

CHAPTER 348  
FORMERLY  
HOUSE BILL NO. 341  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 915, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 915. Food fishing equipment permit; requirements, fees and restrictions.

(e) The Department shall not issue any food fishing equipment permits for gill nets to any commercial fisher unless a commercial fisher can, on the basis of credible evidence provided to the Department, establish that he or she has previously engaged in commercial gill net fishing involving the sale of their catch during any 4 of the 5 calendar years preceding 1984. Food fishing equipment permits for gill nets when issued hereunder shall be renewed on an annual basis, subject to the payment of license and permit fees. No food fishing equipment permits for gill nets shall be issued to new commercial fishers after calendar year 1984 unless the total number of existing food fishing equipment permits for gill nets issued to commercial fishers is less than 111, the number issued in 1999. The Department shall issue additional food fishing equipment permits for gill nets to individuals who have completed a commercial fishing apprenticeship program of at least 150 days in no less than a ~~2-year~~ 1-year period with an active commercial fisher licensed by the Department, not to exceed a total of 111 in number, under and pursuant to a lottery conducted by the Department. Food fishing equipment permits for gill nets may be transferred to a spouse or a child of the permit holder or to an individual who has completed the apprenticeship program of at least 150 days in no less than a ~~2-year~~ 1-year period with an active commercial fisher licensed by the Department.

(j) The Department shall only issue food fishing equipment permits for hook and line to persons who make application for such permits in calendar year 1996, and who, prior to April 2, 1995, had been issued a commercial food fishing license. Food fishing equipment permits for hook and line shall be renewed annually thereafter, subject to the payment of license fees, and if not so renewed, such permits shall not thereafter be eligible for renewal. To qualify for the annual renewal, the permit holder shall have filed monthly reports as required by § 914(6) of this title for the previous year that indicate at least 100 pounds of food fish were caught during a particular month and sold, traded and/or bartered to or by a person with a valid wholesaler, retailer or restaurant license issued in accordance with Chapter 29 of Title 30. Copies of receipts that are dated and signed by the permit holder and the person with the valid wholesaler, retailer or restaurant license shall be attached to the monthly report as certification of the sale, trade and/or bartering of the 100 pounds of food fish caught by the permit holder.

(k) Notwithstanding subsection (j) of this section, when the total number of food fishing equipment permits for hook and line drops below 172, the number issued in 1999, the Department shall issue additional food fishing equipment permits for hook and line ~~to individuals who have~~ not to exceed 172 in number, under and pursuant to a lottery conducted by the Department. An individual is eligible to participate in the lottery if the individual has met either of the following requirements:

(1) The individual has completed an apprenticeship program of at least 150 days in no less than a ~~2-year~~ 1-year period with an active commercial fisher licensed by the Department, ~~not to exceed a total of 172 in number, under and pursuant to a lottery conducted by the Department. A food fishing equipment permit for hook and line may be transferred to another individual who has completed an apprenticeship program of at least 150 days in no less than a 2-year period with an active commercial fisher licensed by the Department.~~

(2) The individual has completed the requirements to receive a Merchant Mariner Credential issued by the United States Coast Guard National Maritime Center with the capacity of Master. The credential must be in good standing with the United States Coast Guard National Maritime Center at the time the application for the license is made. The individual must also present a letter of recommendation to the Department from an active commercial fisher licensed by the Department. The letter would include the name, address, and contact

information of the active commercial fisher who is making the recommendation as well as an assessment of the individuals fishing skills and an explanation of the length of time and capacity in which the licensed fisher has known the individual. Upon verification of authenticity of the letter of recommendation by the Department, the individual shall be entered in the lottery.

(l) It shall be unlawful for food fishing equipment other than hook and line and dip nets to be on board a vessel when a person is commercially fishing with hook and line from said vessel.

(m) A food fishing equipment permit for hook and line shall be deemed invalid when the holder thereof is on board a vessel with more than 1 other person who does not possess a food fishing equipment permit for hook and line.

(n) An individual at least ~~16~~ 15 years of age may enter into an agreement with an active commercial fisher licensed by the Department to serve as a commercial fishing apprentice to said commercial fisher. This agreement shall be in writing on a form provided by the Department and filed with the Department. An apprentice shall not enter into an agreement with more than 1 active commercial fisher at any one time and an active commercial fisher shall not enter into an agreement with more than 1 apprentice at any 1 time. In the event an agreement is cancelled by either party, the Department shall credit an apprentice with time served and said time shall be retained if the apprentice signs an agreement with another active commercial fisher. A commercial fishing apprentice must complete no less than 150 days of commercial fishing activities over no less than a ~~2-year~~ 1-year period. Eight hours of commercial fishing activities shall equal 1 day. Commercial fishing activities shall include fishing, operating a vessel, maintaining fishing equipment on a vessel, handling and/or transporting fish for sale, or other activities directly associated with a commercial fishery. Fishing activities shall be documented on a daily log provided by the Department. Logs shall be submitted to the Department on a monthly basis on or before the 10th of the following month. An apprentice who completes no less than 150 days of commercial fishing activities over no less than a ~~2-year~~ 1-year period shall be eligible for the following:

- (1) Commercial food fishing equipment permit for gill nets transferred by another active commercial fisher;
- (2) Authorization to commercially fish with a hook and line transferred by another active commercial fisher;
- (3) Participation in lotteries conducted by the Department for commercial food fishing equipment permits for gill nets or authorization to commercially fish with a hook and line; and
- (4) Commercial crab dredge license, commercial conch pot license and commercial conch dredge license according to the provisions of § 1920 of this title.

