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**By: Delegates Weir, Walkup, and Guns**

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Game Birds and Game Mammals - Possession**

3 FOR the purpose of allowing the possession of certain specimens of certain legally taken  
4 game birds or game mammals for personal use; eliminating the requirement for a  
5 permit to possess certain game birds and game mammals for food; allowing  
6 possession of certain parts of certain game birds and game mammals for personal  
7 use; allowing possession and sale of certain articles of commerce manufactured  
8 from deer antlers for certain uses under certain circumstances; eliminating the  
9 requirement for an importer of certain game birds or game mammals to accompany  
10 them into the State; eliminating certain restrictions on the sale of certain game  
11 birds, game mammals, and any parts of game birds or game mammals by certain  
12 persons under certain circumstances; making certain provisions of this Act  
13 contingent; and generally relating to possession of game birds and game mammals.

14 BY repealing and reenacting, with amendments,  
15 Article - Natural Resources  
16 Section 10-404, 10-506(f), and 10-512(a)(3)  
17 Annotated Code of Maryland  
18 (1990 Replacement Volume and 1995 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Natural Resources  
21 Section 10-404(c)  
22 Annotated Code of Maryland  
23 (1990 Replacement Volume and 1995 Supplement)  
24 (As enacted by Chapter 572, Section 2 of the Acts of the General Assembly of 1995)

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

27 **Article - Natural Resources**

28 10-404.

29 (a) (1) A person may not hunt or attempt to hunt any game bird or mammal  
30 except during open [season, or] SEASON.

1 (2) EXCEPT AS PROVIDED IN THIS SECTION OR AS AUTHORIZED UNDER  
2 SUBTITLE 5 OR SUBTITLE 9 OF THIS TITLE, A PERSON MAY NOT possess any game bird  
3 or mammal during any closed season whether hunted in the State or in another state,  
4 territory, or country. [However, a]

5 (3) A person may possess:

6 (I) [any] A dead game bird or dead game mammal [for 5 days and  
7 dead deer for 30 days after the season closes] LEGALLY ACQUIRED for use as [food.  
8 Also, a licensed hunter may obtain a permit from the Department during open season or  
9 within 5 days after open season closes to possess any frozen game bird or mammal for a  
10 period not exceeding 180 days.] FOOD;

11 (II) A MOUNTED SPECIMEN OF A GAME BIRD OR GAME MAMMAL  
12 LEGALLY ACQUIRED FOR PERSONAL USE;

13 (III) HAIR, ANTLERS, FEATHERS, FEET, OR SKIN OF GAME BIRDS OR  
14 GAME MAMMALS LEGALLY ACQUIRED FOR PERSONAL USE; OR

15 (IV) DEER ANTLERS THAT HAVE BEEN MANUFACTURED INTO AN  
16 ARTICLE OF COMMERCE.

17 (b) A person may ship or bring into the State by express or as baggage any game  
18 bird or GAME mammal the person legally killed in any other state, territory, or country[,  
19 if the person accompanies the game bird or mammal and presents a hunter's license or  
20 permit of the other state, territory, or country where the game bird or mammal was killed  
21 if the document is required by the other state, territory, or country. However, game birds  
22 and mammals or any part of them brought into the State may not be sold or offered for  
23 sale]. THE GAME BIRD OR GAME MAMMAL SHALL BE ACCOMPANIED BY A COPY OF  
24 THE HUNTER'S LICENSE AND ANY NECESSARY PERMIT OF THE STATE, TERRITORY,  
25 OR COUNTRY IN WHICH THE GAME BIRD OR GAME MAMMAL WAS KILLED. IF THE  
26 STATE, TERRITORY, OR COUNTRY DOES NOT REQUIRE DOCUMENTATION, THEN  
27 THE GAME BIRD OR GAME MAMMAL SHALL BE ACCOMPANIED BY A STATEMENT  
28 INDICATING THE OWNER OF THE SPECIMEN, THE OWNER'S ADDRESS, AND THE  
29 STATE, TERRITORY, OR COUNTRY OF ORIGIN.

30 (c) (1) Except as provided in PARAGRAPH (2) OF THIS SUBSECTION OR §  
31 10-512(a)(2)(ii) of this title, a person may not sell, offer for sale, [purchase, offer to  
32 purchase,] barter, or exchange, at any time within the State any game bird or game  
33 mammal taken from the wild, [except the meat, pelt or carcass of any coyote, muskrat,  
34 raccoon, mink, otter, nutria, opossum, beaver, fox, long-tail weasel, fisher, or skunk,  
35 whether caught] OR CAPTIVELY RAISED DEER, in the State or in another state,  
36 territory, or country.

37 (2) THE PROHIBITIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT  
38 APPLY TO THE:

39 (I) MEAT, PELT, CARCASS, OR MOUNTED SPECIMEN OF ANY  
40 BEAVER, COYOTE, FISHER, FOX, MINK, MUSKRAT, NUTRIA, OPOSSUM, OTTER,  
41 RACCOON, SKUNK, OR LONG-TAILED WEASEL LEGALLY TAKEN BY THE PERSON;

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1 (II) HIDE, HAIR, TAIL, OR FEET, EXCLUDING A MOUNTED  
2 SPECIMEN OF DEER, SQUIRREL, OR RABBIT LEGALLY ACQUIRED;

3 (III) FEATHERS, SKIN, OR FEET, EXCLUDING A MOUNTED SPECIMEN  
4 OF UPLAND AND FOREST GAME BIRDS LEGALLY ACQUIRED;

5 (IV) EXCEPT AS PROHIBITED BY FEDERAL LAW, FEATHERS OF  
6 WETLAND GAME BIRDS LEGALLY ACQUIRED; OR

7 (V) ANTLERS OF DEER LEGALLY ACQUIRED IN ANOTHER STATE  
8 AND MANUFACTURED INTO AN ARTICLE OF COMMERCE IN ANOTHER STATE.

