
By: **Delegate Guns**

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Assigned to: Rules and Executive Nominations
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Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 1999

CHAPTER _____

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; providing for the issuance of~~
11 ~~a certain license subject to certain conditions; requiring the Department to~~
12 ~~adopt certain regulations; authorizing the Department to suspend, revoke, or~~
13 ~~refuse to issue a certain license under certain circumstances; making stylistic~~
14 ~~changes; and generally relating to fishing guide licenses.~~

15 BY repealing and reenacting, with amendments,
16 Article - Natural Resources
17 Section 4-210
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1998 Supplement)

20 BY adding to
21 Article - Natural Resources
22 Section 4-210.1
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Natural Resources
3 Section 4-701(a) and (d)
4 Annotated Code of Maryland
5 (1997 Replacement Volume and 1998 Supplement)

6 BY adding to
7 Article - Natural Resources
8 Section 4-701(o)
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1998 Supplement)

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

13 **Article - Natural Resources**

14 4-210.

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

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

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

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

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

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

30 (ii) Either:

31 1. Owned two or more vessels used to carry passengers for
32 fishing;

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

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

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

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

9 4-210.1.

10 (A) A PERSON PROVIDING FISHING GUIDE SERVICES FOR COMPENSATION TO
11 A PERSON FISHING ~~PRIMARILY IN NONTIDAL FRESHWATER~~ FOR GAME AND
12 FRESHWATER FISH SHALL OBTAIN A FRESHWATER FISHING GUIDE LICENSE.

13 (B) AN APPLICANT FOR A LICENSE SHALL:

14 (1) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM THAT
15 THE DEPARTMENT REQUIRES;

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

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

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

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

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

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

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

29 ~~(2) NOTWITHSTANDING THE PROVISIONS OF § 4-701 OF THIS SUBTITLE, A
30 PERSON MAY GUIDE IN TIDAL WATERS OF THE STATE WITH ONLY A FRESHWATER
31 FISHING GUIDE LICENSE IN TIDAL WATERS DESIGNATED BY THE DEPARTMENT.
32 BEGINNING JANUARY 1, 2000 THE DEPARTMENT MAY ISSUE A FRESHWATER FISHING
33 GUIDE LICENSE WHICH SHALL BE VALID FOR NOT MORE THAN 1 YEAR AND SHALL
34 EXPIRE ON DECEMBER 31 OF EACH YEAR FOLLOWING THE DATE OF ISSUANCE.~~

35 (E) THE FRESHWATER FISHING GUIDE LICENSE IS NOT VALID IN TIDAL
36 WATERS.

1 ~~(E)~~ (F) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO
2 IMPLEMENT THIS SECTION.

3 4-701.

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

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

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

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

- 15 1. To provide services as:
- 16 A. A fishing guide in the tidal waters of Maryland - \$50 for a
17 resident and \$100 for a nonresident; and
- 18 B. A master fishing guide, in addition to the fee under item A
19 of this item - \$50 per vessel
- 20 2. To catch for sale fish with equipment which is legal under
21 this title:
- 22 A. Finfish:
- 23 I. Hook and line only, anywhere: \$37.50
- 24 II. All other equipment: \$100
- 25 B. Crabs:
- 26 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and
27 scrapes: \$50
- 28 II. Over 50 pots, plus any other gear listed in item I of this
29 sub-sub-subparagraph: \$150
- 30 C. Clams - \$100
- 31 D. Oysters - \$250 for a dredge boat and \$50 for other than a
32 dredge boat
- 33 E. Conch, turtles, and lobster - \$50

1 F. For all activities in item 1A of this subparagraph and in
2 items A through E of this item, unlimited tidal fish - \$300

3 3. For one or two crew members employed under § 4-814 of
4 this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of this
5 paragraph with more than 300 pots, the licensee shall pay \$20 for each crew member.

6 4. Except for a licensee dealing in his own catch, for a person
7 to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal
8 waters of Maryland, seafood dealer - \$150

9 (O) (1) THIS SUBSECTION APPLIES ONLY TO A PERSON WHO, ON APRIL 1,
10 1997:

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

12 (II) EITHER:

13 1. OWNED TWO OR MORE VESSELS USED TO CARRY
14 PASSENGERS FOR FISHING;

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

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

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

21 (I) FILING AN APPLICATION ON A FORM PROVIDED BY THE
22 DEPARTMENT;

23 (II) SUPPLYING WITH THE APPLICATION PROOFS OF OWNERSHIP
24 OF THE REQUIRED VESSELS; AND

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

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

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

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

34 1. ONE PERSON FOR 10 VESSELS;

