

HOUSE BILL 349

M2

9lr1881
CF SB 361

By: **Delegates Jacobs, Adams, Arentz, Ghrist, ~~and Hornberger~~ Hornberger, Cassilly, and Love**

Introduced and read first time: January 28, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2019

CHAPTER _____

1 AN ACT concerning

2 ~~Limited Fishing Guide License~~ Natural Resources – Payment for Service
3 Special Charter Boat License – Alteration

4 FOR the purpose of ~~authorizing a person to accept consideration for services as a certain~~
5 ~~fishing guide if the person is guiding certain boats or vessels that are propelled by~~
6 ~~oars or paddles and possesses a certain license; prohibiting a certain person guided~~
7 ~~under a certain license from being required to possess a certain license; and generally~~
8 ~~relating to limited fishing guide licenses~~ specifying that a certain special charter boat
9 license issued by the Department of Natural Resources is valid for certain
10 individuals on a single vessel operated by a certain licensed fishing guide and for
11 certain individuals on a vessel under the guidance of a certain licensed fishing guide
12 in tidal waters of the State; and generally relating to special charter boat licenses.

13 BY repealing and reenacting, with amendments,

14 Article – Natural Resources

15 Section ~~4-210~~ 4-745(d)(1)

16 Annotated Code of Maryland

17 (2018 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~4-210.~~

2 (a) ~~Except for a person employed to operate a vessel for a master fishing guide~~
3 ~~under § 4-701(r) of this title or a person permitted to operate a charter boat under §~~
4 ~~4-210.2 of this subtitle, any person who desires to accept direct or indirect consideration~~
5 ~~for providing services as a fishing guide shall obtain a license.~~

6 (b) ~~In addition to any license required by this section, a person may not furnish~~
7 ~~any service as a fishing guide that requires operating a boat or vessel as part of that service~~
8 ~~without first obtaining appropriate federal licenses to operate a vessel carrying passengers~~
9 ~~for hire.~~

10 (c) ~~A person who is required to be licensed under this section must have all~~
11 ~~appropriate federal and State licenses in the person's possession whenever performing~~
12 ~~services as a fishing guide.~~

13 (d) ~~A commercial fishing guide shall be required to submit reports monthly on~~
14 ~~forms provided by the Department.~~

15 (e) (1) ~~The Secretary may establish by regulation vessel marking, first aid,~~
16 ~~and safety requirements with which all licensed fishing guides shall comply.~~

17 (2) ~~The Department may suspend, revoke, or refuse to issue a license for~~
18 ~~failure to comply with the terms of the license.~~

19 (f) ~~The Department may issue a tidal fish license under § 4-701 of this title and~~
20 ~~a freshwater fishing guide license under § 4-210.1 of this subtitle.~~

21 (g) (1) ~~The Department may issue a limited fishing guide license that is~~
22 ~~applicable in all waters of the State to allow a license holder to guide:~~

23 (i) ~~Anglers in up to 3 boats or vessels that:~~

24 1. ~~Have 1 or 2 occupants; and~~

25 2. ~~Are propelled by oars or paddles; or~~

26 (ii) 1. ~~Except as provided in item 2 of this item, up to 10 anglers~~
27 ~~fishing from shore or on foot in the water; or~~

28 2. ~~Any number of anglers who are participating in an~~
29 ~~educational or recreational program sponsored by a State, local, or municipal government~~
30 ~~and who are fishing from shore or on foot in the water.~~

31 (2) (1) ~~[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS~~
32 ~~PARAGRAPH, A person may not accept any consideration for services as a fishing guide~~
33 ~~licensed under this subsection unless the person and all persons being guided possess, as~~

1 ~~applicable, an angler's license issued under § 4-604 of this title or a Chesapeake Bay and~~
 2 ~~coastal sport fishing license issued under § 4-745 of this title.~~

3 ~~(H) 1. A PERSON MAY ACCEPT CONSIDERATION FOR~~
 4 ~~SERVICES AS A FISHING GUIDE LICENSED UNDER THIS SUBSECTION IF THE PERSON:~~

5 ~~A. IS GUIDING ANGLERS IN ACCORDANCE WITH~~
 6 ~~PARAGRAPH (1)(I) OF THIS SUBSECTION; AND~~

7 ~~B. POSSESSES, AS APPLICABLE, AN ANGLER'S LICENSE~~
 8 ~~ISSUED UNDER § 4-604 OF THIS TITLE OR A CHESAPEAKE BAY AND COASTAL SPORT~~
 9 ~~FISHING LICENSE ISSUED UNDER § 4-745 OF THIS TITLE.~~

10 ~~2. A PERSON BEING GUIDED UNDER PARAGRAPH (1)(I)~~
 11 ~~OF THIS SUBSECTION MAY NOT BE REQUIRED TO POSSESS AN ANGLER'S LICENSE~~
 12 ~~ISSUED UNDER § 4-604 OF THIS TITLE OR A CHESAPEAKE BAY AND COASTAL SPORT~~
 13 ~~FISHING LICENSE ISSUED UNDER § 4-745 OF THIS TITLE.~~

14 ~~(3) A recreational angler under the guidance of a limited fishing guide in~~
 15 ~~tidal waters may not:~~

16 ~~(i) Catch or possess the species of fish known as the striped bass or~~
 17 ~~rockfish in the tidal waters designated in § 4-210.1(f) of this subtitle; and~~

18 ~~(ii) From March 1 through May 31, catch or attempt to catch the~~
 19 ~~species of fish known as the striped bass or rockfish in spawning areas and rivers, including~~
 20 ~~all waters north of a line from Abbey Point to Worton Point, including the Sassafras River,~~
 21 ~~Bohemia River, Elk River, Northeast River, Susquehanna River, Susquehanna Flats, and~~
 22 ~~the Chesapeake and Delaware Canal.~~

23 ~~(h) (1) The fee for a limited fishing guide license under subsection (g) of this~~
 24 ~~section shall be:~~

25 ~~(i) For a resident, \$50; and~~

26 ~~(ii) For a nonresident, \$100.~~

27 ~~(2) All fees collected by the Department under this subsection shall be used~~
 28 ~~for monitoring the freshwater fishery.~~

29 4-745.

30 (d) (1) The Department may provide by regulation for issuance of a special
 31 charter boat license that shall be effective for not more than 1 year and shall expire on
 32 August 31 and that would be valid for all individuals on a [charter boat] SINGLE VESSEL
 33 operated by a [licensed] fishing guide LICENSED UNDER § 4-210.1 OR § 4-701 OF THIS

1 TITLE OR FOR ALL INDIVIDUALS ON A VESSEL UNDER THE GUIDANCE OF A FISHING
2 GUIDE LICENSED UNDER § 4-210 OF THIS TITLE in tidal waters of the State. The fee
3 shall be:

4 (i) For 6 fishermen or less..... \$240.

5 (ii) For 7 or more fishermen..... \$290.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.