

Article 23 of the Declaration of Rights of the Maryland Constitution and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

The Bruce decision reasoned that the statutory classification could not be upheld because it bore no reasonable relation to the public interest. The court declared that:

"... (T)he crab and oyster resources found in the tidal waters are common property held in trust by the State for all of its citizens, no matter in which part of the State they may live. To that extent an otherwise legitimate classification of residents which may be made for many purposes, cannot be made if it affects a right (in this case to the enjoyment and use of natural resources) which, as citizens of this State, they enjoy equally." 261 Md. at 606.

The residential and territorial restrictions of Article 66C, section 262 contain the same constitutional infirmities as the crabbers license and tonging statutes and, therefore, are omitted.

The reference to "citizen" is proposed for deletion and "resident" is substituted therefor to maintain consistency with section 4-704(b) which requires a person to be a resident to obtain a commercial net license.

The word "finfish" is used instead of "fish" in light of the definition in this title of "fish" in order to retain the present legislative intent to confine the scope of this section to finfish.

The only other changes made are in style.

4-704. LICENSE TO OPERATE NETS AND SEINES FOR COMMERCIAL FISHING.