

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 08

# DEPARTMENT OF NATURAL RESOURCES

## Subtitle 02 FISHERIES SERVICE

### 08.02.01 General

Authority: Natural Resources Article, §4-745, Annotated Code of Maryland

#### Notice of Proposed Action

[20-024-P]

The Secretary of Natural Resources proposes to amend Regulation .07 under **COMAR 08.02.01 General**.

#### Statement of Purpose

The purpose of this action is to allow guides fishing in the tidal waters of Maryland who are licensed in accordance with Natural Resources Article, §§4-210 and 4-210.1, Annotated Code of Maryland, to buy the charter boat license decal.

The Department may provide by regulation for issuance of a special charter boat license that is valid for all individuals on a charter boat operated by a licensed fishing guide in tidal waters. The charter boat license decal allows the fishing guide licensees to take out paying customers without their customers needing to purchase an individual license for recreational tidal fishing. Currently, the regulation only allows guides with a commercial guide authorization (unlimited tidal fish license, resident fishing guide, nonresident fishing guide, or master fishing guide) to purchase the decal. Effective October 1, 2019, statute allows the charter boat license to be available to additional licensed fishing guides. The additional guides include a guide who provides fishing guide services in tidal waters of Maryland (Type L — limited fishing guide license) and a guide who provides fishing guide services in designated tidal waters of Maryland (Type NTT — freshwater fishing guide license). Guides that are licensed in accordance with Natural Resources Article, §§4-210, 4-210.1, and 4-701, Annotated Code of Maryland, may purchase the license decal. The proposed action amends the wording of the

regulation to include the other types of guides so that they may benefit from the legislation — Ch. 259 (H.B. 349), Acts of 2019.

Fishing guides are required to keep records of anglers fishing with them, which allows the State to meet the Federal Saltwater Angler Registry requirements and be exempted from requiring our anglers to pay for that federal registration. The registration requirement is duplicated in this regulation. The proposed action removes the duplicative language. The proposed action removes the requirement that decals be serialized, as the decals have not been serialized for several years, and clarifies the requirement that decals are issued for a specific vessel and must be attached to that vessel.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** There would potentially be an increase in revenue for the Department from the sale of charter boat license decals, a loss in revenue for the Department from individuals who no longer need to purchase a recreational fishing license, and a potential increase in business for fishing guides.

| II. Types of Economic Impact.             | Revenue (R+/R-)     |                |
|---|---------------------|----------------|
|   | Expenditure (E+/E-) | Magnitude      |
| <b>A. On issuing agency:</b>              |                     |                |
| (1) Sale of charter boat decals           | (R+)                | \$5,760        |
| (2) Sale of recreational fishing licenses | (R-)                | Indeterminable |
| <b>B. On other State agencies:</b>        |                     |                |
|   | NONE                |                |
| <b>C. On local governments:</b>           |                     |                |
|   | NONE                |                |

|   | Benefit (+)<br>Cost (-) | Magnitude      |
|---|-------------------------|----------------|
| D. On regulated industries or trade groups: |                         |                |
| (1) Fishing guides                          | (+)                     | Indeterminable |
| (2) Recreational anglers                    | (+)                     | Indeterminable |
| E. On other industries or trade groups:     | NONE                    |                |
| F. Direct and indirect effects on public:   | NONE                    |                |

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A(1). There is a potential for an increase in revenue from the sale of charter boat license decals. Purchasing the charter boat license decal is optional. The Department is not able to predict if any of the guides will purchase it. The fee for the charter boat license decal is \$240. There are currently 24 fishing guides that can take advantage of the new opportunity. If all 24 purchased the license decal it could be an increase of \$5,760 in revenue for the Department.

A(2). There would potentially be a loss in revenue from individuals who fish with a fishing guide and would no longer need to purchase a recreational fishing license. Individuals fishing recreationally with a licensed fishing guide will no longer be required to purchase a recreational fishing license. The Department does not know how many individuals fish with fishing guides during the year so it is unknown how many anglers will be impacted by this change. It is unknown which license type (nontidal or Chesapeake Bay & coastal) or term (annual or short term) individuals currently being guided purchase or if they will no longer purchase that license. The only time an angler does not need the license is when fishing with the guide. They may continue to purchase a fishing license. For those reasons, the economic impact of the license decal on recreational fishing license sales is indeterminable.

D(1). If a guide chooses to purchase the charter boat license decal they will pay an additional \$240 per year. There is an additional expense for the license decal, but having the ability to provide the service will give the guides business flexibility and could increase their business. How many guides and to what extent they could benefit depends on their clients. It is indeterminable if not having to purchase a license would make someone more inclined to hire a guide. The 2019 legislation was supported by guides because they believe that having this opportunity could benefit their business.

D(2). Recreational anglers who hire a fishing guide will no longer have the extra expense of purchasing a recreational fishing license. It is unknown which license type (nontidal or Chesapeake Bay & coastal) or term (annual or short term) individuals currently being guided purchase or if they will no longer purchase that license. For those reasons, the economic impact for a recreational angler is indeterminable.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

There would potentially be an increase in business for fishing guides.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Fishing Guide Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through February 18, 2020. A public hearing has not been scheduled.

**.07 Recreational Fishing License and Registration.**

A. (text unchanged)

B. Chesapeake Bay and Coastal Sport Fishing License and Registration.

(1) (text unchanged)

(2) Special Licenses.

(a) Charter Boat License. The Department may issue a special charter boat license decal to an individual who pays the fee set forth in *Natural Resources Article, §4-745, Annotated Code of Maryland*, that is valid [for all individuals on a charter boat operated by a licensed fishing guide] in tidal waters of the State [to an individual who pays the fee set forth in *Natural Resources Article, §4-745, Annotated Code of Maryland.*] for all individuals on a:

(i) *Single vessel operated by a fishing guide licensed in accordance with Natural Resources Article, §§4-210.1 or 4-701, Annotated Code of Maryland; or*

(ii) *Vessel under the guidance of a fishing guide licensed in accordance with Natural Resources Article, §4-210, Annotated Code of Maryland.*

(b) (text unchanged)

(3) License Decals. Except as provided in §B(4) of this regulation, a decal issued in place of a special license described in §B(2) of this regulation:

(a)—(b) (text unchanged)

(c) Shall be color coded, dated, [serialized,] and of a size to be visible; and

(d) Shall, when displayed, exempt all persons aboard the vessel for which the decal was issued or under the guidance of a licensed fishing guide from the requirement of possessing an individual license to fish recreationally; and

(e) May not exempt persons aboard from the registration requirement set forth in *Natural Resources Article, §4-745, Annotated Code of Maryland*].

(4) Exemption for License Decals. If the license decal is not permanently affixed to the vessel, all persons aboard the vessel or under the guidance of a licensed fishing guide are exempt from the requirement of possessing an individual license to fish recreationally only if:

(a) The individual who purchased the license decal is present on the vessel for which the decal was issued;

(b)—(c) (text unchanged)

(5)—(7) (text unchanged)

C.—E. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources