

HOUSE BILL 1118
EMERGENCY BILL

Unofficial Copy
M2

2000 Regular Session
(01r2015)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Guns and Weir**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - ~~Fresh Water~~ Freshwater Fishing Guides**

3 FOR the purpose of delineating certain areas where a person may provide certain
4 fishing guide services for compensation to a person fishing for game and
5 freshwater fish; providing for certain application and renewal fees; requiring
6 the Department ~~of~~ of Natural Resources to use certain fees for certain purposes
7 and to report annually on certain fees collected and certain expenditures;
8 requiring the Department of Natural Resources to adopt certain regulations;
9 prohibiting a recreational angler under the guidance of certain freshwater
10 fishing guides from possessing striped bass; prohibiting a recreational angler
11 under the guidance of certain freshwater fishing guides from catching or
12 attempting to catch striped bass in certain areas and during a certain period;
13 requiring an applicant for a freshwater fishing license that will be used in tidal
14 waters to demonstrate that they have obtained certain federal licenses;
15 requiring the Department of Natural Resources to provide a certain report by a
16 certain date and in a certain manner; providing for the contents of the report;
17 prohibiting a person from furnishing any service as a fishing guide that requires

1 operating a boat or vessel without complying with certain federal regulations;
2 making this Act an emergency measure; and generally relating to a freshwater
3 fishing guide license.

4 BY repealing and reenacting, with amendments,
5 Article - Natural Resources
6 Section 4-210.1
7 Annotated Code of Maryland
8 (1997 Replacement Volume and 1999 Supplement)

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

11 **Article - Natural Resources**

12 4-210.1.

13 (a) A person providing fishing guide services for compensation to a person
14 fishing in nontidal freshwater OR AREAS OF TIDAL WATER DESIGNATED IN
15 SUBSECTION (F) OF THIS SECTION for game and freshwater fish shall obtain a
16 freshwater fishing guide license.

17 (b) An applicant for a license shall:

18 (1) Submit to the Department an application on the form that the
19 Department requires;

20 (2) Pay to the Department an application fee of:

21 (I) \$20 for residents or \$50 for nonresidents TO OPERATE IN
22 NONTIDAL FRESHWATER; and

23 (II) \$50 FOR RESIDENTS OR \$100 FOR NONRESIDENTS TO OPERATE
24 IN NONTIDAL FRESHWATER AND THE AREAS OF TIDAL WATER DESIGNATED IN
25 SUBSECTION (F) OF THIS SECTION; AND

26 (3) Possess any necessary fishing licenses and stamps.

27 (c) Before a freshwater fishing guide license expires, the licensee may renew
28 the license for an additional 1 year term. The licensee may renew a freshwater fishing
29 guide permit if the licensee:

30 (1) Otherwise is entitled to hold the license;

31 (2) Submits to the Department a renewal application on the form that
32 the Department requires; and

1 (3) Pays to the Department a renewal fee of \$20 for residents or \$50 for
2 ~~nonresidents~~ SUBMITS TO THE DEPARTMENT THE ANNUAL LICENSE APPLICATION
3 FEE UNDER SUBSECTION (B) OF THIS SECTION.

4 (D) (1) ALL FEES COLLECTED BY THE DEPARTMENT PURSUANT TO THIS
5 SECTION SHALL BE USED FOR MONITORING THE FRESHWATER FISHERY, INCLUDING
6 THE CAPTURE AND TAGGING OF BLACK BASS IN ORDER TO DEVELOP INFORMATION
7 AND METHODS TO SUSTAIN A HEALTHY BLACK BASS POPULATION.

8 (2) THE DEPARTMENT SHALL PUBLICLY REPORT ANNUALLY THE
9 AMOUNTS COLLECTED AND THE EXPENDITURES UNDER THIS SECTION.

10 (⊕) (E) Beginning January 1, 2000 the Department may issue a freshwater
11 fishing guide license which shall be valid for not more than 1 year and shall expire on
12 December 31 of each year following the date of issuance.

