

SENATE BILL 361

M2

9lr1190
CF HB 349

By: **Senators Hershey, Bailey, Carozza, and Eckardt**

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Limited Fishing Guide License – Payment for Service – Alteration**

3 FOR the purpose of authorizing a person to accept consideration for services as a certain
4 fishing guide if the person is guiding certain boats or vessels that are propelled by
5 oars or paddles and possesses a certain license; prohibiting a certain person guided
6 under a certain license from being required to possess a certain license; and generally
7 relating to limited fishing guide licenses.

8 BY repealing and reenacting, with amendments,

9 Article – Natural Resources

10 Section 4–210

11 Annotated Code of Maryland

12 (2018 Replacement Volume)

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

14 That the Laws of Maryland read as follows:

15 **Article – Natural Resources**

16 4–210.

17 (a) Except for a person employed to operate a vessel for a master fishing guide
18 under § 4–701(r) of this title or a person permitted to operate a charter boat under §
19 4–210.2 of this subtitle, any person who desires to accept direct or indirect consideration
20 for providing services as a fishing guide shall obtain a license.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

15 1. Have 1 or 2 occupants; and

16 2. Are propelled by oars or paddles; or

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

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

22 (2) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH, A person may not accept any consideration for services as a fishing guide
24 licensed under this subsection unless the person and all persons being guided possess, as
25 applicable, an angler's license issued under § 4-604 of this title or a Chesapeake Bay and
26 coastal sport fishing license issued under § 4-745 of this title.

27 (II) 1. A PERSON MAY ACCEPT CONSIDERATION FOR
28 SERVICES AS A FISHING GUIDE LICENSED UNDER THIS SUBSECTION IF THE PERSON:

29 A. IS GUIDING ANGLERS IN ACCORDANCE WITH
30 PARAGRAPH (1)(I) OF THIS SUBSECTION; AND

31 B. POSSESSES, AS APPLICABLE, AN ANGLER'S LICENSE
32 ISSUED UNDER § 4-604 OF THIS TITLE OR A CHESAPEAKE BAY AND COASTAL SPORT

1 FISHING LICENSE ISSUED UNDER § 4-745 OF THIS TITLE.

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

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

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

10 (ii) From March 1 through May 31, catch or attempt to catch the
11 species of fish known as the striped bass or rockfish in spawning areas and rivers, including
12 all waters north of a line from Abbey Point to Worton Point, including the Sassafra River,
13 Bohemia River, Elk River, Northeast River, Susquehanna River, Susquehanna Flats, and
14 the Chesapeake and Delaware Canal.

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

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

18 (ii) For a nonresident, \$100.

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

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