISHERY  
32 THROUGH THE INDIVIDUAL TRANSFERABLE QUOTA SYSTEM OR ANOTHER  
33 SUBSTANTIALLY SIMILAR SYSTEM.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2014.