
By: **Senator Stoltzfus**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

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 5. Five persons for 41 to 50 vessels; and

2 6. Six persons for 51 or more vessels.

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

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

9 (5) If a master fishing guide employs another person to operate a vessel
10 to carry passengers for fishing, for purposes of the license suspension criteria in §
11 4-701(k) of this title, the master fishing guide shall be held responsible for any
12 violations committed by the person employed to operate the vessel.

13 (F) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO IS:

14 (I) LICENSED AS A FISHING GUIDE UNDER THIS SECTION; OR

15 (II) EMPLOYED BY A MASTER FISHING GUIDE UNDER THIS
16 SECTION, IN THE COURSE OF THAT EMPLOYMENT.

17 (2) A PERSON SHALL OBTAIN A PERMIT FROM THE DEPARTMENT
18 BEFORE THE PERSON MAY PROVIDE SERVICES AS A FISHING GUIDE FOR DIRECT OR
19 INDIRECT COMPENSATION.

20 (3) AN APPLICANT FOR A FISHING GUIDE PERMIT SHALL:

21 (I) OBTAIN APPROPRIATE FEDERAL LICENSES TO OPERATE A
22 VESSEL CARRYING PASSENGERS FOR HIRE;

23 (II) PROVIDE EVIDENCE TO THE DEPARTMENT THAT THE
24 APPLICANT HAS COMPLETED A BOATING SAFETY COURSE AND A FIRST AID COURSE;
25 AND

26 (III) HOLD A VALID SPORT FISHING LICENSE UNDER THIS
27 SUBTITLE.

28 (4) AN APPLICANT FOR A FISHING GUIDE PERMIT SHALL:

29 (I) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM
30 THAT THE DEPARTMENT PROVIDES; AND

31 (II) PAY TO THE DEPARTMENT AN APPLICATION FEE OF \$25.

32 (5) ON DECEMBER 31 OF EACH YEAR, A FISHING GUIDE PERMIT SHALL
33 EXPIRE, UNLESS THE PERMIT HOLDER RENEWS THE PERMIT FOR AN ADDITIONAL
34 1-YEAR TERM. THE PERMIT HOLDER MAY RENEW A FISHING GUIDE PERMIT IF THE
35 PERMITTEE:

- 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.