

2. The vessel is to be used for any of the commercial fishing purposes described in item 1 of this item; or

(ii) 1. Was licensed as a commercial fishing guide under the provisions of § 4-210 of this article; and

2. Used the vessel as a charter boat with a license as provided in § 4-745(d)(2) of this article.

(2) The Department may require a person claiming the credit allowed under this subsection to submit satisfactory proof of payment of the sales tax and that the materials or equipment have been incorporated into the vessel.

(h) Notwithstanding the provisions of § 8-723 of this subtitle, the Department shall deposit \$225,000 of funds from the excise tax levied under this section with the Comptroller of the Treasury in the General Fund, and the balance in excess of \$225,000 with the Comptroller of the Treasury in the Waterway Improvement Fund to be expended only for the purposes specified.

(i) If the Department determines there has been an overpayment of the tax on a vessel, or an overpayment has resulted for any other reason, the Department may submit the overpayment and supporting data whether accompanied by a written claim or not to the State Comptroller for refund to the appropriate person.

(j) Notwithstanding any other provision of this section, the Department shall deposit, in accordance with the provisions of § 8-723 of this subtitle, up to \$350,000 of funds from the excise tax levied under this section and as appropriated in the State budget, to be used for enforcement of the State Boat Act, including collection of the excise tax levied under this section.

(k) (1) For purposes of subsection (a)~~(2)~~ (4) of this section, a vessel is deemed to be held for [maintenance or repair] MAINTENANCE, REPAIR, OR COMMISSIONING if:

(i) The [maintenance or repair] MAINTENANCE, REPAIR, OR COMMISSIONING work is provided in exchange for compensation;

(ii) The [maintenance or repair] MAINTENANCE, REPAIR, OR COMMISSIONING work is performed pursuant to a schedule preestablished with one or more marine contractors; and

(iii) The total cost of the [maintenance or repair] MAINTENANCE, REPAIR, OR COMMISSIONING work is at least two times the reasonable current market cost of docking or storing the vessel.

(2) Time spent conducting sea trials shall be included when calculating the period of time a vessel is held for [maintenance or repair] MAINTENANCE, REPAIR, OR COMMISSIONING under subsection (a)~~(2)~~ (4) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows: