
By: **Senator Stoltzfus**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Coastal Bays Fishing Guide License - Establishment**

3 FOR the purpose of requiring a person who provides certain fishing guide services in
4 certain locations to obtain a certain Coastal Bays fishing guide license;
5 requiring the Department of Natural Resources to issue a certain Coastal Bays
6 fishing guide license beginning on a certain date; establishing certain
7 requirements for the issuance and renewal of a license; requiring that license
8 fees be credited to certain funds; requiring the Department to report certain
9 information publicly at a certain time; requiring the Department to adopt
10 certain regulations; making certain technical corrections and stylistic changes;
11 and generally relating to a certain Coastal Bays fishing guide license.

12 BY renumbering

13 Article - Natural Resources
14 Section 4-210.2
15 to be Section 4-210.3
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Natural Resources
20 Section 4-210(a) and (f)
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2003 Supplement)

23 BY adding to

24 Article - Natural Resources
25 Section 4-210.2
26 Annotated Code of Maryland
27 (2000 Replacement Volume and 2003 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 4-210.2 of Article - Natural Resources of the Annotated
3 Code of Maryland be renumbered to be Section(s) 4-210.3.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article - Natural Resources**

7 4-210.

8 (a) Except for a person employed to operate a vessel for a master fishing guide
9 under § 4-701(o) OF THIS TITLE or a person permitted to operate a charter boat under
10 § [4-210.2] 4-210.3 OF THIS SUBTITLE, any person who desires to accept direct or
11 indirect consideration for providing services as a fishing guide shall obtain a license.

12 (f) The Department may issue [a]:

13 (1) A tidal fish license under § 4-701 of this [subtitle and a] TITLE;

14 (2) A freshwater fishing guide license under § 4-210.1 of this subtitle;

15 AND

16 (3) A COASTAL BAYS FISHING GUIDE LICENSE UNDER § 4-210.2 OF THIS
17 SUBTITLE.

18 4-210.2.

19 (A) A PERSON WHO PROVIDES FISHING GUIDE SERVICES FOR COMPENSATION
20 TO A PERSON FISHING FOR FINFISH IN AREAS OF TIDAL WATER DESIGNATED UNDER
21 SUBSECTION (C) OF THIS SECTION SHALL OBTAIN A COASTAL BAYS FISHING GUIDE
22 LICENSE.

23 (B) BEGINNING SEPTEMBER 1, 2004, THE DEPARTMENT SHALL ISSUE A
24 COASTAL BAYS FISHING GUIDE LICENSE WHICH SHALL:

25 (1) BE VALID FOR NOT MORE THAN 1 YEAR; AND

26 (2) EXPIRE ON AUGUST 31 OF EACH YEAR FOLLOWING THE DATE OF
27 ISSUANCE.

28 (C) THE COASTAL BAYS FISHING GUIDE LICENSE IS VALID IN THE
29 FOLLOWING TIDAL WATERS OF THE ATLANTIC COASTAL BAYS WATERSHED:

30 (1) ASSAWOMAN BAY;

31 (2) ISLE OF WIGHT BAY;

32 (3) ST. MARTIN RIVER;

33 (4) SINEPUXENT BAY;

1 (5) CHINCOTEAGUE BAY; AND

2 (6) NEWPORT BAY.

3 (D) AN APPLICANT FOR A LICENSE SHALL:

4 (1) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM THAT
5 THE DEPARTMENT REQUIRES;

6 (2) PAY TO THE DEPARTMENT AN APPLICATION FEE OF:

7 (I) \$50 FOR RESIDENTS; AND

8 (II) \$100 FOR NONRESIDENTS; AND

9 (3) DEMONSTRATE TO THE DEPARTMENT THAT THE APPLICANT HAS
10 OBTAINED THE APPROPRIATE FEDERAL LICENSES AND ANY OTHER NECESSARY
11 FISHING LICENSES AND STAMPS.

12 (E) BEFORE A COASTAL BAYS FISHING GUIDE LICENSE EXPIRES, THE
13 LICENSEE MAY RENEW THE LICENSE FOR AN ADDITIONAL TERM IF THE LICENSEE:

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

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

17 (3) SUBMITS TO THE DEPARTMENT THE ANNUAL LICENSE APPLICATION
18 FEE UNDER SUBSECTION (D)(2) OF THIS SECTION.

19 (F) (1) ALL FEES COLLECTED BY THE DEPARTMENT UNDER THIS SECTION:

20 (I) SHALL BE CREDITED EQUALLY TO THE FISHERIES
21 MANAGEMENT AND PROTECTION FUND AND THE FISHERIES RESEARCH AND
22 DEVELOPMENT FUND; AND

23 (II) MAY NOT BE SUBJECT TO § 7-302 OF THE STATE FINANCE AND
24 PROCUREMENT ARTICLE.

25 (2) THE DEPARTMENT SHALL PUBLICLY REPORT THE REVENUES AND
26 EXPENDITURES UNDER THIS SECTION ON AN ANNUAL BASIS.

27 (G) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO
28 IMPLEMENT THE PROVISIONS OF THIS SECTION.

29 (2) THE REGULATIONS SHALL:

30 (I) PROHIBIT A PERSON FROM FURNISHING A SERVICE AS A
31 COASTAL BAYS FISHING GUIDE IF THE SERVICE REQUIRES THE OPERATION OF A
32 VESSEL WITHOUT COMPLIANCE WITH APPROPRIATE FEDERAL REGULATIONS
33 GOVERNING THE OPERATION OF A VESSEL CARRYING PASSENGERS FOR HIRE;

1 (II) 1. LIMIT TO 30 THE NUMBER OF COASTAL BAYS FISHING
2 GUIDE LICENSES ISSUED ANNUALLY; AND

3 2. ALLOCATE NOT MORE THAN 20% OF THOSE LICENSES TO
4 NONRESIDENTS; AND

5 (III) ESTABLISH A WAITING LIST FOR APPLICANTS IN EXCESS OF
6 THE NUMBER OF COASTAL BAYS FISHING GUIDE LICENSES AVAILABLE EACH YEAR,
7 INCLUDING CRITERIA FOR THE MAINTENANCE OF THE WAITING LIST.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 June 1, 2004.