

Chapter 86

(Senate Bill 720)

AN ACT concerning

Commercial Fishing Apprenticeship Permit – Eligibility

FOR the purpose of providing that certain practical commercial fishing experience obtained in certain jurisdictions by certain individuals applies toward the requirements for obtaining a commercial fishing license through the commercial fishing apprenticeship permit; requiring an apprenticeship permittee to obtain the required practical experience within a certain period of time before applying for a commercial fishing license or authorization; altering the process for documenting practical experience under the commercial fishing apprenticeship program; providing that a person may not obtain a seafood landing license through the commercial fishing apprenticeship programs; and generally relating to the commercial fishing apprenticeship program in the State.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4-701.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article – Natural Resources

4-701.1.

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

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

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

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

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

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

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

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

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

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

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

[(i)] 1. For each commercial fishing activity authorized under § 4-701(d)(2)(ii) of this subtitle, 150 days of experience in the fishing activity applied for;

[(ii)] 2. For multiple fishing activities under § 4-701(d)(2)(ii) of this subtitle and an unlimited tidal fish authorization, 180 days of experience in at least two commercial fishing activities; and

[(iii)] 3. For the purposes of subparagraph (ii) of this paragraph, at least 60 days of practical experience spent in separate commercial fishing activities.

(II) A PERMITTEE SHALL OBTAIN THE PRACTICAL EXPERIENCE REQUIRED UNDER THIS SUBSECTION WITHIN 10 YEARS BEFORE

APPLYING FOR A LICENSE OR AN AUTHORIZATION UNDER SUBSECTION (F) OF THIS SECTION.

(2) Except as provided in paragraph (6) of this subsection, the practical experience shall be documented by the permittee on the forms provided by the Department and submitted to the Department on a monthly basis when engaging in practical experience. The forms shall include:

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

(ii) Particular fishing activities;

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

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

(3) (i) An applicant for an apprenticeship permit may begin to complete the requirements of this subsection if the applicant posts the fee for the apprenticeship permit.

(ii) This paragraph may not be construed to alter the applicant's position on the waiting list established under subsection (e)(3) of this section.

(4) An applicant shall be issued an apprenticeship permit in accordance with subsection (e)(4) of this section.

(5) An applicant may be credited with the completed requirements that were accrued and documented in accordance with paragraph (2) or (6) of this subsection before being issued an apprenticeship permit.

(6) (i) This paragraph shall apply only to **AN INDIVIDUAL WHO:**

1. **[An individual who served] SERVED as a crew member to a tidal fish licensee [within the past 10 years] OR A PERSON THAT HOLDS A COMMERCIAL FISHING LICENSE ISSUED BY ANOTHER STATE OR THE FEDERAL GOVERNMENT;**

2. **[An individual who held] HELD a Maryland Provisional Chesapeake Bay Charter Boat Permit in accordance with § 4-210.2 of this title;**

3. [An individual who held] **HELD** a tidal fish license [within the past 10 years] and has not permanently transferred a tidal fish license within the past 24 months in accordance with § 4-701(i) of this subtitle;

4. [An individual who held] **HELD** a temporary transfer of a tidal fish license [within the past 10 years; and];

5. [An individual who harvested] **HARVESTED** fish from the waters of the Exclusive Economic Zone and landed the fish in the State;

6. HOLDS A COMMERCIAL FISHING LICENSE ISSUED BY ANOTHER STATE OR THE FEDERAL GOVERNMENT; AND

7. HELD A COMMERCIAL FISHING LICENSE ISSUED BY ANOTHER STATE OR THE FEDERAL GOVERNMENT.

(ii) Practical experience shall [include] **BE DOCUMENTED BY:**

1. [The] **STATING THE** number of days spent engaged in a particular fishing activity [and documented] **UP TO THE MINIMUM NUMBER OF DAYS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION** on forms **AND IN A MANNER** provided by the Department; and

2. Any fishing activity reports required by the State, **BY ANOTHER STATE**, or **BY THE** federal government.

(iii) For an individual who served as a crew member to a tidal fish licensee **OR PERSON THAT HOLDS A COMMERCIAL FISHING LICENSE ISSUED BY ANOTHER STATE OR THE FEDERAL GOVERNMENT**, practical fishing experience shall [include] **BE DOCUMENTED BY:**

1. [The] **STATING THE** number of days spent serving as a crew member engaged in a particular fishing activity [and] **UP TO THE MINIMUM NUMBER OF DAYS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION**, certified in writing by the tidal fish licensee or **PERSON THAT HOLDS A COMMERCIAL FISHING LICENSE ISSUED BY ANOTHER STATE OR THE FEDERAL GOVERNMENT** on forms provided by the Department; and

2. Any fishing activity reports of the tidal fish licensee required by the State, **ANOTHER STATE**, **OR BY THE** federal government.

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

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

(2) The criteria established in accordance with paragraph (1) of this subsection shall include documentation at the time of application for an authorization, for the previous 2 years, that at least 20% of the individual's gross income was from the individual's commercial fishing activities.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, April 12, 2011.