

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 649

(Delegate Wood)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Maryland Provisional Chesapeake Bay Charter Boat Permit

This bill requires the Department of Natural Resources (DNR) to establish a Maryland Provisional Chesapeake Bay Charter Boat Permit valid only for operating a vessel for charter fishing trips originating from the tidal waters of Virginia. A permit fee is not specified and the permit is nontransferable. The bill authorizes DNR to adopt implementing regulations.

Fiscal Summary

State Effect: Permits could be issued with existing resources. The number of permits issued is expected to be minimal. Potential minimal increase in fine revenues.

Local Effect: The bill would not directly affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The permit is available to a person who: (1) is licensed by Virginia to operate a charter boat in its jurisdictional tidal waters; and (2) provides DNR with documentation of fishing activity for 2001 and 2002. A person operating a charter boat in accordance with the bill must have all appropriate federal and State licenses and the required permit in possession whenever operating a charter boat. A permittee is not required to have a Maryland commercial fishing guide license to operate a charter boat in the tidal waters of the Chesapeake Bay in Maryland. A permittee is subject to the penalties applicable to fisheries violations.

Current Law: In general, any person who accepts direct or indirect consideration for providing services as a fishing guide must obtain a license. The fee for an unlimited tidal fish license is \$300. To provide services as a fishing guide in the tidal waters of Maryland, the license fee is \$50 for a resident and \$100 for a nonresident. The fee for a master fishing guide license is an additional \$50 per vessel.

Except as otherwise provided, a person who violates any provision of Title 4 – Fish and Fisheries is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500. Unless another penalty is specifically provided, any person found guilty of a second or subsequent offense is subject to a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both. Other enforcement provisions include search and seizure and suspension/revocation of licenses.

Background: Maryland operates under a limited entry program for commercial fishing licensees, meaning that charter boat operators from the tidal waters of Virginia who do not already have a Maryland license are unable to provide guide services in the tidal waters of the Chesapeake Bay in Maryland. However, because Virginia does not limit the number of individuals authorized to provide guide services in its tidal waters, Maryland charter boat operators are able to provide guide services in the tidal waters of Virginia.

Additional Information

Prior Introductions: None.

Cross File: SB 301 (Senators Stoltzfus and Frosh) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources, Department of Legislative Services

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