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By: **Delegate Guns**

Introduced and read first time: February 22, 1999

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Fishing Guide Licenses**

3 FOR the purpose of requiring a person to obtain a license from the Department of  
4 Natural Resources before providing services as a freshwater fishing guide under  
5 certain circumstances; requiring a certain applicant to possess certain fishing  
6 licenses and stamps; requiring a certain application or renewal form and a  
7 certain fee for a certain freshwater fishing guide permit; requiring the  
8 Department to determine the waters in which a person may guide for certain  
9 fish; restricting a person with a certain freshwater fishing guide license to guide  
10 only in tidal waters designated by the Department; requiring the Department to  
11 adopt certain regulations; authorizing the Department to suspend, revoke, or  
12 refuse to issue a certain license under certain circumstances; making stylistic  
13 changes; and generally relating to fishing guide licenses.

14 BY repealing and reenacting, with amendments,  
15 Article - Natural Resources  
16 Section 4-210  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1998 Supplement)

19 BY adding to  
20 Article - Natural Resources  
21 Section 4-210.1  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume and 1998 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article - Natural Resources  
26 Section 4-701(a) and (d)  
27 Annotated Code of Maryland  
28 (1997 Replacement Volume and 1998 Supplement)

29 BY adding to

1 Article - Natural Resources  
2 Section 4-701(o)  
3 Annotated Code of Maryland  
4 (1997 Replacement Volume and 1998 Supplement)

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

7 **Article - Natural Resources**

8 4-210.

9 (a) Except for a person employed to operate a vessel for a master fishing guide  
10 under [subsection (e) of this section] § 4-701(O), any person who desires to accept  
11 direct or indirect consideration for providing services as a fishing guide shall obtain a  
12 license.

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

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

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

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

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

24 (ii) Either:

25 1. Owned two or more vessels used to carry passengers for  
26 fishing;

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

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

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

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

1 (ii) Supplying with the application proofs of ownership of the  
2 required vessels; and

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

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

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

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

12 1. One person for 10 vessels;

13 2. Two persons for 11 to 20 vessels;

14 3. Three persons for 21 to 30 vessels;

15 4. Four persons for 31 to 40 vessels;

16 5. Five persons for 41 to 50 vessels; and

17 6. Six persons for 51 or more vessels.

18 (4) (i) The Department shall issue a number of copies of the master  
19 fishing guide license corresponding to the number of vessels owned or operated by the  
20 master fishing guide, with each copy bearing the registration number of one of the  
21 vessels.

22 (ii) The master fishing guide shall ensure that when a vessel is  
23 operated, the appropriate copy of the license is on board.

24 (5) If a master fishing guide employs another person to operate a vessel  
25 to carry passengers for fishing, for purposes of the license suspension criteria in §  
26 4-701(k) of this title, the master fishing guide shall be held responsible for any  
27 violations committed by the person employed to operate the vessel.]

28 (1) THE SECRETARY MAY ESTABLISH BY REGULATION FIRST AID AND  
29 SAFETY REQUIREMENTS WITH WHICH ALL LICENSED FISHING GUIDES SHALL  
30 COMPLY.

31 (2) THE DEPARTMENT MAY SUSPEND, REVOKE, OR REFUSE TO ISSUE A  
32 LICENSE FOR FAILURE TO COMPLY WITH THE TERMS OF THE LICENSE.

33 (F) THE DEPARTMENT MAY ISSUE A TIDAL FISH LICENSE UNDER § 4-701 OF  
34 THIS SUBTITLE AND A FRESHWATER FISHING GUIDE LICENSE UNDER § 4-210.1 OF  
35 THIS SUBTITLE.

1 4-210.1.

2 (A) A PERSON PROVIDING FISHING GUIDE SERVICES FOR COMPENSATION TO  
3 A PERSON FISHING PRIMARILY FOR GAME AND FRESHWATER FISH SHALL OBTAIN A  
4 FRESHWATER FISHING GUIDE LICENSE.

5 (B) AN APPLICANT FOR A LICENSE SHALL:

6 (1) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM THAT  
7 THE DEPARTMENT REQUIRES;

8 (2) PAY TO THE DEPARTMENT AN APPLICATION FEE OF \$20 FOR  
9 RESIDENTS OR \$50 FOR NONRESIDENTS; AND

10 (3) POSSESS ANY NECESSARY FISHING LICENSES AND STAMPS.

11 (C) BEFORE A FRESHWATER FISHING GUIDE LICENSE EXPIRES, THE  
12 LICENSEE MAY RENEW THE LICENSE FOR AN ADDITIONAL 1 YEAR TERM. THE  
13 LICENSEE MAY RENEW A FRESHWATER FISHING GUIDE PERMIT IF THE LICENSEE:

14 (I) OTHERWISE IS ENTITLED TO HOLD THE LICENSE;

15 (II) SUBMITS TO THE DEPARTMENT A RENEWAL APPLICATION ON THE  
16 FORM THAT THE DEPARTMENT REQUIRES; AND

17 (III) PAYS TO THE DEPARTMENT A RENEWAL FEE OF \$20 FOR RESIDENTS  
18 OR \$50 FOR NONRESIDENTS.

19 (D) (1) THE DEPARTMENT SHALL DETERMINE THE WATERS IN WHICH A  
20 PERSON MAY GUIDE FOR GAME AND FRESHWATER FISH.

21 (2) NOTWITHSTANDING THE PROVISIONS OF §4-701 OF THIS SUBTITLE, A  
22 PERSON MAY GUIDE IN TIDAL WATERS OF THE STATE WITH ONLY A FRESHWATER  
23 FISHING GUIDE LICENSE IN TIDAL WATERS DESIGNATED BY THE DEPARTMENT.

