

persons qualified under this subsection and maintain separate waiting lists of primary and secondary candidates for each fishing activity in order of the date and time that applications are received.

(2) (i) A primary candidate is an applicant who is at least 12 years of age and pays the annual fee for the license activity at time of application, and who:

1. Is a current tidal fish licensee who is authorized to engage in fishing activities under subsection (d)(2)(ii)1 or 2 of this section and is applying for authorization for another fishing activity;

2. Has been a crew member for at least 2 years in any commercial fishery as certified by three persons licensed to catch fish for commercial purposes; or

3. Is licensed to catch fish for commercial purposes in another state and presents proof of that valid license at time of application.

(ii) 1. An eligible applicant under this subparagraph is a person who:

A. Meets the eligibility requirements in subparagraph (i) of this paragraph; and

B. Is the spouse, daughter, son, stepchild, grandchild, parent, sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, or daughter-in-law of a person who holds a valid tidal fish license issued under this section.

2. An eligible applicant under this subparagraph shall be placed at the head of the waiting list of primary candidates under this paragraph above other primary candidates. Applicants under this subparagraph shall be placed at the head of the list in order of the date and time that applications under this subparagraph are received.

(3) A secondary candidate is any applicant who cannot qualify as a primary candidate under paragraph (2) of this subsection, is at least 12 years of age, and who pays the annual fee for the activity at time of application.

(4) An applicant for a new license to provide services as a commercial fishing guide in tidal waters of the State shall supply as part of the initial application verifiable references to any federal license that is issued by the U.S. Coast Guard to operate a vessel carrying passengers for hire in the applicant's name, as a condition precedent to engaging as a commercial fishing guide in tidal waters.

[(5) If an applicant withdraws the application, the Department shall refund any fees the applicant has paid and shall remove that person's name and application from the waiting list.

(6) (i) There is no waiting list for authorization to engage in activities under subsection (d)(2)(ii)3 and 4 of this section.