
By: **Senator Haines**

Introduced and read first time: January 25, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources - Tidal Fish License Apprenticeship**
3 **Program**

4 FOR the purpose of altering certain practical experience requirements for obtaining
5 an apprenticeship permit; providing for the application of certain provisions of
6 this Act; and generally relating to tidal fishing and apprenticeship permits.

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 4-701.1
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2005 Supplement)

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

14 **Article - Natural Resources**

15 4-701.1.

16 (a) This section applies to a person who does not qualify for a license required
17 under Subtitle 2, Subtitle 7, Subtitle 8, Subtitle 9, or Subtitle 10 of this title, except
18 for a seafood dealer license, to be licensed to guide fishing parties or to catch, sell, buy,
19 process, transport, export, or otherwise deal in fish caught in tidal waters.

20 (b) Except as provided under subsection (h) of this section, the Department
21 may issue an apprenticeship permit to authorize a person to gain practical experience
22 in the presence of a tidal fish licensee regarding commercial fishing activities.

23 (c) An apprenticeship permit is valid for up to 3 years from the date of
24 issuance and may be renewed for 1 year if the applicant shows good cause.

25 (d) The fees for an apprenticeship permit shall be the same as the annual fees
26 applied under § 4-701(d) of this subtitle for each commercial fishing activity for the
27 term of the apprenticeship and the first license year.

1 (e) (1) The Department may accept an application for an apprenticeship
2 permit from a person who is at least 14 years of age and does not qualify for a
3 commercial tidal fish license or an authorization for a particular fishing activity.

4 (2) The Department may issue an apprenticeship permit if the number of
5 tidal fish authorizations issued for that fishing activity is less than the target number
6 established by regulation.

7 (3) The Department shall maintain a list in chronological order of
8 persons who have applied for an apprenticeship permit but have not been issued an
9 apprenticeship permit due to the target number already having been issued.

10 (4) The Department shall issue an apprenticeship permit to the first
11 person on the list when a permit becomes available.

12 (5) The Department may not issue an apprenticeship permit for a
13 particular fishing activity unless the number of the tidal fish authorizations issued
14 for the particular activity is below the target number or a review by the General
15 Assembly has been completed.

16 (f) The Department shall issue a tidal fish license or authorization in
17 accordance with § 4-701(h) of this subtitle to persons who have completed the criteria
18 established in subsection (g) or (h) of this section.

19 (g) (1) The practical experience of a permittee shall consist of:

20 (i) For each commercial fishing activity authorized under §
21 4-701(d)(2)(ii) of this subtitle[:

22 1. 50 days of experience in the fishing activity applied for per
23 year for 3 consecutive years; or

24 2.] , 150 days of experience in the fishing activity applied for
25 [over a minimum of 2 years];

26 (ii) For multiple fishing activities under § 4-701(d)(2)(ii) of this
27 subtitle and an unlimited tidal fish authorization[:

28 1. 60 days of experience in at least two separate fishing
29 activities per year for 3 consecutive years; or

30 2.] , 180 days of experience in at least two commercial fishing
31 activities [over a minimum of 2 years]; and

32 (iii) For the purposes of subparagraph (ii) of this paragraph, at least
33 60 days of practical experience spent in separate commercial fishing activities.

34 (2) [The] EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS
35 SUBSECTION, THE practical experience shall be documented by the permittee on the

1 forms provided by the Department and submitted to the Department on a monthly
2 basis when engaging in practical experience. The forms shall include:

3 (i) Number of days spent gaining practical experience under the
4 presence of a tidal fish licensee;

5 (ii) Particular fishing activities;

6 (iii) The signature of a tidal fish licensee certifying that the
7 recorded information regarding the practical experience in fishing activities is true
8 and correct; and

9 (iv) Copies of appropriate income tax forms documenting the
10 permittee's compensated employment in the presence of a tidal fish licensee.

11 (3) [In addition to practical experience, before a license may be issued to
12 a permittee, the permittee shall complete an 8-hour program approved by the
13 Department concerning commercial fishing activities.]

14 (I) AN APPLICANT FOR AN APPRENTICESHIP PERMIT MAY BEGIN
15 TO COMPLETE THE REQUIREMENTS OF THIS SUBSECTION IF THE APPLICANT POSTS
16 THE FEE FOR THE APPRENTICESHIP PERMIT.

