
By: ~~Senator Dyson~~ Senators Dyson and Stoltzfus
 Introduced and read first time: January 31, 1997
 Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
 Senate action: Adopted
 Read second time: March 18, 1997

CHAPTER ____

1 AN ACT concerning

2 **Natural Resources - Commercial Fishing - Apprenticeship**

3 FOR the purpose of requiring the Department of Natural Resources to establish a
 4 commercial fishing apprenticeship; requiring a person to obtain a certain license
 5 before beginning an apprenticeship; prohibiting the Department from issuing an
 6 apprentice license to certain persons; requiring an applicant to submit a certain
 7 application and pay a certain fee; specifying the practical experience of an
 8 apprentice; requiring an apprentice to keep certain records; providing that certain
 9 experience requirements may be waived by the Department if the apprentice
 10 provides certain evidence of prior experience; requiring the Department to establish
 11 an advisory board to make certain recommendations; prohibiting a person from
 12 providing certain false information; authorizing the Department to take certain
 13 actions against an applicant for an apprentice license or a licensee who provides
 14 certain false information; providing that apprentices are subject to the same federal
 15 requirements for certain drug testing as other licensees; requiring the Department
 16 to issue a commercial tidal fish license to certain persons under certain
 17 circumstances; prohibiting the Department from placing certain persons on certain
 18 waiting lists; requiring the Department to adopt certain regulations; and generally
 19 relating to a commercial fishing apprenticeship.

20 BY adding to

21 Article - Natural Resources
 22 Section 4-701.1
 23 Annotated Code of Maryland
 24 (1989 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Natural Resources**

2 4-701.1.

3 (A) THE DEPARTMENT SHALL ESTABLISH A COMMERCIAL FISHING
4 APPRENTICESHIP.

5 (B) A PERSON SHALL OBTAIN AN APPRENTICE LICENSE FROM THE
6 DEPARTMENT BEFORE BEGINNING AN APPRENTICESHIP IN THIS STATE.

7 (C) THE DEPARTMENT MAY NOT ISSUE AN APPRENTICE LICENSE TO AN
8 INDIVIDUAL WHO IS YOUNGER THAN ~~12~~ 15 YEARS OF AGE.

9 (D) THE APPLICANT SHALL:

10 (1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON A FORM THE
11 DEPARTMENT REQUIRES;

12 (2) PAY TO THE DEPARTMENT A FEE SET BY THE DEPARTMENT; AND

13 (3) DEMONSTRATE TO THE DEPARTMENT THE APPLICANT'S INTENTION
14 TO COMMIT TO THE APPRENTICESHIP.

15 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE
16 PRACTICAL EXPERIENCE OF AN APPRENTICE SHALL INCLUDE:

17 ~~(1)~~ (I) IF THE APPRENTICE IS A COMMERCIAL FISHERMAN, AT LEAST
18 ~~480~~ 75 DAYS OF LABOR PER SEASON FOR THREE CONSECUTIVE SEASONS PER CATCH
19 HARVEST SPECIES; OR

20 ~~(2)~~ (II) IF THE APPRENTICE IS A COMMERCIAL FISHING GUIDE, IN
21 ADDITION TO OBTAINING A COAST GUARD LICENSE, AT LEAST ~~2~~ 3 YEARS OF
22 DOCUMENTED TIME AS A MATE ON A COMMERCIAL FISHING VESSEL.

23 (2) (I) THE PRACTICAL EXPERIENCE OF AN APPRENTICE SHALL BE
24 DOCUMENTED IN A LOG MAINTAINED BY THE APPRENTICE.

25 (II) THE LOG SHALL BE SIGNED AND DATED ON A DAILY BASIS BY
26 THE CAPTAIN OF THE VESSEL FOR WHICH THE APPRENTICE WORKS AND
27 VALIDATED MONTHLY BY THE LOCAL NATURAL RESOURCES POLICE OFFICER.

28 (3) (I) UP TO 2 YEARS OF THE PRACTICAL EXPERIENCE REQUIRED OF
29 AN APPRENTICE MAY BE WAIVED BY THE DEPARTMENT IF THE APPRENTICE
30 PROVIDES EVIDENCE, TO THE SATISFACTION OF THE DEPARTMENT, THAT, FOR
31 EACH YEAR WAIVED, THE APPLICANT HAS OBTAINED 3 YEARS OF RELATED
32 EXPERIENCE SINCE DECEMBER 31, 1980.