24 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO  
25 IMPLEMENT THIS SECTION.

26 4-701.

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

30 (d) (1) The Department may issue no more than one authorization to a  
31 person to engage in each activity under paragraph (2)(ii)1 and 2 of this subsection  
32 during a license year.

33 (2) (i) On a tidal fish license, the Department may issue an  
34 authorization for any of the following activities for which the indicated fee has been  
35 paid.

1 (ii) The following annual fees for an authorization shall apply  
 2 regardless of when the license is issued or an activity is authorized:

- 3 1. To provide services as:
- 4 A. A fishing guide in the tidal waters of Maryland - \$50 for a  
 5 resident and \$100 for a nonresident; and
- 6 B. A master fishing guide, in addition to the fee under item A  
 7 of this item - \$50 per vessel
- 8 2. To catch for sale fish with equipment which is legal under  
 9 this title:
- 10 A. Finfish:
- 11 I. Hook and line only, anywhere: \$37.50
- 12 II. All other equipment: \$100
- 13 B. Crabs:
- 14 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and  
 15 scrapes: \$50
- 16 II. Over 50 pots, plus any other gear listed in item I of this  
 17 sub-sub-subparagraph: \$150
- 18 C. Clams - \$100
- 19 D. Oysters - \$250 for a dredge boat and \$50 for other than a  
 20 dredge boat
- 21 E. Conch, turtles, and lobster - \$50
- 22 F. For all activities in item 1A of this subparagraph and in  
 23 items A through E of this item, unlimited tidal fish - \$300
- 24 3. For one or two crew members employed under § 4-814 of  
 25 this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of this  
 26 paragraph with more than 300 pots, the licensee shall pay \$20 for each crew member.
- 27 4. Except for a licensee dealing in his own catch, for a person  
 28 to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal  
 29 waters of Maryland, seafood dealer - \$150

30 (O) (1) THIS SUBSECTION APPLIES ONLY TO A PERSON WHO, ON APRIL 1,  
 31 1997:

32 (I) HELD A VALID FISHING GUIDE LICENSE; AND

1 (II) EITHER:

2 1. OWNED TWO OR MORE VESSELS USED TO CARRY  
3 PASSENGERS FOR FISHING;

4 2. OWNED OR OPERATED A FEDERALLY LICENSED VESSEL  
5 OF 50 TONS OR MORE THAT WAS USED TO CARRY PASSENGERS FOR FISHING; OR

6 3. OWNED OR OPERATED A MARINA FROM WHICH 10 OR  
7 MORE VESSELS OPERATE TO CARRY PASSENGERS FOR FISHING.

8 (2) A PERSON WHO MEETS THE REQUIREMENTS OF PARAGRAPH (1) OF  
9 THIS SUBSECTION MAY OBTAIN AN ANNUAL MASTER FISHING GUIDE LICENSE BY:

10 (I) FILING AN APPLICATION ON A FORM PROVIDED BY THE  
11 DEPARTMENT;

12 (II) SUPPLYING WITH THE APPLICATION PROOFS OF OWNERSHIP  
13 OF THE REQUIRED VESSELS; AND

14 (III) PAYING THE MASTER FISHING GUIDE LICENSE FEE SET FORTH  
15 IN § 4-701(D)(2)(II)1 OF THIS TITLE.

16 (3) A PERSON HOLDING A MASTER FISHING GUIDE LICENSE MAY:

17 (I) EMPLOY OTHER PERSONS TO GUIDE FISHING PARTIES ON  
18 VESSELS OWNED BY THE MASTER FISHING GUIDE; AND

19 (II) ALLOW A PERSON WHO HOLDS A VALID COAST GUARD LICENSE  
20 TO OPERATE A VESSEL TO CARRY PASSENGERS FOR FISHING FROM THE MARINA  
21 OWNED OR OPERATED BY THE MASTER GUIDE LICENSE HOLDER AUTHORIZED  
22 UNDER PARAGRAPH (1)(II)3 OF THIS SUBSECTION AS FOLLOWS:

23 1. ONE PERSON FOR 10 VESSELS;

24 2. TWO PERSONS FOR 11 TO 20 VESSELS;

25 3. THREE PERSONS FOR 21 TO 30 VESSELS;

26 4. FOUR PERSONS FOR 31 TO 40 VESSELS;

27 5. FIVE PERSONS FOR 41 TO 50 VESSELS; AND

28 6. SIX PERSONS FOR 51 OR MORE VESSELS.

29 (4) (I) THE DEPARTMENT SHALL ISSUE A NUMBER OF COPIES OF THE  
30 MASTER FISHING GUIDE LICENSE CORRESPONDING TO THE NUMBER OF VESSELS  
31 OWNED OR OPERATED BY THE MASTER FISHING GUIDE, WITH EACH COPY BEARING  
32 THE REGISTRATION NUMBER OF ONE OF THE VESSELS.

1                   (II)       THE MASTER FISHING GUIDE SHALL ENSURE THAT WHEN A  
2 VESSEL IS OPERATED, THE APPROPRIATE COPY OF THE LICENSE IS ON BOARD.

3                   (5)       IF A MASTER FISHING GUIDE EMPLOYS ANOTHER PERSON TO  
4 OPERATE A VESSEL TO CARRY PASSENGERS FOR FISHING, FOR PURPOSES OF THE  
5 LICENSE SUSPENSION CRITERIA IN § 4-701(K) OF THIS TITLE, THE MASTER FISHING  
6 GUIDE SHALL BE HELD RESPONSIBLE FOR ANY VIOLATIONS COMMITTED BY THE  
7 PERSON EMPLOYED TO OPERATE THE VESSEL.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 1999.