If, during the previous calendar year, fewer commercial gill net permits or commercial hook and line permits are issued than in 1999, the Department shall conduct a lottery for the number of said permits different from the number issued in 1999. ~~Only those individuals who have completed their commercial fishing apprenticeship are eligible for these lotteries.~~ In 1999, the Department issued 111 commercial gill net permits and 172 commercial hook and line permits.

Section 2. Amend Chapter 19, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1918. Limited entry and transfer of commercial crabbing licenses.

(e) An active commercial fisher with a commercial crab dredger's license may transfer his or her license to a commercial fishing apprentice who has completed no less than 150 days of commercial fishing activities over no less than a ~~2-year~~ 1-year period.

§ 1920 Apprenticeships.

An individual at least ~~16~~ 15 years of age may enter into an agreement with an active commercial fisher licensed by the Department to serve as a commercial fishing apprentice to said commercial fisher. This agreement shall be in writing on a form provided by the Department and filed with the Department. In the event an agreement is cancelled by either party, the Department shall credit an apprentice with time served and said time shall be retained if the apprentice signs an agreement with another active commercial fisher. An apprentice shall not enter

into an agreement with more than 1 active commercial fisher at any 1 time and an active commercial fisher shall not enter into an agreement with more than 1 apprentice at any 1 time. An apprentice must compete no less than 150 days of commercial fishing activities over no less than a ~~2-year~~ 1-year period to be eligible for the transfer or enter lotteries for certain commercial fishing licenses. Eight hours of commercial fishing activities shall equal 1 day. Commercial fishing activities shall include fishing, operating a vessel, maintaining fishing equipment or a vessel, handling and transporting fish for sale, or other activities directly associated with a commercial fishery. Fishing activities shall be documented on a daily log form provided by the Department. Said logs shall be signed by the apprentice and the commercial fisher listed on the agreement and witnessed by another commercial fisher licensed by the Department. Log sheets shall be submitted to the Department on a monthly basis on or before the tenth day of the following month. An apprentice who completes no less than 150 days of commercial fishing activities over no less than a ~~2-year~~ 1-year period shall be eligible for the following:

- (1) Commercial crab dredgers license transferred by another active commercial crab dredger;
- (2) Commercial conch pot license transferred by another active commercial conch potter;
- (3) Commercial conch dredge license transferred by another active commercial conch dredger;
- (4) Commercial crab pot license transferred by another active commercial crab potter;
- (5) Oyster harvesting license transferred from another active oyster harvester;
- (6) Commercial clam tong/rake license transferred from another active commercial clam tong/raker;
- (7) Commercial dredge clam license transferred from another active commercial clam dredger;
- (8) Commercial lobster pot license transferred from another active commercial lobster potter;
- (9) Commercial surf clam license transferred from another active commercial surf clammer;
- (10) Commercial horseshoe crab collecting permit transferred from another active horseshoe crab collector;
- (11) Participation in lotteries conducted by the Department for commercial crab dredgers licenses, commercial conch pot licenses and commercial conch dredge licenses; and
- (12) Commercial food fishing equipment permits for gill nets and authority to commercially fish with hook and line according to the provisions of § 915(n) of this title.

If, during the previous calendar year, fewer commercial crab dredgers licenses are issued than in 1999, the Department shall conduct a lottery for the number of said licenses different from the number issued in 1999 and the previous year. In 1999, the Department issued 52 commercial conch pot licenses. If during the previous calendar year, fewer commercial conch dredge licenses are issued than in 1999, the Department shall conduct a lottery for the number of said licenses different from the number issued in 1999 and the previous year. In 1999, the Department issued 15 conch dredge licenses.

Section 3. Amend Chapter 28, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2802. Commercial conch pot license; fees; exemptions.

(j) An active commercial fisher with a commercial conch pot license may transfer his or her license to a commercial fishing apprentice who has completed no less than 150 days of commercial fishing activities over no less than a ~~2-year~~ 1-year period.

§ 2803. Commercial conch dredge license; fees; exceptions.

(f) An active commercial fisher with a commercial conch dredge license may transfer his or her license to a commercial fishing apprentice who has competed no less than 150 days of commercial fishing activities over no less than a ~~2-year~~ 1-year period.

Approved August 03, 2016