

SENATE BILL 361

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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

Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2019

CHAPTER _____

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.

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

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

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

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

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

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

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

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

19 1. Have 1 or 2 occupants; and

20 2. Are propelled by oars or paddles; or

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

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

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

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

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

3 **B. POSSESSES, AS APPLICABLE, 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 **2. A PERSON BEING GUIDED UNDER PARAGRAPH (1)(I)**
7 **OF THIS SUBSECTION MAY NOT BE REQUIRED TO POSSESS 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 (3) A recreational angler under the guidance of a limited fishing guide in
11 tidal waters may not:

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

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

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

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

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

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

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