
By: **Delegates Cluster and Boteler**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Maryland Saltwater Fishing License - Application to**
3 **Tidal Waters**

4 FOR the purpose of renaming the Chesapeake Bay sport fishing license to be the
5 Maryland saltwater fishing license; expanding the tidal waters in which a
6 person is prohibited from fishing for finfish without a Maryland saltwater
7 fishing license to include all Maryland tidal waters; and generally relating to
8 the Maryland saltwater fishing license.

9 BY repealing and reenacting, with amendments,
10 Article - Natural Resources
11 Section 4-210(g)(2), 4-216(d), and 4-745
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2004 Supplement)

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

16 **Article - Natural Resources**

17 4-210.

18 (g) (2) A person may not accept any consideration for services as a fishing
19 guide licensed under this subsection unless the person and all persons being guided
20 possess, as applicable, an angler's license issued under § 4-604 of this title or a
21 [Chesapeake Bay sport] MARYLAND SALTWATER fishing license issued under §
22 4-745 of this title.

23 4-216.

24 (d) A holder of a resident consolidated senior sport fishing license may:

25 (1) Engage in angling on the nontidal waters of the State without
26 holding an angler's license under § 4-604 of this title;

1 (2) Engage in angling for trout on the nontidal waters of the State
2 without holding a trout stamp under § 4-614 of this title; and

3 (3) Fish for finfish in [the Chesapeake Bay and its tributaries]
4 MARYLAND TIDAL WATERS without holding a [Chesapeake Bay sport] MARYLAND
5 SALTWATER fishing license under § 4-745 of this title.

6 4-745.

7 (a) (1) Except as provided in subsections (c) and (d) of this section, a person
8 may not fish for finfish in [the Chesapeake Bay or in its tributaries up to tidal
9 boundaries] MARYLAND TIDAL WATERS without first obtaining a [Chesapeake Bay
10 sport] MARYLAND SALTWATER fishing license.

11 (2) The license may be obtained from the Department or from any
12 authorized agent of the Department. The following annual license fees shall apply:

- | | | | |
|----|-------|--------------------------------------------------------------|--------------|
| 13 | (i) | Resident..... | \$9 |
| 14 | (ii) | Short-term license valid for 5 consecutive days from date of | |
| 15 | issue | | \$6 |
| 16 | (iii) | Nonresident | \$14 |
| 17 | (iv) | Resident and nonresident blind persons | No fee |

18 (3) Except for a license issued under subsection (d) of this section, every
19 [Chesapeake Bay sport] MARYLAND SALTWATER fishing license shall be valid for not
20 more than 1 year and shall expire on December 31.

21 (b) (1) The Department may designate a person engaged in a commercial
22 enterprise to sell the [Chesapeake Bay sport] MARYLAND SALTWATER fishing license
23 as an agent under the Department's control and supervision.

24 (2) As compensation, the agent shall retain \$1 for each license issued.

25 (3) The [Chesapeake Bay sport] MARYLAND SALTWATER fishing license
26 shall be furnished to an agent upon satisfactory payment or upon consignment and
27 only if the Department is given adequate security to insure ultimate payment by an
28 agent to the Department for the licenses.

29 (4) (i) Except as provided in subparagraph (ii) of this paragraph, all
30 fees collected on behalf of the Department pursuant to this section shall be remitted
31 to the Department in accordance with its rules and regulations for deposit with the
32 State Treasurer to the credit of the Fisheries Research and Development Fund to be
33 used for the replenishment, protection, and conservation of fish stocks caught by
34 recreational fishermen, for enhancement of recreational fishing opportunities, and for
35 research concerning tidal fishery resources. The Department shall publicly report
36 annually the amounts collected and the expenditures.

1 (ii) In fiscal year 1999 and in each subsequent fiscal year, the
2 Department, for the purposes set forth in subparagraph (iii) of this paragraph, shall
3 use:

- 4 1. \$2 from the sale of each license under subsection (a) of this
5 section;
- 6 2. \$20 from the sale of each license under subsection (d)(2) of
7 this section; and
- 8 3. \$225 of the special charter boat license under subsection
9 (d)(1) of this section.

10 (iii) The Department shall use the moneys specified in
11 subparagraph (ii) of this paragraph for:

- 12 1. Achieving the maximum federal fund apportionments;
- 13 2. Management assessment and sportfishing surveys; and
- 14 3. Angler outreach and public fishing information.

15 (5) In the preparation of plans for the expenditure of license receipts, the
16 Secretary annually shall solicit the advice and opinions of the Department's Sport
17 Fisheries Advisory Commission, representative fishing and boating associations, and
18 other interested parties.

