

SENATE BILL 301

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2003 Regular Session
3r1180
CF 3r2381

By: **Senators Stoltzfus and ~~Frosh~~, Frosh, and Dyson**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2003

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Maryland Provisional Chesapeake Bay Charter Boat**
3 **Permit**

4 FOR the purpose of requiring the Department of Natural Resources to establish a
5 Maryland Provisional Chesapeake Bay Charter Boat Permit; authorizing the
6 Department to issue a charter boat permit under certain circumstances;
7 providing that the permit is valid under certain circumstances and
8 nontransferable; providing that a person in possession of a permit is not
9 required to possess a certain commercial fishing guide license; requiring a
10 person operating a charter boat to possess certain federal and state licenses and
11 permits; providing for the application of certain penalties; authorizing the
12 Department to adopt certain regulations; defining a certain term; and generally
13 relating to establishing a Maryland Provisional Chesapeake Bay Charter Boat
14 Permit.

15 BY repealing and reenacting, with amendments,
16 Article - Natural Resources
17 Section 4-210(a)
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2002 Supplement)

20 BY adding to
21 Article - Natural Resources
22 Section 4-210.2
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2002 Supplement)

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

3 **Article - Natural Resources**

4 4-210.

5 (a) Except for a person employed to operate a vessel for a master fishing guide
6 under § 4-701(o) OR A PERSON PERMITTED TO OPERATE A CHARTER BOAT UNDER §
7 4-210.2, any person who desires to accept direct or indirect consideration for providing
8 services as a fishing guide shall obtain a license.

9 4-210.2.

10 (A) IN THIS SECTION, "PERMIT" MEANS A MARYLAND PROVISIONAL
11 CHESAPEAKE BAY CHARTER BOAT PERMIT.

12 (B) THE DEPARTMENT SHALL ESTABLISH A MARYLAND PROVISIONAL
13 CHESAPEAKE BAY CHARTER BOAT PERMIT.

14 (C) THE DEPARTMENT MAY ISSUE A PERMIT IF THE PERSON:

15 (1) IS LICENSED BY VIRGINIA OR THE POTOMAC RIVER FISHERIES
16 COMMISSION TO OPERATE A CHARTER BOAT IN ~~THEIR~~ ITS JURISDICTIONAL TIDAL
17 WATERS; AND

18 (2) PROVIDES THE DEPARTMENT WITH DOCUMENTATION OF FISHING
19 ACTIVITY FOR 2001 AND 2002 BASED UPON LICENSING AND REPORTING
20 REQUIREMENTS OF THE VIRGINIA MARINE RESOURCES COMMISSION OR THE
21 POTOMAC RIVER FISHERIES COMMISSION.

22 (D) A PERMIT ISSUED BY THE DEPARTMENT:

23 (1) IS VALID ONLY FOR AN AUTHORIZED PERSON OPERATING A VESSEL
24 FOR CHARTER FISHING TRIPS ORIGINATING FROM THE TIDAL WATERS OF VIRGINIA
25 OR THE POTOMAC RIVER; AND

26 (2) IS NONTRANSFERABLE.

27 (E) A PERSON IN POSSESSION OF A PERMIT IS NOT REQUIRED TO POSSESS A
28 MARYLAND COMMERCIAL FISHING GUIDE LICENSE UNDER § 4-210 OF THIS SUBTITLE
29 TO OPERATE A CHARTER BOAT IN TIDAL WATERS OF THE CHESAPEAKE BAY IN
30 MARYLAND.

31 (F) A PERSON OPERATING A CHARTER BOAT UNDER THE PROVISIONS OF THIS
32 SECTION ~~MUST~~ SHALL HAVE ALL APPROPRIATE FEDERAL AND STATE LICENSES AND
33 THE REQUIRED PERMIT IN POSSESSION WHENEVER OPERATING A CHARTER BOAT.

34 (G) THE HOLDER OF A PERMIT ISSUED UNDER THIS SECTION IS SUBJECT TO
35 THE PENALTIES UNDER SUBTITLE 12 OF THIS TITLE.

1 (H) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO
2 IMPLEMENT THIS SECTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2003.