9 (D) EXCEPT AS AUTHORIZED UNDER SUBTITLE 5 OR SUBTITLE 9 OF THIS  
10 TITLE, A PERSON MAY NOT PURCHASE, OFFER TO PURCHASE, BARTER, OR  
11 EXCHANGE ANY GAME BIRD OR GAME MAMMAL OR ANY PART OF A GAME BIRD OR  
12 GAME MAMMAL IF THE SALE, OFFER FOR SALE, BARTER, OR EXCHANGE IS  
13 PROHIBITED BY THIS SECTION.

14 10-506.

15 (f) The Department may not require the following persons to obtain a fur dealer's  
16 license:

17 (1) A person who buys or otherwise acquires any fur or pelt of any wild  
18 quadruped for the personal use of the person and not for barter, exchange, or sale;

19 (2) A person who can substantiate the fact that any fur or pelt the person  
20 possesses is bought from a licensed fur dealer or lawfully is obtained from a dealer in  
21 another state and is dressed, altered, trimmed, repaired, or manufactured into a finished  
22 product but not resold as a fur or pelt;

23 (3) A tanner or taxidermist who possesses any fur or pelt legally owned by  
24 another person and which the tanner or taxidermist temporarily is holding solely for the  
25 purpose of processing;

26 (4) A person who sells or possesses to sell [any fur or pelt from any  
27 fur-bearing mammal or nutria legally taken from the wild] THE MEAT, PELT, CARCASS,  
28 OR MOUNTED SPECIMEN OF ANY BEAVER, COYOTE, FISHER, FOX, MINK, MUSKRAT,  
29 NUTRIA, OPOSSUM, OTTER, RACCOON, SKUNK, OR LONG-TAILED WEASEL LEGALLY  
30 TAKEN by that person; [and]

31 (5) Any person who butchers a deer for another person and who retains the  
32 hide or fur of the deer because the other person did not want or take the hide or fur; AND

33 (6) ANY PERSON WHO SELLS OR POSSESSES TO SELL THE HIDE, HAIR,  
34 TAIL, OR FEET, EXCLUDING A MOUNTED SPECIMEN OF DEER, SQUIRREL, OR RABBIT  
35 LEGALLY ACQUIRED.

36 10-512.

37 (a) (3) A license holder may not sell or dispose of any tanned, cured, or  
38 mounted specimen that is[:

39 (i) A] A migratory game bird[;

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1 (ii) A game bird or mammal that is not permitted to be hunted or  
2 trapped in the State; or

3 (iii) Not the head or whole body of the specimen].

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

6 **Article - Natural Resources**

7 10-404.

8 (c) (1) Except as provided in PARAGRAPH (2) OF THIS SUBSECTION OR §  
9 10-512(a)(2)(ii) of this title, a person may not sell, offer for sale, [purchase, offer to  
10 purchase,] barter, or exchange, at any time within the State any game bird or game  
11 mammal taken from the wild, [except the meat, pelt or carcass of any muskrat, raccoon,  
12 mink, otter, nutria, opossum, beaver, fox, long-tail weasel, fisher, orskunk, whether  
13 caught] OR CAPTIVELY RAISED DEER, in the State or in another state, territory, or  
14 country.

15 (2) THE PROHIBITIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT  
16 APPLY TO THE:

17 (I) MEAT, PELT, CARCASS, OR MOUNTED SPECIMEN OF ANY  
18 BEAVER, FISHER, FOX, MINK, MUSKRAT, NUTRIA, OPOSSUM, OTTER, RACCOON,  
19 SKUNK, OR LONG-TAILED WEASEL LEGALLY TAKEN BY THE PERSON;

20 (II) HIDE, HAIR, TAIL, OR FEET, EXCLUDING A MOUNTED  
21 SPECIMEN OF DEER, SQUIRREL, OR RABBIT LEGALLY ACQUIRED;

22 (III) FEATHERS, SKIN, OR FEET, EXCLUDING A MOUNTED SPECIMEN  
23 OF UPLAND AND FOREST GAME BIRDS LEGALLY ACQUIRED;

24 (IV) EXCEPT AS PROHIBITED BY FEDERAL LAW, FEATHERS OF  
25 WETLAND GAME BIRDS LEGALLY ACQUIRED; OR

26 (V) ANTLERS OF DEER LEGALLY ACQUIRED IN ANOTHER STATE  
27 AND MANUFACTURED INTO AN ARTICLE OF COMMERCE IN ANOTHER STATE.

28 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act is  
29 contingent on the taking effect of the termination provision specified in Chapter 572,  
30 Section 2 of the Acts of the General Assembly of 1995. If that termination provision takes  
31 effect, § 10-404(c) of the Natural Resources Article as enacted by Section 1 of this Act  
32 shall be void. This Act may not be interpreted to have any effect on that termination  
33 provision.

34 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
35 of Section 3 of this Act, this Act shall take effect October 1, 1996.