19 (c) A person may fish for finfish in [the Chesapeake Bay or its tidal
20 tributaries] MARYLAND TIDAL WATERS without a [Chesapeake Bay sport]
21 MARYLAND SALTWATER fishing license if the person:

- 22 (1) Is under the age of 16;
- 23 (2) Possesses a valid commercial license;
- 24 (3) Is fishing from private real property as an owner, family member of
25 an owner, or nonpaying guest of an owner;
- 26 (4) Is fishing with a hook and line from a public bridge or public pier
27 which has been designated by the Department as a free fishing area;
- 28 (5) Holds a valid tidal water sport fishing license issued by the State of
29 Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that
30 this exemption shall not take effect until the Secretary has published notice in the
31 Maryland Register of the Secretary's determination that the Virginia, Potomac River
32 Fisheries Commission, or District of Columbia requirements for a tidal water sport
33 fishing license are substantially similar to and reciprocal with the [Chesapeake Bay
34 sport] MARYLAND SALTWATER fishing license requirements of this section;
- 35 (6) Is fishing pursuant to any special license issued under subsection (d)
36 of this section;

- 1 (7) (i) Is on active duty with the armed forces of the United States;
- 2 (ii) Is a resident of this State;
- 3 (iii) Is on leave from the armed forces; and
- 4 (iv) Has, while fishing, a copy of the person's official leave orders;
- 5 (8) Fishes on a free fishing day designated by the Secretary; or
- 6 (9) Holds a current resident consolidated senior sport fishing license
- 7 issued under § 4-216 of this title.

8 (d) (1) The Department may provide by regulation for issuance of a special

9 charter boat license that would be valid for all individuals on a charter boat operated

10 by a licensed fishing guide. The fee shall be:

- 11 (i) For 6 fishermen or less \$240.
- 12 (ii) For 7 or more fishermen \$290.

13 (2) (i) The Department may provide by regulation for issuance of an

14 annual special [Chesapeake Bay sport] MARYLAND SALTWATER fishing license,

15 which when permanently affixed to a boat registered in any state shall authorize any

16 person on the boat to fish for finfish in [the Chesapeake Bay or in its tributaries up

17 to tidal boundaries] MARYLAND TIDAL WATERS, except that such a license may not be

18 used on a boat which has been hired to take such persons fishing.

19 (ii) The annual fee for this special license shall be \$40.

20 (iii) If a boat owner purchases the special license under this

21 paragraph, the boat owner may fish anywhere in [the Chesapeake Bay] MARYLAND

22 TIDAL WATERS, whether the boat owner is fishing in the owner's boat, in another

23 person's boat, on land, or elsewhere. The Department shall issue a complimentary

24 [Chesapeake Bay sport] MARYLAND SALTWATER fishing license to the boat owner

25 who purchases a special license under this paragraph. If a boat to which the special

26 license is affixed has more than one owner, then only the individual applicant who

27 signs the application for the special license shall be entitled to a complimentary

28 [Chesapeake Bay sport] MARYLAND SALTWATER fishing license under this

29 paragraph.

30 (e) (1) In addition to any other penalty provided under this title, the

31 Department may suspend a person's entitlement to engage in a particular activity or

32 activities licensed or permitted under this section.

33 (2) During a period of suspension imposed by the Department, the

34 person whose license has been suspended may not engage in an activity for which the

35 license suspension is imposed.

1 (3) The following are grounds for suspension of a license issued under
2 this section:

3 (i) Making a false statement in an application;

4 (ii) Three convictions for violations occurring on separate days
5 within any 3-year period of provisions under this title;

6 (iii) Failure to submit a report required under this title or by
7 regulation; or

8 (iv) Failure of a nonresident of the State to appear in court
9 pursuant to a citation issued by a Natural Resources police officer, or to any other
10 process issued by any court of Maryland, for violation of this title.

11 (4) A penalty imposed in accordance with this section is in addition to
12 any other penalty authorized under § 4-1201 of this title regarding striped bass.

13 (5) The Department shall adopt regulations that provide:

14 (i) A schedule of points assigned to various offenses under this
15 title;

16 (ii) A schedule of the maximum number of days that a license may
17 be suspended according to the number of points accumulated; and

18 (iii) For suspension of a license for conviction of an offense under
19 this title.

20 (6) The Department shall initiate any proceeding to suspend a license
21 under this section not later than 6 months after the time for filing an appeal of the
22 third conviction under paragraph (3)(ii) of this subsection has passed.

23 (7) Before the suspension of a license under this section, the Department
24 shall hold a hearing on not less than 10 days' notice to the licensee, except that on the
25 failure of a nonresident of the State to appear in a court of this State as required by
26 any charging document accusing the person of committing any offense under this
27 subtitle, in addition to any other appropriate action taken by the court or the
28 Department, the Department may suspend immediately and without hearing any
29 license issued to the person under this title.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2005.