
By: **Senator Stoltzfus**
Introduced and read first time: February 6, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 12, 2004

CHAPTER _____

1 AN ACT concerning

2 **Coastal Bays Fishing Guide ~~License~~ Permit - 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~~ permit;
5 requiring the Department of Natural Resources to issue a certain Coastal Bays
6 fishing guide ~~license~~ permit beginning on a certain date; prohibiting a certain
7 recreational angler from possessing a certain species of fish; establishing certain
8 requirements for the issuance and renewal of a ~~license~~ permit; requiring that
9 ~~license~~ permit fees be credited to ~~certain funds~~ a certain fund; requiring the
10 Department to report certain information publicly at a certain time; requiring
11 the Department to adopt certain regulations; making certain technical
12 corrections and stylistic changes; providing for the termination of this Act; and
13 generally relating to a certain Coastal Bays fishing guide ~~license~~ permit.

14 BY renumbering
15 Article - Natural Resources
16 Section 4-210.2
17 to be Section 4-210.3
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Natural Resources
22 Section 4-210(a) and (f)
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2003 Supplement)

1 BY adding to
2 Article - Natural Resources
3 Section 4-210.2
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2003 Supplement)

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

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

11 **Article - Natural Resources**

12 4-210.

13 (a) Except for a person employed to operate a vessel for a master fishing guide
14 under § 4-701(o) OF THIS TITLE or a person permitted to operate a charter boat under
15 § [4-210.2] 4-210.3 OF THIS SUBTITLE, any person who desires to accept direct or
16 indirect consideration for providing services as a fishing guide shall obtain a license.

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

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

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

20 AND

21 (3) A COASTAL BAYS FISHING GUIDE ~~LICENSE PERMIT~~ UNDER § 4-210.2
22 OF THIS SUBTITLE.

23 4-210.2.

24 (A) A PERSON WHO PROVIDES FISHING GUIDE SERVICES FOR COMPENSATION
25 TO A PERSON FISHING FOR FINFISH IN AREAS OF TIDAL WATER DESIGNATED UNDER
26 SUBSECTION (C) OF THIS SECTION SHALL OBTAIN A COASTAL BAYS FISHING GUIDE
27 ~~LICENSE PERMIT~~.

28 (B) BEGINNING SEPTEMBER 1, 2004, THE DEPARTMENT SHALL ISSUE A
29 COASTAL BAYS FISHING GUIDE ~~LICENSE PERMIT~~ WHICH SHALL:

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

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

33 (C) THE COASTAL BAYS FISHING GUIDE ~~LICENSE PERMIT~~ IS VALID IN THE
34 FOLLOWING TIDAL WATERS OF THE ATLANTIC COASTAL BAYS WATERSHED:

- 1 (1) ASSAWOMAN BAY;
- 2 (2) ISLE OF WIGHT BAY;
- 3 (3) ST. MARTIN RIVER;
- 4 (4) SINEPUXENT BAY;
- 5 (5) CHINCOTEAGUE BAY; AND
- 6 (6) NEWPORT BAY.

7 (D) A RECREATIONAL ANGLER UNDER THE GUIDANCE OF A COASTAL BAYS
 8 FISHING GUIDE PERMIT HOLDER MAY NOT POSSESS THE SPECIES OF FISH KNOWN
 9 AS STRIPED BASS OR ROCKFISH.

10 ~~(D)~~ (E) AN APPLICANT FOR A LICENSE PERMIT SHALL:

11 (1) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM THAT
 12 THE DEPARTMENT REQUIRES;

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

14 (I) \$50 FOR RESIDENTS; AND

15 (II) \$100 FOR NONRESIDENTS; AND

16 (3) DEMONSTRATE TO THE DEPARTMENT THAT THE APPLICANT HAS
 17 OBTAINED THE APPROPRIATE FEDERAL LICENSES AND ANY OTHER NECESSARY
 18 FISHING LICENSES AND STAMPS.

19 ~~(E)~~ (F) BEFORE A COASTAL BAYS FISHING GUIDE LICENSE PERMIT EXPIRES,
 20 THE LICENSEE PERMIT HOLDER MAY RENEW THE LICENSE PERMIT FOR AN
 21 ADDITIONAL TERM IF THE LICENSEE PERMIT HOLDER:

22 (1) OTHERWISE IS ENTITLED TO HOLD THE LICENSE PERMIT;

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

25 (3) SUBMITS TO THE DEPARTMENT THE ANNUAL LICENSE PERMIT
 26 APPLICATION FEE UNDER SUBSECTION ~~(D)(2)~~ (E)(2) OF THIS SECTION.

27 ~~(F)~~ (G) (1) ALL FEES COLLECTED BY THE DEPARTMENT UNDER THIS
 28 SECTION:

29 (I) SHALL BE CREDITED ~~EQUALLY~~ TO THE ~~FISHERIES~~
 30 ~~MANAGEMENT AND PROTECTION FUND AND THE FISHERIES RESEARCH AND~~
 31 ~~DEVELOPMENT FUND~~; AND

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

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

5 ~~(G)~~ (H) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY
6 TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

7 (2) THE REGULATIONS SHALL:

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

12 (II) 1. LIMIT TO ~~30~~ 25 THE NUMBER OF COASTAL BAYS FISHING
13 GUIDE ~~LICENSES~~ PERMITS ISSUED ANNUALLY; AND

14 2. ALLOCATE NOT MORE THAN 20% OF THOSE ~~LICENSES~~
15 PERMITS TO NONRESIDENTS; AND

16 (III) ESTABLISH A WAITING LIST FOR APPLICANTS IN EXCESS OF
17 THE NUMBER OF COASTAL BAYS FISHING GUIDE ~~LICENSES~~ PERMITS AVAILABLE
18 EACH YEAR, INCLUDING CRITERIA FOR THE MAINTENANCE OF THE WAITING LIST.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 June 1, 2004. It shall remain effective for a period of 3 years and 3 months and, at the
21 end of August 31, 2007, with no further action required by the General Assembly, this
22 Act shall be abrogated and of no further force and effect.