13 (⊕) (F) The freshwater fishing guide license is not valid in tidal waters
14 EXCEPT FOR THE FOLLOWING DESIGNATED AREAS:

15 (1) IN THE UPPER CHESAPEAKE BAY UPSTREAM OF A LINE FROM SANDY
16 POINT TO TURKEY POINT;

17 (2) IN THE ELK RIVER UPSTREAM OF A LINE FROM TURKEY POINT TO
18 THE STATE LAUNCHING RAMP AT PEARCE CREEK;

19 (3) IN THE POND CREEK UPSTREAM OF A LINE CONNECTING THE TWO
20 UNNAMED POINTS AT THE ENTRANCE TO THE CREEK;

21 (4) IN THE SASSAFRAS RIVER UPSTREAM OF A LINE FROM GROVE POINT
22 TO HOWELL POINT;

23 (5) IN THE STILL POND CREEK UPSTREAM OF A LINE FROM MEEKS
24 POINT TO ROCKY POINT;

25 (6) IN THE WORTON CREEK UPSTREAM OF A LINE FROM THE POINT AT
26 COPELAND TO HANDYS POINT;

27 (7) IN THE FAIRLEE CREEK UPSTREAM OF A LINE ACROSS THE
28 ENTRANCE OF THE CREEK;

29 (8) (I) IN THE CHESTER RIVER UPSTREAM OF A LINE FROM SPANIARD
30 POINT TO NICHOLS POINT;

31 (II) IN THE CORSICA RIVER, A TRIBUTARY OF THE CHESTER RIVER,
32 UPSTREAM OF A LINE FROM SPANIARD POINT TO HOLTON POINT;

33 (III) IN THE LANGFORD CREEK, A TRIBUTARY OF THE CHESTER
34 RIVER, UPSTREAM OF A LINE FROM NICHOLS POINT TO GRAYS INN POINT;

35 (IV) IN THE GRAYS INN CREEK, A TRIBUTARY OF THE CHESTER
36 RIVER UPSTREAM FROM GRAYS INN POINT TO LITTLE GUM POINT;

1 (9) IN THE CHOPTANK RIVER UPSTREAM OF THE DOVER BRIDGE ON
2 ROUTE 331;

3 (10) IN THE BLACKWATER RIVER UPSTREAM OF A LINE FROM THE
4 LOWER POINT OF SNAKE ISLAND TO THE SOUTHERNMOST POINT ON THE OPPOSITE
5 SHORE;

6 (11) IN THE TRANSQUAKING RIVER UPSTREAM OF A LINE FROM
7 ALABASTER POINT RUNNING MAGNETIC NORTH TO THE OPPOSITE SHORE;

8 (12) IN THE NANTICOKE RIVER UPSTREAM OF A LINE FROM LONG POINT
9 TO RUNAWAY POINT;

10 (13) IN THE WICOMICO RIVER UPSTREAM OF THE WHITEHAVEN FERRY
11 CROSSING;

12 (14) IN THE POCOMOKE RIVER UPSTREAM OF THE LANDING AT
13 REHOBETH;

14 (15) (I) IN THE MARYLAND TRIBUTARIES OF THE POTOMAC RIVER
15 ABOVE THE ROUTE 301 BRIDGE; AND

16 (II) IN THE WICOMICO RIVER, A TRIBUTARY OF THE POTOMAC
17 RIVER, UPSTREAM OF A LINE FROM MILLS POINT IN A WESTERLY DIRECTION TO THE
18 NORTHERNMOST POINT AT THE ENTRANCE TO DOLLY BOARMANS CREEK;

19 (16) (I) IN THE PATUXENT RIVER UPSTREAM OF THE OVERHEAD
20 POWER LINES NORTH OF GODS GRACE POINT;

21 (II) IN THE SWANSON CREEK, A TRIBUTARY OF THE PATUXENT
22 RIVER, UPSTREAM OF A LINE FROM TEAGUE POINT TO CHALK POINT;

23 (17) IN THE PATAPSCO RIVER UPSTREAM OF THE HANOVER STREET
24 CROSSING PARALLEL TO THE POTEE STREET CROSSING;

25 (18) IN THE BACK RIVER UPSTREAM OF A LINE FROM CUCKHOLD POINT
26 TO ROCKY POINT;

27 (19) IN THE MIDDLE RIVER UPSTREAM OF A LINE FROM BOOBY POINT TO
28 BOWLEY BAR POINT;

29 (20) IN THE SENECA CREEK UPSTREAM OF A LINE FROM BOWLEY BAR
30 POINT TO LOWEN POINT;

31 (21) IN THE GUNPOWDER RIVER UPSTREAM OF A LINE FROM WEIR POINT
32 TO RICKETT POINT; AND

33 (22) IN THE BUSH RIVER UPSTREAM OF A LINE FROM ABBEY POINT TO
34 SANDY POINT.