17 (II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO ALTER THE
18 APPLICANT'S POSITION ON THE WAITING LIST ESTABLISHED UNDER SUBSECTION
19 (E)(3) OF THIS SECTION.

20 (4) AN APPLICANT SHALL BE ISSUED AN APPRENTICESHIP PERMIT IN
21 ACCORDANCE WITH SUBSECTION (E)(4) OF THIS SECTION.

22 (5) AN APPLICANT MAY BE CREDITED WITH THE COMPLETED
23 REQUIREMENTS THAT WERE ACCRUED AND DOCUMENTED IN ACCORDANCE WITH
24 PARAGRAPH (2) OR (6) OF THIS SUBSECTION BEFORE BEING ISSUED AN
25 APPRENTICESHIP PERMIT.

26 (6) (I) THIS PARAGRAPH SHALL APPLY ONLY TO:

27 1. AN INDIVIDUAL WHO SERVED AS A CREW MEMBER TO A
28 TIDAL FISH LICENSEE WITHIN THE PAST 10 YEARS;

29 2. AN INDIVIDUAL WHO HELD A MARYLAND PROVISIONAL
30 CHARTERBOAT PERMIT IN ACCORDANCE WITH § 4-210.2 OF THIS TITLE;

31 3. AN INDIVIDUAL WHO HELD A TIDAL FISH LICENSE
32 WITHIN THE PAST 10 YEARS AND HAS NOT PERMANENTLY TRANSFERRED A TIDAL
33 FISH LICENSE WITHIN THE PAST 24 MONTHS IN ACCORDANCE WITH § 4-701(I) OF THIS
34 SUBTITLE;

35 4. AN INDIVIDUAL WHO HELD A TEMPORARY TRANSFER OF A
36 TIDAL FISH LICENSE WITHIN THE PAST 10 YEARS; AND

1 5. AN INDIVIDUAL WHO HARVESTED FISH FROM THE
2 WATERS OF THE EXCLUSIVE ECONOMIC ZONE AND LANDED THE FISH IN THE STATE.

3 (II) PRACTICAL EXPERIENCE SHALL INCLUDE:

4 1. THE NUMBER OF DAYS SPENT ENGAGED IN A PARTICULAR
5 FISHING ACTIVITY AND DOCUMENTED ON FORMS PROVIDED BY THE DEPARTMENT;
6 AND

7 2. ANY FISHING ACTIVITY REPORTS REQUIRED BY THE
8 STATE OR FEDERAL GOVERNMENT.

9 (III) FOR AN INDIVIDUAL WHO SERVED AS A CREW MEMBER TO A
10 TIDAL FISH LICENSEE, PRACTICAL FISHING EXPERIENCE SHALL INCLUDE:

11 1. THE NUMBER OF DAYS SPENT SERVING AS A CREW
12 MEMBER ENGAGED IN A PARTICULAR FISHING ACTIVITY AND CERTIFIED IN
13 WRITING BY THE TIDAL FISH LICENSEE ON FORMS PROVIDED BY THE DEPARTMENT;
14 AND

15 2. ANY FISHING ACTIVITY REPORTS OF THE TIDAL FISH
16 LICENSEE REQUIRED BY THE STATE OR FEDERAL GOVERNMENT.

17 (7) IN ADDITION TO PRACTICAL EXPERIENCE, BEFORE A LICENSE MAY
18 BE ISSUED TO A PERMITEE, THE PERMITEE SHALL COMPLETE AN 8-HOUR PROGRAM
19 APPROVED BY THE DEPARTMENT CONCERNING COMMERCIAL FISHING ACTIVITIES.

20 (h) (1) The Department shall adopt regulations to establish criteria for the
21 practical experience for an individual who holds a valid tidal fish license and who has
22 applied for an additional authorization other than a fishing guide authorization or an
23 unlimited tidal fish authorization.

24 (2) The criteria established in accordance with paragraph (1) of this
25 subsection shall include[:

26 (i) Documentation] DOCUMENTATION at the time of application
27 for an [apprenticeship permit that] AUTHORIZATION, for the previous 2 years, THAT
28 at least 20% of the individual's gross income was from the individual's commercial
29 fishing activities[; and

30 (ii) Before a license can be issued, documentation of a determined
31 level of participation in the currently authorized fishery for at least 2 years while
32 possessing an apprenticeship permit].

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2006.