33 (II) EVIDENCE OF RELATED EXPERIENCE SHALL INCLUDE
34 NOTARIZED STATEMENTS BY AT LEAST THREE INDIVIDUALS LICENSED UNDER THIS
35 TITLE SUBSTANTIATING THAT THE APPLICANT HAS OBTAINED THE CLAIMED
36 EXPERIENCE.

1 (III) THE DEPARTMENT SHALL ESTABLISH AN ADVISORY BOARD TO
2 REVIEW EVIDENCE AND MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE
3 SUFFICIENCY OF EVIDENCE OF PRIOR EXPERIENCE SUBMITTED BY AN APPRENTICE.

4 (4) (I) A PERSON MAY NOT KNOWINGLY CREATE, CERTIFY, FILE, OR
5 PROVIDE FALSE EVIDENCE OF REQUIRED APPRENTICE EXPERIENCE TO THE
6 DEPARTMENT.

7 (II) 1. IN ADDITION TO ANY OTHER PENALTY PROVIDED IN
8 THIS TITLE, THE DEPARTMENT MAY REVOKE A LICENSE ISSUED UNDER THIS TITLE
9 IF THE LICENSEE HAS KNOWINGLY CREATED, CERTIFIED, FILED, OR PROVIDED
10 FALSE EVIDENCE OF REQUIRED APPRENTICE EXPERIENCE TO THE DEPARTMENT.

11 2. BEFORE THE REVOCATION OF A LICENSE, THE
12 DEPARTMENT SHALL HOLD A HEARING AS PROVIDED UNDER § 4-701(F)(5) OF THIS
13 SUBTITLE.

14 (III) IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS
15 TITLE, IF AN APPLICANT FOR AN APPRENTICE LICENSE KNOWINGLY PROVIDES
16 FALSE INFORMATION ON THE APPLICATION, THE APPLICATION SHALL BE DENIED
17 AND THE APPLICANT SHALL BE PROHIBITED FROM APPLYING FOR ANOTHER
18 APPRENTICE LICENSE FOR 5 YEARS.

19 (5) AN APPRENTICE WHO IS A COMMERCIAL FISHING GUIDE SHALL BE
20 SUBJECT TO THE SAME FEDERAL REQUIREMENTS FOR RANDOM DRUG TESTING AS
21 OTHER LICENSED COMMERCIAL FISHING GUIDES UNDER THIS TITLE.

22 (F) (1) UPON COMPLETION OF THE APPRENTICESHIP, THE DEPARTMENT
23 SHALL IMMEDIATELY ISSUE THE APPRENTICE A COMMERCIAL TIDAL FISH LICENSE.

24 (2) THE DEPARTMENT MAY NOT PLACE AN APPRENTICE WHO HAS
25 COMPLETED THE APPRENTICESHIP ON THE WAITING LISTS FOR PRIMARY OR
26 SECONDARY CANDIDATES AS SPECIFIED UNDER § 4-701(F) OF THIS SUBTITLE.

27 ~~(G) (1) IF AN APPLICANT FOR A COMMERCIAL TIDAL FISH LICENSE CAN~~
28 ~~DEMONSTRATE THAT AN APPLICANT HAS HAD FISHING EXPERIENCE EQUAL TO~~
29 ~~THAT REQUIRED UNDER THE APPRENTICESHIP ON OR BEFORE OCTOBER 1, 1997,~~
30 ~~THE DEPARTMENT SHALL IMMEDIATELY ISSUE THE APPLICANT A LICENSE.~~

31 ~~(2) THE DEPARTMENT MAY NOT PLACE AN APPLICANT WHO HAS MET~~
32 ~~THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION ON THE WAITING~~
33 ~~LISTS FOR PRIMARY OR SECONDARY CANDIDATES AS SPECIFIED UNDER § 4-701(F)~~
34 ~~OF THIS SUBTITLE.~~

35 ~~(H)~~ THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
36 SECTION.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1997.