1 ~~(F)~~ (G) (1) A RECREATIONAL ANGLER UNDER THE GUIDANCE OF A
2 FRESHWATER FISHING GUIDE IN TIDAL WATERS MAY NOT:

3 (I) POSSESS THE SPECIES OF FISH KNOWN AS STRIPED BASS OR
4 ROCKFISH; OR

5 (II) FROM MARCH 1 THROUGH MAY 31, CATCH OR ATTEMPT TO
6 CATCH STRIPED BASS IN SPAWNING AREAS AND RIVERS.

7 (2) FOR THE PURPOSES OF ITEM (1)(II) OF THIS SUBSECTION, SPAWNING
8 AREAS AND RIVERS INCLUDE EVERYTHING NORTH OF A LINE FROM ABBEY POINT TO
9 WORTON POINT, INCLUDING THE SASSAFRAS RIVER, BOHEMIA RIVER, ELK RIVER,
10 NORTHEAST RIVER, SUSQUEHANNA RIVER, SUSQUEHANNA FLATS, AND THE
11 CHESAPEAKE AND DELAWARE CANAL.

12 ~~(G)~~ (H) ~~(+)~~ AN APPLICANT FOR A FRESHWATER FISHING LICENSE THAT
13 WILL BE USED IN TIDAL WATERS MUST DEMONSTRATE TO THE DEPARTMENT THAT
14 ~~THEY HAVE THE APPLICANT HAS OBTAINED THE APPROPRIATE FEDERAL LICENSES.~~

15 ~~(2) IN ADDITION TO ANY LICENSE REQUIRED BY THIS SECTION, A
16 PERSON MAY NOT FURNISH ANY SERVICE AS A FISHING GUIDE THAT REQUIRES
17 OPERATING A BOAT OR VESSEL AS PART OF THAT SERVICE WITHOUT COMPLYING
18 WITH APPROPRIATE FEDERAL REGULATIONS GOVERNING THE OPERATION OF A
19 VESSEL CARRYING PASSENGERS FOR HIRE.~~

20 ~~(H)~~ (I) The Department shall adopt regulations necessary to implement this
21 section INCLUDING REGULATIONS THAT:

22 (1) PROHIBIT A PERSON FROM FURNISHING ANY SERVICE AS A FISHING
23 GUIDE THAT REQUIRES OPERATING A BOAT OR VESSEL AS PART OF THAT SERVICE
24 WITHOUT COMPLYING WITH APPROPRIATE FEDERAL REGULATIONS GOVERNING
25 THE OPERATION OF A VESSEL CARRYING PASSENGERS FOR HIRE;

26 (2) LIMIT TO 150 THE NUMBER OF FRESHWATER FISHING GUIDE
27 LICENSES THAT WILL BE ISSUED ANNUALLY THAT ALLOW A PERSON TO OPERATE IN
28 NONTIDAL FRESHWATER AND TIDAL WATER AREAS DESIGNATED IN SUBSECTION (F)
29 OF THIS SECTION;

30 (3) ALLOCATE NOT MORE THAN 20% TO NONRESIDENTS OF THE 150
31 FRESHWATER FISHING GUIDE LICENSES THAT ALLOW A PERSON TO OPERATE IN
32 NONTIDAL FRESHWATER AND TIDAL AREAS DESIGNATED IN SUBSECTION (F) OF THIS
33 SECTION; AND

34 (4) ESTABLISH PROVISIONS FOR MAINTAINING A WAITING LIST FOR
35 APPLICANTS IN EXCESS OF THE MAXIMUM NUMBER OF FISHING GUIDE LICENSES
36 THAT ALLOW A PERSON TO OPERATE IN NONTIDAL FRESHWATER AND TIDAL AREAS
37 DESIGNATED IN SUBSECTION (F) OF THIS SECTION- SECTION.

38 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
39 1, 2003, the Department of Natural Resources shall report to the Governor, the

1 Senate Economic and Environmental Affairs Committee, and the House
2 Environmental Matters Committee, subject to § 2-1246 of the State Government
3 Article, on:

4 (1) the tidal and nontidal waters that are being fished by freshwater
5 fishing guides; ~~and~~

6 (2) the types and numbers of fish that are being caught by recreational
7 anglers guided by freshwater fishing guides; and

8 (3) the number of freshwater fishing guide licenses issued that allow a
9 person to operate in nontidal freshwater and tidal areas designated in this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
11 ~~June 1, 2000~~ is an emergency measure, is necessary for the immediate preservation of
12 the public health and safety, has been passed by a yea and nay vote supported by
13 three-fifths of all the members elected to each of the two Houses of the General
14 Assembly, and shall take effect from the date it is enacted.