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By: **Senator Haines**

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Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

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CHAPTER\_\_\_\_\_

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.

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

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

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

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

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

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

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

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

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

25 (i) For each commercial fishing activity authorized under §  
26 4-701(d)(2)(ii) of this subtitle[:

27 1. 50 days of experience in the fishing activity applied for per  
28 year for 3 consecutive years; or

29 2.] , 150 days of experience in the fishing activity applied for  
30 [over a minimum of 2 years];

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

33 1. 60 days of experience in at least two separate fishing  
34 activities per year for 3 consecutive years; or

35 2.] , 180 days of experience in at least two commercial fishing  
36 activities [over a minimum of 2 years]; and

1 (iii) For the purposes of subparagraph (ii) of this paragraph, at least  
2 60 days of practical experience spent in separate commercial fishing activities.

3 (2) [The] EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS  
4 SUBSECTION, THE practical experience shall be documented by the permittee on the  
5 forms provided by the Department and submitted to the Department on a monthly  
6 basis when engaging in practical experience. The forms shall include:

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

9 (ii) Particular fishing activities;

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

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

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

18 (I) AN APPLICANT FOR AN APPRENTICESHIP PERMIT MAY BEGIN  
19 TO COMPLETE THE REQUIREMENTS OF THIS SUBSECTION IF THE APPLICANT POSTS  
20 THE FEE FOR THE APPRENTICESHIP PERMIT.

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

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

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

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

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

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

35 3. AN INDIVIDUAL WHO HELD A TIDAL FISH LICENSE  
36 WITHIN THE PAST 10 YEARS AND HAS NOT PERMANENTLY TRANSFERRED A TIDAL

1 FISH LICENSE WITHIN THE PAST 24 MONTHS IN ACCORDANCE WITH § 4-701(I) OF THIS  
2 SUBTITLE;

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

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

7 (II) PRACTICAL EXPERIENCE SHALL INCLUDE:

8 1. THE NUMBER OF DAYS SPENT ENGAGED IN A PARTICULAR  
9 FISHING ACTIVITY AND DOCUMENTED ON FORMS PROVIDED BY THE DEPARTMENT;  
10 AND

11 2. ANY FISHING ACTIVITY REPORTS REQUIRED BY THE  
12 STATE OR FEDERAL GOVERNMENT.

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

15 1. THE NUMBER OF DAYS SPENT SERVING AS A CREW  
16 MEMBER ENGAGED IN A PARTICULAR FISHING ACTIVITY AND CERTIFIED IN  
17 WRITING BY THE TIDAL FISH LICENSEE ON FORMS PROVIDED BY THE DEPARTMENT;  
18 AND

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

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

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

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

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

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

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