

**HOUSE BILL 1118**  
**EMERGENCY BILL**

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2000 Regular Session  
01r2015

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By: **Delegates Guns and Weir**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2000

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

21 BY repealing and reenacting, with amendments,  
22 Article - Natural Resources  
23 Section 4-210.1  
24 Annotated Code of Maryland  
25 (1997 Replacement Volume and 1999 Supplement)

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

3 **Article - Natural Resources**

4 4-210.1.

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

9 (b) An applicant for a license shall:

10 (1) Submit to the Department an application on the form that the  
11 Department requires;

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

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

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

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

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

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

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

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

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

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

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

4     ~~(e)~~     (F)     The freshwater fishing guide license is not valid in tidal waters  
5 EXCEPT FOR THE FOLLOWING DESIGNATED AREAS:

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

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

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

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

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

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

18            (7)     IN THE FAIRLEE CREEK UPSTREAM OF A LINE ACROSS THE  
19 ENTRANCE OF THE CREEK;

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

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

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

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

28            (9)     IN THE CHOPTANK RIVER UPSTREAM OF THE DOVER BRIDGE ON  
29 ROUTE 331;

30            (10)    IN THE BLACKWATER RIVER UPSTREAM OF A LINE FROM THE  
31 LOWER POINT OF SNAKE ISLAND TO THE SOUTHERNMOST POINT ON THE OPPOSITE  
32 SHORE;

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

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

3 (13) IN THE WICOMICO RIVER UPSTREAM OF THE WHITEHAVEN FERRY  
4 CROSSING;

5 (14) IN THE POCOMOKE RIVER UPSTREAM OF THE LANDING AT  
6 REHOBETH;

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

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

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

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

16 (17) IN THE PATAPSCO RIVER UPSTREAM OF THE HANOVER STREET  
17 CROSSING PARALLEL TO THE POTEET STREET CROSSING;

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

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

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

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

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

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

30 (I) POSSESS THE SPECIES OF FISH KNOWN AS STRIPED BASS OR  
31 ROCKFISH; OR

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

34 (2) FOR THE PURPOSES OF ITEM (1)(II) OF THIS SUBSECTION, SPAWNING  
35 AREAS AND RIVERS INCLUDE EVERYTHING NORTH OF A LINE FROM ABBEY POINT TO

1 WORTON POINT, INCLUDING THE SASSAFRAS RIVER, BOHEMIA RIVER, ELK RIVER,  
2 NORTHEAST RIVER, SUSQUEHANNA RIVER, SUSQUEHANNA FLATS, AND THE  
3 CHESAPEAKE AND DELAWARE CANAL.

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

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

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

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

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

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December  
31 1, 2003, the Department of Natural Resources shall report to the Governor, the  
32 Senate Economic and Environmental Affairs Committee, and the House  
33 Environmental Matters Committee, subject to § 2-1246 of the State Government  
34 Article, on:

35 (1) the tidal and nontidal waters that are being fished by freshwater  
36 fishing guides; and

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

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

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