
By: **Senator Stoltzfus**

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 - Atlantic Coastal Fishing Guide License**

3 FOR the purpose of establishing an Atlantic coastal fishing guide license; authorizing
4 the Department of Natural Resources to issue an Atlantic coastal fishing guide
5 license under certain circumstances; establishing the term of the Atlantic
6 coastal fishing guide license; prohibiting certain persons from providing certain
7 fishing guide services in certain portions of the Atlantic Ocean and certain tidal
8 waters of the State without first obtaining an Atlantic coastal fishing guide
9 license; establishing certain eligibility requirements for obtaining an Atlantic
10 coastal fishing guide license; requiring an applicant for an Atlantic coastal
11 fishing guide license to possess certain licenses and stamps and to submit
12 certain information and pay a certain fee to the Department; authorizing a
13 licensee to renew the license under certain circumstances; requiring certain fees
14 collected by the Department to be used for monitoring certain fisheries and to be
15 publicly reported; requiring the Department to adopt certain regulations; and
16 generally relating to the Atlantic coastal fishing guide license.

17 BY repealing and reenacting, with amendments,
18 Article - Natural Resources
19 Section 4-210(f)
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2002 Supplement)

22 BY adding to
23 Article - Natural Resources
24 Section 4-210.2
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2002 Supplement)

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

1

Article - Natural Resources

2 4-210.

3 (f) The Department may issue a tidal fish license under § 4-701 of this
4 [subtitle and] TITLE, a freshwater fishing guide license under § 4-210.1 of this
5 subtitle, AND AN ATLANTIC COASTAL FISHING GUIDE LICENSE UNDER § 4-210.2 OF
6 THIS SUBTITLE.

7 4-210.2.

8 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
9 SUBSECTION, A PERSON PROVIDING FISHING GUIDE SERVICES FOR COMPENSATION
10 TO A PERSON FISHING IN THE PORTION OF THE ATLANTIC OCEAN WITHIN THE
11 BOUNDARIES OF THE STATE AND THE COASTAL BAYS OF THE ATLANTIC OCEAN
12 DESIGNATED IN SUBSECTION (F) OF THIS SECTION SHALL FIRST OBTAIN AN
13 ATLANTIC COASTAL FISHING GUIDE LICENSE.

14 (2) A PERSON LICENSED PURSUANT TO §§ 4-701(D)(2)(II)1A, B, OR F OF
15 THIS TITLE MAY PROVIDE THE SERVICES AUTHORIZED BY THE PERSON'S LICENSE
16 WITHOUT OBTAINING AN ATLANTIC COASTAL FISHING GUIDE LICENSE.

17 (3) A PERSON LICENSED TO PROVIDE FISHING GUIDE SERVICES IN
18 WATERS OF THE STATE OR LICENSED TO ENGAGE IN COMMERCIAL FISHING IS NOT
19 ELIGIBLE FOR AN ATLANTIC COASTAL FISHING GUIDE LICENSE.

20 (B) AN APPLICANT FOR A LICENSE SHALL:

21 (1) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM THAT
22 THE DEPARTMENT REQUIRES;

23 (2) PAY TO THE DEPARTMENT AN APPLICATION FEE OF \$50 FOR
24 RESIDENTS OR \$100 FOR NONRESIDENTS;

25 (3) POSSESS ALL NECESSARY FISHING LICENSES AND STAMPS; AND

26 (4) DEMONSTRATE TO THE DEPARTMENT THAT THE APPLICANT HAS
27 OBTAINED THE APPROPRIATE FEDERAL LICENSES.

28 (C) THE DEPARTMENT MAY ISSUE AN ATLANTIC COASTAL FISHING GUIDE
29 LICENSE WHICH SHALL BE VALID FOR NOT MORE THAN 1 YEAR AND SHALL EXPIRE
30 ON DECEMBER 31 OF EACH YEAR FOLLOWING THE DATE OF ISSUANCE.

31 (D) BEFORE AN ATLANTIC COASTAL FISHING GUIDE LICENSE EXPIRES, THE
32 LICENSEE MAY RENEW THE LICENSE FOR AN ADDITIONAL 1 YEAR TERM IF THE
33 LICENSEE:

34 (1) OTHERWISE IS ENTITLED TO HOLD THE LICENSE;

35 (2) SUBMITS TO THE DEPARTMENT A RENEWAL APPLICATION ON THE
36 FORM THAT THE DEPARTMENT REQUIRES; AND

1 (3) SUBMITS TO THE DEPARTMENT THE ANNUAL LICENSE APPLICATION
2 FEE UNDER SUBSECTION (B) OF THIS SECTION.

3 (E) (1) ALL FEES COLLECTED BY THE DEPARTMENT PURSUANT TO THIS
4 SECTION SHALL BE USED FOR MONITORING THE RECREATIONAL FISHERIES IN THE
5 PORTIONS OF THE ATLANTIC COAST WITHIN THE BOUNDARIES OF THE STATE.

6 (2) THE DEPARTMENT SHALL PUBLICLY REPORT ANNUALLY THE
7 AMOUNTS COLLECTED AND THE EXPENDED UNDER THIS SECTION.

8 (F) THE ATLANTIC COASTAL FISHING GUIDE LICENSE IS NOT VALID IN TIDAL
9 WATERS EXCEPT FOR THE FOLLOWING DESIGNATED AREAS:

10 (1) ASSAWOMAN BAY;

11 (2) ISLE OF WIGHT BAY;

12 (3) ST. MARTIN RIVER;

13 (4) SINEPUXENT BAY;

14 (5) CHINCOTEAGUE BAY;

15 (6) NEWPORT BAY; AND

16 (7) THE PORTION OF THE ATLANTIC OCEAN WITHIN THE BOUNDARIES
17 OF THE STATE.

18 (G) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO
19 IMPLEMENT THIS SECTION INCLUDING REGULATIONS THAT:

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

24 (2) LIMIT THE NUMBER OF ATLANTIC COASTAL FISHING GUIDE
25 LICENSES THAT WILL BE ISSUED OR RENEWED TO A TOTAL OF 16 IN 2003 AND A
26 TOTAL OF 32 IN ANY CALENDAR YEAR AFTER 2003;

27 (3) ENSURE THAT PERSONS ON THE LIST FOR A TIDAL FISH APPRENTICE
28 PERMIT AS PROVIDED IN § 4-701.1(E)(3) OF THIS TITLE SHALL RECEIVE PRIORITY, IN
29 ORDER OF THEIR POSITION ON THE LIST, FOR AN ATLANTIC COASTAL FISHING
30 GUIDE LICENSE;

31 (4) REMOVE A PERSON FROM THE TIDAL FISH APPRENTICE PERMIT LIST
32 WHO IS ISSUED AN ATLANTIC COASTAL FISHING LICENSE;

33 (5) ALLOCATE NOT MORE THAN 20% OF THE ATLANTIC COASTAL
34 FISHING GUIDE LICENSES TO NONRESIDENTS; AND

1 (6) ESTABLISH A WAITING LIST FOR APPLICANTS ONCE THE MAXIMUM
2 NUMBER OF ATLANTIC COASTAL FISHING GUIDE LICENSES HAS BEEN REACHED.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2003.