

SENATE BILL 301

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2003 Regular Session
3r1180

By: **Senators Stoltzfus and Frosh**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Maryland Provisional Chesapeake Bay Charter Boat**
3 **Permit**

4 FOR the purpose of requiring the Department of Natural Resources to establish a
5 Maryland Provisional Chesapeake Bay Charter Boat Permit; authorizing the
6 Department to issue a charter boat permit under certain circumstances;
7 providing that the permit is valid under certain circumstances and
8 nontransferable; providing that a person in possession of a permit is not
9 required to possess a certain commercial fishing guide license; requiring a
10 person operating a charter boat to possess certain federal and state licenses and
11 permits; authorizing the Department to adopt certain regulations; defining a
12 certain term; and generally relating to establishing a Maryland Provisional
13 Chesapeake Bay Charter Boat Permit.

14 BY repealing and reenacting, with amendments,
15 Article - Natural Resources
16 Section 4-210(a)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2002 Supplement)

19 BY adding to
20 Article - Natural Resources
21 Section 4-210.2
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2002 Supplement)

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

1 **Article - Natural Resources**

2 4-210.

3 (a) Except for a person employed to operate a vessel for a master fishing guide
4 under § 4-701(o) OR A PERSON PERMITTED TO OPERATE A CHARTER BOAT UNDER §
5 4-210.2, any person who desires to accept direct or indirect consideration for providing
6 services as a fishing guide shall obtain a license.

7 4-210.2.

8 (A) IN THIS SECTION, "PERMIT" MEANS A MARYLAND PROVISIONAL
9 CHESAPEAKE BAY CHARTER BOAT PERMIT.

10 (B) THE DEPARTMENT SHALL ESTABLISH A MARYLAND PROVISIONAL
11 CHESAPEAKE BAY CHARTER BOAT PERMIT.

12 (C) THE DEPARTMENT MAY ISSUE A PERMIT IF THE PERSON:

13 (1) IS LICENSED BY VIRGINIA OR THE POTOMAC RIVER FISHERIES
14 COMMISSION TO OPERATE A CHARTER BOAT IN THEIR JURISDICTIONAL TIDAL
15 WATERS; AND

16 (2) PROVIDES THE DEPARTMENT WITH DOCUMENTATION OF FISHING
17 ACTIVITY FOR 2001 AND 2002 BASED UPON LICENSING AND REPORTING
18 REQUIREMENTS OF THE VIRGINIA MARINE RESOURCES COMMISSION OR THE
19 POTOMAC RIVER FISHERIES COMMISSION.

20 (D) A PERMIT ISSUED BY THE DEPARTMENT:

21 (1) IS VALID ONLY FOR AN AUTHORIZED PERSON OPERATING A VESSEL
22 FOR CHARTER FISHING TRIPS ORIGINATING FROM THE TIDAL WATERS OF VIRGINIA
23 OR THE POTOMAC RIVER; AND

24 (2) IS NONTRANSFERABLE.

25 (E) A PERSON IN POSSESSION OF A PERMIT IS NOT REQUIRED TO POSSESS A
26 MARYLAND COMMERCIAL FISHING GUIDE LICENSE UNDER § 4-210 OF THIS SUBTITLE
27 TO OPERATE A CHARTER BOAT IN TIDAL WATERS OF THE CHESAPEAKE BAY IN
28 MARYLAND.

29 (F) A PERSON OPERATING A CHARTER BOAT UNDER THE PROVISIONS OF THIS
30 SECTION MUST HAVE ALL APPROPRIATE FEDERAL AND STATE LICENSES AND THE
31 REQUIRED PERMIT IN POSSESSION WHENEVER OPERATING A CHARTER BOAT.

32 (G) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO
33 IMPLEMENT THIS SECTION.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2003.