

HOUSE BILL 1040

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1999 Regular Session  
9r1949  
CF 9r1729

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By: **Delegates McClenahan, Bozman, Conway, Wood, and Weir**  
Introduced and read first time: February 17, 1999  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Fishing Guide Permit**

3 FOR the purpose of requiring certain persons to obtain a permit from the Department  
4 of Natural Resources before providing services as a fishing guide under certain  
5 circumstances; requiring a certain applicant to obtain certain licenses and to  
6 provide evidence of completion of certain courses; requiring a certain application  
7 or renewal form and a certain fee for a certain permit; requiring a permit holder  
8 to renew a permit before a certain date; prohibiting a certain fishing guide from  
9 guiding an individual who does not possess a certain license, from guiding more  
10 than a certain number of individuals at a time, and from catching, possessing, or  
11 retaining fish during a certain period; and generally relating to fishing guide  
12 permits.

13 BY repealing and reenacting, with amendments,  
14 Article - Natural Resources  
15 Section 4-210  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 1998 Supplement)

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

20 **Article - Natural Resources**

21 4-210.

22 (a) Except for a person employed to operate a vessel for a master fishing guide  
23 under subsection (e) of this section OR A PERSON WITH A VALID PERMIT ISSUED  
24 UNDER SUBSECTION (F) OF THIS SECTION, any person who desires to accept direct or  
25 indirect consideration for providing services as a fishing guide shall obtain a license.

26 (b) In addition to any license required by this section, a person may not  
27 furnish any service as a fishing guide that requires operating a boat or vessel as part  
28 of that service without first obtaining appropriate federal licenses to operate a vessel  
29 carrying passengers for hire.

1 (c) A person who is required to be licensed under this section must have all  
2 appropriate federal and State licenses in the person's possession whenever  
3 performing services as a fishing guide.

4 (d) A commercial fishing guide shall be required to submit reports monthly on  
5 forms provided by the Department.

6 (e) (1) This subsection is applicable only to a person who, on April 1, 1997:

7 (i) Held a valid fishing guide license; and

8 (ii) Either:

9 1. Owned two or more vessels used to carry passengers for  
10 fishing;

11 2. Owned or operated a federally licensed vessel of 50 tons or  
12 more that was used to carry passengers for fishing; or

13 3. Owned or operated a marina from which 10 or more  
14 vessels operate to carry passengers for fishing.

15 (2) A person who meets the requirements of paragraph (1) of this  
16 subsection may obtain an annual master fishing guide license by:

17 (i) Making application on a form provided by the Department;

18 (ii) Supplying with the application proofs of ownership of the  
19 required vessels; and

20 (iii) Paying the master fishing guide license fee set forth in §  
21 4-701(d)(2)(ii)1 of this title.

22 (3) A person holding a master fishing guide license may:

23 (i) Employ other persons to guide fishing parties on vessels owned  
24 by the master fishing guide; and

25 (ii) Allow a person who holds a valid coast guard license to operate  
26 a vessel to carry passengers for fishing from the marina owned or operated by the  
27 master guide license holder authorized under paragraph (1)(ii)3 of this subsection as  
28 follows:

29 1. One person for 10 vessels;

30 2. Two persons for 11 to 20 vessels;

31 3. Three persons for 21 to 30 vessels;

32 4. Four persons for 31 to 40 vessels;



- 1 (I) OTHERWISE IS ENTITLED TO HAVE THE PERMIT;
- 2 (II) SUBMITS TO THE DEPARTMENT A RENEWAL APPLICATION ON  
3 THE FORM THAT THE DEPARTMENT REQUIRES; AND
- 4 (III) PAYS TO THE DEPARTMENT A RENEWAL FEE OF \$25.
- 5 (6) A PERMIT HOLDER MAY NOT:
- 6 (I) GUIDE AN INDIVIDUAL WHO DOES NOT POSSESS A VALID  
7 SPORT FISHING LICENSE AS REQUIRED UNDER THIS SUBTITLE;
- 8 (II) GUIDE MORE THAN TWO INDIVIDUALS DURING A FISHING  
9 GUIDE SESSION; OR
- 10 (III) CATCH, POSSESS, OR RETAIN FISH WHILE PROVIDING  
11 SERVICES AS A FISHING GUIDE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 June 1, 1999.